

ROTORUA LAKES COUNCIL

Mayor  
Chair and Members  
STRATEGY, POLICY AND FINANCE COMMITTEE

**YOUR CHOICE - 2022 REPRESENTATION REVIEW – ADOPT INITIAL PROPOSAL**

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

**Report approved by:** Geoff Williams, Chief Executive

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**1. TE PŪTAKE  
PURPOSE**

The purpose of this report is present to the committee the Your Choice 2022 Representation Review initial proposal and to recommend to council to go out for public consultation.

**2. HE TŪTOHUNGA  
RECOMMENDATIONS:**

- 1. That the report ‘Your Choice - 2022 Representation Review – Adopt initial proposal’ be received.**
- 2. That the committee recommends to Council to adopt the initial proposal and proceed to public consultation commencing 8 September and closing 8 October 2021, noting that the proposal consists of a mixed model membership structure with 10 councillor seats and 1 Mayor as listed:**
  - **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 Rotorua Rural Community Board**

**3. TE TĀHUHU  
BACKGROUND**

Representation reviews required in accordance with the Local Electoral Act 2001 determine detailed arrangements for:

- basis of election (at large, wards or a mix of both) and
- establishment of community boards

Local authorities are required to carry out a representation review at least every six years. They may undertake a review after three years if they choose.

Rotorua Lakes Council's last representation review was undertaken in 2015 and applied to the 2016 and 2019 local elections. Council is now required to undertake a representation review for the 2022 local elections. This will set the representation arrangements for 2022 and 2025.

The following table lists previous Council representation:

Election year	Elected members	Wards	Community boards
2007	Mayor + 12 Councillors	4	Rotorua Lakes Community Board
2010	Mayor + 12 Councillors	0	Rotorua Lakes Community Board
2013	Mayor + 12 Councillors	0	Rotorua Lakes Community Board
2016	Mayor + 10 Councillors	0	Rotorua Lakes Community Board Rotorua Rural Community Board
2019	Mayor + 10 Councillors	0	Rotorua Lakes Community Board Rotorua Rural Community Board

The Representation Review is a three step process. The first two steps, the decision on which electoral system is to be used and the establishment of Māori Wards are not formally part of the representation process. They are matters for local discretion with no right of appeal to the Local Government Commission. The third step, the representation model is subject to appeal. If there are any, the decision on the final representation model is made by the Local Government Commission.

### 3.1 Electoral system.

The Local Electoral Act 2001 provides for local authorities and their communities to choose either of the following as their electoral system for local elections:

- first past the post (FPP) or
- single transferable vote (STV)

A territorial authority's chosen electoral system also applies to the election of members of any community boards.

In August 2017, due to a vacancy, a by-election was held for the Rural Community Board. Council was required to consider the electoral system to be used for the by-election and resolved to adopt the following:

- The First Past the Post (FPP) method of voting for the 2019 and 2022 local elections, and
- The "random" option for candidate names on voting documents for the 2019 and 2022 local elections.

### 3.2 Māori wards.

Under the Local Electoral Act 2001, local councils can decide to establish Māori wards. On 2 March 2021, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (the Amendment Act) came into effect. The Amendment Act:

- Ended all mechanisms for binding polls on whether to establish Māori wards or Māori constituencies, which the bill's explanatory note described as "an almost insurmountable barrier".
- Created a transition period ending 21 May 2021. The transition period enabled local authorities to make a decision on Māori wards in time for the 2022 local elections.

In March 2021, Te Tatau o te Arawa began wide consultation seeking feedback from Te Arawa people, 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 Kōeke o Te Arawa, the Ngāti Pīkiao 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.

On 21 May 2021, Council decided to introduce Māori wards. This decision set the direction for the beginning of the Your Choice 2022 Representation Review.

### 3.3 Review and recommend representation arrangements (Feb-Aug 2021)

There are a number of mechanisms that need to be considered in undertaking the representation review. This includes:

- How many councillors should the district have?
- Should councillors be elected from across the whole district or split into wards?
- If wards are introduced, what should the boundaries be?
- If we have wards, how many councillors should we have per ward?
- Should Community Boards be introduced/retained?
- How many Māori seats are provided for in the Māori Ward.

There are a number of steps involved in the development of a final proposal. Approval to take this initial proposal out to the public signals the commencement of phase two in the overall representation review.

