

11 February 2016

The Human Rights Commission Secretariat
8-14 Avenue de la Paix
CH 1211 Geneva 10
Switzerland

Dear LOIPR Committee

My name is Andrew Judd and I am the current Mayor of the New Plymouth District in New Zealand.

I am making this submission to your Committee to raise concerns I have with the recent experience our council and community went through in attempting to establish representation for Maori on Local Government.

This submission will focus on issues concerning 'Representation of Maori in local government', as highlighted in the Committee's List of Issues Prior to Reporting (CCPR/C/NZL/QPR/6, at para 26), and the response provided by the New Zealand Government (CCPR/C/NZ/6, at paras 243-248).

Specifically, the two key concerns are:

- a That the LGA does not operate in practice in the manner described at para 246 of the State report;
- b That the process for the establishment of a Maori ward under the LGA, is stricter than the process for any other type of ward.

On 23 September 2014 the New Plymouth District Council resolved to create a Maori ward for the 2016 and 2019 local elections. The decision to create a Maori ward was made after several different attempts to find a better way for the Council to engage with Maori as the previous system, a consultative committee, was not enabling Maori to participate successfully in the Council's decision-making. We considered appointing Maori representatives to our standing committees, however councillors rejected this on the basis that the representatives would not have been democratically elected members. This led to us investigating and then resolving to establish a Maori ward. Based on current numbers, we will have one councillor elected from the Maori ward among 15 elected members.

Post Council's decision to establish a Maori Ward, a petition from the community gathered the required number of signatures to demand a binding poll for the establishment of a Maori ward.

The poll result rejected the option of a Maori ward with 21,053 (83 per cent) of votes received against the creation of the ward and 4,285 (17 per cent) in favour of the ward. The poll produced a turnout of 45 per cent of eligible voters. Whilst the counter point is that a community can put forward a petition to demand a poll to establish a Maori ward, the recent voter response to reject a Maori ward would make that poll unlikely to succeed.

My key concern is that establishing a Maori ward has different legal processes than establishing other electoral wards to represent communities defined by geographic boundaries. Creating geographic based wards occurs during a representation review and is based on providing fair and effective representation of communities of interest within the district. Appeals and objections to the decision of a representation review are made to the Local Government Commission. It is incongruent that Maori wards, to represent a community of interest based on the Treaty relationship, are subject to a binding poll decided by all electors while the establishment of other wards is subject to appeal to a quasi-judicial body. It places the rights of an important minority group into the hands of the majority. The only other representation issue subject to a binding poll is the electoral system.

I request that the Committee raise these issues in its discussions with the New Zealand government, and consider a relevant recommendation in its concluding observations.

The Committee may wish to recommend:

That the New Zealand Government review the LGA to ensure it's provisions effectively facilitate Maori participation and don't impose stricter requirements than those relating to creation of other wards.

Andrew Judd
MAYOR NEW PLYMOUTH DISTRICT