


Minutes Extraordinary Council Meeting 20 May 2021

	Details of Meeting:	EXTRAORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, COMMERCE STREET, WHAKATĀNE ON THURSDAY, 29 MAY 2021 COMMENCING AT 12.30 PM
	Present:	Her Worship the Mayor J A Turner (Chairperson), Deputy Mayor A V Iles, Councillors G L Dennis, L N Immink, W B James, J C Jukes, V Luca, J W Pullar, A R Silcock, N S Tánczos, and G F van Beek
	In Attendance:	S O'Sullivan (Chief Executive), D Bewley (General Manager Development and Environmental Services), K Scott (Acting General Manager Strategy and Transformation), G Fletcher (General Manager Community Services), R Trass (Chief Financial Officer and General Manager Business Partnering), E Hatch (General Manager People and Engagement), B Gray (General Manager Infrastructure), P Warbrick (Kaihautu Strategic Māori Partnerships) and C Butt (Manager Governance Services)
	Apologies:	Nil
	Visitors:	Submitters as noted and members of the public

The meeting opened with a Karakia from Councillor Nándor Tánczos.

1 CONFLICTS OF INTEREST

No conflicts of interest were recorded.

2 PUBLIC FORUM

2.1 Iwi Chairs Forum Members

2.1.1 *Te Rūnanga o Ngāti Awa*

Tu O'Brien (Deputy Chair, Te Rūnanga o Ngāti Awa) gave a mihi that was followed by a verbal presentation in support of Māori wards.

Mr O'Brien said Māori councillors will be the conduit in local government for Māori communities in the Whakatāne district. They will bring a strategic Māori lens to the decision making table and bring inherent knowledge of whakaaro Māori, matauranga Māori and tikanga Māori to inform in matters pertinent and sensitive to Ngāi Māori. Māori wards would fulfil the requirements of Council under Local Government Act, to establish and maintain a process for Maori to contribute to council decision making processes. Bay of Plenty Regional Council has had Māori seats for 17 years, and the world did not come to an end. The positive implications are many. Māori are 40% of the Whakatāne district population and an integral component of the social, cultural and economic landscape. With \$7b in assets, Māori have emerged as key economic players in the district. Despite this Māori remain under-represented in local level decision making. Māori Councillors will contribute constructively to decision making processes because of their in-depth knowledge of what's best for Ngai Māori. In conclusion Mr O'Brien said there is a shift in dynamics across local government nationwide, there is a wave, and he implored Council to catch the wave with him as Ngāi Māori. Challenge/wero - Ko te tumanako me ata whakarongo i a koutou kia haumi. E mahi atu kia tika – listen carefully and do what's right.

A haka tautoko was performed by Te Kura o Te Teko.

2.1.2 *Tūhoe Te Uru Taumatua (tabled document number 1)*

A written response from Tamati Kruger (Chair, Tūhoe Te Uru Taumatua) in support of Māori wards was tabled and read.

2.1.3 *Te Rūnanga O Ngāti Manawa Trust*

Kani Edwards (Chairman, Te Rūnanga O Ngāti Manawa Trust) gave a mihi that was followed by a verbal presentation in support of Māori wards.

Mr Edwards said the people he represents asked him to be here, to speak and get their voice across to Councillors to say that Māori wards are a must, and they need to come in, and now. Mr Edwards addressed the Galatea-Murupara ward Councillor Alison Silcock and asked her to vote 'yes'. He said the ward she represents has a very strong Māori population (Ruatāhuna, Te Whāiti, Minginui, Murupara and Waiōhau) and they are saying vote for Māori wards. Mr Edwards concluded by saying voting for Māori wards is the right thing to do today. Council will be making history for all of the district and its communities by voting for Maori wards now.

2.1.4 *Te Rūnanga O Ngāti Whare*

Tāne Cook (Deputy Chair, Te Rūnanga o Ngāti Whare) gave a mihi that was followed by a verbal presentation in support of Māori wards.

Mr Cook advised he followed the sentiments of the speakers before, and represented Whirinaki, Minginui, Te Whāiti and Ngā Putahi district. He said Māori wards were a long time coming for all communities across the country, and Council has a responsibility to ensure voices are listened to and heard. Mr Cook said he comes with strength, authority and mana through whakapapa connections. He addressed the Galatea-Murupara ward Councillor Alison Silcock saying she represents his people at Council, and she has a responsibility of care to ensure she votes the way her people want her to vote. He said his people hold the clear position that Council must establish Māori wards so that there is a voice heard, listened to, that resonates throughout all communities.

