

## *Te Arawa partnership model – post-decision fact sheet*

### **General facts about the approved Te Arawa partnership model**

The Te Arawa representatives will not be on the Council, they will be members of the committees – they will not become councillors; they will be committee members with full voting rights.

Up to two Te Arawa representatives will sit on the Strategy, Policy & Finance and Operations & Monitoring committees.

The committees will have the power to make recommendations only to the full council – they will not have delegation to make decisions so the final decisions will be made by the full council.

This is a change to the current situation – committees currently have delegated authority to make decisions on some matters.

The change means the final accountability for decision-making rests with elected members on Council.

The model will involve the establishment of a Te Arawa Board, which will be elected at large by Te Arawa and will then nominate people to be Te Arawa's representatives on the council committees. The nominees will need to have relevant knowledge, skills and expertise and will need to be approved by the full Council for appointment to the committees.

It is expected the new model will be in place and functioning by early next year.

### **Is the model adopted by Council different from that which was consulted on?**

It is in essence the same but with a couple of modifications, prompted by submissions and feedback received.

Te Arawa's proposal had sought representation on the CE Performance Review committee and councillors voted to delete this.

The delegations for the two committees on which Te Arawa representatives will sit and having voting rights will change to having the power to only make recommendations to full Council, rather than having any delegated authority to make final decisions, as is currently the case for some matters.

Te Arawa representation on the audit and risk sub-committee and in Resource Management Act decision-making will be worked through separately and councillors will decide on these aspects of the proposed new partnership model at a later date.

### **What happens now?**

There will be no impact on Council's day to day business but Council staff will start working with Te Arawa representatives immediately regarding the detail of the model and support for the establishment of a Te Arawa Board.

### **How much will this model cost ratepayers?**

The option adopted by Council includes an undertaking that the maximum costs for Council support for the Te Arawa Board and its activities will be \$250,000 per year, except in an election year when the maximum will be \$290,000.

Te Arawa will also contribute to the costs.

Claims made during the course of the public consultation that it would cost council between \$1m to \$2m are incorrect. The costs to Council (ie ratepayers) will be limited to the budget which has been set as part of Council's resolution.

This budget reflects the views expressed by Te Arawa that it would be a capped contribution from Council and that Te Arawa would also be expected to contribute.

### **Has the legality of the modified option which Council has now adopted been checked and verified?**

Council has sought legal advice and legal opinion throughout the process from Tompkins and Wake.

The modified model adopted by Council and all options put forward for public consultation are lawful as per the council's legal advice.

Advice was also sought on the preparation of the report which was considered by councillors at their extraordinary council meeting of 26 May 2015 to make decisions on the Te Arawa partnership model.

Legal advice confirms that Council has broad discretion, through legislation, to make its own assessment as to how it will provide opportunities for Maori to contribute to its decision-making processes.

### **How will the Te Arawa representatives be selected?**

A Te Arawa Board will be elected at large and the board will put forward nominees for appointment to the council committees.

These nominees will be evaluated by the full council to ensure they have the right skills, knowledge and experience required.

Only the full council can appoint people to the committees.

### **What are the expected benefits of a Te Arawa partnership?**

The partnership is considered a means to help Council meet its commitment to effectively partner with Te Arawa; strengthen Te Arawa participation in council decision-making; identify strategic opportunities to work closely together for the benefit of the Rotorua district and build iwi capacity and capability to partner with local government.

The partnership will also help council to meet its legal and statutory obligations with regards to working closely with Maori and local iwi.

### **What about Maori other than Te Arawa?**

The key partnership for the council is with tangata whenua Maori, that is, iwi of the Rotorua district.

However, Te Arawa intends to include and consult other Maori, or mātāwaka, once the new model is in place and to include mātāwaka in the Te Arawa board set-up in future.

### **What's the outcome of the legal advice councillors were given? Weren't some told to either stand down from decision-making or resign from the Pro Democracy Society?**

The legal advice received by councillors advised that they should stand down from decision-making on the proposed Te Arawa Partnership Model if they could not bring an open mind to the process.

They were urged to assess whether they could be part of deliberations and decision-making and were provided with steps to enable them to make their individual assessment.

The legal advice was sought to examine the risk of judicial review. Concerns that some councillors' actions, both for and against the proposal, could amount to predetermination and put the decision at risk of judicial review were raised during the course of consultation on the proposed partnership model.

Councillors who are members of the Pro Democracy Society were not, contrary to reports, given an ultimatum. It was for every individual councillor to assess themselves against the tests presented in the report and legal advice.

### **Why was this legal advice sought?**

The legal advice about decision-making was requested by councillors and, during the course of the hearing of submissions on the Te Arawa partnership proposal, by members of the public. Members of the public had questioned whether councillors could take part in the decision-making because of their membership of and committee roles on a society created to challenge the legality of the proposal.

Council's Chief Executive sought legal advice and after receiving and analysing that legal advice, wrote a covering report for consideration by councillors, alongside the legal advice, which summarised and referenced the legal advice and provided his recommendations.

This is normal practice – advising councillors is part of the CE's role.

Councillors who were mentioned in the legal advice – those who were members of the Pro Democracy Society – were given the opportunity to see it, ask questions and seek advice prior to the last meeting of the Strategy, Policy & Finance Committee when the matter was dealt with in a confidential session. Councillors resolved to make the CE's report and the legal advice public following the meeting.

### **Why weren't Maori wards considered as an option?**

Maori wards were not part of what was consulted on as Council was bound by a previous decision made against considering Maori wards for the next two elections.

Maori wards may be established under the Local Electoral Act 2011 either by Council resolution or by poll (requested by Council or demanded by 5% of eligible electors). A poll or resolution can take place at any time but to take effect for the purposes of the 2016 triennial election would have required a Council resolution before 23 November 2014 or a poll to have taken place on or before 21 May 2015.

The earliest elections for which Maori wards could be considered is 2019.

Due to Council's previous decisions, Maori wards cannot now be considered by the representation review which is currently underway to determine representation for the next two elections. In order to consider Maori wards for the 2019 elections, another representation review were held in 2018

**For more information:**

To view the full report considered by council on 26 May go to: <http://www.rdc.govt.nz/our-council/tearawapartnership/Documents/TAPP-Agenda.pdf>

To view video footage of the 26 May meeting go to: <http://www.rdc.govt.nz/our-council/tearawapartnership/Pages/default.aspx>

To view the minutes of the 26 May meeting go to: <http://www.rdc.govt.nz/our-council/tearawapartnership/Documents/TAPP-DraftMinutes.pdf>

To view information about the Te Arawa partnership proposal and consultation, background and related documents, to go: <http://www.rdc.govt.nz/our-council/tearawapartnership/Pages/default.aspx>