

CRITICAL TIRITI ANALYSIS OF
HE MATA WHĀRIKI, HE MATAWHĀNUI:
REVIEW INTO THE FUTURE OF LOCAL GOVERNMENT IN AOTEAROA

Heather Came,¹ Hana Wilkinson,² Grant Berghan,³ Leanne Manson⁴

ABSTRACT

Hapū are interested in local government due to their decision-making influence over the cultural, social, economic and environmental wellbeing of a district that can enable or restrict tino rangatiratanga. In Aotearoa, the debate about Indigenous engagement in local government is shaped by Te Tiriti o Waitangi responsibilities to protect and promote the interests of hapū. There is currently a major review of local government underway, which is providing a once-in-a-generation opportunity to have a courageous conversation about the future of this sector. This paper presents a Critical Tiriti Analysis (CTA) examining to what extent He mata whāriki, he matawhānui – the local government draft review report – has engaged with te Tiriti. It includes a postscript on the final report released while this paper was under review. In the draft report we found variable engagement. It was strongest regarding relationships and governance and weaker in relation to tino rangatiratanga, ōritetanga (equitable citizenship) and wairuatanga (spiritual domain). This review challenges local and regional government to lift their game in relation to their te Tiriti responsibilities and concludes that local Māori solutions, mātauranga Māori knowledge and leadership are required at all levels of local and regional government. National states of emergency and devastating disasters in the context of Cyclone Gabrielle will no longer wait for the bureaucracy of the local government.

Keywords: Te Tiriti o Waitangi, local government, Critical Tiriti Analysis, policy analysis

INTRODUCTION

The United Nations (2007) Declaration on the Rights of Indigenous Peoples (UNDRIP) guaranteed Indigenous peoples the right to self-determination and

the right to autonomy and self-government. This includes the right to maintain and strengthen Indigenous institutions while retaining the right to participate fully in the political, economic, social and cultural life of the state.

Local government has historically colluded with the colonial project and been party to the supplanting of local Indigenous governance structures, land alienation, and the enabling of institutional racism within local government (Mowbray 1994; Roberts and Boyce 1996). The imposition of western (colonial) regulatory requirements and priorities within local government has often not centred relationships with Indigenous communities nor attempted to indigenise local government practice (Stanford 2022).

There is at times a lack of political will to engage authentically, or indeed power-share, with Indigenous communities in this domain (Hoehn and Stevens 2018). Indigenous peoples and aspirations are often seen exclusively as a central/federal government ‘responsibility’ (King 1998). This lack of clear mandate is often used as a rationale by local government for inaction. Ambang (2008) has noted that non-engagement with Indigenous leadership presents significant risk to local government around achieving social, cultural, environmental and economic outcomes.

Indigenous people have always resisted racism within local government and elsewhere, and many see it has an important domain to advance Indigenous aspirations. Sareen and Iben (2018) have argued that local government is of strategic importance and could nurture participatory democracy and protect and affirm the interests of Indigenous peoples. For this to occur, they argued that there needs to be high literacy, social cohesion, and proactive leadership.

AOTEAROA CONTEXT

Local government institutions are configured variously across nation states. In the context of Aotearoa, we have 78 local, regional, and unitary councils. Elected members are chosen every three years and meet monthly to make decisions. The elected members employ a chief executive to run the everyday business of the council, and they in turn employ all other council staff. Across the councils there are approximately 1600 elected members and 131 community or local boards (*Local Government in New Zealand* 2023).

Te Tiriti responsibilities are foundational to this sector. Te Tiriti was negotiated between the British Crown and hapū in 1840 and established the terms and conditions of non-Māori settlement in Aotearoa. It reaffirmed Māori tino

rangatiratanga, as previously outlined in the 1835 He Whakaputanga o te Rangatiratanga o Nū Tirenī (Declaration of Independence). Within these clear constraints, it granted the Crown the right to govern their (non-Māori) people (Healy, Huygens, and Murphy 2012). Breaches of te Tiriti occurred in quick succession as the settler government consolidated their power and embedded policies of colonisation and assimilation (Orange 2011).

