

01-15-228
RDC-1202031

Kaupapataka Agenda

NOTICE OF AN ORDINARY MEETING FOR THE STRATEGY, POLICY & FINANCE COMMITTEE

Date: Tuesday, 16 November 2021

Time: 9.30am

Venue: Council Chamber

MEMBERSHIP

Chair Cr Raukawa-Tait

Deputy Chair Cr Kai Fong

Members Mayor Chadwick

Cr Bentley

Cr Donaldson

Cr Kumar

Cr Macpherson

Cr Maxwell

Cr Tapsell

Cr Wang

Cr Yates

Mr Thomass (Lakes Community Board member)

Mrs Trumper (Rural Community Board member)

Mr Biasiny-Tule (Te Tatau o Te Arawa Board Member)

Mr Morgan (Te Tatau o Te Arawa Board Member)

Quorum

8

STRATEGY, POLICY & FINANCE COMMITTEE DELEGATIONS

Type of Committee	Committee
Subordinate to	Council
Subordinate Committees	n/a
Legislative Basis	Schedule 7, clause 30 (1) (a), Local Government Act 2002.
Purpose	The purpose of the Strategy, Policy and Finance Committee is to have oversight and make recommendations to the Council on the adoption and development of all Council's strategic, policy, planning and regulatory frameworks.
Reference	01-15-228
Membership	<p>Councillor Raukawa-Tait (Chair) Councillor Kai Fong(Deputy Chair)</p> <p>The Mayor and all councillors 2 Te Tatau o Te Arawa members 1 Lakes Community Board member 1 Rural Community Board member</p> <p>Full voting rights for all members</p>
Quorum	8
Meeting frequency	Monthly
Delegations	<p>The Committee's function is recommendatory only. It is authorised to take actions precedent to the exercise by the Council of its statutory responsibilities, duties and powers, by:</p> <ul style="list-style-type: none"> • Receiving, considering, hearing submissions and making recommendations on draft plans (except the District Plan), strategies and policies (such as the Long-term Plan, Annual Plan; funding and financial policies; reserves management plans and asset management plans); • Considering and making recommendations on the development of the Council's rating policy; financial strategy and budgets; • Considering and making recommendations on the development of Council bylaws, including hearing submissions in relation to making, amending and revoking bylaws; • Considering and making recommendations on Council's strategic direction to ensure efficient and effective delivery of Council's objectives and District Vision; • Receiving and considering reports from working/strategy groups; • Considering and making recommendations on the development of guidelines for decision making to assist Council in achieving its strategic outcomes; • Considering and making recommendations on the establishment of levels of service across Council services to ensure alignment with strategic goals and priorities; • Considering and making recommendations on the development of Treasury and funding functions; • Considering and making recommendations on proposals for the establishment of Council controlled organisations (including the appointment and remuneration of Directors, formation of constitutions and shareholder agreements);

	<ul style="list-style-type: none">• Considering and making recommendations on proposals for the sale and purchase of land;• Considering and making recommendations on issues relating to Council leases;• Considering and making recommendations on draft Council submissions/responses in relation to:<ul style="list-style-type: none">○ Central government policies, plans and proposed legislative reform;○ Proposals by other organisations/authorities (Local and Regional).• Performing such other functions as the Council may direct from time to time.
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	<p>The Committee does not have the delegated authority to make decisions for and on behalf of the Council. All matters requiring a decision of Council must be referred, by way of recommendation, to the Council for final consideration and determination.</p> <p>In the event that the Council resolves not to approve or adopt a Committee recommendation, the item shall be returned to the Committee via the Chief Executive for review and subsequent referral to the Council for further consideration and determination.</p>

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1 Opening Karakia - Karakia Whakapuaki

HE KARAKIA MŌ TE KAUNIHERA O NGĀ ROTO O ROTORUA

E te Atua kaha rawa, ko koe te tohu Rangatira, te tohu mātauranga.
Manaakitia mai mātau, wāu pononga i tēnei wā, e mahi nei i a mātau mahi, mō te painga o ngā tāngata, o Te Kaunihera o ngā Roto o Rotorua.
Takua mai kia tau te rangimārie ki runga i a mātau i ngā wā katoa.
Ko Ihu Karaiti hoki tō mātau Ariki
Āmine

TŪTAWA MAI

Tūtawa mai i runga
Tūtawa mai i raro
Tūtawa mai i roto
Tūtawa mai i waho
Kia tau ai te mauri tū
Te mauri ora, ki te katoa
Hāumi e. Hui e. Tāiki e!

COUNCIL PRAYER

Almighty God, who alone is the leader of all mankind and the fountain of all knowledge.
Send thy blessing upon us your servants this day as we strive to do all things good for the betterment of the people of the Rotorua district.
May we be tolerant in ourselves at all times.

