



NOTICE OF AN EXTRAORDINARY MEETING OF COUNCIL
TO BE HELD IN THE COUNCIL CHAMBER
ON TUESDAY, 26 MAY 2015 AT 9.30AM

AGENDA

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Council Advisory Services Manager (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

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3. **CONFIRMATION OF COUNCIL MINUTES**

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3.5	Extraordinary Council meeting (cont.) – 11 May 2015 (<i>to be circulated separately</i>)	

Motion to be moved: *“That the minutes of the Extraordinary Council meeting held 30 April 2015, 1 May, 5 May, 6 May and 11 May 2015 be confirmed as a true and correct record.”*

4. **STAFF REPORTS**

RECOMMENDATION 1: Te Arawa Partnership Model Decision-Making		156
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COUNCIL DELEGATIONS

Type of Committee	Council Committee
Subordinate to	
Subordinate Committees	<ul style="list-style-type: none"> • Strategy, Policy and Finance committee • Operations and Monitoring committee • District Licencing committee • Tourism committee • Statutory Hearings committee • CEO performance committee • District Plan sub-committee • Audit and Risk sub-committee • Working /Strategy Groups (People, Sustainable living, Creative communities, Inner city revitalisation, Sustainable economic development strategy, Sports and recreation)
Legislative Basis	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
Purpose	The purpose of the Council is to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee.
Reference	01-15-010
Membership	Mayor (Chair) Deputy Mayor (Deputy Chair) All elected members
Quorum	7
Meeting frequency	Monthly
Delegations	<ul style="list-style-type: none"> • the power to make a rate • the power to make a bylaw • the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan • the power to adopt a long-term plan, annual plan, or annual report • the power to appoint a chief executive • the power to adopt policies required to be adopted and consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement; and • the power to adopt a remuneration and employment policy • the power to set and support strategies in measures related to emergency matters. • all the powers, duties and discretions under the Civil Defence Act for the proper operation and administration of the approved Civil Defence Plan; such delegation to be executed solely within the defined policy guidelines as determined from time to time by the Council and subject to the Financial limits imposed by the approved Council estimates.

Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	Powers that can not be delegated to committees as per the Local Government Act 2002 Schedule 7 S32.

Note: Rotorua Lakes Council is the operating name of Rotorua District Council

ROTORUA LAKES COUNCIL

MINUTES OF COUNCIL HEARINGS ON PROPOSED TE ARAWA PARTNERSHIP MODEL
HELD ON 30 APRIL 2015 AT 10:30AM
IN THE COUNCIL CHAMBER, ROTORUA LAKES COUNCIL

PRESENT: Mayor Chadwick (Chairperson)
Cr Bentley, Cr Donaldson, Cr Gould, Cr Hunt, Cr Kent, Cr McVicker, Cr Maxwell,
Cr Searancke, Cr Sturt, Cr Tapsell and Cr Wepa.

APOLOGIES: Cr Raukawa-Tait

OFFICERS PRESENT: G Williams, Chief Executive; M Kingi, Director Kaupapa Maori; J-P Gaston, Group
Manager Strategy & Partnerships; C Tiriana, Manager CE Office; O Hopkins,
Governance & Partnerships Manager (part); J Riini, Partnership Advisor; K McGrath,
Executive Assistant; C Peden, Governance Support Advisor.

Mayor Chadwick welcomed Councillors, staff and media to the Council hearings on the proposed Te Arawa Partnership model.

1. APOLOGIES

RESOLVED

That the apology from Cr Raukawa-Tait (for absence) be accepted.

Cr Sturt/Cr Gould
C15/04/029
CARRIED

2. HEARING OF SUBMITTERS

Time	Sub No	Submitter	Oral submission
10:30	32	Douglas Black	Mr Black spoke in support of his written submission (Attachment 1).
10:40	1235	Stephen Millstead	Mr Millstead spoke in support of his written submission. Q – Are you aware that unelected paid people on Lakes DHB representing Te Arawa and Tu Wharetoa? A – All ratepayers should be able to have their say. Q – Has he thought about the Maori ward system. A – Thinks it would work for Maori. As long as everyone has a fair say.

Time	Sub No	Submitter	Oral submission
10:50	1334	Jenny Millstead	Ms Millstead spoke in support of her written submission. Q - What would a fairer option be? A - Every interest group should be able to present to Council what their concerns are.
10:55	1681	Dr Stuart Corson	Dr Corson spoke to a Powerpoint presentation in support of his written submission (Attachment 2). Q – What was the systemic failure he had referred to? A – The Environment Court decision regarding the Rotoiti/Rotoma sewerage project.
11:05	6	Janine RangiMarie Bosma-Robson	Ms Bosma-Robson spoke in support of her written submission.
11:15	23	Allan MacKenzie	Mr MacKenzie spoke in support of his written submission (Attachment 3). Q – has he thought of any other options Council should take? A – the proposal put forward by Pro Democracy. People shouldn't be paid to give advice unless they have specific expertise in a particular field.
11:20		R Macpherson - Pro-democracy Society	Mr Macpherson spoke to a Powerpoint presentation (Attachment 4).
11:30	21	R Macpherson - Individual	Mr Macpherson spoke to a Powerpoint presentation, in support of his written submission (Attachment 5).
11:30	242	Rosemary MacKenzie	Mrs MacKenzie spoke in support of her written submission (Attachment 6).
11:40	51	John van der Vegte	Mr van der Vegte spoke in support of his written submission. Q – Although the submitter agreed that consultation with Maori was acceptable, is it a bridge too far to give voting rights. A – everyone should have a right to make their point of view known. Unelected people should not have voting rights.

ATTENDANCE: Crs Wepa and Tapsell left the meeting at 11.55am.

The meeting adjourned for lunch at 11.55am and reconvened at 12.40pm.

Time	Sub No	Submitter	Oral submission
12:40	63	Brian M Shepherd	Mr Shepherd spoke in support of his written submission. Q – Is there another model he would prefer? A – He would consider a modified model. Q – Please clarify whether or not you would prefer to see the (previous) Te Arawa Standing Committee meeting reinstated. A – Yes, and make it work.
12.48	106	BA & P Hodgkiss	Mrs Hodgkiss spoke in support of her written submission (Attachment 7).
12.58	86	John Merito	Mr Merito spoke in support of his written submission. Q – Regarding allegations (by members of the public) that Te Arawa would be disproportionately represented, and power hungry, is he aware a similar system worked with Lakes DHB. A – Te Arawa has always shown a willingness to collaborate, not have power. Focus on sharing. Te Arawa could improve the 'kite' of skills Council has to draw on.
13:00	73	Rick Thame	Mr Thame did not appear.
13.07	102	Walter Bateson	Julie Calnan, accompanied by Mr Bateson, spoke on his behalf. Q – Suggestions he has? A – Very important for Council to speak with all sections of the community (Attachment 8).
13.14	379	Julie Calnan	Mrs Calnan spoke in support of her written submission (Attachment 10). Q – Are you aware that there are 2 health organisations in the district who have Tu Wharetoa and Te Arawa with representatives with full voting rights? Has that caused a rift on the DHB. A – These have been appointed health minister. Very few similarities to council. DHB is one business, whose role it is to address ill health in the community. With high proportion of Maori suffering ill health, the minister felt it was DHB. Q – Are you aware the Audit & risk and tourism committee have unelected members? A – These 2 committees don't have the same standing in Council as the SP&F and O&M committees. Q – Re the accountant appointed as an unelected member to the Audit & Risk Subcommittee, his role is to give advice as an accountant, not to represent accountants. The Tourism Committee does not have same standing as the 2 main committees.
13.23	147	Usula Bamford	Mr Reynold Macpherson spoke on behalf of Mrs Bamford, in support of her written submission

			(Attachment 9).
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Time	Sub No	Submitter	Oral submission
13.27	123	Reginald W Wellington	Mr Wellington spoke in support of his written submission. Q – Please clarify, do you agree to a Te Arawa partnership but that it's a bridge too far to have voting rights? A - If partnership with Te Arawa, there should be a partnership with every other body.
13.35	107	Edward Keefe	Mr Keefe spoke in support of his written submission.

The hearing adjourned at 1.40pm and reconvened at 2pm.

ATTENDANCE: Cr Wepa re-joined the meeting at 2pm.

Time	Sub No	Submitter	Oral submission
14:00	146	James Collins	Mr Collins spoke in support of his written submission. Q – Is there another arrangement – would he prefer a community board? A – He is not opposed to a community board. Te Arawa's voice should be heard, but so should all members of the community.
14.07	152	Ralph Mosen	Mr Mosen spoke in support of his written submission. Q –Do you believe people appointed to committees should be paid? A – Eastern arterial discussions, 2 organisations are paid and 3 hapu representatives are unpaid. Should be a level playing field, as their input is equally valuable.
14.13	159	Stewart Edward	Dr Edward spoke in support of his written submission. Q – In his experience, did he think Te Arawa were looking for power gain, or the good of the wider community? A – He has lived in Rotorua for a long time, and enjoyed good relationships with Te Arawa. They have a vested interest in the long term benefit of the city, e.g. education initiatives. 'Working together' concept. Q – 3 Maori already on Council, which is more than representative of the community. Is that not sufficient? A – Same could be said about DHB. A collective view has enormous potential, as opposed to individual councillors' views. Different perspectives having input into the lifeblood of Rotorua and into the future.

Time	Sub No	Submitter	Oral submission
14.24	1013	Blanche Kingdon	<p>Ms Kingdon spoke in support of her written submission.</p> <p>Q – Had she attended any of the hui organised by Te Arawa while the partnership model was being developed.</p> <p>A – No</p> <p>Q – Had the Te Arawa Standing Committee been effective in meeting the requirements of the Local Government Act to allow Maori, not just Te Arawa, to have a voice?</p> <p>A - She thought it was a good model to meet the aims of consultation with Maori.</p>

The hearing adjourned for afternoon tea at 2.40pm and reconvened at 3.05pm.

Time	Sub No	Submitter	Oral submission
15.05	219	Alfred Arnold	<p>Mr Arnold spoke in support of his written submission.</p> <p>Q – Was he aware that Marlborough Council had paid iwi representatives on 4 Council committees?</p> <p>A – No he wasn't.</p> <p>Q – What was the 'bias' in the questions in the submission form?</p> <p>A – Questions on the submission form appeared to be 'leading' questions in favour of the proposed Option 2. The form had omitted Option 1.</p>
15.14	230	Richard & Christine Amery	<p>Mr Avery spoke in support of his written submission.</p> <p>Q – Not against a working relationship with Te Arawa, but having voting rights?</p> <p>A – Being on a standing committee is 'a bridge to far' and certainly voting rights is also.</p> <p>Q – Did he have any objection to the former Te Arawa Standing Committee?</p> <p>A – No, as he understood that they had been more in an advisory role.</p>
15.17	232	Anthony Thompson	<p>Mr Thompson spoke in support of his written submission.</p> <p>Q – Was he happy with TASC?</p> <p>A – Happy with council asking any minority group for their suggestions. He just opposed unelected people (on Council committees).</p>

The meeting adjourned at 3.23pm and reconvened at 3.34pm.