Mr Cook implored Council on behalf of Te Rūnanga o Ngāti Whare, to vote in the right way and ensure Maori wards. Move to make history for and on behalf of the people here today, and also for the children, like from Te Kura o Te Teko, who can stand proudly and their futures in knowing today Council spoke for and on behalf of them, and generations thereafter. Māori wards is not simply about advantaging Māori, it will advantage our communities and connect us together. There is a lot to learn. History will be created. Move our communities into a space of togetherness that has not been felt before.

2.1.5 *Te Rūnanga o Ngāti Rangitahi*

Leith Comer (Chairman, Te Rūnanga o Ngāti Rangitahi) gave a mihi that was followed by a verbal presentation in support of Māori wards.

Mr Comer said it was a momentous day for Council. Representation of Maori and the decision-making of Maori at a Council local government level is a journey, and there is a continuum. Ngāti Rangitahi aspiration is to have Iwi representatives sitting alongside community representatives in a truly co-governance way – today is part of the continuum, it's an important step but not the last step. It makes sense local government should have around the table people who represent the different constituents in its rohe. Māori wards brings Maori voices to deliberations and that is the sensible and right thing to do. You can argue rights around Treaty but Council should reflect the makeup of its constituents, and if it doesn't it has to find ways to make sure it does. Maori wards is one way of doing it. In some aspects it is a clumsy process. To have Maori wards only being voted for only by people only on the Maori roll

is a clumsy way of doing it – perhaps the process could be reviewed to find a more equitable way in terms of the distribution of the number of constituents to each councillor. Māori wards are at least a start, a simple way. It is not perfect but it is as good as it gets. In conclusion Mr Comer reiterated Ngāti Rangitahi aspirations extend to true partnership and having Iwi sitting alongside Councillors in a truly co-governance way.

Tiipene Marr gave a mihi that was followed by a verbal presentation in support of Māori wards.

Mr Marr said he was speaking from 15 years of experience as a Māori constituent Councillor on the Bay of Plenty Regional Council. He said he had built trust with other councillors and brought Maori whakaaro to the decision making table. He said he was like a kaiako (educator) on Māori issues. He said councils are full of non-Maori with no understanding of Māori whakaaro, and it was time to change that.

2.2 Toni Boynton and Danae Lee – Te Roopu Tautoko Māori

Danae Lee gave a mihi that was followed by a verbal presentation in support of Māori wards.

Ms Lee said she and Toni were showing the face of the Treaty of Waitangi - partnership. She encouraged Council to be bold, to be leaders (as it was in 2017). She said Prime Minister Adern had commented on what a good treaty partner meant, and had said; "... there's a lot of work to do, but we need to remember that things have happened that haven't been fair, and it's our job to do our best to make it right." We need to keep going if something isn't working, and we have to change it. Ms Lee considered the relationship between Iwi and Council was not working, and there had long been calls for improved and fairer representation. She said Māori wards would bring better decision making to the Council table for the whole of the community and for the benefit of the whole district, not just for Māori. Māori councillors will change the dynamic of decision making and that can only be a good thing. She urged Council to be progressive, be bold, and let go of fear. She concluded by saying there was so much to be gained than the perception of what might be lost. She asked Council to join with the other councils who have decided to establish Māori wards in 2022.

Toni Boynton gave a mihi that was followed by a verbal presentation in support of Māori wards.

Ms Boynton said this was the third time she had made a presentation to the Council in support of Māori wards. The first time was in 2017 when she presented with the Chairman of Tuapou Marae, Mr Peho Tamihana-Tait who was sadly no longer here. That presentation talked about the future and how her four sons have learned to walk in two worlds (Māori and Pākehā). She said they had no choice as it is a part of their identity but there are some people in society who don't have to worry about what world they walk in because everything that surrounds them is built for them, by them. Deciding Māori wards would ensure tamariki and mokopuna are able to see themselves reflected in the decision and the leadership of the Council. Having Māori representatives is an opportunity for innovation, to see the world from both sides and the advantage that brings. We see it in the growth of the Māori economy and other innovative areas.

