

Strategy, Policy & Finance Committee Hearing Minutes 19 October 2021

01-15-228
RDC-1195194

Minutes

**Strategy, Policy & Finance Committee Hearing
held Tuesday 19 October at 9am
Council Chamber, Rotorua Lakes Council**

- MEMBERS PRESENT:** Cr Raukawa-Tait (Chair)
Cr Kai Fong (Deputy Chair), Mayor Chadwick, Cr Bentley, Cr Donaldson,
Cr Kumar, Cr Macpherson, Cr Maxwell, Cr Tapsell, Cr Wang, Cr Yates,
Mr Biasiny-Tule (Te Tatau o Te Arawa), Mr Thomass (Lakes Community Board)
and Mrs Trumper (Rural Community Board).
- APOLOGIES:** Mr Berryman- Kamp (Te Tatau o Te Arawa)
- STAFF PRESENT:** G Williams, Chief Executive;
O Hopkins, Deputy Chief Executive, District Leadership & Democracy;
G Rangi, Deputy Chief Executive, Te Arawa Partnership;
C Tiriana, D Deputy Chief Executive, Chief Executive's Group;
N Michael, Senior Communications Advisor; K Tawhai, Partnership Advisor;
R Dunn, Governance Lead; H King, G Konara & I Brell, Governance Support
Advisors.

The hearing opened at 9am.

The Chair welcomed elected members, media, staff and members of the public.

**1. KARAKIA WHAKAPUAKI
OPENING KARAKIA**

Cr Yates opened meeting with a Karakia.

**2. NGĀ WHAKAPĀHA
APOLOGIES**

Resolved:

That the apology from Mr Berryman-Kamp be accepted.

Moved: Cr Kai Fong

Seconded: Cr Maxwell

CARRIED

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Chair noted there were two submissions to be heard on behalf of the Rotorua Residents & Ratepayers Association and Te Tatau o Te Arawa and advised she would not accept any questions from Cr Macpherson and Mr Biasiny –Tule, due to a conflict of interest with the respective submissions. The Chair added submitters do not have an opportunity to ask questions of other submitters.

4. PŪRONGO KAIMAHI STAFF REPORTS

RECOMMENDATION

RDC-1191628

4.1 YOUR CHOICE – 2022 REPRESENTATION REVIEW SUBMISSION HEARING

Resolved

1. That the report “Your Choice – 2022 Representation Review Submission Hearing” be received.

Moved: Mr Thomass
Seconded: Cr Kai-Fong

CARRIED

5. LIST OF SUBMITTERS

Time	No	Name
9.05am	1	Cr Winters on behalf of Bay of Plenty Regional Council
9.15am	2	Denys Caves on behalf of Rotorua District Residents & Ratepayers
9.25am	6	Keith Garrett
9.35am	4	Justin Adams
9.45am	3	Ngāti Whakaue by audio visual Tupara Morrison, Ana Morrison David Thomas
9.55am	7	Mike McVicker
10.05am	5	Peter Brandley by audio visual
The hearing adjourned at 10.20am and recommenced at 10.50am		
10.55am	8	Lachlan McKenzie
11.05am	10	Grey Power Rotorua
11.15am	20	John Pakes

The hearing adjourned at 11.30am and recommenced at 11.50am		
12.03pm	12	Te Taru White and Jude Pani on behalf of Te Tatau o Te Arawa
12.14pm	13	Hilary Walker (audio-visual) and Colin Guyton on behalf of Federated Farmers of NZ
	14	Colin Guyton (personal submission)
12.28pm	15	Everard Anson
12.35pm	16	Liam Temara-Benfell
12.52pm	17	Gary Page
The meeting adjourned at 12.55pm and recommenced at 1.30pm		
Attendance: Cr Kumar left the hearing at 12.55pm		
1.36pm	18	John C Martelli
1.49pm	19	Theo van den Broek
1.55pm	22	Neil Kennedy
2pm	23	Alan Wills
2.10pm	21	Kepa Morgan
2.20pm	24	Ryan Grey
Attendance: Cr Kumar joined the hearing at 2.30pm		
2.30pm	25	Jim Rofe
2.40pm	27	Deborah Brandley

6. RESOLUTION TO EXTEND MEETING DURATION

The Chair to advise under S.O. 4.2 the hearing cannot continue more than six hours from the start (including any adjournments) unless there is a resolution to continue.