Time	Sub No	Submitter	Oral submission
15.35	536	Barrie Fenton	<p>Mr Fenton spoke in support of his written submission.</p> <p>Q – Was he aware that the Tourism Committee is now a business unit of Council, made up of unelected members, and that no councillors are involved?</p> <p>A – He had no problem with that; he just objected to unelected people being paid to be on committees.</p> <p>Q – As an alternative model, would he support the creation of Maori wards?</p> <p>A – Yes he would.</p>
15.42	562	Bryce Morrison	<p>Mr Morrison spoke in support of his written submission.</p> <p>Q – Why did the previous TASC 'fail', in his view?</p> <p>A – As a personal opinion only, he believed that there had been no 'give and take' over the years, although he acknowledged that Te Arawa could have been more 'aggressive' in their stance.</p>
3.55pm	557	Dennis Burr	<p>Mr Burr spoke in support of his written submission, representing a group of residents from Ngakuru.</p> <p>Q – How he was suggesting the funding process within Te Arawa could work?</p> <p>A – He felt Te Arawa have the financial resources to fund an advisory board.</p> <p>Q – Please clarify how the advisory board would work?</p> <p>A – Funded by Te Arawa – sitting outside of Council.</p> <p>Q – How would the nomination process work?</p> <p>A – Te Arawa to appoint their own representatives.</p> <p>Q – What are the differences between what he is proposing, and what the Te Arawa Partnership Model is?</p> <p>A – Funding, with final decisions at Council left to the publicly elected members, i.e. the advisory board would not have voting rights.</p>
16.08	570	Alan McCaulay	<p>Mr McCaulay spoke in support of his written submission.</p> <p>Q – If he does not support the model, why does his written submission state he does support a partnership with Te Arawa?</p> <p>A – Council has got to make decisions on behalf of the 'greater good'. Must be taken seriously by all parties – a good partnership is not determined by whether individual groups get their own way. He can't agree with the TAPP proposal.</p> <p>Q – Was there another partnership model would he suggest?</p> <p>A – Would need to give the matter more thought.</p>
	1704	Leonard Taylor	Mr Taylor not appear.

The hearing adjourned at 4.20pm.

Doc No. RDC-528972

SUBMISSION NO. 32

SUBMISSION NO: 32

Submitter: Douglas Black

I WISH TO speak to the mayor and councillors regarding my submission.

Do you support in principle the intention to effectively partner with Te Arawa?

No

Reasoning:

Received 9 March

I consider the Te Arawa Partnership Plan (option2) to be racist, and an attack on our legally elected councillors as incompetent pafs, who are incapable of making decisions on the information and advice placed before them by their employees and specialists, without being prejudiced against the tribe. An example. The trees dedicated to our brave soldiers who never returned, but are forever resting in foreign lands, which was approved by the council, these trees are now in the flightpath of the refurbished airport, and thus have to be pruned periodically at some expense to the ratepayers, why cant these trees be removed and an appropriate memorial, relocated in say the Government Gardens where everyone including our visitors both from New Zealand and overseas will see them, no one really knows of their existence at the approach to the airport.

(Digress here.) Many years ago if I remember rightly Mr Rangiheuea a respected elder of the Tribe requested the RDC(as the RLC was in the " Still Born" status), that his tribal members be given some exposure to Civics and local government experience, and long before Mayor Chadwick, was elected, the TASC was born, there was some confusion amongst the tribe on how its delegates was to be elected on its initial appointment, things settled down for a while, but confusion almost persisted at each subsequent election, things went on more or less smoothly, till our new TASC was elected who were more articulate than the previous members, and this is where the discontent emerged. Mayor Chadwick has given Mr A Tahana the title of "Leader" I would like to know his professional qualifications, experience and contributions to any society, so that I may follow him. I believe the TASC was formed when Mr J Lepper was Deputy Mayor a position filled by Mr Maxwell until our Mayor Chadwick was elected.

Received 19 March

We already had a number of tribes people on the council as requested by Mr Rangiheuea, a tribal elder some years ago, can you tell me how cost effective this has been over the years that this group have been appointed, Is the Mayor and her Gang of supporters trying to take over the social welfare functions of the central government? Have these people made any contributions, significant or even of a trivial nature would be acceptable.

By the way the deputy mayor David Donaldson should publish, any evidence he has that Maori Television may not consider relocating to Rotorua because of the hostile attitude of the red necks of Rotorua, or he should keep his untruths to himself, he brings dishonour to his gifted appointment, and could quite easily be considered a THUG by the ratepayers and the public in general of Rotorua.

Received 16 April

People who have not been democratically elected should not have a vote on Council committees. The power to make decisions must remain with elected councillors who are accountable to the whole community.

What aspects of the Te Arawa Partnership Model do you agree with and why?

Received 9 March

None, as all of them as are racist, and biased towards one ethnic group who may not be pure Te Arawa but mixed up like most of us. If we must have a tribal representation on the council as the TASC considers our elected representatives incompetent then I would like the RDC not (the RLC as it is a stillborn child) and it is not registered, the process is quite time consuming and expensive, to consider two advisory boards, (1) A Community and (2) A Maori board. Both to have equal numbers and none to be paid from the council purse as this will cause a blow out of our meagre resources. I am sure Mr A Tahana will jump at this proposal as he and his supporters will already be unpaid volunteers helping out at the Hospital, Samaritans, SPCA, and the Hospice or even teaching English to our new settlers for whom English is not their native language.

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Whatever expenses approved by the elected councillors will be acceptable

Received 19 March

Everything, how can anyone even with limited capabilities, even consider appointing 14 tribal Board (Bored) members of doubtful qualifications and nebulous experience, other than tribal connections. The council already has authority to employ, consult specialists in or outside the community to advise it on topics where the elected members or the council employees are in doubt or require some additional clarification. Surely this is more than adequate, or are these natives "Witchdoctors or Sharmans" who possess mythical powers who will cast a spell or curse (Maketu) on the people of Rotorua, if they don't get a welfare payment, I would love to have a handout from the Ratepayers via the elected councillors of Rotorua. Can you tell me the Names, Qualifications, and specialist skills that the present tribal representatives have and significant/or trivial contributions they have made over the years that they have been an unnecessary burden on the ratepayers.

Received 16 April

None

What aspects of the proposed Te Arawa Partnership Model do you disagree with and why?

Received 9 March

All of them as they are racist and, biased towards one ethnic group, who may not be pure Te Arawa but mixed up like most of us. Go for two advisory groups (1) Community (2) Maori board, of equal numbers and none to be paid, but the elected councillors to decide on expenses. I am amazed at the arrogance of Mr A Tahiana and his ilk, their effrontery at demanding specific representations for a tribe when the RDC and its elected representatives had already given them an avenue to speak on behalf of their people. Some of the old and new councillors do not know their responsibilities on the council which are for all of the people of Rotorua and not just for one ethnic group. I rest my case.

Received 19 March

Everything. Where have we got nonelected members voting on proposals, they have no special stated qualifications or experience, so what will they contribute other than tribal customs which today are of nebulous value. The cost is another factor, will they be elected for life in perpetuity? how will their successors be elected?

I believe we in the city and districts had in the past 3 Prince's, their borders were confined by the streams, will their heirs be equally be represented or will we have the farcical behaviour of the past when the initial representatives ere elected. When the mayor and her supporters say Te Arawa proposals, do they mean a group of say 100, have voted for this as they were bribed to attend a hui and get some free grub, we need a public referendum of all the Maori in our city and district, lakes if you prefer but no one lives on the lakes, my property in on land accessible to the lake Rotorua. We don't want a cost that is not necessary even though it may financially benefit a few natives of doubtful qualifications or experience.

Received 16 April

Unelected people should not have the power to make decisions that affect us all. We elected councillors to do this.

Is there another option or arrangement that you would prefer and why?

Received 9 March

(1) Community (2) Maori Boards of equal numbers and no monetary payments, all voluntary.

Received 19 March

YES. If we must have 14 tribal representatives we request 14 Community representatives also, none to be paid by the council purse, perhaps some expenses, these to be decided by the elected members, we don't want parasites on the public purse We have many voluntary organisations in New Zealand, SPCA, Salvation Army, Samaritans, Hospice, Teaching English to immigrants and many others. I was never paid for my voluntary work, and I don't need it. I have advised the Awahou chiefs Bamy and Hekaria Paul on the basics of a sewerage system as I have owned my home since Dec1988/ and moved here permanently since 1995, I have had severe arguments with the council engineers who have stuffed my section because of their arrogant behaviour and stupidity, even until recently I was forced to call your engineer Mr Johan Guy to ament his sewerage drawings, I have tried to tell the council engineers that I did not have a "Manhole/ Womanhole" but they still kept sending me young engineering students since 1995 to make sure that I have not covered my manhole, many of my neighbours have buried their "Cleaning Eye" and will have some

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problems when they are in need of locating them.

Received 16 April

Council should consult with Maori and where appropriate appoint them on to committees but without voting rights. Elected councillors should listen to and heed advice and then they make decisions for the good of the community.

Do you have any further comments?

Received 9 March

I wish this fiasco will go back into the box and die, but I don't think it will willingly. I would like the trees dedicated to our brave warriors be removed and a special place be established at a prominent place where they will be viewed and admired by all the natives and visitors who come to our beautiful area to enjoy whatever we as citizens offer them. I do hope that the tribal elders who have had more experience of living with a polyglot of peoples will exercise some control over these young hotheads who want power but no responsibilities. I rest my case.

Received 19 March

Yes, would like to have the trees planted some years ago to commemorate our dead servicemen, removed, as they have grown to a height as to be a danger to the aeroplanes using our airport. The council who recommended their planting did not have the foresight that these trees will be a danger one day. We should consult the leaders to have them relocated in the Government Gardens where everyone will be able to remember our brave men/women, even the tourists. Few people even know that this exists. On this note I rest my case. The proposal of the mayor and her gang is just not acceptable to anyone except to those natives of dubious qualifications and experience who will benefit financially, and thus be a burden on the ratepayers.