In the Constitution Act 1852 the British assumed unitary parliamentary sovereignty over Aotearoa, in what remains one of the most significant breaches of te Tiriti. Within the Constitution Act, six provincial councils were established. Each province consisted of a superintendent and a provincial council of no less than nine people, which were elected by the men living in the district who owned freehold land. As Māori traditionally owned land on a tribal basis, Māori were outnumbered by non-Māori during voting. Māori women were further disadvantaged and separated from their land ownership by colonialisation processes, such as the Native Lands Acts of 1862 and 1865, which engineered the individualisation of land title (Toi 2019). The provinces were replaced by county councils and borough councils in 1876. This system lasted for over a century until the Local Government Act 1974, which redefined the power and responsibilities of local authorities.

The late 1980s local government reforms further devolved ‘municipal’ responsibilities from central to local government. Amendments to the Act in 1987 obligated local government to acknowledge Māori values in resource management decision-making (Hayward 2003). The Local Government Act 2002 further strengthened requirements for local government 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. Treaty principles have been developed by assorted Crown agencies and entities and the judiciary since the 1980s and frequently appear in Crown policy, strategies and legislation. However, in the context of this Act it is unclear which Treaty principles they are referring to.

Local government in its current form focuses on enabling democratic decision-making and promoting the cultural, economic, social and environmental well-being of communities. Its specific powers are conferred via legislation from the New Zealand parliament. A key piece of legislation impacting local government is the Resource Management Act 1991. This Act has been criticised for its limited engagement with tino rangatiratanga with resource decision-making powers remaining with local government (Thompson-Fawcett, Ruru, and Tipa 2017).

Environmental legislation was under review alongside the work being done on the future of the local government sector, which is the focus of this paper. The Spatial Planning Act 2023, the Natural and Built Environment Act 2023, and the Resource Management Amendment Bill were all being reviewed and/or developed, although they have subsequently been repealed by the incoming National – Act – New Zealand First coalition government. The first two Acts contained requirements to give effect to the principles of te Tiriti, and to proactively monitor te Tiriti performance and the appointment of Māori to planning committees. However, again there was a lack of clarity regarding which principles these Acts were referring to.

Despite a few tentative steps with the provision of Māori wards in the Local Electoral Act 2001, appropriate Tiriti-based structures for governance have not yet emerged (Webster and Cheyne 2017). Māori wards were proposed to increase representation and participation in local democracy through more Māori councillors and voters. Initially, this process included a binding referendum. Due to significant cultural racism and the demographic profiles of communities, these referenda have proved to be an almost insurmountable barrier to improving Māori representation in local government.

After considerable advocacy, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 removed all requirements for binding referenda and aligned Māori wards and constituencies with the structure of general wards and constituencies. Furthermore, the Local Government Electoral Legislation Act 2023 simplifies the representation review process that councils must follow every six years. The first step in the review process must be a decision about whether to establish Māori wards. This aims to enable equitable Māori representation on councils.

Bargh (2021) has identified three key challenges to greater engagement with te Tiriti from the local government sector. The first challenge consists of common discourses describing Māori as representatives rather than in terms of recognition of the Tiriti relationship. The second challenge is public resistance to the introduction of the Māori wards/constituencies that have been established. The third challenge is the lack of good data on Māori engagement with local government, which limits our understandings of the interactions between Māori and local government. Institutional racism is likely to be an additional barrier (Human Rights Commission 2022).

In his background paper for this review, O’Sullivan (2022) noted that not all local government functions must be carried out by local authorities. He argued

that some of these functions could be led by iwi, hapū, marae or other Māori political communities. He defined rangatiratanga as ‘an authority that is not subservient or subject to the control of others’ (1). So, Māori have tino rangatiratanga outside the Crown, and as citizens Māori should also be able to be Māori and express tino rangatiratanga within kāwanatanga (governance) structures and processes. O’Sullivan introduced the concept of participatory parity, where he argued that participatory parity’s test is whether, after being on the losing side in a democratic contest, one can still say that the decision-making process was fair (17). He concluded by highlighting the importance of equal relationships where Māori are not seen as the junior partner in a bicultural project, but rather equal participants and shareholders in public sovereignty. He also argued that ‘a state that belongs to everybody and works for everybody requires bold thinking about how kāwanatanga works to include all citizens with the same realistic opportunities for influence’ (4).