Phase one	Awareness, engagement and development of initial proposal
May 2021 – August 2021	Develop a draft initial proposal that will be presented to council to consider releasing for consultation.  The initial draft proposal will be developed from the input received from the elected members and the community.
31 August 2021	Council adopts the draft proposal for public consultation
Phase two	Consultation – have your say on the proposal
<b>8 September to 8 October 2021</b>	This is when you can make a formal submission on the proposal
<b>11 November 2021</b>	You can attend a hearing if you want to tell the council in person what you think.
<b>16 November 2021</b>	After considering what people said in their submissions, the council will make a final decision on its representation arrangements for the 2022 elections and adopt a final proposal.

Phase three	Objection/appeals/final decision
19 November 2021 - 20 December 2021	The public has the right to make an objection or appeal during this period before the proposal is sent to the Local Government Commission (LGC)
By 10 April 2022	If objections or appeals are made, the LGC must make a final determination on the representation arrangements

#### 4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTION

Directly following the decision to introduce a Māori ward, Council commenced a community awareness programme whereby the community were provided with information on what a representation review consists of and the factors that need to be considered when developing a model. 500+ community groups and/or associations were directly contacted and provided with awareness material, directing them to Council's Let's Talk platform for more information and an opportunity to undertake a survey.

In addition a number of presentations were provided giving the community opportunities to learn something about a representation review and ask questions.

Elected members also participated in four forums whereby they defined the principles on which to structure an initial proposal. (Attachment 1 – Elected member participation at forums).

Based on community, Iwi and Council feedback, 8 different options were looked at and all of those options have been tested against the requirements of the Local Electoral Act 2001.

The full initial proposal that will be used throughout the consultation phase is attached (Appendix 2). The mechanisms that have been considered and included into the proposal include:

##### 4.1 Number of Councillors

It is proposed to retain the current number of councillors (10) being elected via: 4 general ward councillors elected by ward, 4 "at large" councillors elected from across the district and 2 Māori ward councillors elected by one district-wide ward, plus the Mayor elected at large.

##### 4.2 Māori Wards and seats

Council have already decided to establish a Māori Ward. This was done in May 2021. It is not possible to revisit this decision in this part of the representation review. A district wide Māori Ward is proposed. It is proposed to call the Māori Ward Ipukarea.

##### 4.3 Framework – Wards, "at large" or a mixed model arrangement

A mixed model arrangement is being proposed for Rotorua. The mixed model will establish one Māori Ward (2 members), one general ward (4 members) and an "at large" component (candidates voted on from everyone across the district with 4 members). It is proposed to call our general ward Waitāroi.

The introduction of a mixed model aims to restore equity as best it can. Equity in this situation means an opportunity, for every individual in Rotorua, regardless of what electoral roll you are on, to have the same amount of votes. The current “at large” model provided this equity. Every Rotorua voter could vote for 10 councillors regardless of the electoral roll they were registered on. The establishment of the Māori ward, has by design created a circumstance that could be seen to push the Māori representation into a minority position.

Establishing a Māori ward automatically creates a ward based model. With 10 councillors as is preferred, this would mean a Māori ward and a general ward. This model creates a significantly disproportionate number of the total votes shared between General and Māori electors. Under this model, those on the Māori electoral roll cannot have any say in the election of the majority of elected members. Accordingly, they will at best only be eligible to vote for a maximum of 28% of the total councillors sitting around the council table. There may also be a perception that the ward member may only represent their ward only. Consideration must also account for the proportion of the Māori population who are not on the Māori electoral roll. Rotorua’s Māori population is approximately 40% however the electoral rules only provide for 28%.

Introducing an “at large” component into the model works to bring the proportion of votes between Māori and general votes closer to equilibrium.

A mixed model proposes a general ward with 4 members (voters from the general electoral roll), an “at large” with 4 members (voters from the general and Māori electoral roll) and a single Māori ward with 2 members (voters from the Māori electoral roll)

Voting would therefore look like this out of a possible total of 10 votes:

<b>Voter electoral roll</b>	<b>Māori ward</b>	<b>General ward</b>	<b>At large</b>	<b>Total votes</b>
Māori electoral roll	2	-	4	6
General electoral roll	-	4	4	8

The alternative without an “at large” component would look like this out of a possible total of 10 votes:

<b>Voter electoral roll</b>	<b>Māori ward</b>	<b>General ward</b>	<b>Total votes</b>
Māori electoral roll	3	-	3
General electoral roll	-	7	7

#### **4.4 Community Boards**

It is proposed to retain both the Lakes Community Board and Rural Community Board.

