



# Steps Towards Authentic Te Tiriti o Waitangi Relationships at a Local Government Level

Briefing of the advice provided to The Review into  
the Future for Local Government regarding Te Tiriti o  
Waitangi relationships

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June 2023



The Review into the Future for Local Government (The Review) is an independent review exploring new approaches to local governance where communities can “prosper and thrive” (2022). The Review is now completed after releasing their final report on June 21st 2023. The Review underwent consultation and commissioned numerous research reports. This briefing summarises a research report by Carwyn Jones, Maria Bargh, Ellen Tapsell and Dani Lucas, commissioned by The Review before the release of the final report. The Review produced three key reports:

Interim Report- Ārewa ake te Kaupapa Raising the platform September 2021

Draft Report - He mata whāriki, he matawhānui October 2022

Final Report - He piki tūranga, he piki kōtuku

The Interim Report raised five priority questions. Including one specifically surrounding Te Tiriti o Waitangi:

How might a system of local governance embody authentic partnership under Te Tiriti o Waitangi, creating conditions for shared prosperity and wellbeing?

The Draft Report also raised five key shifts needed including ‘Authentic relationships with hapū/iwi and Māori’ and a series of recommendations for each.

## Recommendations relating to Te Tiriti relationships by The Review's Draft Report are:

1. That central government leads an inclusive process to develop a new legislative framework for Tiriti-related provisions in the Local Government Act that drives a genuine partnership in the exercise of kāwanatanga and rangatiratanga in a local context and explicitly recognises te ao Māori values and conceptions of wellbeing.
2. That councils develop with hapū/iwi and significant Māori organisations within a local authority area, a partnership framework that complements existing co-governance arrangements by ensuring all groups in a council area are involved in local governance in a meaningful way.
3. That central government introduces a statutory requirement for local government chief executives to develop and maintain the capacity and capability of council staff to grow understanding and knowledge of Te Tiriti, the whakapapa of local government, and te ao Māori values.
4. That central government explores a stronger statutory requirement on councils to foster Māori capacity to participate in local government.
5. That local government leads the development of coordinated organisational and workforce development plans to enhance the capability of local government to partner and engage with Māori.
6. That central government provides a transitional fund to subsidise the cost of building both Māori and council capability and capacity for a Tiriti-based partnership in local governance.

In response to Review into the Future for Local Government Interim and Draft reports researchers from the Me Tū ā-Uru working group and Bioheritage National Science Challenge have formed:

- A vision for authentic Te Tiriti relationships at the local government level
- Seven core barriers to this vision and
- Fourteen recommendations (Fifty sub-recs) as incremental steps towards this vision

# Our Vision for Authentic Te Tiriti o Waitangi Relationships by 2040

Our places of outstanding beauty, our whenua, our native plants, wildlife, people and communities flourish.

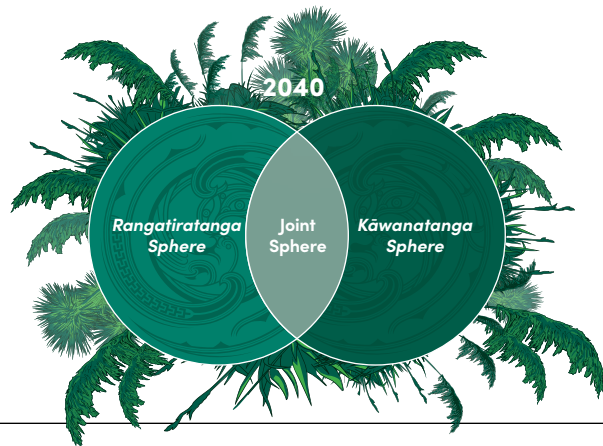
Te Tiriti o Waitangi and an equitable power sharing between Rangatiratanga and Kāwanatanga are the guiding principles of local government in all aspects. This framework provides local communities a sense of belonging and guides collaboration and shared power, where all of us are valued for who we are.

Māori, mana whenua and local government work together in mana enhancing relationships across numerous levels and mechanisms.

Māori are exercising their authority and kaitiakitanga over Māori matters as agreed by Māori and including exclusive and/or shared jurisdiction over their lands, territories, resources.

Local government understands and upholds its role as a Te Tiriti partner, where by its authority comes from the Kāwanatanga sphere and is constrained by the Rangatiratanga sphere.

Māori and local government have good processes and practices for maintaining strong reciprocal relationships, navigating, and resolving complex issues.



<sup>1</sup> Vision inspired by Charters, C., Kingdom-Bebb, K., Olsen, T., Ormsby, W., Owen, E., Pryor, J., Ruru, J., Solomon, N., Williams, G., 2019. He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand. Te Puni Kōkiri.