Resolved

1. That the Committee resolves to extend the hearing by more than 6 hours.

Moved: Mrs Trumper

Seconded: Cr Donaldson

CARRIED

The hearing adjourned at 2.50pm and resumed at 3.15pm		
3.19pm	26	D A McPherson – tabled additional document- Attachment 1
3.29pm	29	Mark Gould - tabled additional document- Attachment 2
3.35pm	31	Alan Estcourt
3.55pm	30	Don Paterson

The Hearing closed at 4.12 pm

To be confirmed at the Strategy, Policy & Finance Committee meeting on 11 November 2021



Chair

Rotorua Lakes Council is the operating name of Rotorua District Council

Attachment 1:- D A McPherson –
Additional document tabled at the hearing –

Representation submission

Good afternoon your Worship and Councillors and thank you for the opportunity to address you on this important matter. I apologise to you in advance for the poor quality of my voice at present. The after effects of pneumonia sometimes leave me breathless when I am speaking but I hopeful that I will not need to ask for your forbearance.

My name is David McPherson. I was a resident of Rotorua County when it amalgamated with the City to become Rotorua District. After amalgamation, voting was based on geographic wards, as Councillor Maxwell will remember, and if my memory serves me correctly, he represented the Eastern Ward.

The current proposal though, is for ethnic based, rather than geographic based wards which is disappointing. Maori people appear to be doing far better with the current system than mere proportional representation will achieve for them, and having ethnic wards is likely to create resentment by some voters at their reduced choice, and also result in fewer Maori councillors than we have now. However that position is now behind us and the current issue is to make the new ward system work democratically.

The main points of my submission are:

- 1 The number of councillors should be increased to 18.
- 2 Equality of franchise is important for democracy and for trust and confidence in our voting system.
- 3 It is possible for our community board system to work even better for people in the Lakes and Rural Board areas.

I am a strong believer in government by the people, for the people. That means devolving power to the lowest possible levels. Community Boards are an excellent example of this and should be supported as much as possible. The Southland District Council, while obviously not having the legal authority to devolve financial authority to its Boards, had a policy of never overruling their decisions. If a Board wanted additional local works, above what would be allocated to their area under the District policy, the Council would approve them, subject to those costs being met by a local rate in that Board area. It meant that any 'wish lists' from a Board would be tempered by the reality of local acceptance of the benefits arising. I strongly support the retention of our community boards. In my written submission, I suggested having another two or three members on each Board so that they could better understand the aspirations of their local communities.

Moving now to the primary issues, it is notable that the wording in the Council advertisement in the Daily Post inviting submissions on its proposal referred to (quote) "fair and effective representation" rather than "democratic and effective representation". Fairness is a very subjective concept. As a Council chief executive once said when referring to submissions on a rating review, most ratepayers believe that a fair rating system is one where my rates go down and yours go up. I am concerned that this type of thinking may have had too much input into the representation system that the Council has proposed, rather than a system seeking equality of franchise.

It is disappointing that the Council appears to have given minimal consideration to increasing the number of councillors. In the past, ratepayers have generally supported having fewer councillors because of a perceived cost saving. However that reasoning no longer holds because the beauty of the current regulations is that councillor costs are now drawn from a fixed pot and costs remain the same in total, regardless of councillor numbers. Councils in the past have also argued for fewer numbers on the grounds of efficiency of decision making. The flaw in this is that it logically follows that the most efficient form of government is dictatorship, that is, government by only one person, as it eliminates the time taken by reasoning and discussion of alternative views. Conversely, democracy is less efficient for the opposite reasons. However the great advantage of democracy is that it results in better decisions because the people who are most affected by the outcomes are more involved in achieving them. The current number of 10 councillors means that there is very little diversity in our representation. Speaking as an outsider whose main view of the Council comes from information in the Daily Post, it appears that there are no more than 3 thought leaders on this body. If we had a greater number of councillors, we could have a greater variety of views presented with the better ones then being developed to give a higher quality of decision making. This is much more difficult to achieve with our limited representation. This review is the golden opportunity to bring a greater variety of views to the decision making table by having an increased number of councillors with the associated diverse life experience and a closer affinity with the community you represent.

