



ORDINARY MEETING of Council AGENDA

Time: 9:00 am
Date: Wednesday, 31 July 2024
Venue: Waiata House, 27 Lincoln Road,
Masterton

MEMBERSHIP

Mayor Gary Caffell (Chairperson)

Councillor Bex Johnson

Councillor Craig Bowyer

Councillor Brent Goodwin

Councillor David Holmes

Councillor Tom Hullena

Councillor Stella Lennox

Councillor Tim Nelson

Councillor Marama Tuuta

RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS COUNCIL POLICY
UNTIL ADOPTED

Values

1. **Public interest:** members will serve the best interests of the people within the Masterton district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their ethnicity, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which MDC operates, including a regular review and assessment of MDC's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the LGA 2002; the governance principles of section 39 of the LGA 2002; and our MDC governance principles:

Whakamana Tangata	Respecting the mandate of each member, and ensuring the integrity of the committee as a whole by acknowledging the principle of collective responsibility and decision-making.
Manaakitanga	Recognising and embracing the mana of others.
Rangatiratanga	Demonstrating effective leadership with integrity, humility, honesty and transparency.
Whanaungatanga	Building and sustaining effective and efficient relationships.
Kotahitanga	Working collectively.

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The Chairperson will open the meeting with the karakia

Karakia timatanga

Kia tau ngā manaakitanga a te mea ngaro	Let the strength and life force of our ancestors
ki runga ki tēnā, ki tēnā o tātou	
Kia mahea te hua mākihikihi	Be with each and everyone of us
kia toi te kupu, toi te mana, toi te aroha, toi te Reo Māori	Freeing our path from obstruction
kia tūturu, ka whakamaua kia tīna! Tīna!	So that our words spiritual, power, love and language are upheld
Hui e, Tāiki e!	Permanently fixed established and understood
	Forward together

At the appropriate time, the following karakia will be read to close the meeting

Karakia whakamutunga

Kua mutu ā mātou mahi	Our work has finished
Mō tēnei wā	For the time being
Manaakitia mai mātou katoa	Protect us all
Ō mātou hoa	Our friends
Ō mātou whānau	Our family
Āio ki te Aorangi	Peace to the universe

1 CONFLICTS OF INTEREST

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

2 APOLOGIES

The Chair invites notice from members of:

- leave of absence for future meetings of Masterton District Council
- apologies, including apologies for lateness and early departure from the meeting where leave of absence has not previously been granted.

3 PUBLIC FORUM

Tia Tuuta Ngāti Kahungunu ki Wairarapa Iwi Development Trust - Pou Whakahaere (General Manager).

Nelson Rangī, Kahungunu ki Wairarapa Kaumatua.

4 ITEMS NOT ON THE AGENDA

The Chairperson will give notice of items not on the agenda as follows:

Matters requiring urgent attention as determined by resolution of the Council

- The reason why the item is not on the agenda; and
- The reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters relating to the general business of Council

No resolution, decision or recommendation may be made in respect of the item except to refer it to a subsequent meeting of Masterton District Council for further discussion.

5 REPORTS FOR DECISION

5.1 MĀORI WARDS: CHANGES TO THE LOCAL ELECTORAL ACT

File Number:

Author: Karen Yates, General Manager Strategy & Development

Authoriser: Kym Fell, Chief Executive

PURPOSE

This report updates Council on recent legislative changes in relation to Māori wards. It also seeks a Council decision to either retain the Māori ward for the 2025 term and undertake a binding poll at the 2025 election, or to agree an option for consultation with the community.

EXECUTIVE SUMMARY

It is expected that amendments will be made to the Local Electoral Act 2001 (the Act) by 31 July to change the process for establishing Māori wards. As it is currently drafted, the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Bill)¹ directs councils that established a Māori ward under prior legislation to resolve to disestablish the Māori ward by 6 September 2024 or to hold a binding poll at the 2025 election. The result of a poll would take effect from the 2028 election. A decision to disestablish the ward would take effect from 2025 election.

If Council resolves to disestablish the Māori ward, it would also need to determine its representation arrangements for the 2025 election. Council would be required to decide by 6 September 2024 whether it intends to revert back to its representation arrangements before the Māori ward was established or complete a shortened representation review commencing 13 September 2024.

The Act disapplies the need for councils to follow the special consultative procedure set out in the Local Government Act 2002 to disestablish Māori wards but councils must still follow the principles of consultation and decision-making requirements. Council is guided by its Significance and Engagement Policy in meeting these requirements. A decision to disestablish the Māori ward is significant under the Policy and therefore Council would generally be required to consult. However, the Policy also provides for circumstances where there is urgency or confidentiality, in which case Council can choose to undertake no or limited consultation which is tailored to suit the circumstances.