Under the international legal doctrine of *contra proferentem*, te Tiriti established the terms and conditions of all non-Māori settlement. In negotiating te Tiriti, Māori did not cede sovereignty. To underscore this point, the Waitangi Tribunal (2014), a permanent independent commission of inquiry charged with investigating alleged breaches of te Tiriti, confirmed in their WAI 1040 stage one report that Ngāpuhi did not cede sovereignty. Despite Crown resistance and misinformation (Bennett and Quilliam 2014), Māori remain the senior partner in the Tiriti relationship.

While for some the relationship between te Tiriti and local government is contested, it is clear that its functions are exercised under the Crown’s legislative authority. However, the Waitangi Tribunal (2011, 110) clarified:

It is now well settled that the Crown does not absolve itself of Treaty obligations by using its powers to subdivide kāwanatanga functions between central and local government. [...] Thus, while local authorities are not the Crown, as its statutory delegates they must be given clear Treaty duties and be made accountable for the performance of them.

It seems implausible that rangatira (Māori chiefs) would have deliberately excluded local government from the scope of te Tiriti. Rather, given the geographic dynamic of hapū, it makes sense that local tino rangatiratanga should lie at the heart of local government.

The authors of this paper assume the relevance of te Tiriti to local government.

We address a gap in the literature by using Critical Tiriti Analysis to examine to what extent *He mata whāriki, he matawhānui: Draft Report (Review into the Future for Local Government 2022)* is consistent with the five elements of te Tiriti.

METHODS

Critical Tiriti Analysis is a methodological approach that has proven useful in monitoring the performance of the Crown and Crown entities in the policy arena (Came, O’Sullivan, Kidd, and McCreanor, 2023). A CTA is a desktop review of a policy document that provides no commentary on the standing of the authors or publishers of the policy document. Instead, it is a contribution to critical reflection on policymaking with the intention to strengthen practice.

As outlined in Came, O’Sullivan and McCreanor (2020), CTA is a collaborative process that involves five stages. The first is a high-level orientation to the policy document. It involves discerning how the document is framed, how it talks about te Tiriti and te Ao Māori. The second stage involves a rigorous read, reviewing how the text addresses the five elements of the Māori text. In stage three the team make an independent determination against a set of indicators, and then develop a collective assessment. Stage four involves offering constructive suggestions about how the document could be strengthened, drawing on literature and the expertise of the team. The fifth stage is when Māori authors make a final overall determination of te Tiriti compliance.

This CTA has been carried out by three Māori public health practitioners and a Pākehā public health practitioner with a commitment to racial justice and te Tiriti. No ethical approval was required for this document review.

RESULTS

This CTA examines *He mata whāriki, he matawhānui: Draft report (Review into the future for Local Government 2022)* henceforth referred to as the Draft Report. Note that it does not consider the Review panel’s interim report *Ārewa ake te kaupapa (Review into the Future for Local Government 2021)*.

Stage one: Orientation

This review is framed as a once-in-a-generation opportunity to influence local government reform. From the website the Review is being led by a panel of five, one of whom has whakapapa Māori. There were Māori on both the Business Reference Group and the Māori Thought Leaders Rōpū that informed the

review. The initial engagement process took place over eighteen months with thousands of New Zealanders contributing face to face or online to the document. Seventy-five Māori representing hapū and other groups met with the panel. The Draft Report is deliberately not a final report as the Review Panel were still seeking input.

There is a dedicated section within the Draft Report on Tiriti-based partnerships, which is a theme across the document. The Review Panel recognised (12) that to be in a Tiriti-based partnership involves having authentic relationships in place that are mana-enhancing reflecting a sharing of values and priorities.

There is an important early concession in the report (8) acknowledging the historical and contemporary limitations of the current local government environment with hapū and iwi.