Ms Boynton said her second presentation to the Council was earlier this year and she talked about the past, and how her tipuna Rua Kenana had sought fair treatment of the laws enforced at his time. He wanted the law applied equally to both people, and not against one. Today she wanted to talk about the present and hoped Council would make history and take a step forward. She said our country was maturing and had lived 20 years in a post treaty settlement era where tamariki and rangatahi have grown up knowing the history of this land. She said as wahine Maori, she was an embodiment of past present and future – wahine hold te whare tangata, the toto of ancestors and the whenua. She said the sea and the water were speaking and were the very things that need to come to the forefront now, and come together and ensure the voice of those taonga are present when there are decisions about how they are looked after and how we see future use of them continuing, to ensure we look after everybody and everything. She asked Councillors to think about Māori and their own tamariki and

grandchildren in the future, and what councillors want to be able to say to them about today's decision. In conclusion she said all we ever want is to create a better world and leave the world a better place for our future generations - today is Councillors opportunity to make that decision and to make that happen.

3 ANNOUNCEMENT:

The Mayor announced a change in the order of public forum speakers to allow David Dowd to make his presentation at an earlier time.

3.1 David Dowd (tabled document number 2)

David Dowd gave a presentation in opposition to Māori wards.

Mr Dowd said the eleven elected members could not possibly claim to be well prepared or informed to make a decision on this electoral process. He said in 2018 the Council had made a very poor choice by voting to introduce Māori wards, without using the democratic option of a referendum to poll the opinion of all the voters in the district. He said it was a matter of record that he and two other ratepayers activated a poll and referendum that eventually overturned the Council decision to establish Māori wards.

Mr Dowd said that the current government had made a partial change to Local Government Electoral Law and herein lay the real problem. He said the Bill was incomplete and was to compliment and complete the intent of the whole legislative process and had not yet been fully drafted, let alone introduced into Parliament. He contended the remainder of the 'complimentary' legislation would contain all of the many terms, definitions, formulas, and conditions that would complete the Bill and therefore councillors were being called upon today to make a decision with little or no idea of the actual content or impact of a final Bill.

Mr Dowd asked that when the additional Bill is passed through Parliament (whenever that may be?) would the Council be able to easily reverse an earlier decision? He asked Councillors if they could, hand on heart, say today that they have been sufficiently informed. He said he doubted they had.

Mr Dowd said that the way this meeting had been advertised, it appeared to be an after-thought to accept requests from individuals to permit them speaking time. He said as one of the instigators of the referendum process, he should have been specifically contacted in advance of the meeting advertisement, as others were.

Mr Dowd asked if Council had any idea how many wards are to be formed, and what the likely shape and size of them would be. He said he assumed there would be changes to existing ward boundaries, and asked if Māori wards would be 'boundary-less'. He continued by asking Council who or what authority would give the new wards names, how many previous wards would remain, and what were the best current estimates of additional costs to administer the added Māori ward(s). When formed, which voters would qualify to vote in the election to choose a Māori ward councillor(s)?

In conclusion Mr Dowd requested answers and more information to the questions he raised. He suggested that elected members do themselves a favour if they intend to stand for re-election and reject the 'par-boiled' proposition to establish Māori wards. Further, he said Council should delay any decision until the full and complete legislation becomes law. He said to delay is an option and urged Council to not commit to Māori wards until it had the full story.

3.2 Enid Ratahi-Pryor

Enid Ratahi-Pryor gave a mihi that was followed by a verbal presentation in support of Māori wards.

Ms Ratahi-Pryor said today was an opportunity to define a pathway and future for our community. A future that better reflects partnership, equity and principle by providing opportunity for tangata whenua to share in the decision making that effects their day to day lives. By saying yes, councillors will have to demonstrate the type of courageous leadership that will be required to navigate a new future. A new future where it's ok if one shoe does not fit all. Where the acknowledgement of our differences between Māori and pakeha are embraced, not feared, ignored or homogenised. That the diversity in thinking and behaviour in this chamber contributes to innovative decisions that benefit us all.

Ms Ratahi-Pryor said this district needs decisive leadership that acts on knowledge and understanding of what separatism and special treatment really means. For her and many others separatism means 'keep Māori out' by using the tyranny of democracy because as a minority Māori will never ever have a voice. Ms Ratahi-Pryor said she works in an area where she sees the special treatment of Māori every minute of every day. Māori trapped in a system that dehumanises and takes away their ability to make choices that others in our community take for granted. She said she sees from the inside the special treatment dished out by the systems of Oranga Tamariki, justice, welfare and policing where Māori as a minority are over represented in this country's shameful and negative statistics. She said next time anyone says Māori are getting special treatment, 'damn right they are', and she wouldn't wish it on her worst enemy. But despite the discourse led by the Don Brash's of the world and the previous speaker David as to why Council cannot establish Māori wards, let's remember the reasons why Council should - because they far outweigh the reasons why Council shouldn't.