Through Jesus Christ our Lord
Amen

TŪTAWA MAI

I summon from above
I summon from below
I summon from within
I summon the surrounding environment
The universal vitality and energy to infuse and enrich all present
Enriched, unified and blessed

2 Apologies - Ngā Whakapāha

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Rotorua Lakes Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

3 Declarations of Interest - Whakapuakitanga Whaipānga

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Urgent Items not on the Agenda - Ngā Take Whawhati tata kāore i te Rārangi Take

Items of business not on the agenda which cannot be delayed

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of Rotorua Lakes Council

The Chairperson shall state to the meeting:-

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Rotorua Lakes Council.

s.46A (7), LGOIMA

Discussion of minor matters not on the agenda.

Minor Matters relating to the General Business of the Rotorua Lakes Council.

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Rotorua Lakes Council for further discussion

s.46A (7), LGOIMA

5 Staff Reports – Pūrongo Kaimahi

01-15-529
RDC-1201958

ROTORUA LAKES COUNCIL

Mayor
Chair and Members
STRATEGY, POLICY AND FINANCE COMMITTEE

5.1 Your Choice - 2022 Representation Review – Decision making following consultation

Report prepared by: Oonagh Hopkins, Deputy Chief Executive, District Leadership & Democracy

Report approved by: Geoff Williams, Chief Executive

1. TE PŪTAKE PURPOSE

The purpose of this report is for the committee to consider the submissions received and make a recommendation to Council on a final representation model for the 2022 and 2025 local elections.

2. NGĀ TŪTOHUNGA RECOMMENDATIONS:

1. That the report 'Your Choice - 2022 Representation Review – decision making following consultation' be received.
- 2A. That the committee after considering the submissions and requirements of the Local Electoral Act recommends to Council to adopt a final representation model that consists of:
 - 1 Mayor elected at large
 - 1 Māori ward with 1 seat
 - 1 General ward with 1 seat
 - 8 "At large" seats
 - A Rotorua Lakes Community Board
 - A Rural Community Board

OR

- 2B. That the committee after considering the submissions and requirements of the Local Electoral Act recommends to Council to adopt a final representation model consistent with the initial proposal that consists of:
 - 1 Mayor elected at large
 - 1 Māori ward with 2 seats
 - 1 General ward with 4 seats
 - 4 "At large" seats
 - A Rotorua Lakes Community Board
 - A Rural Community Board

3. That the committee notes that despite the two recommended options, a different model, consisting of 3 Maori ward seats, 3 General ward seats and 4 at large seats is the preferred model for representing the best needs of Rotorua in accordance with the principles of the Local Government Act and the Treaty of Waitangi, but that this model is not enabled under the current legislation.
4. That the committee recommends to Council that it instruct the Chief Executive to pursue the necessary statutory reforms, or other means, by which the preferred model can be adopted by Council at the earliest possible time, including if possible, prior to the 2022 election.

3. TE TUHINGA WHAKARAPOPOTOTANGA EXECUTIVE SUMMARY

On 21 May 2021 Council resolved to establish a Māori Ward, and then commenced a representation review. On 26 August Council adopted a draft representation proposal for public consultation. The consultation period closed on 8 October 2021. Hearings took place on 19 October 2021.

Council is required to make its final decision on its representation model by 19 November 2021.

The representation model initially proposed by Council was as follows:

- 1 Mayor elected at large
- 1 Māori ward with 2 seats
- 1 General ward with 4 seats
- 4 “At large” seats
- A Rotorua Lakes Community Board
- A Rural Community Board

Through the submissions it was clear that this proposal created an imbalance between wards in terms of the total number of elected members a voter could vote for. To illustrate, if a voter was on the Māori Ward roll, he/she could vote for 2 councillors within the Māori Ward, 4 councillors at large, and the mayor (a total of 6 councillors plus the mayor). Whereas a voter on the General Ward roll could vote for 4 councillors within the General Ward, 4 councillors at large, and the mayor (a total of 8 councillors plus the mayor).

This outcome may be seen as unfair to Māori, as it reduces the influence those voters on the Māori Ward roll can have on the overall composition of the elected member group, which is contrary to the concept of parity.

As a result of the submissions identifying this unfairness, Council sought to redress the imbalance by creating equality between the number of seats available in the Māori Ward, and the number of seats available in the General Ward. The preferred model was as follows:

- 1 Mayor elected at large
- 1 Māori ward with 3 seats
- 1 General ward with 3 seats
- 4 “At large” seats
- A Rotorua Lakes Community Board
- A Rural Community Board

Under the requirements of the Local Electoral Act (Māori Wards and Māori Constituencies Amendment Act 2021 (**LEA**)) this preferred model is unlawful because it does not follow the formula for allocating seats to each ward as set out in Schedule 1A to the LEA. For an explanation of the formula see section 5.2.2 of this report.

However, staff have identified a representation model which will achieve parity between the Māori Ward and the General Ward in a manner which is legally compliant with the formula set out in the LEA. That representation model is as follows:

- 1 Mayor elected at large
- 1 Māori ward with 1 seat
- 1 General ward with 1 seat
- 8 “At large” seats
- A Rotorua Lakes Community Board
- A Rural Community Board

While this model achieves parity between the Māori Ward and the General Ward, it reduces the number of available seats in the wards to 1 each, and increases the ‘at large’ seats to 8. This is the only formulation that can achieve parity between the wards in a manner which is legally compliant.