If Council decided to retain the Māori ward for the 2025 term and hold a binding poll at the 2025 election, the poll would empower the community to have their say and Council could therefore make this decision without consulting. Alternatively, Council could opt to consult to understand the wider community views ahead of undertaking a poll.

Any consultation approach will be limited by the statutory timeframe for a decision by 6 September 2024.

RECOMMENDATION(S)

That the Council:

1. **notes** that changes to the Local Electoral Act 2001 requires Council to resolve to disestablish its Māori ward by 6 September 2024 or hold a binding poll at the 2025 election.
2. **notes** that a decision to disestablish the Māori ward will require community engagement, but Council is not required to undertake the special consultative procedure.

¹ <https://www.legislation.govt.nz/bill/government/2024/0046/latest/whole.html#LMS962324>

3. **notes** that council can choose not to consult with the community on the decision to retain Māori wards for the 2025 election;
4. **notes** that if Council decides to consult, consultation material will be presented for adoption at the 7 August 2024 Council meeting ahead of a final decision being made at a Council meeting on 4 September 2024.
5. **agrees** to either:
 - (a) retain the Māori ward for the 2025 election and hold a binding poll at the 2025 election (Option 1a); or
 - (i) consult on proposal to retain Māori ward for the 2025 term and hold a binding poll at the 2025 election (Option 1b); or
 - (b) consult on the disestablishment of the Māori ward for the 2025 election and return to prior representation arrangements (Option 2); or
 - (c) consult on the disestablishment of the Māori ward for the 2025 election and undertake a shortened representation review commencing 13 September 2024 (Option 3).

CONTEXT

On 4 April 2024, the Minister of Local Government announced the introduction of the Bill stating that “the Coalition Government’s view is that any decision to establish or disestablish a Māori ward is one that should remain with communities.” It is expected that the Local Electoral Act 2001 (the Act) will be amended to change the process for councils establishing Māori wards. Changes to the Act were made to progress the two local electoral policies set out in coalition agreements with the ACT New Zealand Party and the New Zealand First Party².

The Act was amended to:

- reinstate electors’ ability to demand a binding poll on establishing Māori wards;
- reinstate the ability for councils to resolve to conduct a binding poll; and
- provide for a ‘transition period’ for councils to reconsider establishing Māori wards for the 2025 or 2028 local elections.

The transition period directs councils that have established a Māori ward, or have resolved to have them, under the previous legislation to either:

- pre-empt a community decision with a council decision to disestablish/revoke, or
- pay for an additional binding poll in the 2025 elections for the community to vote on their prior Māori ward decision.

Masterton District Council (MDC) agreed to establish a Māori ward for the 2022 and 2025 elections in May 2021 ([report 092/21- refers](#)). This decision followed the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 Amendment Act) which repealed provisions in the Local Electoral Act 2001 that related to binding polls to be conducted on the establishment of Māori wards.

The 2021 Amendment Act aimed to align the treatment of Māori wards and Māori constituencies with the treatment of general wards and general constituencies as much as possible. Therefore, it removed all mechanisms for binding polls to be held on Māori wards or Māori constituencies as this is not a requirement for the establishment of other wards (rural, general etc).

The primary driver for Council when making the decision to establish a Māori ward was to enable more Māori representation in our council decision-making processes. In making the decision Council engaged with the governance members of the four local iwi entities (Kahungunu ki Wairarapa, Kahungunu ki Wairarapa Tāmaki Nui ā Rua Trust, Rangitāne o Wairarapa, and

² DIA advice to Minister of Local Government [Coalition Policies for local electoral changes 5 December 2023](#)

Rangitāne Tū Mai Rā Trust). All four iwi entities indicated their support for Council establishing Māori Wards.

The decision to establish a Māori ward in 2021 triggered a representation review for the 2022 election. This review resulted in Council's current representation arrangements of a Mayor and eight councillors – one elected from the Māori ward, four elected from the general ward and three elected from the district 'at-large.' In addition, there are two appointed iwi representatives on Council.

There are 45 councils impacted by the legislative changes

There are 45 councils that resolved to establish Māori wards since the 2021 amendments without holding a poll. Of these, 31 councils (including MDC) established Māori wards last term and 13 councils made a decision during the current term. Tauranga City Council established a Māori ward for their 2024 election (no election in 2025 due to council having been replaced with a commission).

We understand most councils who established a Māori ward last term are intending to undertake a poll at the 2025 election. In the lead up to the poll, councils are working closely with iwi and hapori Māori to ensure that there is a strong understanding of the implications of the poll outcome. In addition, councils, alongside iwi, are providing communities with information on Māori wards in the lead up to the election.