## Barriers

**Te Tiriti relationships are unclear** particularly in Local Government Act 2002. Stronger reference to Te Tiriti and shared authority is required for clarity of obligations and responsibilities.

**Representation** Māori are underrepresented at local government levels in a diversity of ways.

**Capacity, data, and resourcing** A lack of funding, data, and capacity on and for the benefit of Te Tiriti relationships.

**Acquisition of land** Māori governance of their lands was usurped by successive colonial governments, and this has had long lasting impacts on the health and well-being of Māori communities but also environments. Local governments play a vital role in the management of lands of special significance to Māori.

**Lack of support and education inside and outside local government** Generally, there is not widespread understanding of issues pertaining to Te Tiriti o Waitangi or the history of Aotearoa New Zealand and this creates issues within local government and in public discourse.

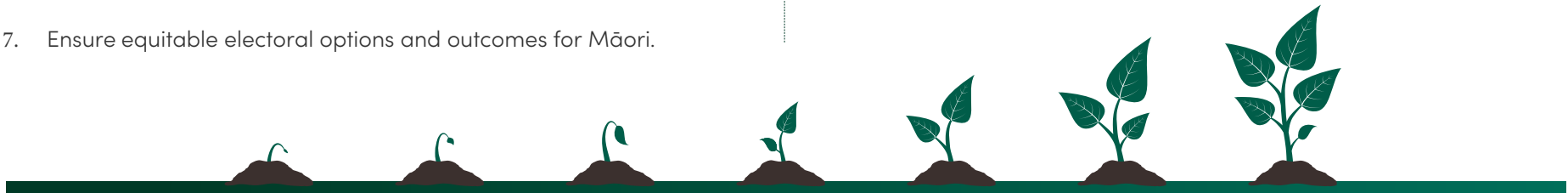
**Cultural labour** Māori representatives and employees can become overburdened with cultural care labour in local government contexts. Tikanga and mātauranga Māori can also be tokenised or undervalued.

**Colonial values and views** Our current system of local governance is underpinned by Western values and perspectives, which are not inclusive of a Māori worldview.

## Our Recommendations:

See the next page for our 50 sub recommendations

1. Clarify and strengthen Te Tiriti Waitangi obligations and responsibilities.
2. Invest in local authorities capacity and ability to understand the impacts of colonisation, Te Tiriti o Waitangi and mana whenua contexts and histories.
3. Adequately funding Māori engagement and participation in local government decision making outside of local government employment of Māori.
4. Local authorities to include Te Tiriti based data and analysis in annual reporting.
5. Provide support and recognise the importance of Māori staff and councillors.
6. Set up a mandated body (decided in partnership with Māori) to maintain Te Tiriti o Waitangi Auditing/Reviews nationally.
7. Ensure equitable electoral options and outcomes for Māori.
8. Investigate options for future proofing relationships between mana whenua communities and local authorities that provides safeguarding from electoral cycles.
9. Engage and invest in reciprocal and care-informed relationships.
10. Enhance mechanisms for cooperative decision making.
11. Recognise and respect tikanga Māori and mātauranga Māori in shared decision making.
12. Returning special places to mana whenua.
13. Increase funding, resources, and other types of support for mana whenua where they are already doing work that supports local governments aims and public good.
14. Encourage public support, recognition and acknowledgement of rangatiratanga.



**Te Tiriti o Waitangi relationships are vital for all our well-being. Te Tiriti is unique to Aotearoa and can provide a blueprint for how to take care of each other and respect each other's ways of living in Aotearoa. For Māori, this blueprint laid out a future where our culture and tikanga would be upheld. For the people who came here, it laid out how they and their ways would be respected so they could also live here. That original blueprint can be honoured and again guide us to a harmonious future.**

## Recommendations for Local Government to:

*Enhance and strengthen its own capabilities as a Te Tiriti partner as part of the Kāwanatanga Sphere:*



# 1

Clarify and strengthen Te Tiriti Waitangi obligations and responsibilities:

1a

Amend Local Government Act 2002 to add a specific Te Tiriti clause that specifies local authorities must 'give effect to Te Tiriti o Waitangi'.

1b

Amend Local Government Act 2002 to include stronger wording overall when referring to Māori partnership and relationships, such as 'partner with' and 'give effect to "rather than "consult, engage" have regard" for mana whenua/Māori.

1c

*Recognising local government obligations to work with the multiple, diverse layers within the rangatiratanga sphere including iwi, hapū, mana whenua, mātāwaka, taura here and other Māori organisations;*

Investigate and/or commission further research in partnership with Māori to specify the different layers and levels of Māori representation and relationships required across different councils (such as mana whenua and maataawaka wards or representatives). In addition, consider how this might be implemented into the 'representation review' processes in Local Electoral Act 2001.