My experience when I lived in Southland District was of a council that tried to achieve consensus by working through issues, regardless of what factions may or may not have existed at the start of a discussion on any topic. As an aside, it was also notable that a losing candidate in mayoral races generally became the deputy mayor, something that helped create mutual respect for all councillors.

In my written submission I recommended that your original Option 1 (that is, 10 councillors with 7 from the General Ward and 3 from the Maori Ward) be adopted, slightly modified to include 18 councillors. My reason for proposing the figure of 18 rather than something slightly lower is that it is the perfect number for a 72:28 ratio, that is to say, a 13:5 split of ward councillors. This provides the greatest equality of franchise for all electors. 13 councillors for 55,600 residents in the General Ward means 4,277 residents per councillor while 5 councillors for 21,700 residents in the Maori Ward means 4,340 residents per councillor. The deviation from the mean of 4,294 residents per councillor is well under 1% in each case. By contrast, the Council's proposed option is so far from an even split (47% and 24% deviations) that any appeal to the Local Government Commission would almost certainly succeed. It is noteworthy that it only takes one objection to the Commission for it to take the decision making out of the Council's hands and its past record indicates that equality of franchise is its primary focus. The onus is therefore on the Council to come up with an improved model, which reflects the aspirations of the Rotorua community and will also survive any examination by the Commission.

Thank you for listening to me. I trust that you will take up the two main proposals I have put to you – more councillors for better and more diverse representation, and also to achieve a more democratic split between the two wards. This will better enable us to achieve a sustainable result rather than one imposed on us from an outside body.

I am happy to respond to any questions you may have.

Attachment 2:- Mark Gould – Additional document tabled at the hearing

From: Mark Gould
Sent: Tuesday, 19 October 2021 3:16 pm
To: RDC Mail
Cc: RLC Governance
Subject: Councillors Submission 1 of 2

Good afternoon Your Worship and Councillors.

Thank you for allowing verbal submission to my written submission on the number of Councillors in the next election due October 2022.

My verbal submission today is to add to the submitted submission via the RLC website.

The issues with the website was only 250 letters per question could be used and confusion over the preferred Ward System. This is where people like myself wanted to add to the submitted submission.

My personal opinion is for the system of One Mayor and 10 Councillors at large.

One of the reasons is if there are Maori (Iwi) Wards then you as Councillors are dividing the population of Rotorua. At present we are "One People".

I refer to the Press article by the Justice Minister Hon Kris Faofoi.

He states that the impact on Maori Voters in the local Body Elections is a clear example of Maori Election Option failing to provide a meaningful choice of Roll.

The Option allows Maori Voters to switch between the General and Maori Rolls only after each five yearly census but it's under review as part of targeted electoral changes to support participation in the 2023 General Election.

Quote taken from the Otago Daily Times Friday 15th October 2021

Rotorua has a Iwi Population of between 25% to 35% (I believe 34%) at present. Iwi are well represented by this Council as elected in 2018 election of RLC.

Another reason is the Population of voters in the Rotorua Area want to vote for up to 10 Councillors and 1 Mayor.

If your preferred proposal is to have 4 Councillors at Large, 1 Mayor, 2 Maori Ward Councillors and 4 Elected Councillors in the Ward System (Highest Polling) Then you will need to consider the 4 Ward Councillors in North, South, East and West areas with provision to moving the area to cover more of the Farming Sectors and Lakes Community Sectors by reducing the urban areas. This would allow more representation in the Farming and Lakes Area.

Three of the last 4 Mayors have been farmers.

Councillors are elected by the people of Rotorua to make decisions for all the residents of the Rotorua Area.

Thanking you.

Mark Gould

Rotorua

Sent from my iPad

Friday, 15 October 2021

Māori Electoral Option will fail voters: Minister

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News (/news) > National (/news/national)



Justice Minister Kris Faafoi. PHOTO: ODT FILES

Māori voters will only be able to vote for Māori ward candidates in the 2022 local elections if they are already on the Māori electoral roll - and the next opportunity to switch rolls is currently 2024.

Justice Minister Kris Faafoi says the impact on Māori voters in local body elections is a clear example of the Māori Electoral Option failing to provide a meaningful choice of roll.

The Option allows Māori voters to switch between the general and Māori rolls only after each five-yearly census, but it's under review as part of targeted electoral changes to support participation in the 2023 general election.