While it is useful to understand the position of other councils, each council has its own unique situation and representation considerations.

Outcome of prior polls on Māori wards were unsuccessful

Before February 2021, councils were required to hold a binding poll on whether to establish Māori wards if a petition of at least five per cent of the people on a council's electoral roll requested it. Polls could also be initiated by councils.

Between 2002 and 2019, 16 binding polls were held. Only one binding poll resulted in Māori wards being established (Wairoa District Council with a vote of 54% For / 46% Against). Ōpōtiki District Council conducted a (non-binding) poll at the 2022 elections and that poll result was in favour of establishing Māori wards³. Both districts have a high population identifying as Māori - Wairoa 69 per cent and Ōpōtiki 66 per cent. This compares to 23 per cent for Masterton District⁴. However, these polls were undertaken before a Māori ward was established for the district. It is difficult to assess if the result may differ for a district that currently has a Māori ward in place.

ANALYSIS AND ADVICE

The transition period requires councils to make a decision by 6 September 2024 whether to disestablish their existing Māori ward or not. As it is currently drafted if no resolution is made to disestablish the Māori ward by this date council will default to having to run a binding poll in the 2025 elections, however we understand that the Minister of Local Government has lodged an Amendment Paper to remove this default position. Staff will provide an update at the meeting on this.

Each option has potential impacts on resourcing and cost to council. The outcomes of your decision do not preclude other arrangements to ensure Māori/iwi can contribute as part of the decision-making process (such as iwi representatives). A summary of transition options can be found in Attachment 1.

Principles of Representation Arrangements

³ [Regulatory Impact Statement: Binding Polls on the Establishment of Māori Wards](#)

⁴ [2023 Census subnation population estimates](#)

Decisions on representation arrangements are required to take into account the principles that the Local Electoral Act 2001 is designed to implement. The principles include:

- representative and substantial electoral participation in local elections;
- fair and effective representation for individuals and communities;
- all qualified persons have a reasonable and equal opportunity to cast a vote, nominate a candidate, or be nominated as a candidate; and
- public confidence in, and understanding, of local electoral processes.

A ward is one way to ensure fair and effective representation of communities of interest

Effective representation considers how communities of interest can be best represented. A ward is one way to represent a community of interest. Māori wards provide a way for Māori to contribute to decision-making and have representation at council. Māori ward councillors have a particular responsibility to represent people of Māori descent and bring forward Māori views and aspirations. However, they also represent the entire community in the district. Māori wards are one way for councils to honour the principles of partnership committed to in the Treaty of Waitangi/ Te Tiriti o Waitangi because they guarantee that Māori will be represented at council. The elected member from a Māori ward does not necessarily have to be affiliated to an iwi and once elected has the same duties as other elected members – to act in the best interests of the district.

Other mechanisms to promote Māori participation in local government include iwi appointees to Council and committees, iwi liaison, standing committees, tangata whenua forums and strategic relationships/partnership arrangements.

The legislative changes do not impact other forms of Māori representation, including our existing arrangements for iwi representatives on Council, or obligations under the Local Government Act 2002 to establish and maintain processes to provide opportunities for Māori to contribute to decision-making processes.

MDC has had two appointed iwi representatives since 2016. At Council meetings, iwi representatives have speaking rights but not voting rights and voting rights at committee meetings. The iwi appointments represent our two iwi: Rangitāne and Ngāti Kahungunu and act as a conduit for iwi and Council.

Reasonable and Equal Opportunity: Māori ward candidates

Under the Local Electoral Act 2001, any person enrolled as a parliamentary elector may be a candidate for an election provided they are nominated by two or more electors of the ward in which the candidate is to stand. This means a candidate standing for the Māori ward can be on either the general or Māori roll, but they must be nominated by two electors on the Māori roll. This is the same for the general ward whereby nominators must be on the general roll.

There are also legislative rules in relation to voting:

- Only electors enrolled on the Māori electoral roll can vote for candidates standing in the Māori ward.
- Only electors on the general electoral roll can vote for candidates standing in the general ward.
- All electors can vote for candidates standing to be elected 'at-large' and for the Mayor.

As at 30 June 2024, there are 18,790 electors on the general electoral roll and 1,825 electors on the Māori electoral roll for Masterton District⁵.

Public confidence and understanding

⁵ Obtained from: www.elections.nz/stats-and-research/enrolment-statistics/enrolment-by-local-council/

Public confidence and understanding of the electoral system are achieved through engagement with the community and representation review processes.

