

Applying the Treaty — No Super City without us: supporting the call for Treaty-based relationships in local government

IHI - Iwi Have Influence

Helen Te Hira and Lena Henry are members of IHI - a pan tribal action group formed to coordinate the Hiko and promote the aspirations of Iwi.

He Whakatauki

Ma te korero me te marama ka mohio,
Ma te mohio ka matatau,
Ma te matatau ka whai atu tatou i te mahi rangatira.

It is only through discussion and understanding that we can gain wisdom,
It is only with wisdom that we can achieve chiefly work.

Pa Henare Tate

Background : Māori and Local Government

The structures and systems of local government in Aotearoa New Zealand were imposed on the indigenous people, the Māori, without regard to or provision for their own systems, cultural and spiritual values and world view or effective way for Māori to either interact with those systems or to participate within them. Dominated by one culture with its values and norms, these systems were experienced by Māori as being oppressive and destructive of most things Māori. This contravened Māori rights under the Treaty of Waitangi and Māori aboriginal rights under Common law, and was contrary to the spirit and intent of significant covenants and agreements at international law.

1989 Reforms

In 1987 the then Minister of Local Government announced a “co-ordinated and comprehensive review of the functions, structure, organisation and funding of regional, territorial and special purpose authorities and bodies. The review had two phases: a streamlined local government structure in time for the 1989 local government elections and a local government reform bill introduced in December 1988 that set out the functions, powers, funding and accountability of local government and the implications of the TOW.

Appropriate consultation and discussion did not happen and Māori were excluded from the reform process at the time despite prompting from people like Geoffrey Palmer and his officials that Māori

should be included. The exclusion of the Treaty and lack of consultation with Māori evoked strong feelings of dissatisfaction especially from Māori.

The Resource Management Act was passed in 1991.

Local Government Review 2000

- Māori restating the need for Local Government to recognise Rangatiratanga, Mana Motuhake
- Proposed different models for participation
- Demands for Minister of Local Government and Minister of Māori Affairs to include expert Māori input into the critical policy phase- rejected

Māori wards and constituencies

Under s.19Z of the Local Electoral Act 2001, any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes and any regional council may resolve that the region be divided into one or more Māori constituencies for electoral purposes. The Act outlines the process a council or community needs to go through when choosing to adopt Māori seats. A council resolution and public notification.

Local Government Act 2002

Key provisions in Parts 2 and 6

- 4 Treaty of Waitangi
- In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

Section 14 -Council to provide opportunities for Māori to contribute to its decision-making process

Section 71(1) is similar to section 6(e) of the RMA. However Council will need to involve relevant Māori groups in a decision at the time that options for land or water are considered and not at the time an option is settled on and resource consent is prepared or lodged.

Section 81 requires the Council to establish and maintain processes to enable Māori to contribute to its decision-making. This would relate to all Council functions including planning, policy development, capital projects and governance matters.

- Consultation with Māori
- Participation of Māori in decision making
- Postponement of rates on Māori freehold land
- Māori wards and constituencies.

The legislation requires local authorities to adopt a policy on the remission and postponement of rates on Māori freehold land. For example, this requires consideration of the desirability and importance within the district of recognising wāhi tapu, avoiding further alienation of land, using land for economic development, and the relationship of Māori culture and traditions with their ancestral lands. Local authorities must use special consultative procedures in developing a policy on the remission and postponement of rates on Māori freehold land. In such cases, the barriers and opportunities set out above will be highly relevant for local authorities considering the issues involved in implementing these provisions.

No SuperCity Without Us?

- 18 months consultation, \$3m spent
- Recommendations of the Royal Commission
- 23 councillors in the new structure there should be three seats for Māori. Two Māori members should be elected to the Auckland Council by voters who are on the parliamentary Māori Electoral Roll and one Māori member should be appointed by a Mana Whenua Forum. The members of Mana Whenua Forum were to be appointed by mana whenua from the district of the Auckland Council.

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- Government announces no seats for Māori
- A call for action across Tamaki leads to the formation of IHI a pan-tribal group
- Orakei Hui – 15th of April 2009
- Pre Hikoi – UN statement, whanaunga return from overseas, international and local media, a call for solidarity
- Hikoi May 25 2009 – 18,000 Tangata Tiriti, Tangata Whenua
- Submissions

Our Submission

- 15 minute submission campaign

We oppose the intent of the Bill in its current form for the following reasons:

- *There is no provision for Mana whenua and Māori representation at the governance level*
- *There is no guaranteed protection of taonga and public assets from privatisation.*
- *The First Past the Post voting method needs to be replaced with the Single Transferable Voting method to establish a more democratic electoral process.*
- *The Mayor has too much status and power and the Local Boards have very little.*

Recommendations:

Clause 8- Governing body of Auckland Council (reference to our 1st & 3rd point)

We oppose and recommend that there be a minimum of 3 guaranteed Māori seats on the Auckland Council. Mana Whenua representation is essential.

Select Committee hearings begin Monday 6 July on marae and in Pākehā venues.

Some points from discussion

- This is a trial for the rest of Aotearoa. Hide's attack on the Local Government Act.
- Should seats be pan-tribal? A strong mandate for mana whenua as kaitiaki of this whenua – kaupapa set at Orakei hui. For Māori to decide about how seats are allocated.
- Concept of democracy – tyranny of the majority doesn't work
- Māori are protecting land and assets – government of the people, by the people, for the people.

He korero no IHI – Iwi Have Influence

www.ihl.org.nz

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