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Committee Secretariat
Māori Affairs Committee
Parliament Buildings
Wellington
ma@parliament.govt.nz

To whom it may concern

Submission on the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill

The Canterbury Regional Council (Environment Canterbury) thanks the Māori Affairs Committee for the opportunity to submit on the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill.

Environment Canterbury is committed to ensuring voices that represent the diverse and rich nature of our community are heard at the council table. This representation must be inclusive of Māori, and where appropriate mana whenua. To this end, we support the Bill and acknowledge the work of Minister Mahuta in progressing this important legislation.

However, given the unique Canterbury context our position is that mana whenua representation on Council will better give effect to our legislative requirements and our commitment to genuine Treaty partnership. Therefore, while we support this Bill, we will continue to work alongside Ngāi Tahu to seek additional legislative solutions for mana whenua representation.

Achieving representation – our journey

Environment Canterbury has significantly benefited from the contributions of the Ngāi Tahu voice on Council. In 2010 the Government appointed seven Commissioners to be the governing body of Environment Canterbury through the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010. A condition of the appointments included having commissioners with knowledge and expertise in tikanga Māori, as it applies in the Canterbury region. This was satisfied with the appointment of Donald Couch, replaced in 2015 by Elizabeth Cunningham, both on recommendation from Te Rūnanga o Ngāi Tahu.

In 2016 the Environment Canterbury (Transitional Governance Arrangements) Act provided for two councillors to be appointed on the recommendation of Te Rūnanga o Ngāi Tahu. Those positions were held by Councillors Elizabeth Cunningham and Iaeon Cranwell. These were bespoke solutions that created significant benefits given the specific functions of Environment Canterbury.

That legislation expired in October 2019 when the local government elections returned Environment Canterbury to the normal democratic model for New Zealand councils under the Local Electoral Act 2001.

The benefits of having a mana whenua voice on council during this time was such that Environment Canterbury worked with Ngāi Tahu to explore a range of statutory and non - statutory mechanisms to ensure the ongoing voice of mana whenua on Council.

Māori Constituencies

Regional councils have enormous influence over the management of the lands, waters, and other natural resources in their territory. These matters are at the heart of the guarantees under Article II of the Treaty of Waitangi. Regional councils' responsibilities for the sustainable management of these taonga are implemented through Regional Policy Statements and Plans, and decision making for resource consents under the Resource Management Act 1991 (RMA).

The option for Māori constituencies was considered as part of the representation review we undertook in 2018 – 2019. The Environment Canterbury boundaries are unique in that we are one of only a small number of regional councils whose entire area falls with the tribal takiwā of a single iwi – Ngāi Tahu.

In a letter to our Chief Executive at the time that the Council considered whether to introduce Māori constituencies, Arihia Bennett, CEO of Te Rūnanga o Ngāi Tahu, carefully articulated the significant dilemma presented through a Māori constituency in contrast to a mana whenua representative:

“acknowledging the rights of mana whenua within their region is a fundamental feature of Māori law and Māori political organisation. Although Māori wards would provide for a Māori representative, this representative would not necessarily be someone of Ngāi Tahu whakapapa. More importantly, even if the representative was someone with Ngāi Tahu whakapapa, they would not necessarily be answerable to Ngāi Tahu whānui in the manner and to the extent required to bring through the kaupapa, priorities, rights and interests of Ngāi Tahu as the Treaty partner.”

Canterbury Regional Council (Ngāi Tahu Representation) Bill and Tumu Taiao – Ngāi Tahu Experts to Council.

It is for this reason that in 2019 Environment Canterbury, with the support of Ngāi Tahu, sought to secure permanent Ngāi Tahu representation on the Council through the Canterbury Regional Council (Ngāi Tahu Representation) Bill. Although the Bill was not successful in proceeding beyond the first reading in the House of Representatives, our Council remained committed to exploring the next best option for our region. The result was an innovative solution that was developed in partnership with Ngāi Tahu through the establishment and appointment in 2020 of two Tumu Taiao – Ngāi Tahu experts to council.

The Tumu Taiao contribute strongly toward an effective, strong and valued relationship between the Council and mana whenua. The Tumu Taiao provide information and advice to assist Councillors to recognise and provide for the responsibilities Ngāi Tahu has in respect of the natural environment. This has included a sharing of knowledge and information and creating opportunities for increased mana whenua participation in council business.

Full mana whenua participation continues, however, to be constrained by the Local Government Act 2002, and the Amendment Bill being considered by the Committee does not remedy this. Therefore we remain committed to working alongside Ngāi Tahu and with Members of Parliament and the Government to implement legislative solutions that enable enduring mana whenua representation, which includes Councillor decision-making powers to vote at Council meetings, on our Council.

Concluding remarks

Providing appropriate means of representation for Māori or mana whenua at a governance level is critical for councils to ensure we are meeting our legislative requirements and commitment to genuine Treaty partnership, and the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill will result in a greater realisation for many councils in this regard.

However, while we recognise this Bill is a positive step, we are also mindful that it only goes so far, and that there is an increasing acknowledgement, as identified in the recent Resource Management Review Report, that mana whenua representation is required to give effect to Te Tiriti. With this in mind, Environment Canterbury remains committed to a local bill that would permanently secure Ngāi Tahu representation, as mana whenua, on Council. Our experience demonstrates that this is the only reliable way to ensure certainty that the values and concerns of mana whenua are given full expression in the Council's decision making and environmental work.

Environment Canterbury thanks the Māori Affairs Committee for the opportunity to submit on the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill. Environment Canterbury does wish to be heard and is prepared to present to the Committee via Zoom.

Yours sincerely

Jenny Hughey
Chair

CC: Rino Tirikatene; Papatipu Rūnanga Chairs; Lisa Tumahai