There is limited representation and an undervaluing of hapū/iwi and Māori as a critical partner in the absence of a fit-for-purpose legislative framework inclusive of te Tiriti o Waitangi in local governance.

The text refers to the principles, rights and obligations of te Tiriti. In terms of terminology (66), the report problematically defines te Tiriti as referring to both te Tiriti (the Māori text) and the Treaty (the English version).

Stage two: Close reading

Preamble

The Draft Report clearly indicated the Review Panel's desire to have authentic relationships and engagement with hapū and iwi and their intent to develop and invest in internal systems to strengthen this engagement (9). This intention, however, seemed to minimise the fact that Māori staff and leaders are already working within local government.

The Draft Report introduces a Tiriti-based partnership between Māori and local government which draws on both the articles and the principles of te Tiriti and provides a structure which could be adapted to different contexts (84). It is noted that some of the words chosen could devalue the intention of this framework, making it vulnerable to subjective interpretation. For example: 'Under this framework, in situations where Māori have a strong interest in a local function, and there is no fundamental reason why it must be exercised by council on behalf of the whole community, they may take a lead role in the

design or delivery of that function’ (85).

We understand that the term Māori is used as a catch-all term within this report. In terms of te Tiriti, it is useful to recall that it was hapū leaders who signed te Tiriti. The distinctions between hapū and iwi is not explicit in the report; rather they are referred to as hapū/iwi.

Kāwanatanga

The Review Panel stated their desire to engage better with Māori across all local government legislation. This framing contains the relationship and engagement to the legislative domain. However, it is important that a broader, more holistic relationship between local government and mana whenua (local Māori) and mātāwaka is built into this (Māori originally from outside the region).

The Draft Report noted the desirability of pursuing deliberate and participatory democracy in local decision-making. Given the demographic minority status of Māori, it is not clear how those mechanisms would be adapted to enable Tiriti-based democracy and/or decision-making.

A new legislative framework for te Tiriti in local governance is outlined in the report. This includes a strategic role for Māori alongside central and local government, and commitments to improved Māori participation and representation in Council processes and government. Central (and local) government are consistently represented as senior within the Tiriti relationship. The Review Panel (2022, 90) takes guidance from Te Arawhiti and quotes:

Operative Tiriti clauses [...] should reflect a very clear policy outcome, [...] and there should be a clear understanding of what their practical effect will be and how those charged with implementing the Act will implement it.

The Draft report commits to investing and building Māori capability and capacity. It also notes the statutory requirement of local government chief executives to develop and maintain Council staff’s political and cultural competencies to engage and partner successfully.

Tino rangatiratanga

The Review Panel recommended that central government lead a review of requirements for engaging with Māori across local government-related legislation.

It is not explicit which part of central government would lead this engagement, and it seems unlikely they would hold strong local connections with hapū. It was unclear why the Crown would lead this review and why it needs to be contained within a legislative domain.

The Review Panel noted that they are aiming for a ‘genuine partnership in the exercise of kāwanatanga and rangatiratanga in a local context that explicitly recognises te Ao Māori and conceptions of wellbeing’ (13). The Draft Report talked about te Ao Māori values under-pinning decision-making. The Review Panel recommended that these values be determined via a comprehensive engagement process with Māori. What this process looked like was not detailed.

The Review Panel recommend ‘creating space for hapū/iwi to pursue self-determination’ (14). Likewise, the Draft Report indicates ‘that local and central government, in a Tiriti consistent manner, should review the future allocations of roles and functions’ (15). These statements and others across the Draft Report consistently assume that local and central government are the senior Tiriti partner rather than hapū.

The Draft Report assumes that local government is best placed to be an anchor institution rather than well-resourced hapū or Māori organisation. Meaningful co-governance is acknowledged by the Review Panel, and recommendation seven states that councils will develop a partnership framework with hapū, iwi and significant Māori organisations that complements existing co-governance arrangements. It should be made explicit how that would co-exist with hapū expressions of tino rangatiratanga. The Review Panel describes co-governance (86 and 243) as a decision-making partnership between local government and Māori but goes on to state that co-governance does not mean that final decisions can or should be made ‘jointly’. The Draft Report also notes the explicit role for Māori alongside government in identifying addressing priority outcomes to drive community wellbeing (18).