Ms Ratahi-Pryor continued that while a core function of Council is to ensure a sustainable ratepayer base so that we can enjoy our parks and reserves, support infrastructure, and development – many of us in this room know that there is strong correlation between maintaining that tax payer base and the opportunity for Council to leverage the burgeoning Māori economy in this district. A 'yes' decision today would send a strong message to Iwi and the many Māori trusts that their millions of dollars of contribution and investment into this local economy is recognised and valued at this table. By saying 'yes' to Māori wards Council is signalling 'yes' to work alongside Iwi and Māori to grow not only the Māori economy but the economic, social and environmental value of this community and all of its people contained within. She acknowledged Bay of Plenty Regional Council who showed courage and a leap of faith to create Maori wards. It can be done. Nobody lost sleep over it, nobody died, in actual fact some can say they're doing extremely well. A 'yes' or 'no' decision by this Council will be one of those moments in time that will define not only this Council and all it stands for but each individual councillor and every decision you make from this point forward because all of your decisions will be measured on how you voted today. Give us, give Māori, give your community that symbolic gesture that says you want Māori and Iwi to be a part of this community by enabling a fairer system of democracy by saying 'yes' to Māori wards.

3.3 Moana Stensness

Moana Stensness gave a mihi that was followed by a verbal presentation in support of Māori wards.

Ms Stensness said whakapapa is everything to tuturu Māori. It is time, it is now for Māori wards - by Māori for Māori. She said her tipuna were strong staunch advocates for equality and wellbeing for Māori, for fair education and economic process of their whānau, hapū, Iwi, kura and hapori. Māori should be heard at the decision making table, it is right and it is our time without any more barriers and hoha to stop our progress. It is time to step into the realm of partnership and understanding, working together for the benefit of our whole district. We are predominantly Māori populated so it makes sense to have Māori sit at the Council decision making table. Māori have been walking down the arduous road of targeted obstructed oppression, marginalisation, and suppression since colonisation - simply because we are Māori. Let's right it. Seize the moment now, and support Māori wards. She urged Council to leave a written record for their mokopuna, for their whakapapa to be proud of. She said she staunchly advocates for equal rights for Maori.

3.4 Jackie Te Amo

Jackie Te Amo gave a verbal presentation in te reo Māori, in support of Māori wards.

3.5 Ses McKinnon

Ses McKinnon gave a verbal presentation in opposition to Māori wards.

Ms McKinnon said she understands Māori wards is an emotive topic for many of us no matter which side of the debate we fall on. She had two main issues – democracy and the treaty, and continued mana of Māori.

Ms McKinnon said central government is disguising directives as the will of the people to destabilise our colonial democratic system and had made it clear that when it comes to Māori wards Councils are not to consider whether this would be a democratic decision involving a referenda of all our people, but instead Council is to base its decision on an interpretation of the Treaty of Waitangi that best suits central government agenda. She continued that the most fashionable interpretation sees the Treaty showing a partnership between two collectives, and demands that everything in New Zealand should be working towards an effective partnership between mana whenua, central and local government. The alternative view is to look at what the actual document said, specifically what the Māori version said in modern English – that the Crown would give all the people of New Zealand in the unqualified exercise of their Chieftainship over their lands villages and all their treasures and all the ordinary people of New Zealand will give them the same rights and duties of citizenship. In short, that we are all one people who have the same rights under the Crown with our democracy.

Ms McKinnon said she was not here to tell Council which interpretation of the Treaty is correct, however if Council chooses to accept the populist definition and the Ministers aspirations it also needs to consider that we are not a little town with one Iwi, we have 35 Iwi in the area, 260 hapū and 224 marae. If Council truly believes that the Treaty aims for co-government then Council needs to be doing more than a virtue signalling by installing 2, 3, 5 Maori wards. That would leave the gross majority of Iwi in this area without representation and very likely major issues will arise. She said if however like her, Council believed in the second interpretation, then you need to turn away from central government edicts and focus on democracy being the core principle of our wonderful country. Māori can and are elected in local body elections, they put up their hands, main roll/Maori roll - do the mahi and get elected. Ms McKinnon listed former and current Whakatāne District Councillors of Māori descent. She said Māori actively participate in local authority decision making process its already happening here, either through the Māori roll or main roll, they contribute to a team as a whole, as a council of duly elected people as Council is making decisions for all citizens of all ethnicity, religious orientation, and gender.