This model is Option 2A is recommended. If this is not accepted by the Committee, the next preferred model is the initial proposal, which is Option 2B. Option 2B has the benefit of increasing the available seats in the wards, but does not achieve parity.

Ultimately, staff would recommend an outcome which has 3 seats in each of the wards, and 4 at large. This outcome is not currently available under the LEA and staff recommend Council pursue legislative changes to the LEA to enable this outcome.

4. TE TĀHUHU BACKGROUND

Rotorua Lakes Council adopted an initial representation model on 26 August 2021, following some early engagement with the community and a series of elected member forums. The initial proposal opened for public consultation on 8 September and closed on 8 October. A total of 161 submissions were received and 35 submitters took the opportunity to present direct to elected members on 19 October 2021.

The initial proposal consisted of 1 mayor elected at large, 1 Māori ward with 2 seats, 1 General ward with 4 seats, 4 “At large” seats, a Rotorua Lakes Community Board and a Rural Community Board.

Elected members should refer to the Strategy, Policy and Finance committee – 26 August 2021 for the details of the initial proposal. (Attachment 1)

5. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

The Local Electoral Act 2001 sets the legal requirements for a representation review, which includes a formula for structuring the allocation of seats within the model.

Regardless of those constraints, Council seeks to understand the views and aspirations of the community it serves and seeks to ensure its voters feel properly represented. To be effective,

representation reviews should consider the needs of the community in 10, 20 years or more, rather than just simply fine tuning a 'business as usual' approach.

With this ethos in mind the Council must consider its proposal against the submissions received, and make a recommendation to the Council to adopt a final representation model for 2022 and 2025 local elections.

5.1 Rotorua Lakes Council representation review guiding principles

Keep it simple

Council encourages all eligible persons to have their say on the best people to represent the Rotorua District. The model needs to avoid a level of complexity and confusion that may create barriers to understanding the way voters can vote and could lead to poor voter turnout.

Total number of councillors

Council agrees that the total number of councillors should:

- Reflect our district's diversity
- Ensure voters can easily engage with councillors
- Balance the workload of councillors
- Bring a range of skills and knowledge to the table
- Represent communities' needs and interests across the district.

Council reduced the number of councillors from 12 to 10 in the 2015/16 Representation Review (effective 2016 and 2019 elections) based on recommendations from the then Representation Review Working Party. This decision was made based on the introduction of a Rural Community Board to bring a rural voice to the Council. Alongside this a recommendation from the Working Party also requested that Council consider appointments from both the Rural and Lakes Community Board to its substantive committees. This was brought into practice following the 2016 elections and means that total representation for Rotorua is 18 elected members and 1 mayor. This is made up of 10 councillors, 2 Lakes Community Board members, 2 Rural Community Board members and 4 Te Tatau o Te Arawa members. This model has worked well in the last 6 years meeting the objectives as listed in the above bullet points.

In the 2016 and 2019 elections every voter in Rotorua, regardless of what electoral roll they were on could vote for 10 councillors and a mayor.

It is intended that this overall Council structure of 10 councillors and a mayor be retained.

Fair and effective representation (meet requirements of Local Electoral Act)

In reviewing representation arrangements, local authorities must provide for 'effective representation of communities of interest' (ss19T and 19U) and 'fair representation of electors' (s19V). Therefore, there are three key factors for local authorities to carefully consider. They are:

- communities of interest
- effective representation of communities of interest
- fair representation of electors.

During a representation review territorial authorities need to determine:

- any identifiable communities of interest below the district level
- whether these communities of interest are located in identifiable geographical areas, justifying the establishment of wards, or are spread across the district.

The basis of election (at large, by ward, or a combination of both) used by a territorial authority is the one determined by the territorial authority (or Commission, if relevant) to provide the most effective representation of the identified communities of interest.

Section 19V, Local Electoral Act 2001 details the factors to be applied in determining the membership for wards/constituencies/subdivisions in order to achieve fair representation of electors.

Under this provision, membership of wards/constituencies/subdivisions is required to provide approximate population equality per member, that is, all votes are of approximately equal value (referred to as the ‘+/-10% rule’) unless there are good (prescribed) reasons to depart from this requirement.

Treaty of Waitangi and Rotorua Township (Fenton) Agreement

Council acknowledges the recognition of the Treaty of Waitangi into the Local Government Act. Section 4 of the LGA 2002 states “In order 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, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes¹”.

5.2 Themes following consultation

The following key themes ran through the submissions received.

Equity/Equality

There was a significant amount of feedback which raised the idea of “everyone being equal” or “everyone should have the same”.

- Equality essentially means providing everyone with the same amount of resources regardless of whether everyone needs them. In other words, each person receives an equal share of resources despite what they already have, or don’t have.
- Equity is when resources are shared based on what each person needs in order to adequately level the playing field.

The consensus of the feedback received was the idea of “parity” should be pursued, regardless of what electoral roll you are on.