Ōritetanga

The need to reduce social and economic ethnic inequities was noted throughout the Draft Report. Councils are encouraged to consider pursuing intergenerational outcomes when solving complex problems such as inequities. The Draft Report provides limited recognition of the negative impact of colonisation on these inequities and what redress might be included within procurement practices.

Māori remain under-represented as councillors across the local government sector and in senior council roles (Mahuta 2021). Lowering the eligible voting age to 16, due to the demographics of the Māori community, holds potential to improve voter turnout. Racism isn't identified as a driver of the under-representation of elected officials or senior staff with local government.

The Draft plan recommends embedding social/progressive procurement and supplier diversity, which may enable further Māori economic development.

Wairuatanga

The Review Panel notes the existing statutory obligation for councils to give consideration to an agreed local expression of tikanga whakahaere in their standing orders and engagement practices (11). The Draft Report doesn't make explicit the connections between the health of the environment and people from a te Ao Māori perspective.

Stage three: Determination

The authors appreciate how challenging it is to engage robustly with te Tiriti in Crown documents. We acknowledge the review leaders and the complex political environment within which they are operating. This determination is an analysis of the words contained within the review document as of mid February 2023. We note across the entire document the positioning of Māori as the junior within the Tiriti relationship.

In terms of the preamble, the authors assessed it as good. We noted extensive references to promoting Māori interests and improving the relationship between Māori and local government.

In relation to the domain of kāwanatanga we assessed it as fair. Although there were comprehensive statements about improved Māori engagement in Council stewardship, governance and other leadership areas, we note the ongoing representation of Māori as junior within the Tiriti relationship. This is unconscionable.

We assessed the domain of tino rangatiratanga as fair. The review seems to support only limited expressions of tino rangatiratanga. We recognise that in the current colonial context, a pure, full expression of tino rangatiratanga is hard to imagine within the context of local government.

In terms of *ōritetanga* we assessed it as fair due to the emphasis within the report on exercising the rights and privileges of citizenship. It was less explicit how Māori might exercise their rights to be Māori citizens within local government.

We determined the final domain (*wairuatanga* and *tikanga*) as fair due to the limited explicit engagement with *wairuatanga*. That said, we acknowledge for many, *wairuatanga* would be embedded within *tikanga* and *te taiao*.

Table 1. *Critical Tiriti Analysis determination: Interim Statement against Indicators.*

	Silent	Poor	Fair	Good	Excellent
Recognition that policy preserves Māori interests and contributes to peace and good order				×	
Evidence of Māori presence and leadership in <i>kāwanatanga</i> .			×		
Evidence of the influence of Māori chiefly authority, values and worldviews			×		
Māori exercising the rights and privileges of citizenship			×		
Recognition of <i>wairuatanga</i> and <i>tikanga</i>			×		

DISCUSSION

Stage four: strengthening practice

He mata whāriki, he matawhānui is a thoughtful and considered document that has clearly deeply engaged with the role of *te Tiriti* in local government. It is an important document that hopefully will positively influence the future of local government in this country.

The authors have a range of suggestions how the final report could be strengthened. Firstly, it is deeply problematic to use the term *te Tiriti* to refer simultaneously to *te Tiriti* (Māori text) and the Treaty (the English version), and this confusion should be removed from the next iteration. These are two separate documents that say two distinct things. You either accept the the legal doctrine of *contra proferentem* and the Waitangi Tribunal WAI 1040 ruling that Ngāpuhi never ceded sovereignty, and so recognise the Māori text; or you take the contrary position, embracing the English version, and maintain that Māori ceded sovereignty. Currently the Draft Report endorses two paradoxical positions.

In terms of terminology, it is important to note that hapū and iwi are distinct entities. Hapū is a large kinship group descended from a common ancestor and the primary political unit in traditional Māori society. It is hapū leaders who negotiated and signed te Tiriti. Iwi, in contrast, is a much bigger grouping connected to a particular ancestral waka. Iwi is often used as a grouping of convenience by the Crown to simplify its dealings with Māori. It can be difficult to broker consensus across such a large, diverse grouping. Hapū need to be recognised as senior within the Tiriti relationship by local government, while ensuring all Māori have input into council decision-making.