Received 7 April

I object to the proposed Te Arawa plan of appointing 14 non elected members to a Board to assist in the running of the Rotorua District Council, as it is totally not necessary. The cost alone would be prohibitive as the 6 present members cost about \$200000, taking the numbers to 14 with simple mathematics 200000 divide by 6 and multiply by 14 does not come to \$300000, this calculation was provided by your very capable manager Mr Gaston.

I cannot see the need for a TE Arawa committee to advise the the Mayor and the 12 elected councillors, as they have never been needed in the past, if they are necessary as a native input for a maori perspective then for economic reasons alone we should go back to the 4 Maori wards. as this will get rid of the desperate need for the TASC, which as many ratepayers of Rotorua say is now a defunct organisation. My reasons are as follows, what professional, or trade qualifications, do any of its members hold, that are of any value in running a complex organisation as the RDC. What contributions have these initially (4) members now (6 members) made to the efficient running of the Council over the number of years that they have cost the ratepayers, what cost benefit have we had by their sacred prescience, surely the minutes of the meetings and their invaluable contributions will have been recorded, unless of course they were paid because they have made some intangible contributions such skills as "Blessings" "Shaman" "Sadhu" = (holymen), or "Mafia", blackmail or protection racketeer, or are we just giving the Natives "Koha", what cost benefit have we as ratepayers obtained for the cost of this TASC, over the years that they have been in existence. If we have not got anything in return for our money we should get rid of them, I realise the loss of income will be catastrophic, for the incumbent members, but the RDC is not a charitable organisation, we as ratepayers do not have a large surplus of funds to subsidise the income of the TASC members, I will not go into the comedy that prevailed on their initial appointments, more so as to how they were to be elected by the Te Arawa people.

If we must have 14 Tribal representatives (with the Mayor + 12 Elected Councillors also) then I recommend we have 14 Community representatives, so we will have 14+13+14= 41 representatives on the new council, the 14 Natives and the 14 Community representatives will not be paid but will be volunteers, just like the Hospice, Language teachers to migrants, Museum guides etc etc, I am sure that the elected councillors will give them some legitimate expenses. I believe that my proposition will be acceptable to all, the Natives will be able to make a contribution and at the end of each year the Government may even give their leaders as

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Mr Tahana has been given that title by our Socialist Mayor Chadwick, a Knighthood for services to Te Arawa and the RDC.

I sincerely believe that the RDC a legitimate name/ RLC is a preferred name by the Mayor, is not a very wealthy council, we have a lot of very low paid workers, and to remind the Mayor, Councillors and all the Staff employed, including its Chief Executive Offices that no matter what they do for us, they are responsible for nothing, we the Ratepayers will have to pick up the debts, just like a council up North, who have screwed things up to such an extent that the Government has had to put a statutory manager to look after its affairs,

On this note I rest my case, but I would like to address the RDC/RLC if given the opportunity.

Received 16 April

A parallel governance and administrative structure is not necessary and will cost ratepayers a lot more than what we are led to believe.

The first question is too non specific and should have asked if we supported the Te Arawa Partnership Model.

- Citizen since childhood
- Family in Aotearoa NZ since 1855
- Professional career with organisation that brought respect & revenues of global technology sector to city

Dr Stuart R. Carson – bond to Rotorua

Critical questions

- Have we become too close to the issue, too quickly?
- Is undue prominence being given to generalities & structures without ensuring they have common meaning?
- Are we building on our established strengths?

Common concern for socially- & economically-strong city

- Many submissions confusing "Council" as entity independent of the community; and of Te Arawa in particular.
- *By definition, our Council is collectively us, with no exclusions. Is what we make of it.*

Rotorua's present Council structure;

- a democratic privilege we mutually share
- evolved across 2500 years to assure fairness
- widely used by socially-diverse & economically-strong communities across the world

TAPP will confuse and duplicate existing governance

Te Arawa

- major economic force and social presence
- are, and will always be recognised for their mana
- are an integral part of the Rotorua civic structure
- share the respect and dignity of their peers
- free & full opportunity to contribute to civic functions & aspirations

Engagement,
rather than selective participation in governance

No substantive examples of

- systematic failure of RDC to fairly provide essential services
- what TAPP would provide additionally to effective engagement

Proposal lacks substance and detail

Do not support

- Unelected representation on key Council Committees and functions
- Council funding of single sector groups, that is not universally enjoyed

- As citizens, we have individual duty to be informed and engaged.
- Our Council can support us in this. Collectively, it is ours to assist in achieving our civic aspirations

Allan Mackenzie Submission (23)

Notes For Submissions Re Te Arawa proposal.

I object to the whole proposal because it is double dipping into the electoral system. All Maori like everyone else have a vote and yet this proposal gives them an extra vote as well. Not a very Democratic principal at all. I also object strongly to any special interest or advisory group being paid or otherwise financed out of Ratepayers money. We cant afford it. I see that apart from elected councillors, employed staff or professional people skilled in a particular area, anything anyone has to offer in the way of advice or suggestions should be done as an unpaid civic duty.

Before ever seeing my way clear to accepting this Te Arawa proposal I would like to know what advice and skills they can bring to the Council table that cannot be obtained from anyone else. Do they have these special skills or is the whole thing just a S.O.P to Maoridom?

Nor do I see that a reversion to tribalism should play any part in either local or national governance for either Maori or Pakeha. We are after all part of a nation state where tribalism has been discarded. A cultural or fun thing yes, but such a narrow outlook is not good for a modern society. My name shows I descended from a tribal society in Scotland but where are they now? Scattered all over the world!

I do not see that these same groups should have any input into the oversight of the Chief Executives performance as it gives them one third of the decision and no one can say that is fair for a minority to have so much say on anything. Besides, does the CEO need people constantly looking over his shoulder while he works?

I object to giving any group special privilege based on race or any other criteria. In this case it is little better than reverse racism and akin to apartheid. It makes a mockery of the concept that we are all equal before the law. Do we want a system where some are more equal than others?

All people today must cope with a very changing and complex world. To provide special privilege to anyone is not helping them cope with the constant changes taking place. Regardless of race the views and mind set of 1840 peoples could not perceive of the advances made since that time so we can no longer make comparisons with that period. This 21st century world we live in is so complex that the customs that were common back then are having less relevance with today's world and can only be relegated to a historical thing worth remembering as the way our ancestors once lived. That applies to all cultures, not just Maori.

Allowing people who are not elected to decide how my rates are spent is not only not democratic but an unacceptable imposition upon the citizens of Rotorua. Or anywhere else for that matter.

Privilege leads to corruption and there is no guarantee that in five or ten years down the track we will not have corrupt individuals making decisions for the Ratepayers and not being answerable to the people in the ballot box. What guarantees can you give this will not happen?

Our early ancestors left their homelands to get away from that system where the privileged few had all the power. They thrived when they had the opportunity to be individuals and not someone's serf. In this I have to ask is it the aim of Maoridom to eventually reduce the rest of

us to modern day serfs with them having all the power? Are they to be the new aristocracy?

Finally we can't solve the problems of the past by imposing guilt fed solutions on the current generation. If we do then we are building up a pool of resentment for the future where people of all races must live. Trying to solve one problem by creating another is all too common in politics and doesn't work. One of the natural laws no Government or court can change says that for every action there is a reaction and if we don't gauge what that reaction will be we end up with more problems. I for one don't want to leave a mess for my grandchildren to sort out in future years. A mess that could end in violence as happens in other countries.

We cant afford to water down democracy for the sake of placating a self interest group no matter who they are. As councillors elected by the people your own positions are in danger of being watered down to irrelevance if this proposal goes ahead. Mark my word, they wont be satisfied with what they get but will demand more.

We must all cope with a changing world the best way we can. Giving special privilege to a small group as if they are the only ones who pay rates is indefensible and should not happen in a democratic society.

Thank you for hearing me out.

Allan J. MacKenzie

192 Clayton Road.
Rotorua 3015
Ph 3490477

Option 5 – The Democratic Governance Model

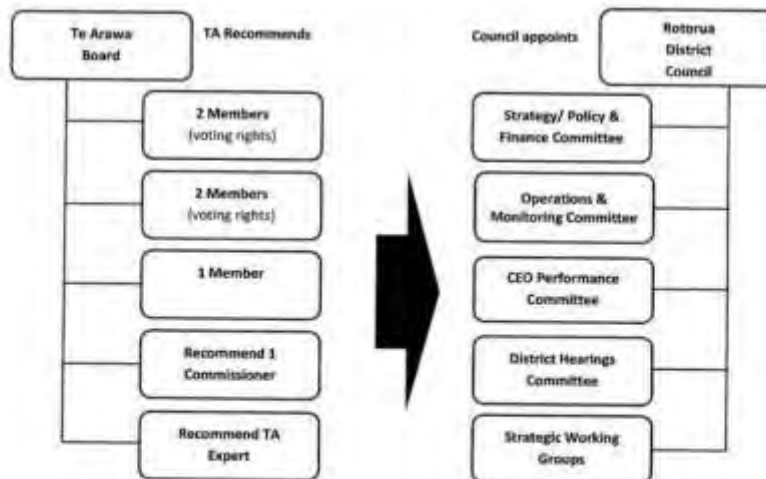
Presentation on behalf of the

Rotorua Pro-Democracy Society

Reynold Macpherson, Secretary
1140-1150 Thursday 30 April

Moral Reaction to the Partnership Plan

Input into Policy and Planning – Option 2 (Te Arawa Partnership Plan)



The Moral Ideal of Democracy

Democracy is a moral ideal that exists as values & principles that guarantee

- A political system for improving government thru free and fair elections
- Active participation of the people, as citizens, in politics and civic life
- The protection of the human rights of all citizens
- The rule of law; laws and procedures that apply equally to all citizens.

Democratic values are about making informed choices through engaging in open dialogue and debate, accessing relevant and objective information, seeing that debate and decision-making has value, feeling safe and making free decisions without suffering or fearing harm.

Democratic principles respect diversity in a common civilisation, value citizenship (with equal powers and rights to participate), and protect human rights (civil, political, economic, social and collective rights).