Ms McKinnon continued that Council has already established and maintained processes to provide opportunities for Māori. Their voices, their opinions, their contributions are already facilitated - this 'aint broke so don't fix it'. Just because Nanaia Mahuta established a review into the future of local government, she has no crystal ball for 30 years - she's guessing. Political correctness is divisive and seriously devalues Māori in our community as a whole, it alienates them, degrades them for giving them something for nothing. Central government doesn't think that Māori are smart enough to get elected in a normal way. Do they consider Māori inferior? It sounds like it to me. They are degrading Māori worth – Mayor and Councillors should not continue this humiliation. Do not capitulate, Council doesn't have to agree to do central governments dirty work.

3.6 Erin Green

Erin Green gave a mihi that was followed by a verbal presentation in support of Māori wards.

Ms Green acknowledged Ngāti Awa, and kaumatua and Rangatira of Mataatua. She acknowledged their ongoing work and patience in the face of pakeha. She thanked Councillors, Te Roopu Tautoko

Māori, the community, and supporters here today for their work to support this important kaupapa. She said she was speaking as a privileged pakeha, of often being in Māori led spaces, and the benefits to her of these experiences. She urged Council, on behalf of our community, to make space for that benefit for an Ao Māori world view. For the values, perspectives and richness it would bring to decision making. She said the law is set to serve us, and we should be changing it to meet our needs and to actively work to dismantle current structures to get a fairer voice. She tautoko the challenge issued today and asked Council to listen, make space for this decision and to be on the right side of history. It is never too late to do the right thing. She urged Council to send a strong message with a unanimous vote, in a community that is nearly 50% Māori. If Council does vote 'yes', she feels hopeful for a future of working together to make better decisions to all the challenges we face as a community, a country, and a planet. Māori wards are an important baby step to signal change.

3.7 Rihi Vercoe

Rihi Vercoe gave a mihi that was followed by a verbal presentation in support of Māori wards.

Ms Vercoe thanked Council for the positivity of its 2017 decision to establish Māori wards. She said that today she was led by her father's kōrero – 'Faith can move mountains, but take a spade just in case.' She spoke of her experience with Councils; when in the past her whānau translated Council letters to advocate for people who lost their lands because they could not afford to pay rates. She believed having Māori representation will make a difference to the way rates are paid and managed, and implemented on to community projects. She advised that five years ago she was tasked to investigate a \$42k rates debt owing on a Māori Trust. After about 100 hours of 'toing and froing' between the Trust and the Council and reconciling the accounts - the debt was repaid, but she came away thinking the Council needed a radical overhaul of its rates department to better support such enquiries. She said there would be a lot of ground work for Māori ward representatives to do.

3.8 Bay of Plenty Regional Councillors Toi Iti and Bill Clark

Bay of Plenty Regional Councillors Toi Iti and Bill Clark each gave a verbal presentation in support of Māori wards.

Mr Iti gave a mihi and began his presentation saying he and Mr Clark were the face of partnership in local government. Bay of Plenty Regional Council had been doing it for 17 years, however it still feels like we're at the starting line. Coming today to speak to Council as colleagues and local government professionals, and the reality is there is a pathway and this is the start of it and the regional council is facing it too. He said he doesn't carry all of the burden of Māori aspirations on his shoulders – that is for all of the councillors. Mr Iti said Bay of Plenty Regional Council had reviewed its Maori Committee and made it a committee of the whole, because the burden is upon each and every one of us and that is the reality of partnership, its nothing to be scared of. It's actually an opportunity.

Mr Clark addressed Council by asking - how did it happen in the 2019 local body election that 47% of the demographic who fielded 11 out of 30 candidates, got the majority in 2 wards, and yet never made it to the Council table? He said this was a blemish on our democracy. He said when you look at this table and then sit at a different table at regional council which had 3 Māori councillors serving it well, he could not imagine how a rohe like Whakatāne could function effectively without effective genuine Māori representation at its table. He said it's not a token thing, it's a practical living thing. In the space that he and Toi work in, the Māori councillors bring invaluable political working everyday tools to the hands-on business of regional council in the areas of matauranga, knowledge of the whenua and in particular in areas of knowing that when you tread in Te Ao Maori you have to tread very quietly and very carefully because it's a tricky space, and a lot of pakeha don't understand how tricky that space can be. Mr Clark concluded that in terms of unity for this rohe going forward it would be an amazing unifying, positive event if the decision to introduce Māori wards was a unanimous vote.