Consideration also needs to be given to mātāwaka within local government (Bargh 2013; Te One 2018; Waitangi Tribunal 1998). It is difficult to locate data on the number of Māori living away from their tūrangawaewae across Aotearoa. In some local government areas, the percentage of Māori living as mātāwaka is high. For example, in Te Taihū (top of the south) region, around 75% of Māori are mātāwaka, which is a significant portion of the Māori population. It is important to be clear that mātāwaka are not mana whenua of the land they are living on. However, mātāwaka will play a part in achieving participatory democracy for Māori in local decision-making.

Relationships between hapū and council are rich in history and often complicated by historic policies of colonisation and assimilation. Local government and hapū have co-existed for more than a century through profound social, political and cultural change. It would be pleasing to see this rich complexity acknowledged and the relationship not be defined by the current Crown legislative brief. Each relationship will be different, but if equity is a focus of the future of local government, consideration needs to be given to the impact of Crown breaches of te Tiriti, which have had intergenerational impacts on social, economic and cultural outcomes.

Māori never ceded sovereignty when they negotiated te Tiriti. Māori are not junior within the Tiriti relationship to central and local government. Māori leadership needs to be embedded at all levels of local government, from elected officials to Council employees and senior managers. In addition, the following recommendations should be co-developed with Māori to achieve the desired outcomes: three (review of requirements for engaging with Māori across local government legislation), six (the development of a new legislative framework for Tiriti related provisions), nine (the exploration into a stronger statutory requirement on councils to foster Māori capacity to participate in local government), and 10 (the development of organisation workforce development plans to partner and engage with Māori). The Final Plan needs to recognise

tino rangatiratanga of hapū and other Māori groupings. Hapū frequently have visionary intergenerational holistic plans of what they want to achieve in terms of economic, environmental, cultural and social outcomes. We encourage the Review Panel to consider flipping their own narrative to consider: how can local government support local expressions of tino rangatiratanga? An authentic Tiriti relationship involves sharing power, resources and leadership. We welcome the inclusion of ideas from the landmark *Matike Mai* (2016) report within the Draft Report.

It seems useful for the Review Panel to also seriously consider how racism within local government bodies and the communities they serve puts up barriers to strong relationships with hapū. In the traditions of *Pūao-te-āta-tū* (Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare 1988) and *He whaipānga hou* (Jackson 1988), we suggest that a review is done examining institutional, cultural and personally-mediated racism within local government, with a view to developing a sector-specific antiracism strategy. This could align with existing work being done by the Ministry of Justice towards a National Action Plan Against Racism. It seems unlikely that the full potential of the relationship between hapū and local government will be achieved until the normalised racism is addressed. Likewise, we encourage efforts to extend and normalise tikanga within the domain of local government.

CONCLUSION

Stage five: Māori final word

The vision, he mata whāriki, he matawhānui, challenges us to work together in partnership. A lot has to change within local and regional government. It will take courageous conversations, and an even stronger commitment to Papatūānuku, our ancestors and our future mokopuna, to make the necessary changes.

The catastrophic Cyclone Gabrielle followed swiftly on the heels of COVID 19 and has exposed significant infrastructural problems throughout the country. It is clear that our road and transport, communications, water systems, emergency response coherence and in some cases, our leadership, were insufficient to meet the needs of the crisis as it unfolded. It is evident that we can no longer ignore the reality of climate change. We are currently experiencing its effects, and unfortunately, we can anticipate numerous similar, and even more severe, events in the times ahead. It is here, we are in the middle of it, and we will

have many more similar, and heaven forbid, worse events to contend with in the future. The big question is whether we have the political courage to take a proactive approach to building back better, or whether, as we have done so often in the past, we react to this latest event, and provide patch repairs to an infrastructure that is no longer fit for purpose.