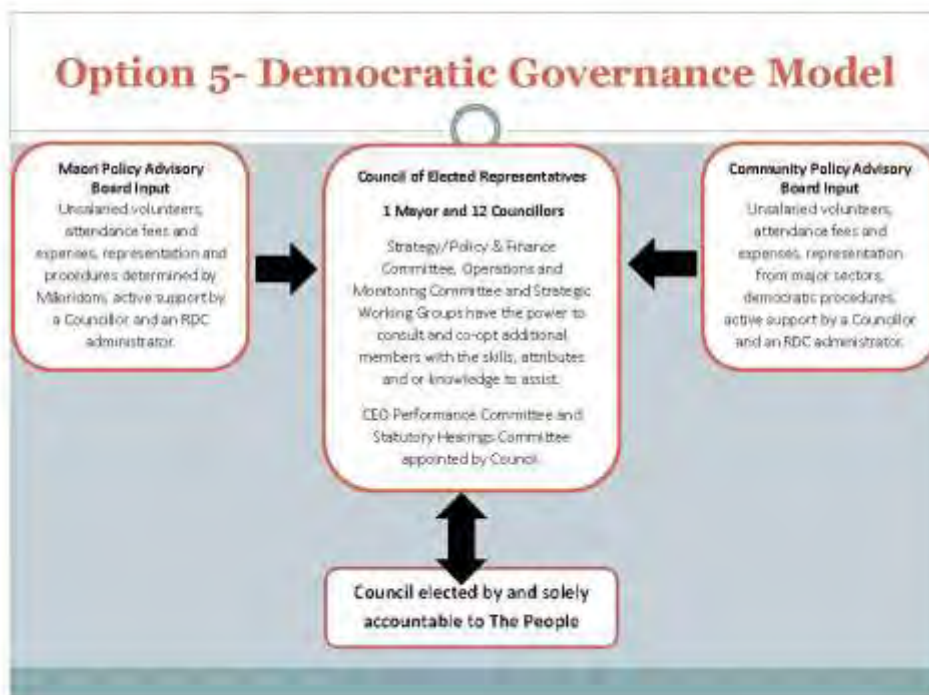
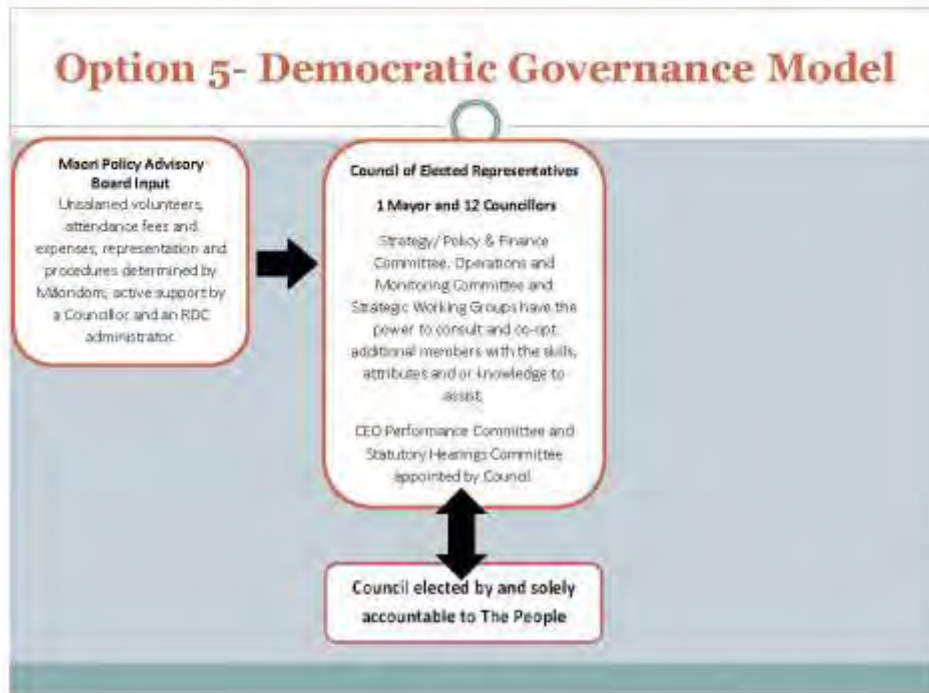
How Representative Democracy Works

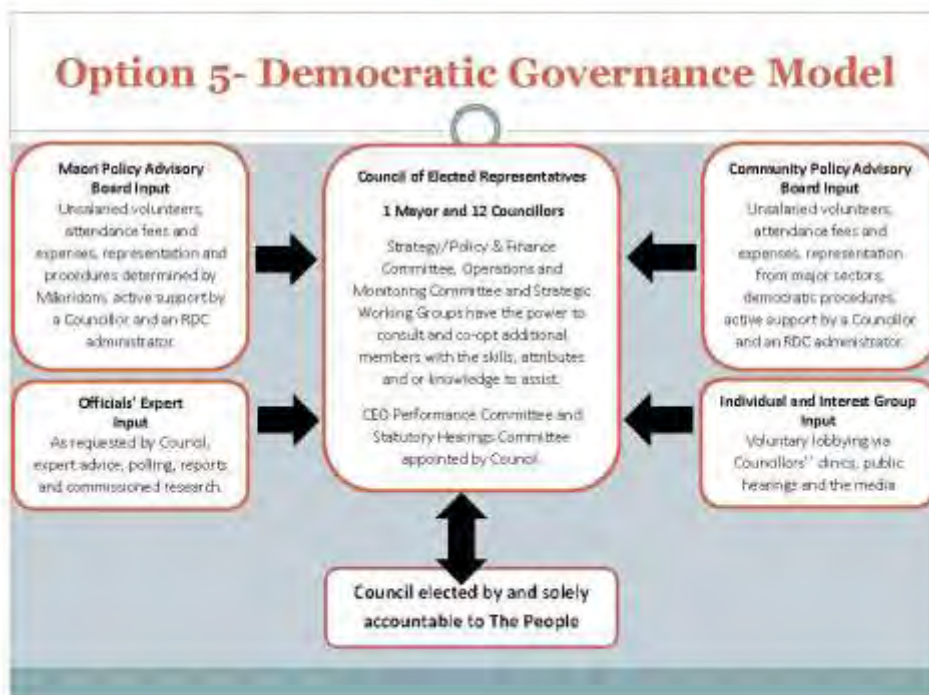
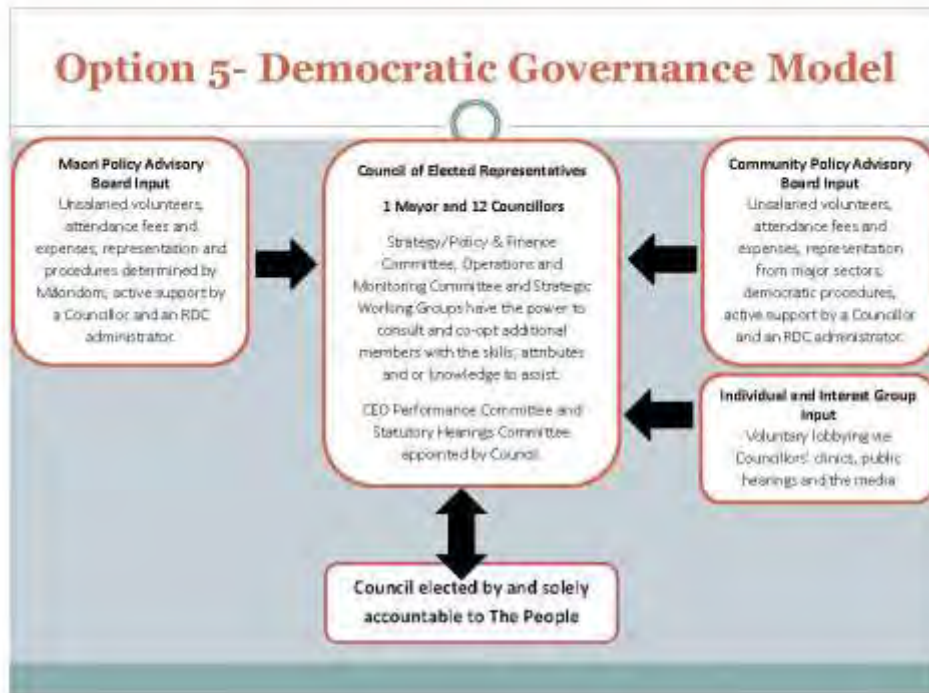
Decision-making power in a representative democracy is reserved to elected representatives, to prevent undue influence by any interest group, to ensure that decisions are made in the public interest, and to hold them accountable.

Democratic decision-making by elected representatives means that citizens and collectives may participate as **advisers** in decision-making processes. They must be given the opportunity to contribute effectively as policy and planning advisers but not to participate in decision-making.

The test of effective representative democracy is not the extent to which it satisfies the preferences of one interest group, but the extent to which it reconciles the plural preferences of many interest groups in a diverse community.







What do The People Want?

A Personal Position: A Political Analysis

Reynold Macpherson

The People were polarised by the Hovell Report

Between early May and late July 2014, 46 (66%) of the 70 Letters to Editors and Articles **rejected the Partnership model** for the following reasons (n):

- **Race-based privileges** in representation going to Te Arawa (13)
- **Policy process** managed by the Mayor was biased in favour of a predetermined 'partnership' model and any lacked public consultation (13)
- **Politics of ethnicity** had created disharmony and may cause civil strife (7)
- **Giving unelected people power** over citizens corrupts representative democracy (6)
- **Reallocation of power not justified** by the Treaty or economic power of Te Arawa (5)
- **The undeclared costs** to the ratepayer would probably be unreasonable (2).

The People were polarised by the Hovell Report

24 (34%) of the 70 publications **supported the Partnership model** for the following reasons (n):

- **Maori sovereignty and partnership** guaranteed by Treaty and English common law (9)
- **Past and present contributions** by Te Arawa to Rotorua (4)
- **Representation required** by new Te Arawa entities and their economic power (4)
- **The Mayor's prior commitment** to co-governance and her courageous stand (4)
- **The Environment Court** judgment (2), and
- **Te Arawa not served well** in the past by democracy (1).

The People were polarised; 66% against, 33% for the proposed Partnership model.

The People were further polarised by the Tahana Report

56 articles and letters were published between 18 Dec 2014 and 31 Jan 2015

The 10 (18%) supportive of the Tahana Report emphasised

- Need for better and separate Maori representation (4)
- Democracy is part of racist colonisation (2)
- It reflects 12 months of consultations with Te Arawa (1)
- It meets legal obligations to engage Maori (1)
- The Mayor's electoral majority (1)
- Need for greater social justice (1)
- The unreasonable fearism of some correspondents (1)

The People were increasingly opposed to the Partnership Plan

46 (82%) articles and letters published between 18 Dec 2014 and 31 Jan 2015 **opposed the Partnership Plan**

- **Undemocratic**; unelected people to be given power (15)
- **Poor quality governance**; biased policy processes with outcome pre-determined (11)
- **Disproportionate ethnic representation** socially divisive, (8)
- **Limited public consultation** despite Council's Significance and Engagement Policy (5)
- **Risk to ratepayers** (5)
- **Exceeding legal obligations** exposing the Council to a judicial review (4)

On the basis of published commentary, The People's resistance to the Partnership Plan had hardened from 66% in July 2014 to 82% by the end of January 2015.

