

Strategy, Policy & Finance Committee Meeting Minutes 16 November 2021

01-15-228
RDC-1203265

Minutes

**Strategy, Policy & Finance Committee meeting
held Tuesday, 16 November at 9:30am
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,
Dr Morgan (via audio visual) and Mr Biasiny-Tule (Te Tatau o Te Arawa),
Mr Thomass (Lakes Community Board) and Mrs Trumper (Rural Community
Board).
- APOLOGIES:** Cr Bentley for early departure.
- IN ATTENDANCE:** Lachlan Muldowney, Barrister – via Audio Visual
- STAFF PRESENT:** G Williams, Chief Executive;
J-P Gaston, Deputy Chief Executive, District Development;
O Hopkins, Deputy Chief Executive, District Leadership & Democracy;
S Michael, Deputy Chief Executive, Infrastructure & Environmental Solutions;
G Rangi, Deputy Chief Executive, Te Arawa Partnership (via audio visual);
N Michael, Senior Communications Advisor;
R Dunn, Governance Lead;
K Tawhai, Partnership Advisor;
G Konara, Governance Support Advisor.

The meeting opened at 9.33am

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

**1. KARAKIA WHAKAPUAKI
OPENING KARAKIA**

Cr Wang opened meeting with a Karakia.

**2. NGĀ WHAKAPĀHA
APOLOGIES**

Noted the apologies from Cr Bentley for early departure.

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

- Dr Morgan declared a conflict interest as he has contributed to the submission from Te Tatau o Te Arawa on representation review arrangements and made a personal submission. Dr Morgan informed that he would not take part in the discussion at this meeting.

No further declarations were declared.

- Following no further declaration the Chair requested that it be noted that the following entities made submissions at the representation review hearing. These entities have members who are also members of the committee
 1. Te Tatau o Te Arawa
 2. Rotorua District Resident & Ratepayers Inc
- Mr Biasiny-Tule informed that he did not participate in the deliberations that Te Tatau o Te Arawa conducted and he was neutral throughout that process.
- Cr Donaldson raised a point of order and requested to note that there was a submission from “Grey Power – Rotorua”, in which, Cr Macpherson is a committee member.

4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

None

5. TEMPORARILY SUSPEND ‘STANDING ORDER NO 21.5 – MEMBERS MAY SPEAK ONLY ONCE’

Standing Order No 3.5 provides for a temporary suspension of standing orders as below:-

Any member of a council, committee, subcommittee and subordinate body, and local and community board may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried. cl. 27(4), Schedule 7, LGA 2002

As per the above provision, it is recommended to suspend ‘Standing Order 21.5 - Members may speak only once’ to allow members sufficient opportunity to undertake Representation Review deliberations at the Strategy, Policy and Finance Committee Meeting on 16 November 2021.

Therefore, it is resolved:

- 1) **That the Committee suspend ‘Standing Order 21.5 - Members may speak only once to a motion at a meeting’ for the Strategy, Policy and Finance Committee meeting on 16 November 2021.**
- 2) **The reason is to allow members sufficient opportunity to undertake Representation Review deliberations.**

Moved: Cr Kai Fong

Seconded: Mrs Trumper

CARRIED

6. PŪRONGO KAIMAHI STAFF REPORTS

6.1 YOUR CHOICE - 2022 REPRESENTATION REVIEW – DECISION MAKING FOLLOWING CONSULTATION

RDC-1201958

Resolved:

1. That the report titled “Your Choice - 2022 Representation Review – decision making following consultation” be received.

Moved: Mayor Chadwick

Seconded: Cr Macpherson

CARRIED

Oonagh Hopkins introduced Mr Lachlan Muldowney, Barrister as the legal advisor. Mrs Hopkins, Mr Rick Dunn and Mr Kihi Tawhai spoke to a presentation titled “Representation Review 2022 - Decision making following consultation” (Attachment 1).

Mayor Chadwick commented that taking into consideration the restrictions in the electoral act to adopt the preferred model (3 seats from Māori ward, 3 seats from the General ward and 4 “At- large” seats), sought clarification from Mr Muldowney regarding the process that council needs to follow to adopt the preferred model.