Mr Iti made closing remarks that this was not about the emotive, this was about doing the business of local government. He said Council will be aware of the tsunami of reforms coming its way. To not have guaranteed Māori voices at this table would be a folly for this forum. Legislators could legislate this whole forum out of existence, we have no choice as local government professionals we must have Maori voices around this table. He asked Council to make a unanimous vote, and looked forward to working with councillors in the future.

4 MOTION TO EXTEND THE MEETING TIME PAST THE TWO HOUR DURATION (SO 4.2)

RESOLVED:

THAT the Council agrees at 2.08 pm to extend the two hour meeting period to complete the public forum in one session.

Her Worship the Mayor/Deputy Mayor Iles

CARRIED

4.1 Jack Nightingale

Jack Nightingale gave a verbal presentation in opposition to Māori wards.

Mr Nightingale said he claimed the right to speak today as tangata whenua of New Zealand. He said at the last central government elections the Māori party scored 1.2% of the total Māori vote in New Zealand and of that vote Ms Mahuta scored 0.4 % which equates to half of one percent of the Maori vote in New Zealand. He said that on the strength of that very weak vote, she introduced the Local Electoral (Māori Wards and Māori Constituencies) Bill into parliament, which was supported by the Labour government and eventually passed into law. The Labour Party in their pre-election campaigns made no mention of standing for Māori wards, so people had no opportunity to discuss the pros and cons. When the Bill was passed, it was passed on urgency so once again any people with anti-sentiments were given no opportunity to discuss that Bill. It was passed denying New Zealanders the right to express an opinion. In other words five million New Zealanders were deprived of the freedom of speech in order to express one view point, an emotional viewpoint at that.

Mr Nightingale continued that the Treaty of Waitangi gives Māori equality with pakeha, it does not give them preferential treatment over and above equality. In our community there are other races such as Chinese, Indian, other Asian races and other races of non-Anglo Saxon white lineage that overall have a better work ethic, contribute more to the local economy, are not so well represented on unemployment, sickness and other welfare benefits, do not indulge in so many violent outbursts outside the pubs, or anywhere else. They don't form criminal gangs and they do not impose disproportional rights on the police and corrections personnel and resources.

Mr Nightingale said that in the possible decision to impose Māori wards, our community had not been given very much in the way of information so this was, in some respects, just a token meeting. We've not being told how many wards are going to be established, or on what basis. Are they going to be established on a population basis with Maori population towards ratio, the same that presently exists in our existing wards, or are they being given a lower population ratio which will benefit Māori? Are they going to be given on a tribal or area basis, which will again favour Māori? If the wards are formed then necessarily more costs will arise in the form of salaries, travel costs, incidental subcommittee meetings, meals, incidental expenses, and other expenses. On a population and productivity basis these costs are going to be mainly covered by non-Māori races. How is Council going to fund these – by increasing rates? Taking out a loan, by rating unrated Māori lands? In conclusion Mr Nightingale said that before we were denied freedom of speech he'd had a lot of support from the community, and our community showed in a democratic vote that it does not support Māori wards.

At 2.17 pm, the Mayor announced the meeting would adjourn for a five minute break.

The meeting reconvened at 2.25 pm.

4.2 Mawera Karetai – video message (tabled document number 3)

A video response from Mawera Karetai, in support of Māori wards, was broadcast to the meeting.

4.3 Colin Holmes

Mr Holmes gave a verbal presentation in opposition to Māori wards.

Mr Holmes said democracy is a blunt instrument, but it's the best thing we've come up with. Its greatest capacity is to prevent disasters rather than optimising good governance. But, so be it. He said we don't need to make it any more blunt, and we should focus on what is Councils job. Council isn't the United Nations, and isn't Parliament. Council's job is not to draft legislation, nor debate public policy, or dispense national funds, or to be the conscience of the nation. Council's job is to basically deliver services and infrastructure to this district. The stuff around the outside is pretty frilly. To do that Council needs to have the best governance that democracy can produce. The job isn't about representation, it's the mistake everyone makes, the job is about governance. And once you start introducing elements of representation into it more and more, we've already got wards, and I happily endorse the abolition of wards and the introduction of STV because I think we'd get a better result. But Māori wards is going down that track and Council's ability to do its job is becoming increasingly limited.

