

Pax Christi Aotearoa-New Zealand

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Honourable Minister Simeon Brown & Justice Select Committee

Tēnā koutou

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

Thank you for providing us with the opportunity to submit on this Bill.

We are submitting on behalf of Pax Christi Aotearoa New Zealand (ANZ), a faith-based peace organisation and part of Pax Christi International. The work of Pax Christi ANZ includes actively honouring Te Tiriti o Waitangi, peace education, human rights, restorative justice and interfaith dialogue.

Pax Christi ANZ strongly opposes the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill because:

A: Te Tiriti o Waitangi's principle of equal partnership will be breached.

A.1 The signing of Te Tiriti o Waitangi in 1840 was meant to be the dawn of an enduring, peaceful dialogue and relationship between the Crown and tangata whenua. Like any relationship, it requires active participation by all parties for it to work.

A.2 Our treaty relationship history since 1840 highlights many examples of the Crown failing to dialogue and work with Māori – resulting in a great deal of injustice to Māori and undermining peace in our country. This Bill, if it goes through, will add another damning example of one party dictating the direction of the relationship at the expense of the other.

A.3 In presenting this Bill to parliament, the Crown has not consulted with Māori. There has been no evidence of dialogue or hui that have sought Māori input as full and equal partners under Te Tiriti o Waitangi.

B: Discriminatory focus.

B.1 The Bill, as it is currently written, is discriminatory. The suggested insertions of sections 19ZA to 19ZG relating to electors demanding a poll within the Local Electoral Act 2001 only mention Māori wards and constituencies. Other wards, like rural or urban wards, are not subject to this requirement. This is discriminatory. As it stands, this Bill breaches the Bill of Rights Act, which provides for the right to be free from discrimination and for measures to be taken in good faith to assist or advance groups who experience discrimination.

B.2 The reintroduction of binding polls will make it virtually impossible for Māori to have Māori wards reestablished. Under international human rights law, the Crown is responsible for upholding the human rights principle of retrogression – that human rights should be progressively realised and that state governments should not implement regressive measures that diminish those rights unless they have been duly justified and weighted against other rights.

B.3 This Bill explicitly targets Māori's right to fully participate in local government and provides a pathway for local authorities to remove this participation. Allowing similar referendums in the future will continue to diminish our image internationally as a nation that upholds and takes seriously our obligations to maintain and improve human rights.

C: The benefits of having Māori Wards would be lost.

C.1 Māori wards have helped to bridge communication gaps and create trust across communities where previously there were gaps. Whole communities have benefited from the improved and strengthened relationships between Māori and councils, with Māori representation actively engaged around the decision-making table. This models the spirit of the covenantal relationship that is Te Tiriti o Waitangi.

C.2 Retaining Māori wards will enable the relationship between Māori and the Crown to heal and weave resilience into it. Allowing this Bill to go ahead in its present form will only damage the Māori-Crown relationship and continue to stoke civil unrest and racism.

As an organisation actively committed to peace and justice in our country, Pax Christi Aotearoa New Zealand recommends that this Bill be entirely rejected.

Ngā mihi ki a koutou.

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