What did The People say through recent Petitions?

A Petition signed by 1370 (today 1712) requested: **That Council does not implement the Te Arawa Partnership Plan, Options 2 or 3, because they are undemocratic.**

An Online Petition signed by 250 (today 266) requested the Rotorua District Council **to adopt a Democratic Governance Model**

The 1978 petitioners actively opposed to the Partnership Plan and/ or preferring a democratic governance model, are 4.9% of the electorate, **22 signatures under the 5% needed to request a referendum.**

What did The People say in their Submissions?

Over **40% have rejected the vague platitude** about supporting in principle a partnering model: the proposal is deeply divisive and will be resisted.

The Feedback Form was **biased** to predetermine the outcome; Option 2, or to concede voting rights (Option 3) to get Option 2 by stealth.

I was **denied access to analyse** The People's responses.

The degree to which The People supported each of the four, now five options, **was not measured**.

This is unsound and divisive policy making.

What did The People say during the Special Consultative Process?

- **The SPC did not consult The People** on the four options, as promised, nor admit an Option 5, until today.
- The so-called Information Sessions were **push marketing of Options 2 or 3 by the partners**
- **The Feedback Form did not measure the degree of support for each of the four, now five Options.**
- The Mayor and Councillors **don't have the evidence they need** about what The People want to make fundamental changes to the governance.

Options and Implications for Councillors

1. **Reject the** data that indicate implacable and growing **resistance** by The People, **ram through** a decision to implement, and **endure a politics of regime change**.
2. **Game** the data, **evade** the moral ideals of democracy and **fudge** the doubtful legality of the Partnership Plan, and **risk a Judicial Review**.
3. **Accept that The People are deeply divided** by the Partnership Plan, **defer any decision**, and **refer the Plan to the Local Government Representation Review** with a view to a fresh, inclusive, democratic and effective policy settlement.

Rosemary Mackenzie Sub #242

My opposition to the Te Arawa Partnership plan is because I believe all New Zealanders have an equal opportunity to be involved in the governance of their local authority. People are elected by the citizens of their community because those citizens believe the candidates have the requisite skills to govern wisely. While this process may not be perfect it is the best we have. It is called democracy.

While agreeing there needs to be a formal process for consultation with Te Arawa I do not believe that unelected representatives on the two standing committees of our Council plus other appointments as are contained in the plan is appropriate. It is undemocratic.

The proposed Te Arawa partnership plan gives disproportionate representation to a minority of Rotorua's citizens and gives them special privilege. New Zealanders have a proud history of opposing privilege. It was not allowed to be established when New Zealand was settled by immigrants from Britain nor should it be allowed to be established by immigrants from Hawai'i no matter when they arrived.

It is a divisive policy and has not only divided Te Arawa and residents of other ethnicities but has divided Te Arawa and Maori from other iwi who have chosen to make this city their home. It is creating even more concern among the newest citizens who have chosen this country as a safe haven from what is often undemocratic behaviours in their homelands.

The separate Te Arawa Board being mooted is a form of apartheid and morally and ethically wrong. We can forgive the young for not remembering the political system which operated in South Africa so many years ago, but I believe most of you would be of an age to remember all too well how this country expressed its objections to that regime.

It is not the business of Local Bodies to right the wrongs of the past and as a student of history I am aware that the "wrongdoing" was not confined to non-Maori. The promulgation of the laws of our country belongs with Central Government and while it has been obvious in the past the Council in Rotorua has fallen short in consulting with its citizens on a variety of issues, going overboard to placate one aggrieved party will not succeed.

I believe the costs of a Te Arawa Council given its makeup, has been grossly understated in order to allay the fears of those who see our Council already living beyond its means. Council is currently in the process of engaging with the senior citizens who call Rotorua home. There has been a great deal of goodwill and interest from many who see an opportunity to make things better for all who live here and a chance to give back to society for the benefits we have enjoyed in the past. Should these negotiations result in the formation of a "Senior's Advisory Board" there will be no thought of a remuneration for dealing with the business nor will we expect to employ a CEO. We will expect contact with Councillors and staff but the input from the Senior's Board will be purely voluntary as should that be from Te Arawa.

Our Council is fortunate in having among its number good representation from Te Arawa in the duly elected, hard working councillors we have today. These Councillors were elected on merit by the whole population, as they should be, because they had skills to offer. I can sympathise with the young. They are all impatient and nothing ever comes fast enough for them but there is a process available to all as Councillor Tapsell amply demonstrates.

Council needs to tread warily and be very sure that the policies they are promoting are all inclusive. We cannot allow one special interest group to dominate our deliberations. Therefore it behooves Council to consider a much more community wide consultative organisation made up from all interest groups who wish to offer wise guidance to forward the endeavours of the Council to make Rotorua the best place to live.

Thomas Jefferson once said "No man is good enough to govern another man without that man's consent". The Te Arawa plan, Options Two or Three, do not have my consent.

Rosemary MacKenzie

Patricia Hodgkiss

Sub #106

Submission for fairness and equality

Good afternoon. I am Ann Hodgkiss, known to most as Paddi and I come from a background of science and market intelligence.

Firstly, I'd like to thank Cr McVicker for blowing the whistle on this proposal. Without this, I suspect the TAPP would have barely appeared on people's radar and been stealthily passed some time ago.

As much as I know we must acknowledge the past and need to improve our relationship with Te Arawa and other iwi, I CANNOT in any way support the TAPP, the Te Arawa power grab, neither Option 2 nor 3. The latter could easily morph into an Option 2 within a matter of months given this Council's determination to meet Te Arawa's demands. This so called partnership is between only two parties, the Council and Te Arawa. I am NOT anti Te Arawa, I am NOT anti Maori. I am not anti any other interest group, in fact I welcome improved relationships and dialogue with all these groups that contribute so much to our diverse society. However, I am against the prospect of unelected appointees with or without voting rights, sitting alongside democratically elected councillors. I voted for councillors, both Maori and non-Maori, trusting them to make decisions on my behalf for the common good. Elected councillors can be voted off Council for poor performance. How can the public indicate no confidence in unelected people – they can't be voted off. I do not want the trust I put in elected councillors to be over-ruled by unelected appointees. Together, these appointees and Te Arawa-affiliated councillors will acquire disproportionate power on Council. It is disturbing that one interest group can potentially have an inordinate amount of influence over the rest without a public mandate. That is undemocratic. That is the issue. It's not about race, it's about democracy, fairness and equality – or rather the lack of it should the TAPP be passed.

As you all ought to know, the Local Government Act 2002 requires Councils to "maintain and improve opportunities for Maori to contribute to local government decision-making processes". Actually being part of decision-making is not included. We have democratically elected councillors for that. The Act incorporates ALL Maori. The wisdom and advice of elders are acknowledged as invaluable and we must use this knowledge for the benefit of all. Nowhere does it state a specific iwi should be given preferred status over another. Nowhere does it state that voting rights must be given. I believe the TAPP stretches the letter of the law to such an extent that it is illegal. It is extremely biased. It is divisive. I'd ask you councillors, what criteria must be met for other interest groups to be accorded the same degree of power that this plan proposes to give Te Arawa?

In addition to the serious issue of this proposal's violation of our democratic rights, I am hugely concerned about the cost, especially given this council's bad track record of managing a budget. In a successful business or in research, prior to approval any new project must have a transparent budget, salaries, overheads, travel etc available for scrutiny and assessment. Why have we not been given any cost breakdown, just the repeated vague estimate of \$250,000? This is a gross underestimation, I believe. Given the now defunct Te Arawa Standing Committee of 6 cost \$200,000, how can you possibly expect ratepayers to believe that a board of upwards of 12 members, plus the up to 7 nominees sitting alongside elected councillors and the inevitable admin personnel and overheads can be bought for a mere \$250,000? Can I suggest that it is pure fantasy. I have a real fear that the cost to be borne by ratepayers isn't important to the new Te Arawa elite nor the councillors in favour of the TAPP, it's the power to be gained through the Partnership Plan that is important. We as ratepayers should not be forced to carry the costs of a proposed parallel governance model, any parallel governance model, especially one which favours an elite few, in this case Te Arawa. Ratepayers are the shareholders of this Council and rates should not be regarded as a bottomless pit to fund the demands of this select few backed by the Mayor and her followers.

I am also seriously concerned about the repercussions of the Plan on future District Hearing Committee hearings. Decisions are going to be made by persons with a vested interest in the outcome. The risk, requirements, cost and

complexity of 'going through the process' cannot be underestimated. I believe that the fear of biased decisions and 'conflict of interest' litigation will frighten off investment.

As an alternative to the TAPP I'd like to suggest a Democratic Governance Model (DGM), an alternative that includes both a Maori Policy Advisory Board and a Community Advisory Board with equal advisory powers. Both boards would comprise unsalaried volunteers paid attendance fees and expenses. In the case of the Maori Board, representation and procedures would be determined by ALL Maoridom. Both boards would have the active support of a councillor and Council administrator. At the request of Council, expert advice, reports and commissioned research would be undertaken with costs covered. Individual and interest groups should also be given the opportunity to lobby council, on a voluntary basis. A DGM alternative based around these principles would be unbiased, democratic and benefit all groups of our diverse community equally. The cost would be infinitely less than the real cost of the TAPP. Partnership is a 'catch word' of Council. A democratic governance model would be an excellent example of real 'partnership' in action.

In summary, I cannot trust the motives of this proposed plan nor will I be able to trust those councillors who cannot see it for what it is. Any partnership must benefit all. You, the councillors, must make what is probably the most important decision in your local body political careers. This decision will affect the future prosperity of Rotorua and likely affect your future prospects as councillors.

By voting against the TAPP you will be taking a step towards finding a more democratic resolution for engagement and partnership with ALL interest groups. You will be taking a positive step towards a prosperous future for Rotorua in which investors need not fear the demands of a single interest group.

By voting for the proposal you will be party to a giant leap backwards to an uneasy and apprehensive future in which the sole beneficiary will be Te Arawa, not Rotorua as a whole, a future where the anticipated demands, costs and restrictions required by Te Arawa will stymie development and investor confidence, and where costly litigation will be inevitable. We should be encouraging investment by making things easier.

