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Committee Ara Tahī
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Feedback from the hui on requirements for Māori in the Local Government Act 2002

1. Purpose

To provide feedback from the two iwi workshops held this year on requirements in the Local Government Act 2002, relating to Māori.

2. Background

On 7 April 2004, iwi and councillors participated in a joint workshop at Raukawa Marae to discuss the requirements in the Local Government Act 2002 relating to Māori. At the workshop, it was resolved that further discussion between iwi representatives was required. The discussion took place at a hui in the council offices on 22 June. This hui provided an opportunity for iwi representatives to define a process for Māori involvement in council processes, without Greater Wellington councillors or staff present.

Although the hui was very productive, a second hui was required to finish the discussion. This took place in Greater Wellington's Wairarapa office on 7 July. Councillor's Shields and Buchanan were invited to attend, along with Jason Kerehi and Rawiri Faulkner.

The workshops focused on sections 81(1) and 82(2) of the Local Government Act which state:

81(1) A local authority must—

Establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and

Consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and

Provide relevant information to Māori for the purposes of paragraphs (a) and (b).

Use of the term "Māori" in the Act is new. The Act seeks to promote the active engagement of Māori in the decision-making processes of local

authorities. The obligations placed on councils are intended to develop broad and inclusive processes for Māori, and not just tangata whenua.

3. Discussion

3.1 Outcomes from workshop one, 16 June 2004

This workshop provided an opportunity for iwi representatives to discuss the new provisions in the Act and think about how these requirements could be met. Some of the key issues from the first hui were:

- The preference of iwi is that any process developed to include Māori needs to recognise the Treaty of Waitangi.
- The process must be based on, and incorporate, tikanga Māori. This includes, but is not restricted to, acknowledging the significance of the relationship between iwi and the Council, as recognised in the Charter of Understanding.
- Iwi will provide the Council with a definition of “Māori”.
- Iwi prefer that any submissions or formal requests to the Council from ‘other Māori’ be directed to the relevant tangata whenua in the first instance.
- Iwi acknowledge that individuals or groups maintain the right to approach the Council directly.

3.2 Outcomes from workshop two, 7 July 2004

Iwi representatives, Councillor Buchanan, Rawiri Faulkner and Jason Kerehi attended the second hui in Masterton. The discussion recapped and expanded on the issues raised at the June meeting. The key outcomes were:

- Iwi prefer that the Treaty of Waitangi be incorporated in the processes of Council. However, it was reiterated that the Council has obligations to acknowledge the principles of the Treaty. This provided more scope for the Council and iwi to develop guidelines that were more consistent with other Council policy. For example, the Charter of Understanding refers to the principles of the Treaty.
- It was suggested that a flow chart be developed to clarify current Council processes that involve tangata whenua. Iwi can then evaluate and identify where Māori can have involvement at each step of the process. Jason and Rawiri to do this in consultation with iwi.
- It was agreed that iwi prefer all Māori to talk to tangata whenua before approaching the Council. However, if groups approach the Council and identify themselves as Māori, the Council should encourage them to consult with tangata whenua. If that group prefers

not to consult with tangata whenua, local iwi should be notified of the approach.

- It was accepted that most Māori groups will acknowledge tikanga associated with Council consultation and respect the views of local tangata whenua.
- The process needs to provide guidance to Council staff and the community on what iwi expect if other Māori groups want to be involved in decision making processes. This may involve providing staff with training on tikanga and associated concepts like manaakitanga and whanaungatanga.
- Iwi recognised that work is still required to develop and improve capacity for other Māori groups.

3.3 Iwi representation on Committees

The representatives felt that iwi representation on Council committees requires further investigation. The matter has been raised in the past, but it was difficult for Ara Tahi to agree on a single iwi representative to represent the views of all tangata whenua of the Region. Iwi representatives felt that this process would still be problematic.

If an iwi representative were to sit on a Council committee, they would not be able to ‘make decisions’ on behalf of other iwi. However, they would be part of the decision making process, and be able to provide a tangata whenua perspective. An iwi representative on a Council committee could perform a liaison role between the committee and Ara Tahi, providing iwi with feedback on Council business. The views of all iwi could then be raised with the relevant committee. Iwi representatives would develop skills in their relevant area of Council business e.g. transport, and this increased knowledge would benefit Ara Tahi overall.

It was agreed that no further discussion would take place on this matter until after the local body elections in October. It was suggested that a workshop be held after that time to discuss the topic in more detail.

4. Summary of key outcomes

It was agreed that ‘other Māori’ should be encouraged to participate in Council business. However, the process needs to recognise the significance of the current relationships and the tikanga surrounding current practice. At the conclusion of the two workshops, the following outcomes were agreed:

- The process would acknowledge the Council’s commitment to the principles of the Treaty of Waitangi.
- If other Māori groups or individuals indicate an interest in being involved in Council business, they should be encouraged to approach

iwi to discuss their concerns. If the individual or group prefers not to consult with tangata whenua, the Council should advise local iwi.

- The process will be clearly defined in line with tikanga Māori, and Ara Tahi members will provide this clarification.
- A flow diagram will be developed to assist iwi and the Council to understand the current practises, and how other Māori groups can participate in decision-making processes.

5. Conclusion

The Local Government Act 2002 requires that Greater Wellington provide opportunities for Māori to participate in its decision-making processes. By developing a process that includes Māori, both the Council and iwi will have the opportunity to benefit from inclusive representation.

The outcomes from the two hui will provide opportunities for other Māori groups to participate in Council processes, while acknowledging tikanga Māori and the significance of the current relationship between Council and tangata whenua. Groups and individuals can participate in decision making processes of Council through existing mechanisms like community consultation. However, if a group identifies as Māori then the process (tikanga) outlined by this policy will be applied.

The outcomes of the hui are consistent with current practices and acknowledge the rights of individuals to participate in Council processes, while ensuring that iwi are aware of any requests that come from other Māori groups. Capacity building still requires investigation. However, there is now an opportunity to promote the involvement of Māori in the decision making processes of Council.

6. Recommendation

It is recommended that Ara Tahi:

1. *receives the report;*
2. *notes the contents;*
3. *agrees that a hui be held after the local body elections in October 2004 to discuss the possibility of iwi representation on Council Committee's; and*
4. *adopts the key outcomes outlined in this report and recommends to Council that these outcomes form a process to involve Māori in decision-making processes.*

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