This notion of parity/equality/equity is one of the cornerstones of New Zealand’s foundation document Te Tiriti o Waitangi which can be defined in terms of principles such as:

- The principle of Government
- The principle of Self-Management
- The principle of Equality
- The principle of Cooperation
- The principle of Redress
- The principle of relativity

¹ <https://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170880.html>

In summary, collectively 3 main themes arise;

- The principle of Participation
- The principle of Protection
- The principle of Partnership

In considering equality, representation should include accounting for the spirit, intent and generosity of Ngāti Whakaue as provided in the Rotorua Township (Fenton) Agreement that permitted establishment of the Rotorua Township with the approval of Ngāti Whakaue. The Māori concept of “Tuku” which in this context is to grant or gift forms the basis of the agreement. From a Māori perspective, when something is granted or gifted there must be “Utu” or a reciprocal response. It is impolite or bad manners from the donor to expect a response however the understanding is that the recipient increases their “Mana” or prestige by reciprocating with a gift of equal or increased value. A response to the generosity of Ngāti Whakaue must reflect the bicultural intent of the agreement as an equal relationship. Based on this concept, there was a strong theme running through the submissions that there should be equal seats for the Māori Ward and the General Ward.

Treaty of Waitangi

Feedback was also received that strongly advised Council to be structured in a manner consistent with the principles of the Treaty of Waitangi. The relevance of Te Tiriti o Waitangi to local government is that Section 4 of the Local Government Act 2002 explicitly refers to the Treaty of Waitangi. It provides: “In order 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, [Parts 2](#) and [6](#) provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes²”

Te Tiriti o Waitangi plays an important part in government decision-making, currently 62 Acts of Parliament here in New Zealand refer to Te Tiriti o Waitangi.

Section 4 of the LGA 2002 notes that Parts 2 and 6 are intended to “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”. Part 6, 75 (b) of the LGA 2002 set out “the obligations of local authorities in relation to the involvement of Māori in decision-making processes”. These sections of the LGA 2002 clearly establish the special relationship between local government and tangata whenua in respect of local representation and decision making.

Particular attention needs to be given to how local authorities carry out their statutory responsibilities to foster Māori contributions to decision-making. 35 other councils around Aotearoa are now ensuring a place for Māori in local governance not only by introducing Māori Wards, but proactively seeking opportunities that reflect a fair and effective partnership between the Crown and Māori as per the responsibilities of Local Government under the LGA 2002.

Co-Governance

Describes the arrangements for joint decision-making between iwi and/or other groups, central government, and/or local government.

The concept of co-governance/shared decision making was a theme that was prevalent in some of the submissions. It was identified that providing Māori with an opportunity to participate in the decision-

² <https://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170880.html>

making process is not enough. Guaranteeing Māori representation at the decision making table was needed to ensure Mana Whenua informed the decisions being made at Rotorua Lakes Council.

Local Government Minister Māhuta has voiced her opinions regarding her appetite for co-governance³ and this has been supported by various leaders throughout New Zealand⁴

There are already examples of co-governance structures here in New Zealand that can be researched as potential models such as:

- Waikato River Authority;
- Tūpuna Maunga o Tāmaki Makaurau Authority (Auckland);
- Te Waihora Co-Governance Agreement (Lake Ellesmere, Canterbury);
- Rotorua Te Arawa Lakes Strategy Group;
- Ngā Poutiriao o Mauao (Tauranga);
- Maungatautari Ecological Island Trust (Waikato);
- Ngāti Whātua Ōrākei Reserves Board; and
- Parakai Recreation Reserve Board

To pursue co-governance can mean that Council should adopt a principle of 50:50 responsibility on all governance decision-making bodies in the rohe, which is consistent with Māori rights as Treaty partners (Māori/Tangata Whenua and Non-Māori/Tangata Tiriti) under Te Tiriti o Waitangi and also reflective and reciprocal in light of the generosity and trust set out in the Rotorua Township (Fenton) Agreement.

Inclusion of a Rural Ward

A number of submissions raised the issue of effective representation of the Rural voice at the decision-making table. Acknowledgement was made with regards to the Rural Community Board and the work they do in terms of advocacy for the Rural areas within the Rotorua district. However, the perception of some of the feedback was that the Rural Community Board functions is an advisory capacity only as opposed to having decision-making authority, which the feedback strongly advocated for.

A portion of the submissions strongly advocated for a dedicated Rural Ward elected member. From the perspective that the Rural population has the numbers to warrant a dedicated elected member as well as the economic and social contribution of the Rural community to the Rotorua District. Submission feedback identified the need for representation as an elected member to advocate for the Rural community and ensure that the needs and aspirations of the Rural community are heard at the council table.

In order for a model that has a Rural Ward elected member, that is also compliant with the requirements of the LGA 2002, the number of total elected members has to increase, which is counter to the key principle of 10 total elected members. The population of the Rural Community boundary currently is insufficient to establish a Rural Ward seat for a model that has 10 Total elected members. There were a large amount of the submissions that identified and supported the number of elected members stay at 10.