Mr Muldowney informed the committee that if Council wished to pursue being able to adopt a preferred model as noted above it would have to pursue this through a targeted local bill process presented to parliament

Attendance: Cr Yates joined the meeting at 10.25am.

There was discussion around, a model that is lawful and meets Council’s principles needing to be adopted in order to meet legislative timeframes in the Local Electoral Act for Representation Reviews.

A lawful and principled model of 1:1:8 was discussed.

Explanation was provided to give a high level overview summarising the Representation Review process and the points at which all elected members and board members were involved. It was also outlined that following Council’s direction the preferred model was tested with the Local Government Commission and legal advice sought on how to achieve a lawful model and meet the Council’s principles. The consultation and hearings phase was further clarified in stating the Council does not go back to any submitters when it has moved into the stage of presenting information from the submitters/hearings to the committee/council for decision making.

Attendance: Mr Biasiny-Tule withdrew from the meeting at 10.32am, in protest at the process followed to develop the recommendations within the report.

The meeting adjourned at 10.55am and resumed at 11.10am.

Mayor Chadwick signalled that she would move recommendations 2A, 3 & 4.

Further resolved:

- 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
3. That the committee notes that despite the recommended option, 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.

Moved: Mayor Chadwick

Seconded: Mr Thomass

CARRIED

Attendance: Dr Morgan re-joined the meeting at 11.18am.

Attendance: Cr Bentley left the meeting at 11.30am.

Voted for:- Mayor Chadwick, Cr Donaldson, Cr Maxwell, Cr Raukawa-Tait, Mr Thomass, Cr Yates

Voted against:- Cr Kai Fong, Cr Kumar, Cr Macpherson, Cr Tapsell, Mrs Trumper, Cr Wang

Casting vote: Chair, Cr Raukawa-Tait.

Motion Carried 7/6

Meeting closed at 12.00pm

To be confirmed at the Strategy, Policy & Finance Committee meeting on 2 December 2021.



Chair

Rotorua Lakes Council is the operating name of Rotorua District Council

Attachment 1- Representation Review 2022 - Decision making following consultation

The banner features a large teal background on the left with the text: **Representation Review 2022**, **Decision making following consultation**, **Strategy, Policy & Finance Committee**, and **16 November 2021**. On the right, there is a collage of smaller graphics including: 'YOUR CHOICE' in a teal box, '2022' in a white box, 'REPRESENTATION REVIEW' in a vertical orange box, 'MĀU E WHIRIWHIRI' in a teal box, '2022 TE AROTAKE WHAKAAHUAHANGA' in a white box, and the Rotorua Lakes Council logo with '2022 REPRESENTATION REVIEW'.

Purpose

Consider the submissions received and make a recommendation to Council on a final representation model for the 2022 and 2025 local elections.

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.

Guiding principles

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.

Guiding principles

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

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.

Guiding principles

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 processes".

Consultation proposal

31 August 2021

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

ROTORUA
LAKES COUNCIL



Themes following consultation

Equity/Equality - “everyone being equal” or “everyone should have the same”.

Treaty of Waitangi - strongly advised Council to be structured in a manner consistent with the principles of the Treaty of Waitangi.

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

Inclusion of a Rural Ward - raised the issue of effective representation of the Rural voice at the decision-making table.

Equal Suffrage - Universal Suffrage provides the opportunity to qualifying citizens the right to participate in the voting process (right to vote). Suffrage does not apply to the voting criteria such as how many votes each person has, proportion of votes based on population (Proportional Representation).

ROTORUA
LAKES COUNCIL



Desired model

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

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



Desired model

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

**Equality - Māori Ward & General Ward
Same and equal number of votes to elect a
council to best represent Rotorua**

Not permitted under Local Electoral Act



Consider a lawful revised model and achieve parity

If it is parity the council desires, there is a way to create this, 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.

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

Consider a lawful revised model and achieve parity

Voter electoral roll	Māori ward	General ward	At large	Total votes out of 10
Māori electoral roll	1		8	9
General electoral roll		1	8	9



Models to consider

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

Voter electoral roll	Māori ward	General ward	At large	Total votes out of 10
Māori electoral roll	1		8	9
General electoral roll		1	8	9

Initial Model (left side of the top table)

Alternative Model (right side of the bottom table)

Questions