In establishing the Māori ward in 2021, Council undertook targeted engagement with Māori and mana whenua in Masterton. This included engagement with governance members of the four local iwi entities (Kahungunu ki Wairarapa, Kahungunu ki Wairarapa Tāmaki Nui ā Rua Trust, Rangitāne o Wairarapa, and Rangitāne Tū Mai Rā Trust). All four iwi entities indicated their support for establishing Māori wards.

Broader engagement was not carried out due to the short timeframes provided under the prior legislative amendments and resourcing at the time which was committed to the 2021-31 Long Term Plan.

Staff have undertaken initial engagement with iwi leaders to understand any views and preferences they have ahead of a decision being required by 6 September. Early indication is continued support for the Māori ward.

Option 1: Retain Māori ward for next term and hold a binding poll at the 2025 election

Māori wards are a mechanism through which councils can both achieve better representation of Māori members of their communities in council decision-making, and ensure Māori issues are more visible within council thinking and processes.

Councils who established a ward under the previous legislation, including MDC, are required to hold a poll on Māori wards at the 2025 local elections to retain it. The result of the poll would be binding and take effect at the 2028 local elections. The Māori ward would be retained for the 2025 term.

If the 2025 poll results in favour of the Māori ward, the ward would remain in place for the 2028 and 2031 local elections. If the poll result is against a Māori ward, the ward would be disestablished for the 2028 and 2031 local elections. Should the poll result not favour of a Māori ward, the representation review in 2027/28 would determine representation arrangements from the 2028 local elections.

The legislative changes reinstate the ability for five per cent of a council's electors to petition their council to hold a binding poll. The result of a poll could not be petitioned against for the next two terms. The estimated cost of holding a poll is \$35,000.

Iwi are in support of a poll

Council has engaged with the governance members of the four local iwi entities (Kahungunu ki Wairarapa, Kahungunu ki Wairarapa Tāmaki Nui ā Rua Trust, Rangitāne o Wairarapa, and Rangitāne Tū Mai Rā Trust).

Iwi maintain that they do not support the amendments to the Act. All four entities have noted their support for council to hold a binding poll at the next election. Ngāti Kahungunu ki Wairarapa noted that the poll option allows council to work proactively with the community to provide a fuller understanding of its reasons to establish and desire to retain its Māori ward.

Rangitāne o Wairarapa, Rangitāne Tū Mai Rā Trust and Ngāti Kahungunu ki Wairarapa have noted the importance of other relationship arrangements between MDC and iwi. The Māori ward is only one part of the relationship and representation of iwi Māori as part of decision-making processes.

Options 2 & 3: Council decision to disestablish the Māori ward

The legislation provides an option for council to resolve to disestablish its Māori ward for the 2025 election.

If Council resolves to disestablish the Māori ward, it will subsequently need to determine its representation arrangements. Council needs to decide by 6 September 2024 whether it intends to:

- revert back to its representation arrangements before the Māori ward was established (Option 2); or
- complete a shortened representation review process by early 2025 (Option 3).

Option 2: Revert back to prior representation arrangements

If Council disestablishes its Māori ward it could decide to revert to its previous representation arrangements from the 2019-2022 term. Councils can only take this option if they would still meet the fair and representation requirements under their previous arrangements. In 2019 the Masterton District was represented by the Mayor and ten councillors elected to represent the district at large. There were no wards or community boards.

It was the 2021/22 representation review that resulted in reducing the number of councillors from ten to eight, and the introduction of a general ward to facilitate the introduction of the Māori ward.

Factors considered in making the decision to reduce the total number of councillors included enabling remuneration per member to be increased which was proposed to enable and attract more diverse candidates. This number of councillors was also within the range of elected members that other councils with similar land mass, population and density had at the time of assessment⁶.

We need to provide further advice to Council on the impact of reverting back to 2019 arrangements

Before making a final decision in September to revert to council's prior representation arrangements, staff would need to present updated population estimates and explain how the fair and effective representation requirements under sections [19T](#) to [19W](#) of the Local Electoral Act 2001 would be met under this representation arrangement. Considerations in determining the fairness and effectiveness of representation include:

- whether there any communities that are geographically distinct
- size, nature and diversity of district
- ability of population to access its elected members (e.g. isolated communities)
- statutory limits, including the requirement for between 5-29 councillors, and for any ward membership to provide approximate population equality per member unless there is good reason not to (referred to as the +/- 10% rule).

Staff would also need to provide a statement from the Local Government Commission about the consistency of the representation arrangements with section [19V\(2\)](#) of the Act. The statement would need to take account of the updated population estimates.

General characteristics of districts that opt for elections at large include the district having a relatively compact geographic area, a shared common community of interest at the district level and/or communities of interest that are spread across the district rather than being geographically distinct.