³<https://www.stuff.co.nz/national/politics/local-democracy-reporting/300428221/cultural-competency-gaps-minister-responds-to-councillors-iwi-cogovernance-concerns>

⁴ <https://www.newsroom.co.nz/maori-co-governance-of-three-waters-a-historic-step>

Equal Suffrage

Equal Suffrage or more commonly known as Universal Suffrage provides the opportunity to qualifying citizens⁵ the right to participate in the voting process (right to vote). Suffrage applies to the participation of the individual in the electoral process. Suffrage was created to enable the historically marginalized such as; women, slaves, colonised indigenous cultures as well as many others. Suffrage does not apply to the voting criteria such as how many votes each person has, proportion of votes based on population (Proportional Representation). Suffrage is a mechanism to fulfil the obligations of the LGA 2002 Subpart 1, Section 10 (1) (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

5.4 Further considerations leading to a final model

Council has established the following set of guiding principles:

- Keep it simple
- Total elected members – 10
- Mixed model (“at large component”) to create model based on equality
- Fair and effective representation
- Treaty of Waitangi/Rotorua Township (Fenton) Agreement

In March 2021, Te Tatau o te Arawa began wide consultation seeking feedback from Te Arawa peoples, communities and entities. The process allowed an extensive range of opportunities to participate including hui (which were also live-streamed), social media, and online surveys. Te Tatau representatives also attended meetings of other groups and entities including Te Pukenga Kōke o Te Arawa, the Ngāti Pikiao Council of Elders, Te Pae Tapu o Ngāti Whakaue and Te Arawa Lakes Trust.

On 11 May 2021, Te Tatau o Te Arawa provided their report “*Consideration of Māori Wards and Māori Representation for Rotorua District*”. The report records that Te Arawa support the establishment of Māori wards for the 2022 election and retention of Council’s partnership with Te Tatau o Te Arawa. Accordingly, Te Tatau o Te Arawa have formally requested:

- That Rotorua Lakes Council establish Māori wards for the 2022 election (and retain Te Tatau o Te Arawa); and
- That the representation review to follow reflects the outcome of the establishment of Māori wards.

Throughout Te Tatau’s consultation it was acknowledged that the representation review was yet to occur, and might lead to other changes. Accordingly, the recommendation from Te Arawa did not comment on **how many elected members should come from the Maori ward**, and did not make comment on how the rest of Council would be constituted. During the representation review process, the structure and form of Māori representation was considered by Council and by Te Tatau o te Arawa on behalf of iwi.

During the representation review process and the consultation, the issue of dedicated seats versus equal opportunities for all voters to have the same voting opportunities was debated. There is a view that the maximum number of Māori seats is a more favoured trade-off than the opportunity for all voters to have equal voting opportunity. For example, the view of having three Māori ward councillors and only be permitted to vote for three councillors is preferred over a model to have less Māori ward

⁵ Distinctions are still frequently made in regard to [citizenship](#), age, and occasionally mental capacity or criminal convictions

councillors and still vote for additional members to fully represent the District. The challenge however is to create a structure that meets the legal requirements of the formula set out in the LEA.

5.4.1 Desired model not currently lawful

A model that supports all of the guiding principles and the majority of the key themes would be a model consisting of 3 Māori wards seats, 3 general wards seats and 4 at large seats. This model gives every voter the same opportunity to vote for a maximum of 7 out of 10 councillors, and the mayor, and allocates a good number of seats to the Māori ward (3 out of 10). The tables below illustrates how votes could be cast under such a proposal compared to the initial proposal.

Parity voting

Voter electoral roll	Māori ward	General ward	At large	Total votes out of 10
Māori electoral roll	3		4	7
General electoral roll		3	4	7

Initial proposal

Voter electoral roll	Māori ward	General ward	At large	Total votes out of 10
Māori electoral roll	2		4	6
General electoral roll		4	4	8

While the 3-3-4 parity model may be preferable to Council, equality between the Māori Ward and the General Ward and the ability for every voter to have the same and equal number of votes to cast in an election Council is constrained by the rules of the LEA.

Under Schedule 1A of the LEA, Council must ensure that any proposal is consistent with the calculations required under Clause 2 of the Schedule (the formula). The 3-3-4 model does not comply. To explain why, an understanding of the formula is needed.

The formula under the LEA is as follows:

$$nmm = mepd \div (mepd + gepd) \times nm$$

where—

- nmm - is the number of Māori ward members
- mepd - is the Māori electoral population of the district
- gepd - is the general electoral population of the district
- nm - is the proposed number of members of the territorial authority (other than the mayor and the members to be elected by electors of the district as a whole).

There are 21,700 people on the Māori electoral roll in Rotorua (mepd)

There are 55,600 people on the General electoral roll in Rotorua (gepd)

Under the 3-3-4 model the formula fails because $nmm = 1.68$ seats, which rounds up to 2 seats. So if there are to be 6 seats between the Māori Ward and the General Ward, 2 must be allocated to the Māori Ward, and 4 to the General Ward. (In other words, the 2-4-4 model, which is the initial proposal). See below for the formula workings:

$$\text{nm} = \frac{21,700}{21,700 + 55,600} \times 6$$

5.2.2 Consider a lawful revised model and achieve parity

Returning to the guiding principles Council needs to consider what principles they may be prepared to compromise on in order to set a fair and effective, fit for purpose representation model.