Mr Holmes said he makes the prediction that in his lifetime there will be significant loss of life from flooding, and when it happens (talking 20 years) local government should be held accountable, but they won't be. Climate change means that what happened at Matatā will happen on a far greater scale and there will be loss of life and it won't be very nice. He said he predicts that the calibre of governance in both the regional and district councils is not high enough to recognise what's happening and do something about it. So do not weaken the level of governance and the standard we have now, enhance it. Do the right thing.

Mr Homes said he couldn't think of a district in New Zealand that needs Māori wards less. We've got a very diverse population and a very high Māori population, the tools to do the job are there. To Māori, he said, use those tools you are absolutely capable of getting three or four representatives on Council – it's happened in the past and you should be able to do it.

In conclusion Mr Holmes said Councillors did not have the mandate to make this decision today. He made a plea for Councillors to be patient, be true to themselves when they vote, and realise this is a very big move and the end game is worth waiting for.

4.4 Professor Tairahia Black and Ngawaiata Turnbull

Ms Turnbull and Professor Black were introduced with a mihi that was followed by their verbal presentations in support of Māori wards.

Ngawaiata Turnbull introduced herself as a mother of three who works in education. She is a teacher of 20 years and has worked at Waiōhau, Te Whare Kura o Rūātoki, Waimana and recently Te Kura o Huiarau in Ruatāhuna.

Ms Turnbull quoted 'Kotahi Te Ture, Mo Nga Iwi E Rua, Maungapōhatu' [One law for both peoples Maungapōhatu] the maxim adopted by Te Urewera Prophet Rua Kenana in 1908. She said Rua's movement included a critical focus on economic and land development, roading, establishing local government systems and structures within Māori communities such as in Maungapōhatu, Waimana, and Rūātoki. It also included key networks and relationships across tribal boundaries such as the

Whakatōhea, Te Arawa, Pahiapoto, Tūwharetoa, Ngāti Awa and others. In 1916 the community at Maungapōhatu was invaded by Crown forces and two Iharaira men were shot and killed, and six arrested including Rua. They were taken to Mt Eden jail where they were held for up to eight months without charge. This began the longest trial in New Zealand history. In the end the jury found Rua guilty of 'moral resistance' - since when is 'moral resistance' a crime? On 21 December 2019, Governor General Dame Patsy Reedy signed a royal assent acknowledging the Crown's wrongful invasion and arrest of Rua Kenana. The legislation also acknowledged the ongoing effects of this injustice on the descendants of Maungapōhatu through successive generations. These are the facts, this is history, and today's vote is history in the making.

Ms Turnbull advised that earlier this year the Hon. Nanaia Mahuta said the government is supporting councils working to increase representation for Māori in local government by putting in place the same rules to establish Māori wards as general wards for the 2022 local elections. The same rules - not special rules, not separate rules, but the same rules. What are Māori wards to me? Simply it's the local government version of the seven Māori seats in our Parliament. These seats provide a space for the unique perspectives of Māori to be seen, heard and understood. Māori as tangata whenua and equal treaty partners. Ms Turnbull said the benefits she sees, for example, Member of Parliament Rawiri Waititi has highlighted many significant issues to do with the daily reality experienced by Māori as a result of our lived history. The neck tie is not just a neck tie - in this context it is symbolic violence. She said she loves that Rawiri is unapologetically Māori and he responds from his heart. Some of the behaviours in Parliamentary Chambers are outdated, and it's not ok. And knowing what's not ok is the beginning of change. These are small but very significant issues located at the core of our dual reality, citizens of Aotearoa.

Ms Turnbull stated 'Kotahi Te Ture, Mo Nga Iwi E Rua, Maungapōhatu' - Equity. We cannot heal what we will not acknowledge. Facts; Māori land confiscations through physical and legal force, being punished for speaking Maori in state schools, imprisoned for practicing culture and protecting land, the list goes on. True equity acknowledges our shared history and its resonating effects. True equity is courage to make changes for the better. Māori representation in local government means councils working in partnership with Māori, creating mechanisms that allow for Māori representation in decision making, this is equity. As the late Judith Binney said in 2010, if we who live in the present in Aotearoa can discuss our shared history in the 19th and 20th centuries then we may gain from our past. If we cannot do this, then we will have learnt nothing from our past and we will have exchanged nothing from each other. Today we have an opportunity to make a significant change I believe for the better. In conclusion Ms Turnbull said that today is an opportunity to send a clear message to our communities of Whakatāne and to our future generations. She noted that the previous day Hamilton Council voted unanimously for Māori wards, if they can do it, then so can we Whakatāne and let's make it unanimous. It's time.