The 2021/22 representation review considered whether there were any geographical communities of interest that were underrepresented. As in 2018, the 2021 representation review findings determined that there is no smaller community of interest requiring increased representation in Masterton. Rural and coastal communities have representation through the Rural Advisory Group. Community Boards were also considered and the majority view was that Community Boards would not enhance representation in Masterton ([report 208/21 - refers](#)).

Our initial assessment is that the prior arrangements could still comply with the fair and effective representation requirements. If the previous arrangements of 2019 are found to be not fair and effective, then a representation review will be required as set out in option 2 below.

Option 3: Undertake a shortened representation review process

⁶ [Report to Council, 30 August 2021.](#)

A second option for Council, if it resolves to disestablish its Māori ward, is to decide by 6 September 2024 to undertake a shortened representation review.

A representation review addresses the number of members there should be for the district and the way they are elected. This involves determining:

- the total number of councillors;
- whether councillors should be elected from wards or ‘at large’ across the district, or by a mix of both wards and ‘at large’;
- the names and boundaries of any wards; and
- whether there should be community boards, and if so, the names, boundaries and the number of members for each board.

In undertaking a representation review, Council needs to identify communities of interest, and consider effective representation of communities of interest and fair representation of electors.

A shortened representation review would be required if Council wanted to disestablish the Māori ward but retain its existing number of councillors.

The shortened representation review process has the following key dates/timeframes:

Date/Timeframe	Key milestone
By 13 September 2024	Deadline for Council to resolve initial proposal
By 20 September 2024	Deadline for public notification of initial proposal
20 September 2024 - 11 October 2024	Submission period (minimum 3-weeks)
By 13 December 2024	Deadline for appeals and objections to the proposal
By 23 December 2024	Deadline for appeal and objections to be forwarded to the Local Government Commission
By 11 April 2025	Local Government Commission to determine appeals and objections

If Council undertook a shortened representation review, this would bring forward the representation review that is due in 2027/28. Council’s next representation review would then be due in six years’ time (2030/31). This is in line with the usual requirements to undertake a representation review every six years.

Some options may require further engagement with our community and Māori

The Bill disapplies the requirement to undertake a special consultative procedure (SCP) under section [83](#) of the Local Government Act 2002 (LGA) for a decision to disestablish its Māori ward. However, decisions still need to comply with general decision-making provisions and consultation principles set out in sections [76AA](#) to [82](#) of the LGA. This includes requirements to identify all reasonably practicable options, assess the options in terms of their advantages and disadvantages, and give consideration to the views and preferences of those likely to be affected by, or have an interest in, the decision.

Council is guided by its [Significance and Engagement Policy](#) (the Policy) in meeting its decision-making requirements. Under the Policy, we assess the significance of a decision based on factors including:

- number of people affected and/or with an interest
- level of impact on those people affected
- level of community interest

- level of impact on Māori
- likely impact on the current and future social, economic, environmental, or cultural well-being of the district
- possible benefits/opportunities and costs/risks and to the Council, ratepayers and wider community of carrying out the decision, and
- whether the impact of a decision can be easily reversed.

The significance of the decision generally influences how and to what extent we engage with our community. However, the Policy also provides for circumstances where there is urgency or confidentiality, in which case Council can choose to undertake no or limited consultation which is tailored to suit the circumstances. A proposed high-level timeline for each option is provided as Attachment 2.

Consultation requirements if Council wants to retain the Māori ward

Should Council seek to retain the Māori ward for the 2025 term it would be required to hold a poll at the 2025 election. Officers consider that Council could decide to do so without consulting the wider community at this point in time as:

- a poll would empower the community to have their say when it is undertaken (effectively delaying consultation until 2025);
- we have engaged with our four iwi entities, who are in support of the poll;
- our Significance and Engagement Policy allows us to not undertake community engagement in urgent circumstances;
- we can spend time in the lead up to the poll in 2025 engaging with the community on Māori wards; and
- our requirements under the section [76](#) and [78](#) of the LGA will still be met.

However, if Council wishes to seek community views before making the decision to go to poll, any consultation approach will be limited by the statutory timeframe for a decision (see option 1(b) below).

Under the Policy, our goal is to involve those most affected and consult the wider community. Engagement with Māori is also based on a commitment to a partnership beyond legislative requirements. However, the Government has allowed a short opportunity in time for councils to engage with the community. Staff estimate there would be a maximum of 2.5 weeks available for consultation which may make it difficult to meaningfully engage. This compares to our usual one-month timeframe for a decision of this level of significance.