- The Lakes Community Board will consist of a chair, three elected members and 1 nominated councillor.
- The Rural Community Board will consist of a chair, three elected members and 1 nominated councillor.

(Attachment 3 - Map of community board areas)

## **5. 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 Local Electoral Act requires that consultation is undertaken on the initial proposal and that members of the community have the opportunity to be heard in support or objection to the proposal.

## **6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

This part of the representation is a formal consultation process which requires the initial proposal to be made publically available. The engagement plan around its publication will include but is not limited to:

- Public Notice
- On-line collateral
- Hard copy collateral
- Presentations – both face to face and online
- Radio
- Submission form – free post, online and drop off sites
- Information sharing events for community groups and associations
- Frequently asked questions
- Facebook – comments and answers to arising questions
- Static display in Customer Centre and Library

## **7. HE WHAIWHAKAARO CONSIDERATIONS**

### **7.1 He Whaiwhakaarotanga Mahere Pūtea Financial/budget considerations**

The pay for councillors and community board member is set by the Remuneration Authority. This is done via a single fund which sets the base salary, plus a pool to share among members for additional responsibilities. The Mayor's salary is also set by the Remuneration Authority, in addition to the cost for the councillors. This is paid for out of the general rate. The proposal does not propose new elected member positions therefore there is no additional pressure on the Long-term budget.

### **7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

There is no policy or planning implications.

### **7.3 Tūraru Risks**

Due to COVID restrictions, there is a high risk of not being able to meet face to face with the community during the feedback period (8 September to 8 October). The engagement plan has made allowance for this, ensuring a strong online presence, plus print media and radio.

The timeframe for publically notifying the initial proposal is also under pressure. The initial proposal must be notified by 8 September via public notice. Approval for this proposal is right up against the deadline. This is due to changes in the Local Electoral Act 2001, for the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (the Amendment Act). This 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.

#### **7.4 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 initial proposal for public consultation. The District Leadership and Democracy teams will then carry out the necessary steps to publically notify the start of consultation, deliver the public engagement plan and organise hearings of submissions on the initial proposal.

#### **8. NGĀ ĀPITI HANGA ATTACHMENTS**

- Attachment 1: Forum attendance
- Attachment 2: Your Choice – 2022 Representation Review – Initial proposal (RDC-1175129)  
distributed separately
- Attachment 3: Community board boundaries

**Attachment 1 :- Attendance – Representation Review Forums 2021**

Date	Forum	Attendance
23/06/2021	Representation Review - Forum 1	Steve Chadwick, Peter Bentley, Raj Kumar, Reynold Macpherson, Trevor Maxwell, Merepeka Raukawa-Tait, Fisher Wang, Mercia Yates, Nick Chater, Sandra Goodwin, Jennifer Rothwell, Shirley Trumper, Potaua Biasiny-Tule, Rawiri Waru, Te Taru White, Rangitiaria Tibble, Jude Pani, Geoff Rolleston, Kiri Potaka-Dewes
30/06/2021	Representation Review - Forum 2	Steve Chadwick, Dave Donaldson, Sandra Kai Fong, Raj Kumar, Reynold Macpherson, Trevor Maxwell, Merepeka Raukawa-Tait, Fisher Wang, Mercia Yates, Nick Chater, Sandra Goodwin, Shirley Trumper, Danielle Marks, Rawiri Waru, Te Taru White, Rangitiaria Tibble, Jude Pani, Kiri Potaka-Dewes, Kepa Morgan
19/07/2021	Representation Review - Forum 3	Steve Chadwick, Sandra Kai Fong, Raj Kumar, Reynold Macpherson, Tania Tapsell, Mercia Yates, Nick Chater, Phill Thomass, Sarah Revell (Thomson), Shirley Trumper, Potaua Biasiny-Tule, Rawiri Waru, Kiri Potaka-Dewes, Temoti
06/08/2021	Representation Review - Forum 4	Steve Chadwick, Dave Donaldson, Sandra Kai Fong, Raj Kumar, Reynold Macpherson, Trevor Maxwell, Tania Tapsell, Merepeka Raukawa-Tait, Mercia Yates, Nick Chater, Jennifer Rothwell, Shirley Trumper, Potaua Biasiny-Tule, Te Taru White, Jude Pani, Geoff Rolleston



**Attachment 2: Your Choice – 2022 Representation Review – Initial proposal**

**Attachment 3: Community board boundaries**

