



12 July 2022

Luke (via FYI)  
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Tēnā koe Luke

**Your Official Information Act request, reference OIA 2122-0859**

Thank you for your email of 22 June 2022 to the Department of Internal Affairs (the Department), requesting the following information under the Official Information Act 1982 (the Act):

- “1. Who are "mana whenua" as mentioned in the Water Services Entities Bill?*
- 2. How are "mana whenua" appointed to the various co-governance boards in Three Waters?*
- 3. Are "mana whenua" elected or appointed? If they are elected, who are their electors?*
- 4. How frequently will "mana whenua" elections be held?*
- 5. Will "mana whenua" elections be run and paid for by the Electoral Commission?*
- 6. Will NZ's electoral laws apply to those elections?”*

The information you requested in questions one, two and three has been released as part of the parliamentary process and is publicly available on the New Zealand Legislation website. Accordingly, these parts of your request are refused under section 18(d) of the Act. Please find the information relating to questions one to three in the Water Services Entities Bill (the Bill) via the following link, and summarised below:

<https://www.legislation.govt.nz/bill/government/2022/0136/latest/LMS534587.html>

The information in response to question one is set out in clause 6 of the Bill:

*‘mana whenua, for an identified area, means the iwi or hapū holding and exercising, in accordance with tikanga, authority or other customary rights or interests in that area’*

The answer to question two is set out in clauses 33, 91 and 95 of the Bill. Clause 33 outlines that mana whenua must appoint mana whenua representatives to the regional representative group for the water services entity area. Clauses 91 and 95 set out the constitutional framework that supports clause 33.

The Minister of Local Government (the Minister) will approve the first constitution of each entity following engagement with its territorial authority owners and mana whenua in its service area. Clause 95 sets out how the constitution may be amended.

The answer to question three is provided on page 12 and 13 of the Bill's explanatory note, which describes the appointment of regional representatives. Clause 91 of the Bill will specify the composition and appointment processes of each regional representative group which will be provided for in the constitution.

We are unable to respond to parts four to six of your request as the Bill does not provide for elections to the regional representative group or to regional advisory panels, if these are established. Accordingly, we are refusing these parts of your request under section 18(g) of the Act, as we believe that the information is not held, and there are no reasonable grounds to believe it is held by, or more closely connected with the functions of, another Minister or agency.

Of note, clause 30 sets out the decision-making process by the regional representative group. As far as possible decisions will be made by consensus. If consensus cannot be reached, the matter will be put to a vote and requires a 75 percent majority of the members present and voting.

As this information may be of interest to other members of the public, the Department has decided to proactively release a copy of this response on the Department's website. All your personal details will be deleted and we will not publish any information that would identify you as the person who requested the information.

You have the right, under section 28(3) of the Act, to seek an investigation and review of this decision by the Office of the Ombudsman. The postal address of the Office of the Ombudsman is PO Box 10152, Wellington. Alternatively, you can phone 0800 802 602 or email [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'S. Perry', written over a horizontal line.

Samantha Perry  
**Acting Manager, Ministerial Services**  
**Three Waters Reform Programme**