If it is parity the council desires, there is a way to create this under the formula, but it requires a reduction in the total number of ward seats, and an increase in the seats elected from the district as a whole. The split would need to be 1-1-8. This is how the math works:

$$\text{nm} = \frac{21,700}{21,700 + 55,600} \times 2$$

Under this approach, where the total seats under the wards is only 2 (as opposed to 6 in the proposal), the equation becomes $0.29 \times 2 = 0.58$.

So the nm = 0.58

Clause 2(3) of Schedule 1A LEA provides:

'If the number of the Māori ward members (other than the mayor) calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori ward members must be the next whole number above the number that includes the fraction.'

So under this formulation the 0.58 gets rounded up to 1, which equates to 1 seat out of 2. So Council does get parity. Each voter, regardless of which roll they are on gets 1+8 at large = 9 of the total 10 seats, plus the mayor.

The implications of this split, is that it does not deliver a significant number of Māori Ward councillors, and is weighted towards the at large councillors, **but it does achieve parity. Regardless of whether a voter is in the Māori Ward or the General Ward, each voter gets to vote for 1 ward councillor, 9 at large councillors, and one mayor.**

Staff acknowledge that this option is not Council's preferred outcome, and will continue to seek legal remedies to achieve the preferred 3-3-4 representation model. Proposed resolutions 3 and 4 address this wider issue.

6. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are part of a process to arrive at a decision that will/may be significant in accordance with Council's Significance and Engagement Policy. The decision will impact on the Council membership and the way voters will vote in the 2022 and 2025 local elections.

7. TE TINO AROMATAWAI COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

The Local Electoral Act requires that Council must give one months notification of the adoption of a final representation mode. During that time submitters to the initial proposal may decide to lodge an objection to the adoption of the final model.

Objections must be received by Council no later than 19 December. If objections are received these must be forwarded to the Local Government Commission, who will make a determination on the final representation model.

8. HE WHAIWHAKAAROTANGA CONSIDERATIONS

8.1 He Whaiwhakaarotanga Mahere Pūtea Financial/budget considerations

There are no financial or budget implications resulting from this decision.

8.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

There is no policy or planning implications.

8.3 Tūraru Risks

The timeframe for publically notifying the final representation model is under pressure. The final representation model must be notified by 19 November 2021 via public notice. Approval of the final representation model is right up against the deadline. This is due to the complexity of the whole representation review and the short timeframes for considering the introduction of Māori wards following the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (the Amendment Act) which came into effect in March 2021. Council then had from March to May 2001 to establish or not Māori wards. This timeframe would have previously been used for awareness and pre-engagement on the representation review mechanisms.

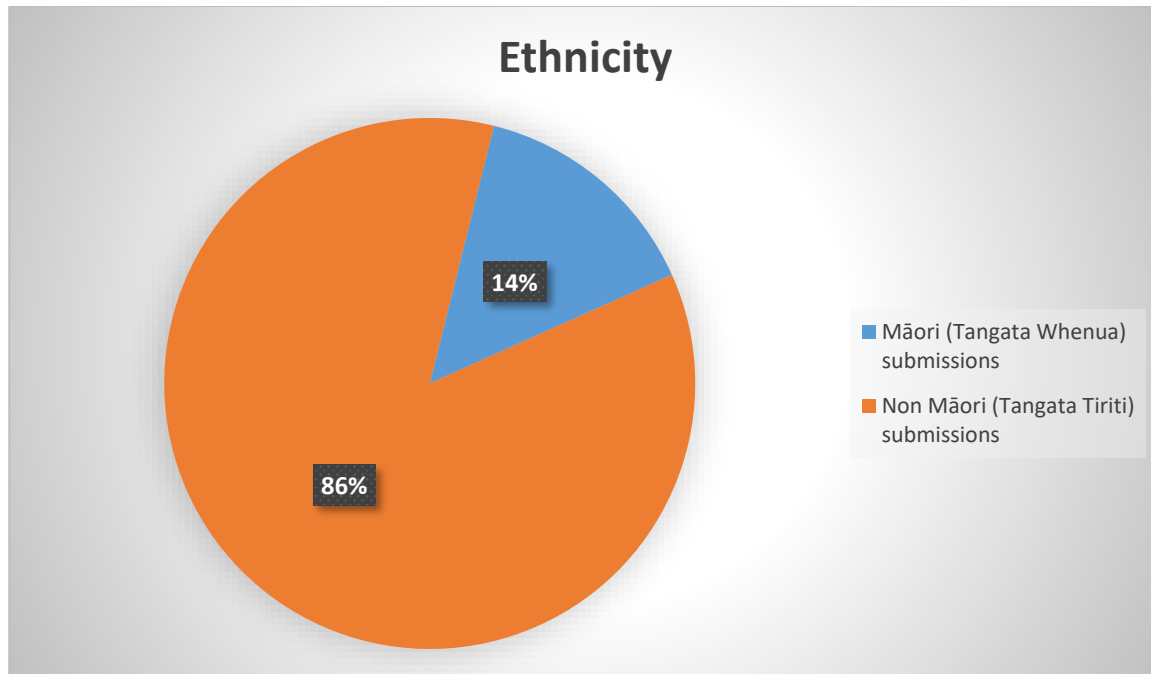
8.4 Te Whaimana Authority

The Strategy, Policy and Finance Committee has the authority to lead the development of the Representation Review and recommend to Council to approve the final representation model.