I'll finish with a quote from our Mayor. She has stated in one of her missives "working together in genuine partnerships". Note the plural word "partnerships". It seems to me that the only partnership of interest at this time is with Te Arawa. A DGM would offer multiple genuine partnerships.

Thankyou for hearing to my submission.

Sub #102

I speak on behalf of Mr Walter Bateson of 46,
Blackmore Drive, Lynmore, Rotorua and with regard
to the proposed Te Arawa partnership. Mr Bateson has
dictated these words and asked me to deliver them on
his behalf

He says *

I am grateful and thank Council for allowing me to
speak on this important issue; and I say to you -
"Never, never before in the history of New Zealand
have so many citizens benefited so much from the
efforts of so few in an endeavour to retain democracy
in Rotorua politics.

The pro Democratic Society have so ably assisted us to
de-cypher the tricky questions posed by our Council,
so that we have been able to answer the dual meaning
questions in a positive and meaningful way by our
submissions. They have given us the information that
our Council should have given to us, but did not.

I am fully against Options 2 and 3 put forward by the Council because -

These are completely un-democratic.

It is wrong to offer voting seats on the elected council to non-elected pressure groups; for this would create a lopsided body, give rise to other bodies wishing for the same privilege (which it would be difficult to refuse due to a precedent having been set in Town By-Laws) and increase illegal costs to the ratepayers of Rotorua.

The town is presently struggling to contain its expenditure due to the ineptitude of past and present Councils and currently threatened with a grossly unfair hike in rates for the forthcoming year.

Rents and rates in the CDB are presently at an unaffordable level for many retailers, (please note growing "out of town." areas) and for this sole reason

we have an ever increasing number of empty premises. This situation must be rectified if the town is not to be stifled and the exodus grow.

You people have been elected to the Town Council (and let us call it by its proper name) by virtue of popular vote. You must serve the people of Rotorua in a proper and unselfish way which will allow the town to prosper and grow for the benefit of us all.

Finally let me remind you that many years ago our forefathers' brought forth to this wonderful New Land of ours, conceived in Liberty and dedicated to the proposition that all men are equal.

This equality was enshrined by Abraham Lincoln in his address to the people of Gettysburg on Thursday November 19th 1863 when he said -

The Bible (our Bible) is -

"For the government of the people, for the people and by the people".

Thank you".

Ursula Bamford #147

Madam Mayor, Rotorua Town
Councillors,

I speak on behalf of Mrs Ursula Bamford of
Flat 4, 102E Old Quarry Road.

Mrs Bamford has dictated these words and asked me
to deliver them on her behalf.

She says, "and with regard to the proposed Te Arawa
partnership proposal that -

I am fully against Options 2 and 3 put forward by
the Council because -

These are completely un-democratic.
It is wrong to offer voting seats on the elected council
to non-elected pressure groups; for this would create a
lopsided body, give rise to other bodies wishing for the
same privilege (which it would be difficult to refuse
due to a precedent having been set in Town By-Laws)
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unaffordable level for many retailers, (please note
growing "out of town" areas) and for this sole reason

we have an ever increasing number of empty premises. This situation must be rectified if the town is not to be stifled and the exodus grow.

You people have been elected to the Town Council (and let us call it by its proper name) by virtue of popular vote. You must serve the people of Rotorua in a proper and unselfish way which will allow the town to prosper and grow for the benefit of us all.

Thank you".

Julie Calnan Thursday 3:50pm
379

Verbal Submission – Julie Calnan

Your Worship and Councillors.

Since this proposal was first out in the public arena I've had the pleasure of listening to many more people from all walks of life than I ever did as a councillor. I can assure you that the overwhelming feeling of a great many of your ratepayers is one of utter dismay and disbelief. Over and over I hear the question asked "why can't our councillors see the wrongness of this proposal, when it's so obvious to us". Your ratepayers are very angry. They've lost trust. This 'preferred option', this collaborative effort between Council and Te Arawa has caused an unprecedented rift in our community, and just like many thousands of your ratepayers, I also ^{fail to} ~~can't~~ understand how you could possibly not have seen this coming.

You're going to be bombarded by 'legal opinions', and maybe they will hold some sway with you, but at the end of the day, you are answerable to your ratepayers and to them alone so I sincerely hope that you listen to them.

You are going to hear many people speak to you about democracy, and rightly so. But there are other issues with this proposal which make people angry. To begin with, its very name starts to ring alarm bells. **TE ARAWA PARTNERSHIP PROPOSAL**. First question on your submission sheet was, *Do you support in principle the intention to effectively partner with Te Arawa?* What kind of question is that? If you are talking about building a Spa or thermal power plant, then yes, if it's going to financially benefit the ratepayers, by all means crack on. But we're talking about GOVERNANCE here. Your people firmly believe that don't have the mandate either legally or ethically to partner with anyone when it comes to governance. That's your job. You are required under the act to **CONSULT** with Maori, The words **consultation** and **partnership** are not interchangeable by any definition.

There are many ways to effectively partner with Te Arawa

Yet another concerning issue arises in the first line of the proposed TAPM which says "RLC proposes to enable representatives nominated by Te Arawa to actively participate in Council decision making Correct me if I'm wrong, but aren't you actually charged with actively engaging Maori in the decision making process. Again, decision making, ie Voting, and the decision making process, aren't the same thing. This isn't being pedantic. Your ratepayers

elected you to govern, to make the decisions. They do not want to be governed by unelected people. They don't want to see unelected people, fellow citizens elevated to positions of power over them, no matter what group they are from. They find this fundamentally offensive.

There are also significant questions to be asked about the mechanisms in place to look after the interests of all Maori, not just Te Arawa. The act doesn't mention Tanga Te whenua, it talks about Maori. The TAPM briefly mentions that one day, maybe, a seat could be made available on their board for matawaka. How very condescending considering that the latest census cites that non Te Arawa make up almost 2/3 of all Rotorua Maori.

It seems to most that you, together with Te Arawa came up with a model, and then looked at the act to see how you could make it fit. I believe that Section 81, subsections 1 and 2 tells you your obligation, and how to give effect to that obligation in regard to consulting with Maori. To place unelected people on Committees, for example the Audit and Risk committee, the assumption is that the committee is lacking in skills, in that case accounting skills. What skills do Te Arawa representatives bring to your governance committees? Are they roading engineers, sewerage experts, planning consultants? I doubt it. They come with a Te Arawa point of view, but you already have that, don't you. So what possible skills, attributes and knowledge, the 3 relevant considerations, are you so lacking in that you have to form and pay an entire board to fill apparent gaps in your committees? It simply doesn't make sense to your ratepayers

This issue has raised huge debate in our community, sadly not all of it constructive debate. For those strongly opposed to the proposal, that opposition based solely on their belief that it is undemocratic, there would appear to be absolutely no valid counter arguments. The best that most public commentators can come up with is simply that Te Arawa should have voting rights on council because they are Tanga Te Whenua, but frankly most people don't understand at all why they should have that entitlement. Furthermore, we see written by these same public commentators, that those in opposition to the TAPN are Racist, Rednecks and Anti Maori. These comments are not only immensely insulting, but incredibly worrying. Have we become so PC in this community, that if we dare to hold an opinion which happens to differ

from the opinion of Te Arawa then we are racist? I struggle to understand a mind which rationalises that the defence of democracy is somehow an act of racism.

I'm here today to not only state my case, but also to ask that when you make your decision, to please consider the effect that this has caused in your community, an effect which could easily grow out of hand. Please come up with a solution which can bring people back to working together and not pull them further apart. Frankly you've caused quite a mess out there, its time now to start cleaning it up.

ROTORUA LAKES COUNCIL

MINUTES OF COUNCIL HEARINGS ON PROPOSED TE ARAWA PARTNERSHIP MODEL (CONT.)

HELD ON 1 MAY 2015 AT 9:30AM

(CONTINUED FROM 30 APRIL 2015)

IN THE COUNCIL CHAMBER, ROTORUA LAKES COUNCIL

PRESENT: Mayor Chadwick (Chairperson)
Cr Bentley, Cr Donaldson, Cr Gould, Cr Hunt, Cr Kent, Cr McVicker, Cr Maxwell,
Cr Raukawa-Tait, Cr Searancke, Cr Sturt, Cr Tapsell and Cr Wepa.

APOLOGIES: Cr Raukawa-Tait

OFFICERS PRESENT: G Williams, Chief Executive; M Kingi, Director Kaupapa Maori; J-P Gaston, Group
Manager Strategy and Partnerships; C Tiriana, Manager CE Office; O Hopkins,
Governance and Partnerships Manager; J Riini, Partnership Advisor; K McGrath,
Executive Assistant; R Dunn, Governance Lead.

Mayor Chadwick welcomed Councillors, submitters, staff and media to the Council hearings on the proposed Te Arawa Partnership model and explained the process for the hearings. Patrick McGarvey was available to translate te reo presentations.

2. APOLOGIES

RESOLVED

That the apology from Cr Raukawa-Tait (for absence) and Cr Maxwell (for lateness) be accepted.

Cr Hunt/Cr Bentley
C15/05/030
CARRIED

3. STAFF REPORTS

1.1 RECOMMENDATION 1: PROPOSED TE ARAWA PARTNERSHIP MODEL – SUBMISSION HEARINGS
01-63-109-2

RESOLVED

That the report “Proposed Te Arawa Partnership Model – Submission Hearings” be received.

Cr Kent/Cr Hunt
C15/05/031
CARRIED

2. HEARING OF SUBMITTERS

Time	Sub No	Submitter	Oral submission
9:30	96	Veronica Morgan	Ms Morgan spoke in support of her written submission. Q – Are you aware that the proposal is for the two members to have voting rights on the committees but not on full council? A – No wasn't fully aware of no voting rights on full council.

Attendance: Cr Gould joined the meeting at 9:36am and Cr Searancke joined the meeting at 9:37am.

