

### SUBMITTER INFORMATION

**Name:** Te Tatau o Te Arawa Charitable Trust

**Iwi / Hapū:** Te Arawa

**Address:** 1072 Haupapa Street, Rotorua 3010

**Phone:** 027 294 5170

**Email:** jude@tetatau.nz

**Contact:** Jude Pani - Manahautū

### INTRODUCTION

1. This Submission is made by Te Tatau o Te Arawa (Te Tatau) on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Bill).
2. Te Tatau is an independent Charitable Trust working to achieve the **Sustainable Well-being of People, Culture and Place** within te rohe o Te Arawa.
3. We serve and represent Te Arawa whānui who mandated the establishment of the Trust in 2015 and determined that the Trust board be made up of elected members representing multiple Te Arawa sectors – rangatahi (youth), koeke (elders), Te Arawa land trusts and incorporations, hapū, iwi, and pan-Te Arawa entities.
4. Importantly Te Tatau was also mandated as the Te Arawa Partner to Rotorua Lakes Council (Council) to create and foster a high trust environment in order to achieve enhanced socio-economic and cultural prosperity for Te Arawa, for Māori and for the wider community in the Rotorua district.
5. We acknowledge the significant contribution that the current Māori Ward members make to the decision-making process at Rotorua Lakes Council, including their representation of their constituents on the Māori Electoral Roll.
6. We wish to speak to our Submission.

### GENERAL POSITION

7. Te Tatau **strongly oppose** the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.
8. The Bill breaches Te Tiriti o Waitangi as outlined in the Māori Wards and Constituencies Urgent Inquiry Report by the Waitangi Tribunal dated 17 May 2024.
9. The Bill does not respect the processes of local consultation and decision-making that have gone into establishing Māori Wards in Rotorua. The Bill contravenes the position of Te Arawa iwi and hapū on this matter and the Local Government Commission determination made on 08 April 2022.
10. The precipitous nature of the process to introduce this Bill, coupled with a lack of engagement with Māori, further silences the voices of Māori.
11. The Bill in its current form is harmful to future development within the Te Arawa tribal rohe, and would impact wellbeing outcomes for tangata whenua, whānau in need, and our community at large.
12. This submission is made in alignment with the Te Arawa 2050 Vision, Mauri Tū, Mauri Ora, Te Arawa E!
13. Te Tatau o Te Arawa **strongly opposes** the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill within the context of the kōrero below:

### **BREACHES TO TE TIRITI O WAITANGI**

14. Te Tatau affirm the findings of the Māori Wards and Constituencies Urgent Inquiry Report dated 17 May 2024, which states that the Bill “breaches the treaty principles of **partnership** – which includes the duties of active protection and to act reasonably and in good faith – equity, mutual benefit, and options”.
15. Local Government must uphold Te Tiriti o Waitangi obligations by recognising and respecting **mana motuhake** and the right of tangata whenua to participate in local decision-making.

### **CONTRAVENTION OF LOCAL CONSULTATION AND DECISION-MAKING PROCESSES**

16. The Bill reintroduces poll provisions for the establishment of Māori wards and constituencies, mirroring pre-2021 regulations; despite Māori Wards having been set up in Rotorua as a result of robust local processes.
17. On 1 March 2021, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill received Royal Assent and became law. This removed the binding polls whereby 5% or more of local voters could no longer overturn a Council’s decision to introduce Māori Wards.
18. As such, Te Tatau undertook an extensive iwi and hapū consultation process to formulate a recommendation to Council that reflected the voice of the iwi regarding the establishment of Māori Wards and the place of Te Tatau as the iwi partner to Rotorua Lakes Council.
19. Following 10 weeks of robust consultation (hui, surveys, and online feedback forums) with Te Arawa, Te Tatau recommended to Council that they establish Māori wards and retain Te Tatau o Te Arawa.
20. Council determined that they would establish Māori Wards, and went on to conduct a representation review to decide how many members would be around the table, including the number of Māori Ward seats for appointment.
21. Te Tatau followed every democratic process possible to establish Māori Wards in Rotorua. Te Tatau participated in the representation review, and eventually issued an appeal to the Local Government Commission after Council proposed the introduction of an inequitable representation model that provided for 1 Māori Ward seat, despite the 28% population on the Māori electoral roll.
22. The Local Government Commission released its determination on 08 April 2022, confirming that there would be 3 Māori Ward seats as part of the October 2022 local government election.
23. This Bill seeks to override the extensive consultation process undertaken with Te Arawa iwi and hapū, and the Local Government Commission determination, by demanding the relitigation of a thorough legislative process. We find this highly disrespectful and insulting.

### **SILENCING THE VOICES OF MĀORI**

24. There has been a lack of effective engagement with Māori in the rushed process of introducing this Bill, which sets a concerning precedent for how future legislative changes could be imposed upon tangata whenua and the wider community.
25. Considering it is Māori who will be the most affected party following the introduction of this Bill, the lack of consultation with Māori is reprehensible and anti-democratic. We would suggest to government that the lens of those for whom equity is being eroded, should be the guiding lens.
26. Further to this, submissions on the Bill opened on 24 May 2024 and close on 29 May, which means that Te Arawa uri, Māori and the wider community have only six days to consult, prepare and lodge their submissions.

27. We recommend the government stops the Amendment Bill process and engages in meaningful consultation and collaboration with Māori iwi and hapū around an appropriate engagement process and timeframes.
28. Te Tatau ask that in the event this Bill is enacted, that Rotorua be exempt due to the pro-longed and comprehensive legislative and legal process undertaken to establish Māori Wards in Rotorua.

#### **DEVELOPMENT OF TE ARAWA TRIBAL ROHE**

29. This Bill is anti-democratic because the process does not allow for fair and equitable representation, and allows the majority to make decisions on behalf of tangata whenua as a minority group.
30. Poll provisions are inequitable and further prevent iwi and hapū from participating in local government. The binding poll provisions were described by the previous Local Government Minister, Hon Nanaia Mahuta as being “an almost insurmountable barrier to councils trying to improve the democratic representation of Māori interests”.
31. The proposed legislation raises concerns under The New Zealand Bill of Rights Act 1990.

#### **ALIGNMENT WITH THE TE ARAWA 2050 VISION**

32. **Te Arawatanga | Culture:** The Bill contravenes the principles of Te Arawatanga, further marginalizing Te Arawa Reo, Tikanga, and Values within local governance structures.
33. **Te Arawa Tangata | People:** The Bill undermines Te Arawa’s vision for fostering connection and active participation among people, marae, hapū, and iwi, hindering the achievement of well-being across all dimensions.
34. **Te Arawa Takiwā | Place:** The Bill would further restrict iwi and hapū from engaging in decision-making processes related to our taiao (environment), adversely affecting our role as kaitiaki (guardians), our connection to the environment, and overall well-being outcomes.
35. **Te Arawa Ōhanga | Enterprise and Economy:** Te Arawa enterprises significantly contribute to the Rotorua economy, with one Te Arawa trust being the largest ratepayer in the region. The Bill jeopardizes the relationship between iwi and the council as economic stakeholders, thereby threatening collaborative commercial success.

In summary, Te Tatau o Te Arawa expresses strong opposition to the amendment bill and seeks a stop to the re-introduction of poll provisions.

**Date of Submission: 29 May 2024**