1d

Local authorities and associated organisations to include reference and recognition of Te Tiriti obligations and the rangatiratanga of Māori and mana whenua in ALL policy and planning documents.

1e

Ensure (via national requirement and/or deadline) and support (through funding) the use of all existing avenues for partnership arrangements between Māori and local government are undertaken or have been explored by local government and mana whenua and/or Māori. Including:

- all local authorities to create plans and strategies in partnership with mana whenua;
- all local authorities with engagement and consultation strategies;
- formal partnerships with mana whenua such as Joint management committees, MOU, Mana Whakahono ā Rohe, co-governance arrangements or committee representation, Māori wards and constituencies.

## 2 Invest in local authorities capacity and ability to understand the impacts of colonisation, Te Tiriti o Waitangi and mana whenua contexts and histories.



- 2a Te Tiriti training for all staff, including specific information on Te Tiriti breaches for localised contexts.
- 2b Resource mana whenua experts to share (where appropriate) histories and experiences with local authorities.
- 2c Provide resourcing for mana whenua to document, research and create learning resources about their whenua and whakapapa histories.
- 2d Council staff to undertake self-reflection on their own histories and contexts to the land they are on. Consider workshops with organisations such as [AWEA](#).

- 2e Investigate opportunities for local authorities to better provide care-based practices and processes, whereby reciprocity is key.
  - This could include engaging with mana whenua whereby the core goal is building relationships and asking mana whenua what they need/require.
  - Documenting and keeping a record of mana whenua needs/requests/submissions and plans.
  - Reframing the relationship between mana whenua and local authorities to one that is based in reciprocal well-being.
  - Creating a list of council owned lands and resources that were gifted by mana whenua or taken via the Public Works Act 1981.

## 3 Adequately funding Māori engagement and participation in local government decision making outside of local government employment of Māori.

- 3a Directly funding Māori engagement and decision making in plans, spatial planning, combined planning, and other resource management processes to ensure under-resourcing no longer prevents Māori from participating effectively.

- 3b Assisting mana whenua via funds, workshops, paid internships, or scholarships for the training of iwi members with technical expertise to participate effectively in local authority processes.
- 3c Providing funding for advisors with skills and experience in tikanga and te reo Māori to build local authority capability and capacity to engage with Māori particularly in smaller local authorities.



# 4

## Local authorities to include Te Tiriti based data and analysis in annual reporting



4a

Create an initial standardised reporting framework for use in annual reporting by local authorities that seeks to understand how current legislative provisions are being met or utilised to partner and engage with mana whenua and Māori. This should include how funds are being spent towards Te Tiriti obligations, cultural capacity, and staff education.

4b

Funding and resourcing should be set aside or made available to local authorities by central government to hire experts to undertake Te Tiriti reporting and data collection - like that of financial reporting.

4c

Mana whenua to be allowed to respond to Te Tiriti auditing and provide recommendations in Annual Reports.

4d

Local authorities to report on and review their executive and senior management staff members as part of Te Tiriti auditing. Including their:

- Knowledge of Te Tiriti o Waitangi obligations
- History of mana whenua and local rohe
- Historic grievances of mana whenua
- Shared aspirations for Māori and local government.

# 5

## Provide support and recognise the importance of Māori staff and councillors

5a

Included in Te Tiriti based reporting: Local authorities to report on and engage in communication with their Māori staff, including reporting on numbers and their positions, as well the cultural safety of these staff members and any improvements or complaints raised by them annually or biannually.

5b

Explore and document the ways Māori and mana whenua may be providing cultural care work, document and resource/compensate for this.

5c

Provide support to Māori members on councils through a national or regional Society, Association or Secretariat. This should occur both at a local level by providing additional support at a council level and at the national level by facilitating support networks for Māori members both representatives (elected members) and general staff.

5d

Adequately resource the additional burden that is placed on those that bring the skills of te reo Māori and tikanga Māori to local government.

# 6

Set up a mandated body (decided in partnership with Māori) to maintain Te Tiriti o Waitangi Auditing/Reviews nationally.



6a

This could include a review of annual reporting by Councils and/or extra auditing processes conducted via a mandated body (national advisory board) to ensure legitimacy of the self-reporting by local authorities.

6b

The national auditing to provide opportunities for submissions by mana whenua groups, Māori councillors, representatives, and staff.

6c

The national auditing to provide opportunities for local governments to submit on issues with regards to the kāwanatanga sphere and relationships or requirements from central government.

6d

The national auditing to provide recommendations for improvements on overarching local government policy and decisions in regards Te Tiriti o Waitangi, as well as localised issues as well.

6e

The national auditing body to establish public databases on all Council Te Tiriti processes and mechanisms.