Professor Taiarahia Black gave a mihi followed by a verbal presentation in support of Māori wards. He congratulated Council for bringing this extremely valuable forum together today. He acknowledged all of the presenters and Councillors, and also wanted to acknowledge the perspective that this was the way forward, and the opportunity, the gems and the depth and the origin of ideas and the summaries. He contended there were 8 key points that came out of the presentations.

The meaning of life - every speaker presented the meaning of life from their perspective. Tikanga and reo, the customary and intellectual property rights of all of those who gave presentations. The principle of Article 2 of the Treaty of Waitangi, talks about enabling the rights of people to act in the way they are. Every presenter gave Council evidence, evidence from kohanga right through to the lifestyles, to the mountains, to the rivers, and the streams. Professor Black advised he's a Professor of Research and Development who teaches masters and PHD students. He revises and reviews students work to sharpen it to get over the line. Every speaker this afternoon brought that type of depth to the presentations today.

Professor Black said oral evidence was the most important and essential part of the presentations and considered they were expressing aboriginal rights connected to Te Tiriti o Waitangi, connected to whānau, hapū and Iwi rights. The sense of the speakers was intergenerational, and made contribution to the communities that they belong to.

Professor Black said the presentations were very empowering. They came from the heart and the soul and they also came from really thinking about the issues of what is the voice, and the total of his presentation was about the enduring voice of inclusion. All of the presenters wanted to be included. Every presenter showed Council a sense of leadership in his view. The next point presenters made was continuous learning, they want to learn and they want to come with Council and help Council learn their points of perspectives of what these wards are for. The last point was collaboration and partnership - we've got to keep working, and be more creative and find a platform for the creativity of what partnership is. Every presenter is connected to the 57 pou pou in the Mataatua whareni. Potentially we could have had today's Council hui at Mataatua whare and that would have brought the Councillors and the people together on one voice, inside the whare. The key point about this afternoon is really looking at what we can do together, and the voice of the people who presented to you.

In conclusion Professor Black said that in 1908 at a meeting between Rua Kenana and the then Prime Minister Joseph Ward in Whakatāne, Rua discussed his wish to have a separate Māori government and the Prime Minister said there couldn't be two suns in the sky at the one time. Rua replied that there is one sun in the heavens but it shone on one side, the pakeha side and is darkened on the Māori side. The words embossed on the Maungapōhatu flag 'Kotahi te ture moana Iwi e rua o Maungapōhatu' [One law for both peoples Maungapōhatu] expressed Rua's wish to see everyone have the same rights under the law.

A waiata tautoko was performed by supporters in the public gallery.

5 REPORT

5.1 Representation Review and Māori Wards

Refer to pages 6-12 of the agenda.

Her Worship the Mayor stood and addressed the meeting, and delivered a speech in support of Māori wards. At the conclusion of her speech the Mayor moved the motion to resolve the recommendations in the report, and called for a seconder (Deputy Mayor Isles).

Her Worship took the report as read, and asked Councillors if they had any questions of clarification. No questions of clarification were raised. The Mayor invited Councillors to make statements if they so wished, and each Councillor stood and addressed the meeting, most all declaring their support for Māori wards.

A division was requested.

RESOLVED:

1. **THAT** the 2021 Representation Review and Māori Wards report be received.
2. **THAT** pursuant to Schedule 1, Part 1, clause 2(1) of the Local Electoral Act 2001, Council resolves to establish 1 or more Māori wards for the 2022 and 2025 Whakatāne District Council elections.
3. **THAT** Council directs staff to undertake the required statutory process to establish Māori wards as part of councils representation review.

Her Worship the Mayor/Deputy Mayor Iles

CARRIED UNANIMOUSLY

Following the unanimous vote, the public gallery performed waiata tautoko.

THE MEETING CLOSED WITH A KARAKIA AT 3.30 PM.

Confirmed this 16th day of June 2021

CHAIRPERSON

J. A. Feme