

22 March 2018

Rt Hon Jacinda Ardern
Prime Minister
Leader of the Labour Party
Parliament Buildings
WELLINGTON

Rt Hon Winston Peters
Deputy Prime Minister
Leader of New Zealand First
Parliament Buildings
WELLINGTON

Hon James Shaw
Leader of the Green Party
Parliament Buildings
WELLINGTON

Dear Leaders

Removing the poll for Māori wards and constituencies – an open letter to the Government

Ngā mihi kia koutou kī runga i ngā tini āhuatanga ō te wā, greetings to you all during this time of many and varied issues.

We are writing to you in your role as the three leaders of our governing coalition on behalf of our members, the 78 local authorities of New Zealand. This letter seeks your support to remove those sections (s.19ZA to 19ZG) of the Local Electoral Act 2001 (LEA) that allow for polls of electors on whether or not a city, district or region can establish Māori wards and constituencies.

Following its decision in 2001 to establish Māori constituencies for the Bay of Plenty Regional Council, Parliament amended the LEA to give this power to councils, in consultation with their citizens. The amendment also allowed electors, through a binding poll, to either require a council to establish wards and constituencies or overturn a council decision to that effect.

The changes to the LEA were intended to increase Māori representation in local authorities but the intent has failed, largely due to the nature of the poll provisions; provisions which do not apply to any other type of ward or constituency. The binding poll only applies to Māori wards and constituencies.

Since 2002, in fact, the only Māori wards or constituencies so far established have been the constituencies introduced by the Waikato Regional Council, by resolution, in 2013 and the Māori wards, agreed by poll, in Wairoa in 2016. Over this period many polls have been held at the request of iwi to establish Māori wards only to be lost and in a number of instances councils have resolved to establish Māori wards only to have their decisions overturned by a poll of voters, for example, in New Plymouth District prior to the 2016 local elections.

Currently five councils have resolved to establish Māori wards; these are Kaikoura District Council, Manawatu District Council, Western Bay of Plenty District Council, Whakatāne District Council and Palmerston North City Council, and each council is facing a binding poll that could reverse their decisions. Should any of the polls succeed (a simple majority is all that is required) then not only will the proposed Māori wards not be established, but no future consideration of Māori wards will be able to take place until after the 2022 local authority elections.

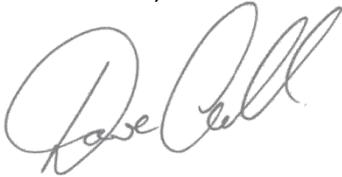
As noted, these poll provisions apply only to the establishment of Māori wards and constituencies. That they do not apply to other wards and constituencies marks the provision as discriminatory to Māori and inconsistent with the principle of equal treatment enshrined in the Treaty of Waitangi. Either the poll provisions should apply to all wards or they should apply to none. The discriminatory nature of these polls is not acceptable.

Of equal concern, the polls reduce a complex issue to a simple binary choice, which, by encouraging people to take sides, damages race relations in our districts. Matters of representation and relationships should be addressed in a deliberative manner that employs balanced and considered dialogue – not by poll. In fact, a poll is not necessary. Should a council resolve to establish Māori wards or constituencies, or any other ward, against the wishes of its community then the community has the option to hold that council to account at the next election – this is how representative democracy is intended to work.

It is imperative that the Government acts to address the unfairness created by the poll provisions and put in place a legislative framework that will enable mature and constructive conversations about options for Māori representation in local authorities. We acknowledge that the answers will vary from place to place, which is appropriate, but resorting to simplistic and emotion-fuelled campaigns to seek signatures and votes is not good for our communities.

We intend to share this letter widely with our members and the public and look forward to meeting with you to discuss our request and share with you the reasons why we believe this is an important and urgent matter for parliament to consider.

Nāku iti nei, nā

A handwritten signature in black ink, appearing to read 'Dave Cull', written in a cursive style.

Mayor Dave Cull
President
Local Government New Zealand

CC: Hon Nanaia Mahuta, Minister of Local Government
Hon Kelvin Davis, Minister for Crown/Māori Relations