9. NGĀ ĀPITI HANGA ATTACHMENTS

Attachment 1: Strategy Policy and Finance report 26 August 2021 – Adopt initial proposal –
RDC- 1175025 (distributed separately)

Attachment 2: Analysis of submissions

Attachment 2: Analysis of submissions**Online & Written submission breakdown****Ethnicity**

116 online submissions – 20 Māori (Tangata Whenua), 96 Non Māori (Tangata Tiriti)

43 written submissions – 3 Māori, 40 Non Māori

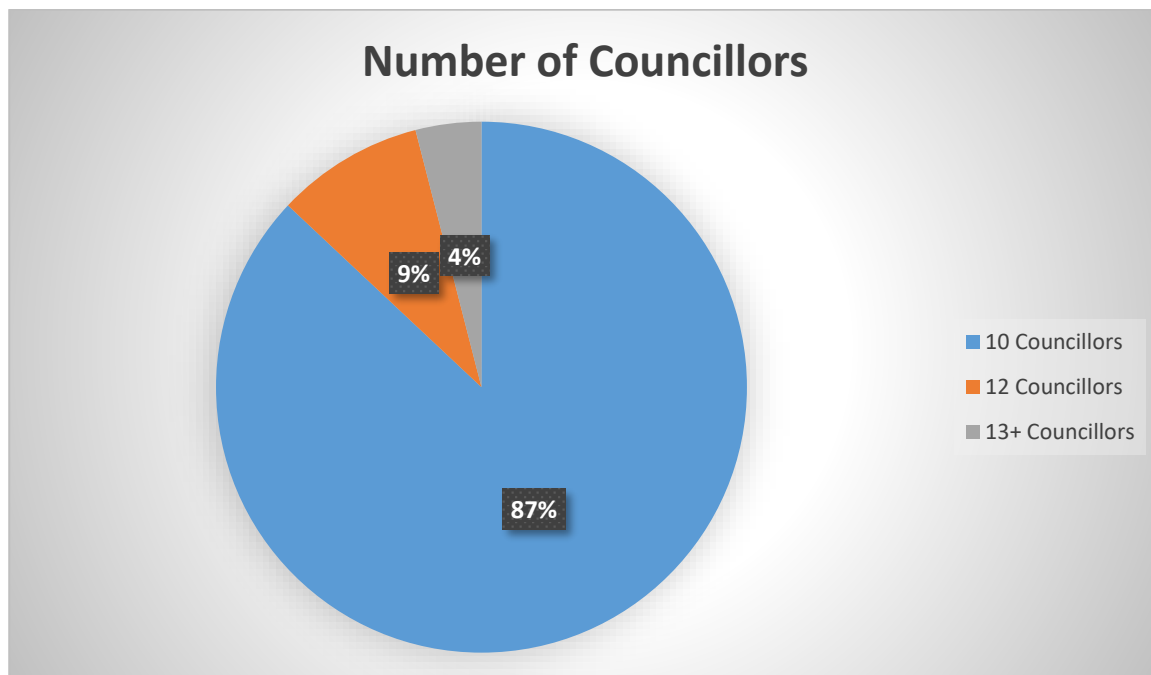
159 total submissions – 23 Māori (0.1% of Total Māori Electoral Population⁶), 136 Non Māori (0.2% of Total General Electoral Population⁷)

Observation

There is a significant difference between Māori and Non Māori who made submissions regarding the Representation Review