Council would usually plan engagement activities throughout the consultation period (e.g. attend marae hui, host information sessions etc.) and provide submitters an opportunity to present their views orally at a hearing. It will be extremely challenging to plan and undertake these types of activities in the timeframe, impacting the ability of iwi/hapū/marae to engage with us and whānau, and connecting with the broader community. Council staff have however begun early engagement with iwi and early indication from iwi leaders is continued support for the Māori ward.

Consultation requirements if Council wants to disestablish the Māori ward

A decision to disestablish the Māori ward would be significant under the Policy due to the impact on electoral arrangements. Māori are most affected by the decision and there is likely to be high community interest and a range of community views on the matter. In addition, the decision cannot be easily reversed.

A further reduced consultation period may be needed should Council's preference be to disestablish the Māori ward for the 2025 local election. This is because Council would either be required to undertake additional work to determine the fair and effectiveness of its prior

representation arrangements, or, if undertaking a shortened representation review, adopt an initial representation proposal by 13 September, one week following the decision being due. It is anticipated that Council would need to hold workshops concurrently throughout the consultation period to discuss its representation arrangements to meet these requirements. This would also reduce the capacity of staff and elected members to meaningfully engage with the community throughout the consultation period.

Further information about a potential consultation approach is outlined in the Communications/Engagement Plan section further in the report.

OPTIONS CONSIDERED

A summary of the options considered is included in the table below.

Option		Advantages	Disadvantages
1(a)	Agree to retain the Māori ward for the 2025 term and hold a binding poll at 2025 election	<ul style="list-style-type: none"> - Māori ward in place for 2025 election which is consistent with previous Council decision and maintains representation for Māori in Council decision-making in the short term - Iwi have expressed support for retaining the Māori ward and Council holding a binding poll - No additional costs to bring forward representation review. - Opportunity to engage with our community on the Māori ward in the lead up to the 2025 poll. - Community say through the poll. 	<ul style="list-style-type: none"> - May not understand views of wider community before making a decision. - Estimate poll cost of \$35,000 - From prior experience of other councils, poll result may not favor the Māori ward which a decision to disestablish could pre-empt.
1(b)	Consult on proposal to retain Māori ward for the 2025 term and hold a binding poll at the 2025 election	<ul style="list-style-type: none"> - Māori ward in place for 2025 election which is consistent with previous Council decision and maintains representation for Māori in Council decision-making in the short term if decision proceeds - Iwi have expressed support for retaining Māori ward. - Provides opportunity for wider community to provide views ahead of making a decision 	<ul style="list-style-type: none"> - Time constraints may make it difficult to meaningfully consult the wider community - Additional staff time/cost to undertake consultation which may impact on other planned work. - From prior experience of other councils, poll result may not favour the Māori ward which a decision to disestablish could pre-empt.
2	Consult on proposal to disestablish the Māori	<ul style="list-style-type: none"> - Consultation provides opportunity for wider 	<ul style="list-style-type: none"> - Time constraints may make it difficult to

	ward for the 2025 election and return to prior representation arrangements.	community to provide views - No cost to hold poll and no requirement to bring representation review forward	meaningfully engage with the wider community and iwi - Additional staff time/cost to undertake consultation and assess prior representation arrangements which may impact on other planned work - Reduced representation for Māori in Council decision-making if decision proceeds
3	Consult on proposal to disestablish the Māori ward for the 2025 election and undertake a shortened representation review.	- Provides opportunity for wider community to provide views - No cost to hold poll	- Time constraints may make it difficult to meaningfully engage with the wider community and iwi - Additional staff time/cost to undertake consultation and representation review which may impact on other planned work - Reduced representation for Māori in Council decision-making if decision proceeds

RECOMMENDED OPTION

It is recommended Council take into consideration the analysis in this report when making their decision.

SUMMARY OF CONSIDERATIONS

Strategic, Policy and Legislative Implications

The vision of the Masterton District Council 2024-34 Long Term Plan is “Working Together – Our People, Our Place, Our Future.” Council’s community outcomes include an engaged and empowered community and pride in our identity and heritage. A priority that underpins Our People – living their best lives is partnering with mana whenua.

He Hiringa Tangata, He Hiringa Whenua: Wellbeing Strategy, articulates the Council’s desire to strengthen and maintain opportunities for greater decision-making between Council and iwi and to integrate tangata whenua values, culture and language into the business of Council.

The decisions sought in this report enable Council to respond to the amended requirements of the Local Electoral Act 2001.

There are a number of provisions in the LGA that are relevant to decisions on Māori wards. This includes:

- [Section 4](#), which states that “In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”
- [Section 14](#) which states that Council must act in accordance with the principle to provide opportunities for Māori to contribute to its decision-making processes.
- [Section 81](#) which states that Council must establish and maintain processes to provide opportunities for Māori to contribute to decision-making processes, consider ways in which it may foster the development of Māori capacity to contribute, and provide relevant information to Māori for these purposes.