The same can be said for te Tiriti. Māori did not cede sovereignty. This has always been our position as Māori and is supported by the findings of the Waitangi Tribunal (2014). In a very real sense, te Tiriti is the fundamental part to the infrastructure of this country, before and after roads, and water and powerlines. Te Tiriti provides a framework, imperfect though it is, to reconcile our history and to build back better for our future and the future of our mokopuna. As with climate change, we can no longer keep our heads buried in the sand. The opportunity with the Review into the Future of Local Government is to take a proactive approach and to envision a new future with te Tiriti embedded front and centre of local government policies and practices, and where real, authentic, and meaningful relationships with Māori are the norm. Whilst good progress has been made, there is a lot more work to be done.

The draft Report on the Review of Local Government Reform is a major piece of work. No doubt its findings will be amended pursuant to the impacts of Cyclone Gabrielle, but it remains even more so a once-in-a-generation opportunity to invoke transformational change. The CTA is a practical tool that can assist the leaders of this process to assess their Report against the dimensions of te Tiriti. The recommendations are provided to strengthen the Report. We commend the Review Panel and the Māori Thought Leaders Rōpū for their contributions and their extensive consultation with Māori across the motu.

The hope for the future, and the vision he mata whāriki, he matawhānui, are demonstrated by the courage and generosity of spirit that the communities most affected have demonstrated in the aftermath of Cyclone Gabrielle. If we could gather that collective bravery and courage of our communities, and build on the collective community spirit to work side by side within the Tiriti relationship to develop joint values for sustainability, kaitiakitanga, and aspirations for te taiao, together, we will achieve collective action for our people and te taiao.

POSTSCRIPT

While this paper has been under review, the final report on the local government review *He piki tūranga, he piki kōtuku (Review into the Future of Local Government 2023)* was released. Given the similarities between the draft and

final reports the authors opted not to repeat the CTA process over the final document.

We welcome the new 3–6 recommendations that aim to grow authentic Te Tiriti-based partnerships but also note:

- The Preamble of Te Tiriti articulated an intention to engage in a relationship of peace and good order between Māori and the Crown. It is disappointing that good faith engagement with Māori and partnership frameworks have to be a statutory requirement and directed by central government. Māori aspirations, worldviews and mātauranga should be central to all kāwanatanga activities, both on an everyday and strategic level of business.
- Article one of Te Tiriti refers to kāwanatanga inclusively, and makes no distinction between central, local or regional government Tiriti responsibilities. These distinctions in governance are the product of settler colonialism.
- All New Zealand citizens, especially Crown officials and elected representatives, should have a base-level understanding of te Tiriti, and te reo me ōna tikanga. That this capacity building needs to be legislated reflects a failure of our education system. In the current climate, embedded antiracism education and cultural competencies also seem important.

CONFLICT OF INTEREST AND FUNDING

The authors have no known conflicts of interest.

NOTES

- 1 Dr Heather Came is a seventh generation Pākehā New Zealander with a background in public health and social justice activism. She currently runs a racial justice consultancy – Heather Came and Associates. She is an Adjunct Professor at Te Herenga Waka – Victoria University.
- 2 Hana Wilkinson – Taranaki te Maunga, Hangatahua te Awa, Taranaki Iwi, Ngā Mahanga Hapū, Tihei Mauri ora e! Hana has experience working within the health system both at the individual healthcare level and at the population health and wellbeing level.
- 3 Grant Berghan Ngāpuhi, Ngātiwai and Te Rarawa Iwi. He is an experienced senior executive with a passion for Māori development. He co-facilitates Māori

Leadership Programmes, in conjunction with Tania Hodges representing DigitalIndigenous.com.

- 4 Leanne Manson – Parapara te Maunga, Pariwhakaoho te Awa, Ngāti Tama ki te Taihū, Te Ātiawa ngā iwi, Tihei Mauri ora! Leanne has extensive health sector experience across clinical nursing settings, Māori health policy, Māori health equity advisory and professional policy roles. Leanne currently works as the Pou Tohu Mātāmua, Principal Advisor in the Māori Directorate at Te Pātaka Whaioranga Pharmac based in Wellington.

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