The changes won't be made in time for next year's council elections, meaning Māori voters on the general roll won't be able to vote for candidates standing for newly-created Māori ward seats.

“When the 2022 local body elections are underway, Māori voters will be provided with information about the changes the Government is proposing for the Option,” Faafoi said.

“Even though they won’t come into effect until 2023, the information will allow people to consider how well these changes could address any problems.”

Councils conducting their six-yearly representation reviews are deciding the number of Māori seats they will have according to current Māori roll numbers. Decisions made under this round of representation reviews could stand until 2027, regardless of any change in Māori roll numbers before then.

The Local Government Commission says in order to achieve fair and effective representation at triennial local authority elections for mayors, councillors, community board members and local board members, local authorities are required under the Local Electoral Act 2001 to review their representation arrangements at least once every six years.



As an example, Ruapehu District Council is currently consulting on its initial representation proposal. It is proposing two Māori seats in a council of eight. Local Māori representation advocates are demanding a minimum of three seats (and preferably four) to more fairly reflect the district’s 45.3 percent Māori population.

The council’s response has been that its proposal for 25 percent of seats to be elected from a Māori ward reflects the number of local voters on the Māori roll. For more Māori seats, more voters must be on the Māori roll, the council says.

Minister Faafoi told Local Democracy Reporting councils would be using roll information from the most recent Māori Electoral Option period in 2018 to determine the number of councillors in a Māori ward or constituency for the 2022 elections.

“Some Māori voters are likely to want to change from the general roll to the Māori roll, or vice versa, for instance because their views have changed in the four or so years since the last Option period, or because the roll they chose with a general election in mind is not what they would choose for a local body election,” Faafoi said.

“These voters will be unable to change rolls, and as a result may not be able to vote in the ward or constituency they wish or have the impact on the numbers of councillors within a Māori ward or constituency that they wish to have.”

He said the Option as it stands locks each Māori voter into a single roll for both local and general elections over many years.

“This is one of the key reasons the Government has prioritised work to improve the Māori Electoral Option and is why we are moving on this work ahead of an independent panel review of electoral law.”

The minister said he was aiming to make changes before the 2023 general election, but there was no time to do this ahead of the 2022 local body elections.

“We want to ensure there is maximum meaningful engagement with Māori to consult widely on matters such as design of the Option, determining which changes will lead to the biggest improvement for Māori voters, and then giving enough time to draft a bill and send it through Parliament with the aim of having changes in place for the general election in 2023.”

Time was also needed for the Electoral Commission to develop a robust and helpful information and education campaign to support the changes.

“These are important changes for Māori voters and we want to ensure we consult and make decisions which are in the best interests of all future elections.”

The Ministry of Justice sought submissions from Māori during a review of the Māori Electoral Option earlier this year, including from focus groups across the country. Information from that consultation would be available once decisions have been made on changes to the Option, Faafoi said.

Te Tai Hauāuru MP Adrian Rurawhe said a way to adjust the situation before the 2022 local body elections would be to reach those who are not enrolled to vote.

“We believe there are at least 100,000 Māori who aren’t on either roll, and they are the hardest people to get to.

“There should be a really hard push toward first of all getting them enrolled, and, second, are there any changes that we can make to existing law to enable better ways of getting people enrolled? For example, in Australia it’s compulsory to enroll whereas in New Zealand it’s not.”

Māori Party co-leader Rawiri Waititi has welcomed the prospect of changes to the Māori Electoral Option, saying the current system means people can be stuck on a roll they don’t want to be on for multiple elections.

The wider independent review of electoral rules ahead of the 2026 general election will also consider changing the voting age to 16, the length of the parliamentary term and funding of political parties.

Waititi said, given the quality of kōrero evident in school kapa haka, he believed rangatahi were ready to vote at 16.

Faafoi has called for nominations for the panel that will conduct the wider electoral law review.

Rurawhe said it was vital the panel included experts who understood Māori electorates.

“They’ve got some really big issues to tackle and it’s not going to be rushed,” Rurawhe said.

“They don’t report back until the end of 2023 which gives them a whole two years to do their work. Hopefully that means they’ll come up with some really good recommendations.

“It’s important that Māori organisations and individuals have their say and tell the review panel what they think the electoral law ought to be.”

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