6f

The national auditing body to review management and leadership staff's ability to understand and act on Te Tiriti o Waitangi relationships and obligations.

6g

The national auditing body to review diversity of senior management and leadership staff within local authorities across Aotearoa.

# 7

Ensure equitable electoral options and outcomes for Māori

7a

Remove barriers for Māori members on council by strengthening Māori Wards and Constituencies (MWC) by:

- Review the calculations for MWC in the Local Electoral Act 2001
- Review Schedule 1A clause 2 subclauses (3) and (5) for a ward (or clause 4 subclauses (2) and (4) if you are creating a constituency) from the Local Electoral Act.

7b

Local government to gather ethnicity data on the general wards in local elections.

7c

To investigate and initiate discussions with Māori about whether there should be a separate choice to be on the Māori or General roll for local level elections, separate from the choice of electoral roll for general elections.

## Recommendations for Local Government to:

*Enhance and strengthen its ability to maintain relationships with Māori in the Joint/Relational Sphere:*



# 8

Investigate options for future proofing relationships between mana whenua communities and local authorities that provides safeguarding from electoral cycles.

## 8a

Creating succession plans for change of staff or councillors and their relationships with mana whenua:

- This could include resourcing wānanga to acknowledge the transition of mana whenua council relationships (i.e when a local authority staff member who previously held relationships with mana whenua leaves or is not re-elected) and provide space to build the new relationships where mana whenua tikanga or kawa can be exercised.
- This could include mandating special roles in and outside of council to manage and keep a records and timelines of the different mana whenua relationship histories.

# 9

Engage and invest in reciprocal and care-informed relationships

## 9a

Resourcing mana whenua and Māori to engage in relational sphere processes such as hui, wānanga, collaborative work.

## 9b

Local authorities as kāwanatanga sphere to engage in self-reflection practices including acknowledging the positionality of Local government and the privileges it is afforded.

## 9c

Engage early and with flexibility on issues dealing with the special places of mana whenua whereby local authorities come with the intent to listen and respond to mana whenua.

## 9d

Provide ample choices to mana whenua and Māori in engagement and decision-making processes and be prepared for mana whenua to say “no” to certain requests.

## 9e

Allow ample time for mana whenua and Māori to respond and reflect on issues or decisions brought to them.

# 10

## Enhance mechanisms for cooperative decision making



10a

Creation of a national and/or local forums for local authorities and mana whenua and Māori groups to discuss joint decision making and responsibilities.

10b

Investigate and develop national guidance for how the joint sphere will work in practice at the local government level.

10c

Local Authorities to facilitate relationships between key stakeholders (including landowners) and mana whenua groups and community organisations.

# 11

## Recognise and respect tikanga Māori and mātauranga Māori in shared decision making

11a

Resource mana whenua to host, lead or run hui for decision making whereby tikanga can influence the process.

11b

Invest in council staff (specifically managers and senior team members) training in basic tikanga concepts through educational resources and training;

- Including understanding how concepts such as koha, manaaki or utu might play out in relational processes.

- In processes where tikanga or mātauranga Māori is being used by local authorities, document and report on the benefits or outcomes of this.

- Develop local policy alongside Māori and mana whenua for how to use te reo, tikanga and mātauranga safely and respectfully.



## Recommendations for Local Government to:

*Recognise and support the Rangatiratanga Sphere as its Te Tiriti partner*

# 12

Returning special places to mana whenua

**12a**

Return management and/or ownership rights over wahi tapu and other special places to mana whenua. Where necessary investigate the different ways, this can occur for mana whenua groups in each area and reach out to them with a proposal.

Resource mana whenua in this transitional process and support them with funding or capacity support (admin staff, printing, training, legal advice, research tools and funds).

**12b**

Mandated authority to maintain data on where this is occurring and the barriers and successes.

# 13

Increase funding, resources, and other types of support for mana whenua where they are already doing work that supports local governments aims and public good

**13a**

Local government will resource mana whenua for currently underpaid activities which support the local environment and community, such as rāhui and planting days.

**13b**

Local authorities to support the creation of grant and funding applications of mana whenua groups engaging in environmental or community projects.

**13c**

Local authorities to provide access to relevant information on funding avenues available for Māori and mana whenua groups.

# 14

Encourage public support, recognition and acknowledgement of rangatiratanga.

**14a**

As highlighted in the barriers, Local government needs to better publicly support Te Tiriti based initiatives, mana whenua and the inclusion of culturally safe workplaces. Therefore, public acknowledgements in support of mana whenua and Māori. As well as public accountability for those perpetuating harmful narratives.

**14b**

Listen and act on iwi declared rāhui and share information widely with the public.

**14c**

Create education campaigns in local communities on the role of Māori wards and constituencies and Māori representation more generally.

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