

Local Government legal obligations to Māori

Meeting: Kaipara District Council
Date of meeting: 30 July 2025
Reporting officer: Jason Marris, Chief Executive

Purpose | Ngā whāinga

To adopt a document that explains the Local Government legal obligations to Māori.

Executive summary | Whakarāpopototanga

One of the Chief Executive objectives for the 24/25 financial year, set by the Remuneration and Development Committee (the committee), was to create a document that outlines the legal obligations to Māori for local government.

Franks Ogilvie (FO) was requested by the committee to complete this work. Following reviews and updating to reflect new legal decisions, the final draft was presented to the 22 May 25 committee meeting. The committee agreed on a legal peer review of the document and delegated the Mayor authority to approve the document for subsequent submission to Council for adoption.

The final document, post peer review, is now being presented by the committee to Council for adoption.

Recommendation | Ngā tūtohunga

That the Kaipara District Council:

- a) Notes that a document was sought by the Remuneration and Development Committee to provide a clear understanding of the legal obligations to Māori for Local Government
- b) Notes that the initial draft created by Franks Ogilvie went through a peer review process by Simpson Grierson
- c) Notes that cost of this work was approximately \$52,000, which was unbudgeted but met from within current budgets.
- d) Notes that this document was recommended to Council for adoption by the Remuneration and Development Committee
- e) Adopts the Local Government legal obligations to Māori document, provided at Attachment A.
- f) Notes that following adoption, the Chief Executive will deliver the content of the document to all staff and consultants in line with the objective.

Context | Horopaki

When setting the Chief Executive's objectives for the 2024/25 financial year, the Remuneration and Development Committee (the committee) included the objective below relating to the legal obligations to Māori for Local Government.

Objective

Work with the Remuneration and Development Committee to develop a document summarising and explaining council obligations (or lack thereof) to Māori under the Treaty of Waitangi, principles of the Treaty of Waitangi, Local Government Act 2022, Resource Management Act 1991, Māori Language Act 2016, New Zealand Bill of Rights Act and United Nations Declaration on the Rights of Indigenous Peoples.

Deliver the content of the document to all staff and consultants.

It was understood when the committee set the objective that no one source was available that explains these legislative requirements for local government.

Discussion | Ngā kōrerorero

In October 2024, the committee provided a source document which was authored externally as a starting point. The committee then requested that Franks Ogilvie (FO) be the legal firm engaged to convert the source document into a legal opinion (the document) that best fulfilled the objective.

On behalf of the committee, the Mayor and Deputy Mayor with the Chief Executive (CE) met with FO to agree the scope of work. The paperwork required to engage FO was then executed in November 2024 by the CE.

A draft document went through a variety of discussions and revisions between the Mayor and Deputy Mayor, the CE and FO over ongoing months. An initial draft also needed to be updated to reflect some key legal decisions made, subsequent to the initial draft being made available.

The final draft was provided by FO and reported to the 22 May 2025 Remuneration and Development Committee, where it was approved.

The committee also agreed that the CE conduct a legal peer review of the draft document. The CE then coordinated that using council's solicitors, Simpson Grierson. The committee also delegated authority to the mayor to approve the document post legal peer review for submission to Council for final adoption.

The peer review was professional and constructive, with changes made or negotiated as a result. There are sections included in the final document on behalf of the committee that have no specific legal relevance, however, the committee (via the Mayor and Deputy Mayor) believed they added to the context of the document, so wanted them included.

These are;

- Paragraph 34 and Appendix C relating to the Local Government New Zealand (LGNZ) Standing Orders standing orders template
- Paragraphs 38 - 39, Local Government reform
- Paragraphs 47 - 50, Review of Treaty Provisions

The document provided at **Attachment A** of this report is the final document, post peer review and subsequent approval for submission by the Mayor.

It should also be noted that the document is as up to date as possible at time of adoption. Decisions will be made that could impact the future accuracy of the document. This will be exacerbated by time and will need to be taken into account by readers.

Options

Option 1: Adopt the document provided at Attachment A

This is the recommended option to Council from the Remuneration and Development Committee. This would allow the document to be provided to staff and consultants in line with the objective set by the committee.

Option 2: Not adopt the document provided at Attachment A

If Council does not adopt the document, status quo prevails and staff/consultants would not be provided the document.

Policy and planning implications

It is the intention of Council that this document be used to educate staff about legislative responsibilities to possibly inform future planning, processes and policy decisions of Council.

Financial implications

It is unclear at this stage if there are any financial implications (both positive or negative) within the document. They would need to be assessed at the time with decisions made based on available budget.

The total cost for this report to be created and finalised was approximately \$52,000 in total, which was unbudgeted and sourced from within current budgets in the 24/25 financial year.

Risks and mitigations

It is possible that this document becomes more widely known than just for use by KDC staff and consultants. This was anticipated and is a reason a legal peer review was conducted.

Impacts on Māori

The document provides the legal obligations to Māori for local government that are already in statute. It is anticipated that if future processes change as a result, that Iwi/Māori would be informed or engaged ahead of any changes, if they are significant.

Significance and engagement | Hirahira me ngā whakapāpā

The decisions or matters of this report are considered to have a low degree of significance in accordance with Council's Significance and Engagement Policy. No feedback is required, and the public will be informed of Council's decision via the agenda and minutes publication of this meeting, on the website and through other channels if appropriate. The document provides a summary of the legal obligations to Māori for local government. These obligations are already in statute.

Next steps | E whaiake nei

If approved by Council, the CE will inform the staff and consultants in accordance with the objective requirements.

Attachments | Ngā tapiritanga

	Title
A	Local government legal obligations to Māori document