Time	Sub No	Submitter	Oral submission
9:42	98	David Phillips	Mr Phillips spoke in support of his written submission. Q – Why do you believe only elected members should have voting rights? A – If Te Arawa were given voting rights other groups would need to have parity. Q – Would you agree to use a Maori advisory board? A – Yes as long as they had no voting rights. Q – Are you aware the Tourism Board and Grow Rotorua boards' members are paid? A – No objection paying for expert advice as long as they had no voting rights.
9:50	99	Sylvia Phillips	Ms Phillips spoke in support of her written submission. Q – What option do you prefer? A – Didn't support any council options but supported the Pro-Democracy model.
9:55	161	Elaine Mander	Ms Mander spoke to her PowerPoint presentation (Attachment 1).
	458	Eugene Temara	Mr Temara did not appear.
10:00	580	Don McPherson	Mr McPherson spoke in support of his written submission. Q – Do you agree with a Te Arawa Standing Committee (TASC), Maori wards or the Pro-Democracy model? A – Presumed that Te Arawa would have a board but believe they should be elected by the people. He knew lots of Te Arawa people who would benefit the district. Q – Do you trust Te Arawa? A – Yes. There was a need for some of their people to be elected. Q – Would you agree if Te Arawa elected members to that board? A – He thinks everyone should have a say in who's making the decision. Q – BOPRC has Maori wards; would you agree to Maori wards? A – No he didn't.

Time	Sub No	Submitter	Oral submission
10:10	1538	Dorothy Raroa	Ms Raroa spoke in support of her written submission in te reo. Mr McGarvey translated her oral submission.

Attendance: Cr Bentley left the meeting at 10:12am.

Time	Sub No	Submitter	Oral submission
	1538	Dorothy Raroa (cont.)	Q – The Te Arawa Standing Committee used to advise council for a number of years, why did this not work? A – Their views weren't listened to e.g. the Rotoma issues. TASC voiced their concerns. It is time to sit around the table and work towards a pathway together.
10:25	655	Geoffrey Brannan	Mr Brannan spoke in support of his written submission. Q – Do you understand how the Pro-Democracy model was developed? A – No - he was not a Pro-Democracy member.

Attendance: Cr Bentley joined the meeting at 10:55am.

The meeting adjourned at 10:30am and resumed at 10:55am.

Time	Sub No	Submitter	Oral submission
10:55	587	Nireaha Pirika	Mr Nireaha spoke in support of his written submission. Q – Did issues with the Te Arawa Standing Committee only happen in the later stages? A – TASC use to function well and were being heard. Some members were willing to stand up. Q – Do your believe TASC was functioning properly? A – There was a need for change. Q – With regard to the Te Arawa proposal with 14 people on the board and 2 appointed to committees, do you think you will get the right people? A – It is a start and at the end of the day it was council's decision. Q - What benefits will Te Arawa give around the table? A – The benefits are not just for Te Arawa but all Maori. They have people who are educated and have skills. Q – How can we balance the rights of mana whenua with others? A – The Local Government Act provides for that and believes that this is not being delivered. Q – What are your views that Te Arawa would be taking over? A – He was representing 2500 people on the beneficiary list and 8000 people on the hapu list. It

			was not a takeover but an opportunity to work together.
11:05	593	Richard Deverson	<p>Mr Deverson spoke in support of his written submission.</p> <p>Q – You are opposed to the Pro-Democracy and Te Arawa proposals, do you support Maori wards?</p> <p>A – No – Maori wards would only be an alternative.</p> <p>Q – Are you in favour of TASC and special interest groups?</p> <p>A – If you go down that track you would need to look at Age Concern, etc. and could end up with more committees than councillors. Special groups should fund themselves, not council.</p> <p>Q – You voted for the 3 Te Arawa councillors?</p> <p>A – He voted for the 3 councillors for their ability not because they represented a Te Arawa view.</p> <p>Q – There was an assumption that these 3 councillors were supporting the Te Arawa view, do you think Te Arawa voted those people on council?</p> <p>A – No. Any group can approach any councillor. Councillors need to wear different hats and be flexible.</p>
11:15	640	Mark Franken	<p>Mr Franken spoke in support of his written submission.</p> <p>Q – The Local Government Act 2002 (LGA) states that “A local authority must establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the local authority” What is your opinion of this?</p> <p>A – There should be a policy board that advises council.</p> <p>Q – Would you support Maori wards?</p> <p>A – No. He wants references to race abolished.</p> <p>Q – Is Te Arawa a minority group?</p> <p>A – He didn’t have statistics but there were a lot of groups in the community.</p>
11:20	670	Kere Cookson	<p>Ms Cookson spoke in support of her written submission.</p> <p>Q – Have you been consulted on the Pro-Democracy model?</p> <p>A – No she had no formal consultation on the Pro-Democracy model. None of the present councillors represent Te Arawa.</p> <p>Q – Did you consult with other Maori groups?</p> <p>A – This is a model of engagement for Te Arawa.</p>
11:32	696	Cliff Lee	<p>Mr Lee spoke in support of his written submission.</p> <p>Q – How can it be disproportionate representation?</p> <p>A – Regarding democracy, he didn’t put much faith in Government departments. You don’t address issues by giving groups special rights.</p>

Time	Sub No	Submitter	Oral submission
11:44	724	Bobby Dittmer	<p>Mr Dittmer spoke in support of his written submission.</p> <p>Q – Do you feel there were other options?</p> <p>A – He would rather focus on own people.</p> <p>Q – Why didn't the Fenton Agreement and the TASC work?</p> <p>A – He didn't really have an idea why they didn't work. They didn't work then so they wouldn't work now.</p> <p>Q – Do you agree that the money spent on the TASC was right?</p> <p>A – He didn't understand why we needed so many committees.</p> <p>Q – Are you aware that the Tourism Board and Grow Rotorua are paid?</p> <p>A – As a ratepayer what do I get?</p>
11:50	729	Tania Butcher	<p>Ms Dittmer spoke in support of her written submission.</p> <p>Q – Can you clarify what option you support?</p> <p>A – She preferred option 2.</p> <p>Q – What are your views of the past performance of the TASC?</p> <p>A – We are not here to be negative towards TASC but look forward to a positive solution.</p> <p>Q – Do all Maori support the Te Arawa proposal?</p> <p>A – Matawaka has links into other areas.</p> <p>Q – What additional benefits would Te Arawa have at the committee level?</p> <p>A – Decisions would need to come from consensus. If members come with ideas they would have Te Arawa support.</p> <p>Q – Regarding the Fenton Agreement did Te Arawa want a presence from an expert focus?</p> <p>A – Yes.</p>
12:00	730	Rhys Parteger	<p>Mr Parteger spoke in support of his written submission.</p> <p>Q – Why do you think council is self-serving?</p> <p>A – He was talking historically and not the existing council.</p> <p>Q – Explain how the proposal could be seen as an imbalance?</p> <p>A – He had concerns around non-elected members being self-serving. Members needed to be elected fairly.</p> <p>Q – How do you feel if a decision had to go to full council for their approval?</p> <p>A – He appreciated the democratic process and wanted elected members to make decisions on his behalf.</p> <p>Q – Are you aware that the Tourism Board has unelected members?</p> <p>A – He had no problems with that as they had an advisory role.</p>

The meeting adjourned at 12:07pm and resumed at 1:00pm.

Time	Sub No	Submitter	Oral submission
1:00	731	Dr Hayley Bennett	<p>Dr Bennett spoke in support of her written submission.</p> <p>Q – Do you support Maori wards?</p> <p>A – Having seats on council is a step further than what is proposed. She supports Maori on council and stronger participation.</p> <p>Q – Do you support non-elected members on the Lakes District Health Board (LDHB)?</p> <p>A – Yes absolutely. The LDHB needed support from council.</p> <p>Q - Do you support the Bay of Plenty Regional Council (BOPRC) having 3 Maori wards?</p> <p>A – Yes.</p> <p>Q – Would you support Maori wards?</p> <p>A – Yes.</p> <p>Q – Why change if a mechanism was already in place?</p> <p>A – Need to take the strongest option. Would support Maori wards if that was the best option.</p>
1:10	875	Tamati Coffee	<p>Mr Coffee spoke in support of his written submission.</p> <p>Q – How can you be sure the majority of Te Arawa will vote?</p> <p>A – We can work it out ourselves. We don't need to run it past council.</p>
1:20	834	Yvonne Te Rangikaheke Bidois	<p>Ms Bidois spoke in support of her written submission.</p> <p>Q – Explain your view 'We are all one'?</p> <p>A – My house is made of many mansions, when you peel away the layers you open up many other mansions. There were many mansions in the nation of Ngati Rangiwewehi. The human race made up of many mansions.</p>
1:27	1488	Te Rangikaheke Bidois	<p>Ms Bidois spoke in support of her written submission on behalf of Te Tahuu o Tawakeheimoa Trust of Ngati Rangiwewehe.</p> <p>Q – Would the proposed model enhance the democratic rights of Te Arawa?</p> <p>A – Without the proposal we would be taking away what TASC achieved. The Chair of TASC was the sitting Mayor and views from the committee weren't going through to full council. The issues with Taniwha Springs and Ngati Makino and Ngati Pikia could have been avoided.</p> <p>Q - Have the Memorandum of Understanding (MOU) meetings worked?</p> <p>A – They didn't work for Ngati Rangiwewehe to start with. The Tuhourangi model was followed. They enjoy sitting with the Mayor and this has improved the existing relationship.</p>

			<p>Q – Do you think the MOU and proposal would help relationships? A – I do, but can't speak for other iwi. The original MOU was around grievances. The new MOU is around the future of council and Ngati Rangiwewehē.</p>
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Attendance: Cr McVicker left the meeting at 1:35pm.

Time	Sub No	Submitter	Oral submission
1:37	883	Kathryn Phillips	<p>Ms Phillips spoke in support of her written submission (Attachment 2). Q – With regard to a referendum, how can you guarantee a fair representation if only 40% of the people vote? A – That's democracy. Q – With regard to a referendum, do you mean for Maori seats on council? A – Yes and it must be legally binding. Q – Why do your support individuals or groups reporting to council to be non-paid yet the TASC were paid? A – Everyone should be on equal basis. Individuals don't get paid, why should groups? Q – How many proportional seats would you recommend? A - That is provided in the legislation.</p>
1:50	922	Glenys Ihaka	<p>Ms Ihaka spoke in support of her written submission. Q – Are you aware that the Local Government Act states the "A local authority must establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the local authority? A – Yes, but it would be foolish for council to limit who it consulted with. Q – Where did you get your information regarding council funding the Te Arawa Board? A - From the newspapers.</p>
14:00	926	Robert Monk	<p>Mr Monk spoke in support of his written submission. Q – Do you suggest suggest 6 Maori wards? A – Yes, I think 6 members need to go on the committees and we need to look at how the district is split up.</p>

Attendance: Cr McVicker re-joined the meeting at 2:07pm.

Submitters Eruera Barlow and Marinus Koppe did not attend.

The hearing adjourned at 2:10pm and resumed at 3:00pm.

