



**NAPIER**  
CITY COUNCIL  
Te Kaunihera o Ahuriri



24 March 2021

Hon. Nanaia Mahuta  
Minister of Local Government  
Parliament Buildings  
Wellington 6160

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Tēnā koe Minister Mahuta

### **Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021**

The establishment of Māori wards has been at the forefront of discussions among local authorities around the country and Napier City Council is no exception. Following the passing of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (the Act), which came into effect on 2 March 2021, Napier City Council has established a new Directorate of Council, Te Waka Rangapū, to enable increased and appropriate engagement with Māori and our mana whenua partners including the creation of Māori wards in Napier.

Our city has had no previous consultation on the establishment of Māori ward(s) and started our engagement with this in mind. While there is no specific statutory obligation to consult before establishing Māori ward(s), a Council decision about establishing Māori ward(s) is likely to be significant because it goes to the constitutional make-up of the Council. In Napier's context public consultation is warranted to assist the Council in meeting its decision-making obligations in Part 6 of the Local Government Act 2002, including its obligation in section 78 to give consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter. Additionally this matter triggers the need for engagement under the criteria in our internal Significance and Engagement Policy.

As no previous consultation has taken place to date in Napier, Council must consider the views of the whole community, including affected / interested parties, as part of its decision-making processes. It is also noted that in recent years Council have been through two judicial reviews, which lends itself to taking a cautious pathway to ensure that it fully understands the wider community views before a decision is made.

Unfortunately the timeframe afforded by Central Government between 2 March 2021 and 21 May 2021 has not provided sufficient time for Napier City Council to progress this matter of significance with our community. Two and a half months on top of all our other local government work programmes, including Long Term Plan preparation, District Plan review, and Three Waters Reform was not a realistic timeframe for council such as us with no previous consultation. Continued engagement and consultation with the wider community is

planned, with focussed and targeted engagement with Māori being undertaken throughout the process. This will lead Council to making a decision on the establishment of Māori ward(s) in early November 2021.

Mana whenua in Napier have voiced their considerable disappointment that the deadline for 2022 elections cannot be met. We have also been accused publically for being in breach of our Treaty of Waitangi obligations to tangata whenua, an obligation which sits with the Crown.

While we understand it was not your expectation that all territorial authorities would necessarily be in a position to debate Māori ward(s) it is the view of our mana whenua that our Council does everything possible to meet the 2022 deadline. I therefore urge Central Government to consider ways in which councils can continue to move towards Māori ward(s) in 2022 beyond the 21 May 2021 deadline.

I understand the 21 May deadline was driven by the need to complete a representation review within statutory timeframes for the 2022 election. I also understand further legislative amendments are proposed to the Act. Napier City Council urges you review the sections of the Act that have led to the 21 May deadline being imposed. This includes the requirement for local government to hold their representation review no later than the 8 September in the year before an election year.

Whilst I recognise the timeframes are tight, the original amendment was completed with two days of consultation. If these constraints were revisited, Napier City Council would be able to fully consult with our community and deliberate on the matter of Māori ward(s) and, if required, complete a representation review in time for the next local authority elections to be held in October 2022.

I remain hopeful that our Council can be provided with the timeframe required to complete appropriate consultation and deliberations without our community having to wait another 3 years for the implementation of Māori ward(s), if that is the decision of Council.

Ngā mihi,



Kirsten Wise  
**MAYOR OF NAPIER**

Te Kahika o te Kaunihera o Ahuirii