Significance, Engagement and Consultation

Council is guided by its Significance and Engagement Policy in meeting its decision-making requirements. A decision to disestablish the Māori ward would be significant under the Policy due to the impact on electoral arrangements. Māori are most affected by the decision and there is likely to be high community interest and a range of community views on the matter. In addition, the decision cannot be easily reversed. Further considerations are reflected in the report.

Financial Considerations

A poll will be required at the 2025 election if Council decides to retain the Māori ward for next term (2025-2028). The estimated cost is \$35,000.

Staff time and resource will be required to support a consultation process if Council proceeds with consultation. This will also have an impact on other planned programmes of work.

If Council consults on a proposal to disestablish the Māori ward and undertake a shortened representation review and this decision proceeds this will bring forward costs for the 2027/28 representation review. Appropriate resources will be required from within Council to support the representation review which will impact other planned work programmes.

Implications for Māori

Over 20 per cent of our community identifies as Māori, and our Māori population is growing. A decision on Māori wards has a greater impact on the Māori population, in particular those on the Māori electoral roll. Implications are discussed throughout the report.

The Waitangi Tribunal report: WAI 3365 The Māori Wards and Constituencies Urgent Inquiry Report 7 also outlines the implications of the legislation on Māori.

Communications/Engagement Plan

Engagement is underway with Kahungunu ki Wairarapa, Kahungunu ki Wairarapa Tāmaki Nui ā Rua Trust, Rangitāne o Wairarapa, and Rangitāne Tū Mai Rā Trust. They have provided us with feedback in support of the Māori ward and to hold a binding poll.

If Council decides to retain the Māori Ward for the 2025 election and hold a binding poll, the community will be informed through a media release and frequently asked questions for elected members and staff to utilise. Following the decision, staff would work on an ongoing community engagement approach in the lead up to the poll at the 2025 election.

⁷ https://forms.justice.govt.nz/search/WT/reports/reportSummary.html?reportId=wt_DOC_213683858

If Council decides to consult prior to making a decision, consultation material will be prepared for adoption by Council on 7 August 2024.

Given the statutory timeframe limitation, the following consultation approach is proposed. The approach would be primarily online, support through traditional media, including:

- Formal consultation period up to a maximum of 2.5 weeks with consultation material (including Consultation Document, Submission Form and FAQs) made available on the Council website, and at the Customer Service Centre on Queen Street and Masterton District Council Library.
- Targeted social media, with some traditional media to support this
- Direct engagement with iwi to raise awareness of the opportunity to have a say

No oral hearing opportunity due to the timeframes.

Environmental/Climate Change Impact and Considerations

No specific environmental/climate change impacts have been identified.