⁶ Statistics New Zealand data gathered from the 2018 Census

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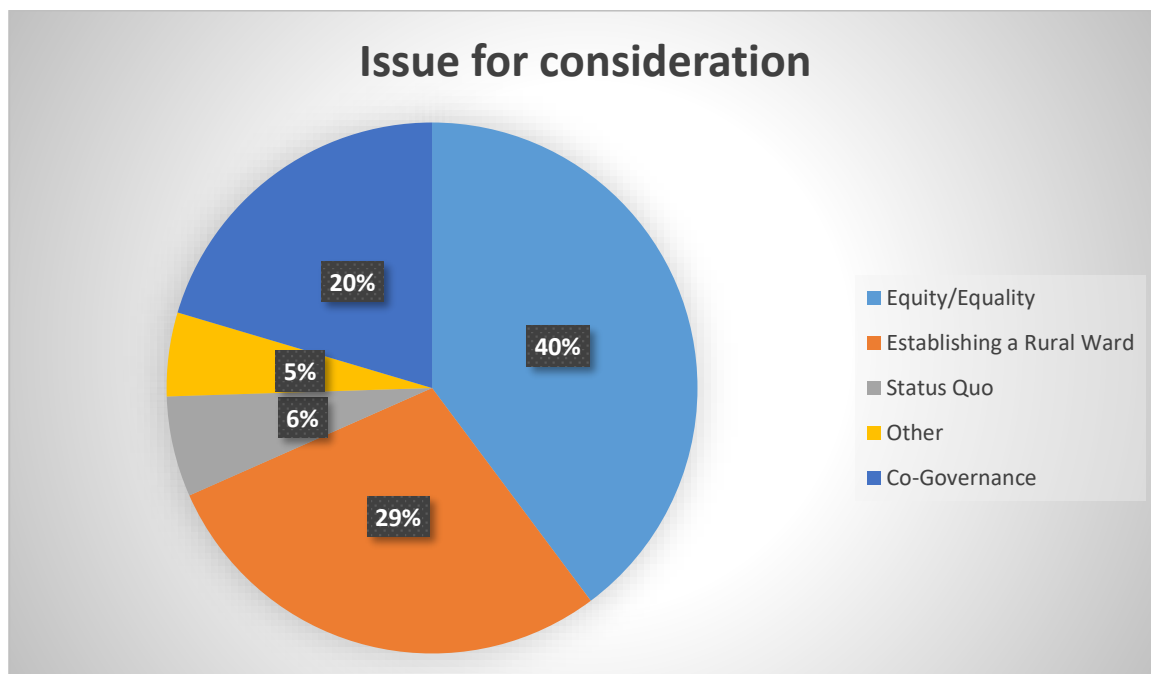
Number of Councillors

60 online submissions for 10 Councillors

6 online submissions for 12 Councillors

3 online submissions for 13+ Councillors

69 total submissions (0.09% of the Total Electoral Population of Rotorua)

Feedback themes

39 online submissions that identified "Equity/Equality" as an issue for consideration

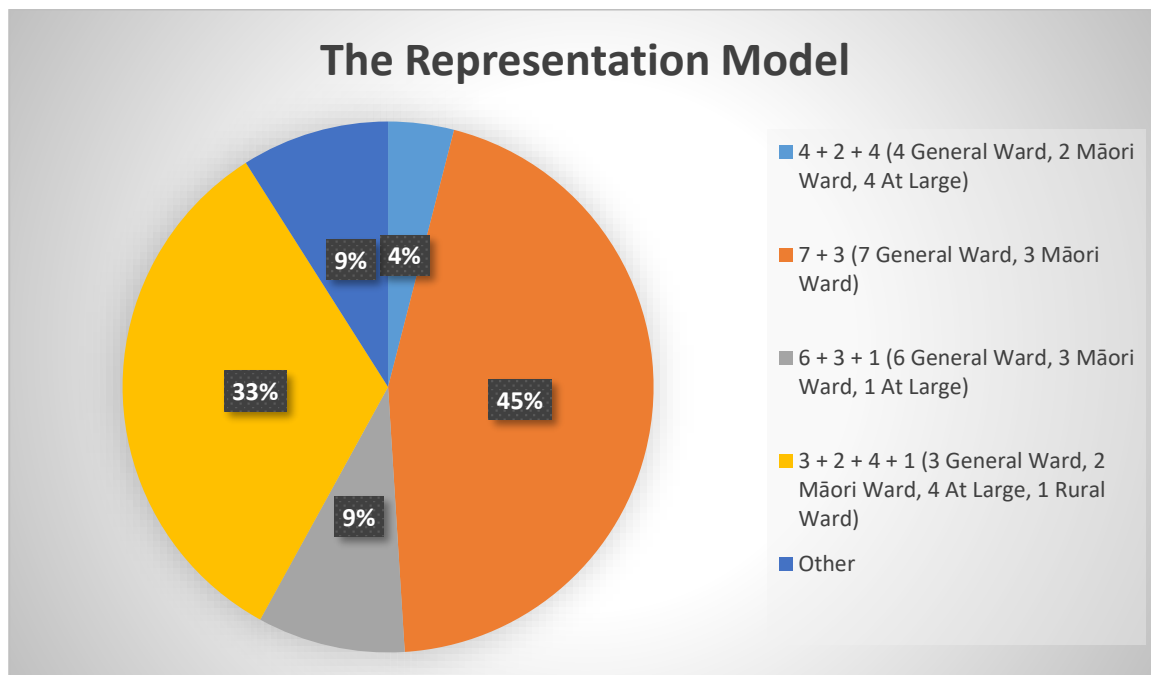
16 online submissions that identified "Co-Governance" as an issue for consideration

18 online submissions that identified "Establishing a Rural Ward" as an issue for consideration

4 online submissions that identified "Keeping the Status Quo" as an issue for consideration

3 online submissions identified some other kind of issue for consideration

80 total submissions (0.1% of the Total Electoral Population of Rotorua)

Representation Model

25 online submissions supporting a “7 + 3” Model – ward system only

2 online submissions supporting the “4 + 2 + 4” Model – mixed model

5 online submissions supporting the “6 + 3 + 1” Model – mixed model

18 online submissions supporting the “3 + 2 + 4 + 1” Model – mixed model

5 online submissions supporting “other” Model

55 total submissions (0.07% of the Total Electoral Population of Rotorua)