NEXT STEPS

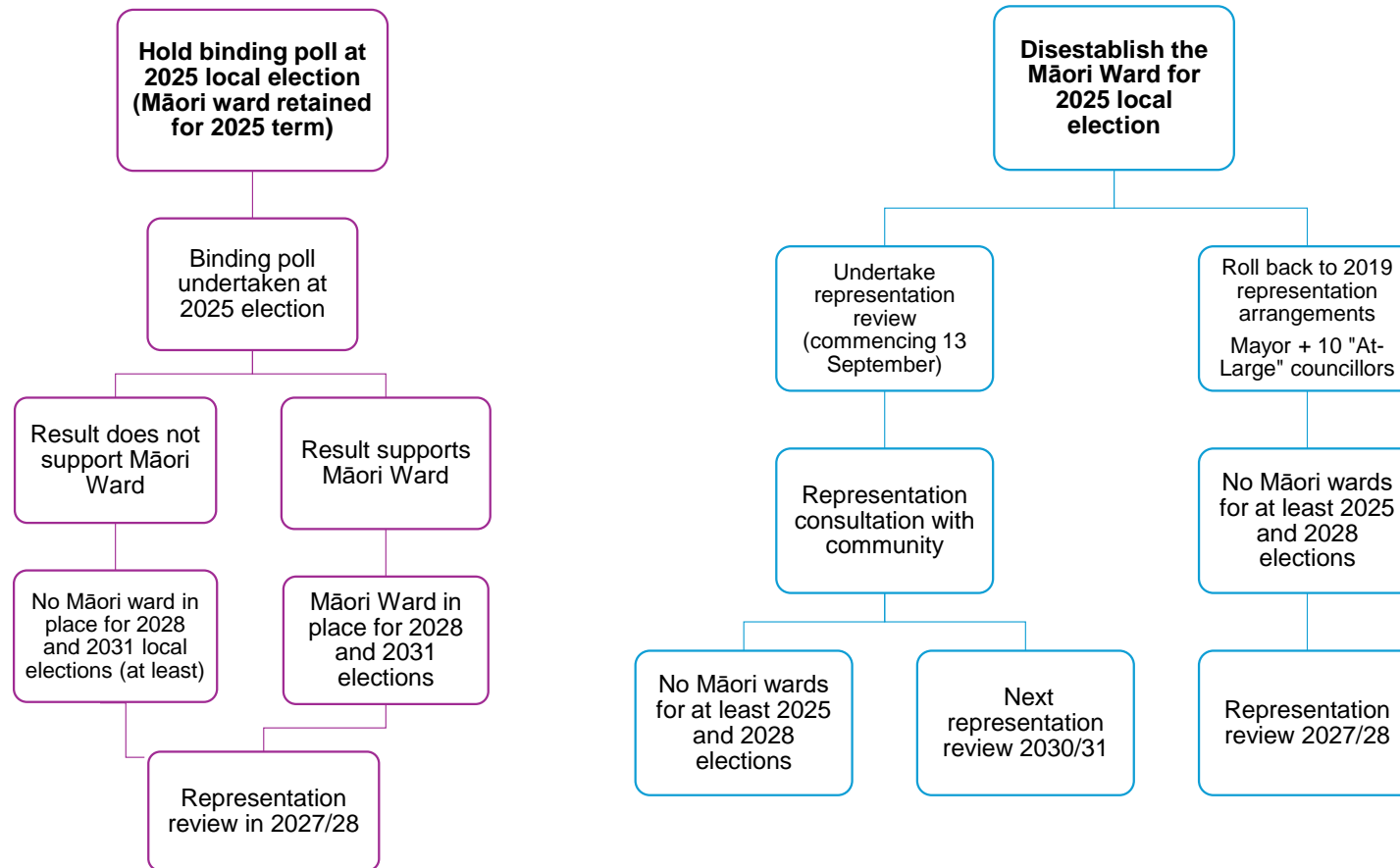
Should Council agree to retain the Māori Ward for the 2025 term and hold a binding poll at the 2025 election without consulting the community, the community would be informed of the decision. Council will consult further with iwi to determine engagement and key messages in the lead up to the poll.

Should Council agree to consult prior to making a decision, a Consultation Document will be presented for adoption at the Council meeting on 7 August 2024. The consultation period would run throughout August ahead of a decision being made at a Council meeting on 4 September 2024.

ATTACHMENTS

1. **Summary of Transition Period Options** [↓](#)
2. **Proposed High Level Timeline** [↓](#)

Summary of Transition Period Options



Proposed High Level Timeline

Proposed High-Level Timelines				
Key dates	Option 1(a)	Option 1(b)	Option 2	Option 3
31 July 2024 Council meeting to confirm option	Retain the Māori ward for next term and hold binding poll at the 2025 election Inform community	Consult on proposal to retain Māori ward for next term and hold binding poll at the 2025 election	Consult on proposal to disestablish the Māori Ward for 2025 local election and return to prior representation arrangements (2019-22 Council structure).	Consult on proposal to disestablish the Māori Ward for 2025 local election and undertake a shortened representation review to determine representation arrangements
7 Aug 2024 Ordinary Council meeting		Council adopts consultation material	Council adopts consultation material	Council adopts consultation material
8 Aug – 25 Aug 2024		Consultation period (2.5 weeks)	Consultation period (2.5 weeks) <i>Council workshops held concurrently during consultation period to discuss potential representation arrangements should option proceed</i>	Consultation period (2.5 weeks) <i>Council workshops held concurrently during consultation period to discuss potential representation arrangements should option proceed</i>
26 – 30 Aug 2024		Consultation period (2.5 weeks)	Staff analysis of submissions and report to Council	Staff analysis of submissions and report to Council
4 Sept 2024 (Council meeting)		Staff analysis of submissions and report to Council Proposal is supported Council confirms decision Inform community	Proposal is supported Council confirms decision Publicly notify resolution and representation arrangements for 2025 Election and inform required agencies	Proposal is supported Council confirms decision
11 Sept 2024 (Extraordinary Council meeting)				Council adopts initial representation review proposal (legislative deadline 13 Sept)

Proposed High-Level Timelines				
Key dates	Option 1(a)	Option 1(b)	Option 2	Option 3
18 Sept 2024				Public notification of initial proposal (legislative deadline 20 Sept)
19 Sept – 11 October 2024				Submission period
By 13 Dec 2024				Deadline for appeals and objections to the proposal
By 23 Dec 2024				Deadline for appeal and objections to be forwarded to the Local Government Commission
By 11 April 2025				Local Government Commission to determine any appeals and objections