Time	Sub No	Submitter	Oral submission
3:00	994	Hilma Gill	Ms Gill spoke in support of her written submission. Q – Where did you get your census figures from? A – From the most recent census.
3:08	995	Michael Gill	Ms Gill spoke in support of her written submission. Q – With reference to Maori and the Waitangi Tribunal and LGA do you see any other groups of interest? A – There are many other special interest groups. Q – Why do you feel that Te Arawa is a self-interest group? A – The proposal would isolate them away from all other interest groups. Q - Why do you not agree with any aspect of the Te Arawa Partnership Model and state that it goes well beyond what is required by law and what law are you referring too? A – I'd rather not answer that question.
3:17	1028	Kathleen Whitney	Ms Whitney spoke in support of her written submission. Q – Has it saddened you with the process and what has come out in the press? A – Yes, it was a friendly city. The Maori people should help where they can. Q – Is there a model you feel comfortable with? A – Yes to submit and have input but not to necessarily have a vote.
3:25	1025	Pat Fletcher	Ms Fletcher spoke in support of her written submission. Q – Where did you get your view of TASC? A – From a member of TASC. Q – Why in your view do tangata whenua have no status? A – Yes they do, but they are one small group. They should advise on decision making but not make decisions.
3:27	1038	Roger Brewster	Mr Brewster spoke in support of his written submission.
3:40	1067	Jackie Evans	Ms Evans spoke in support of her written submission. Q – Apart from the Te Arawa proposal do you have any other options? A - She preferred option 2 followed by option 3. Q – Where you aware that the Auckland City Council, Maori Advisory Board required a special Act of Parliament? A – No but the Te Arawa proposal was legal. Q – Regarding the fear and anxiety around the lake bed ownership, do you think Tangata Whenua have special rights? A – Yes.
3:45	1076	Anaru Rangihueua	Mr Rangihueua spoke in support of his written submission.

Attendance: Cr Maxwell re-joined the meeting at 3:48pm.

Time	Sub No	Submitter	Oral submission
	1076	Anaru Rangiheuea (cont.)	<p>Q – Did TASC ever work successfully and do you have a view on Maori wards?</p> <p>A – He had worked on TASC and it did work. The Mayor was appointed as chair. A lot of things were achieved. Agreed with Maori wards however Te Arawa wanted another proposal and he supported that.</p> <p>Q – Was there any potential for TASC to be successful under Mayor Steve?</p> <p>A – It was possible but we have moved on from there. Our young drivers, who I support, want to be party to decision making and promote ideas to all of the community. We have move on from TASC.</p> <p>Q – Can you explain what “tatau tatau’ means?</p> <p>A - We together. The proposal was in good faith. Te Arawa was not trying to fool anyone. He wanted his people to be successful and wanted more young people leading.</p>
4:05	1206	Morris Meha	<p>Mr Meha spoke in support of his written submission in te reo.</p> <p>Mr McGarvey translated his submission.</p>
4:17	1550	Ken Iles	Mr Iles spoke in support of his written submission.
4:27	1568	Te Taru White	Mr White spoke in support of his written submission on behalf of Te Arawa Federation of Maori Authorities.
4:37	1653	Clive Helsby	<p>Mr Helsby spoke in support of his written submission (Attachment 3).</p> <p>Q – Were you aware that council already has unelected members on the Audit and Risk committee and the Tourism Board?</p> <p>A – Yes.</p> <p>Q – Do you see any other options?</p> <p>A – He didn’t want the Te Arawa proposal.</p> <p>Q – Would you agree with an advisory board?</p> <p>A – He would agree if it was an advisory board only.</p>
4:45	517	Cathryn Bjarnesen	<p>Mrs Bjarnesen spoke in support of her written submission.</p> <p>Q – Are you aware of the requirements of the Resource Management Act (RMA)?</p> <p>A – Yes, they would be met by having an advisory board.</p> <p>Q – In your example, how did it create divisiveness? Were the members appointed like the Te Arawa Proposal TAPP)?</p> <p>A – It was not exactly like that.</p> <p>Q – Did you do a lot of reading on Te Arawa?</p> <p>A – Yes. She has many generations living in Rotorua.</p>

			<p>Q – Are you aware of the provisions of the Local Government Act which states that “A local authority must establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the local authority”?</p> <p>A – He didn’t support members being able to vote</p>
4:55	518	Peter Bjarnesen	<p>Mr Bjarnesen spoke in support of his written submission.</p> <p>Q – Do you think Te Arawa should not hold special status?</p> <p>A – No.</p> <p>Q – Why do you see it as detrimental?</p> <p>A – Non-elected members with voting rights can railroad a decision.</p> <p>Q – How could 2 votes out of 13 votes override or control a decision?</p> <p>A – He had been accused of being racist by taking a view. He would not be here if we didn’t get on with Te Arawa.</p> <p>Q – Are you uncomfortable that council would be gatekeepers?</p> <p>A – Not at all. He had confidence elected members were representative of all parties.</p> <p>Q – Are you aware that a decision has not been made on who can vote?</p> <p>A – Yes.</p> <p>Q – Do any proposals meet your expectations?</p> <p>A – Yes. He endorsed any group to establish a board to lobby council but didn’t believe any unelected members should do this.</p>

The hearing adjourned at 5:05pm.



My name is Kathryn Phillips, and I have three Children and eight Grandchildren, all of whom have Maori ancestry, which both I, and they are proud of.

I am not racist! I do not believe in a society where one group of people has more rights than any other group of people.

I do want most passionately; a New Zealand that both my dark haired, and my blonde haired Maori Grandchildren can live in peace in. With all New Zealanders having equal rights.

I am a very proud to be a New Zealander and I am justifiably proud of New Zealand's history of being one of the first countries in the world to give both non –property owners; and women the right to vote! Before that only male property owners could vote in New Zealand. Now all New Zealanders over the age of 18 years have the right to vote in any general or local election.

I consider myself to be a fair and principled person, who believes in justice for all human beings.

I am here today to speak on four matters; democracy; consultation; cost; and a way forward.

Democracy:

I resigned from Rotorua District Council in November last year. I held the position of Council's Deputy Electoral Officer for the last three elections.

Therefore, I am deeply sadden; and indeed horrified; to have to be here before Council today trying to convince you not to change one of the most basic principles of a democratic society: That is:

One person; one vote!

In my position of Deputy Electoral Officer I presented many reports to both Council and the Te Arawa Standing Committee, regarding the legislative responsibilities of Council under the Local Electoral Act 2001. One requirement under the Local Electoral Act is to consider whether Council will establish Maori Wards or not.

The last time the Te Arawa Standing Committee considered this matter the esteemed past Councillor Maureen Waaka made poignant comments regarding the fact that in her opinion Maori wards were not necessary, because she represented all Rotorua people and highlighted the fact that already Maori were well represented on that (the previous) Council with more Maori members than the ratio of Maori in the local electorate area.

I believe that the ratio of Maori members, or members with Maori family connections has been even further increased with the current Council.

A democratic society is one where no sector of society either based on ethnicity, wealth, religion, or any other reason; has the right to more votes than any other sector of society. One person; One Vote!

Therefore, for all of the above democratic reasons I believe that there is no justification in giving Maori any additional voting rights.

Consultation:

The basis of any consultation process should be to ensure that any individual; or group of people has the same rights of access to Council as each other. This is a fair and just way of dealing with any consultation process.

Usually, groups of people have more sway than an individual. The larger the group the more sway.

Therefore, the process of input into Council's policies and planning formation should be the same for all individuals and interest groups to ensure a fair; democratic and unbiased advisory and input system exists for the betterment of All people in Rotorua!

I consider that the "Democratic Governance Model" proposed by the Rotorua Pro-Democracy Society to be a better and fairer process than Council's proposed Te Arawa Partnership model.

Why?

Because I believe the democratic governance model should ensure that the Maori community; the Rotorua community and individuals interests are all considered in a fair and unbiased way by the Mayor and Councillors of Rotorua Lakes Council!

Cost:

I believe that there should be no cost to the ratepayer for any Council consultation process.

No individual or group of people should be paid to put forward their points of view to Council for Council to consider and resolve on.

Why?

If either an individual or a group of people receives payment for their input into the consultation process; they then have an advantage over other members of society in regards to their input into Council's policies and planning formation. This is unfair and unjust!

Also there were no detailed costs put forward in the Te Arawa Partnership Proposal.

Even a child knows that if you increase the numbers of paid people then the total payment is going to be increased. Council can not afford this!

The cost for any individual or sector to put forward their views to Council should not be paid by the ratepayers who may represent other points of view.

Therefore, no payment to any member or group of the Rotorua Community for their input into Council's policy and planning formation.

A way forward:

I believe that Council should not proceed with the Te Arawa Partnership proposal and instead initiate another referendum on the matter of Maori representation.

Why?

Because it is a number of years since the Rotorua Community has had the chance to vote on this important matter.

However, most importantly the referendum must be legally binding.

Therefore the decision to hold the referendum would have to be resolved by Council to be legally binding, so that the public had confidence that the opinion of the majority would be upheld on this matter.

The referendum would also provide Council with important information on the views of the majority of electors for Council's future planning.

I have spoken today on what I consider to be four very important matters in regards to Council's Te Arawa Partnership Proposal:

Democracy:

One person One vote;

and the fact that the proportion of Maori on the current Council is above the proportion of Maori in the Rotorua Community.

Consultation:

I consider the Pro Democratic Model to be a better option than the Te Arawa Partnership Model.

Cost:

There should be no payments made to any individual or group for putting forward their views.

A way forward:

Council to hold a legally binding referendum.

I wish to table this presentation in support of my submission.

Good afternoon. I am Clive Helsby and come from a professional engineering background. I have resided in Rotorua for about 40 years.

Do I support in principle the intention to effectively partner with Te Arawa

I do not support a democratically elected council partnering with Te Arawa or any other group. Partnership in the Te Arawa proposal implies the sharing of power between the council and Te Arawa. It completely contradicts the guide on local government located on the council website. I quote regarding the roll of the councillor "Your mandate is to take the interests of the "whole" community into account, to reflect the wishes of most, rather than a sole group or special interest faction."

What aspects of the Te Arawa proposal do I agree with

I don't agree with any of the Te Arawa proposal either option 2 or 3. As I have said a partnership is power sharing and undemocratic. The move should be to build the councils capability not to fragment it by divesting power into another group.

What aspects of the Te arawa proposal do I disagree with.

The Te Arawa proposal is undemocratic and unfair and as a result opens itself readily to litigation.

Council meetings will be biased by the presence of a special interest group which has the potential to ally itself with other councillors who are affiliated with Te Arawa. It is divisive and breaks down the functioning of council. Council is there to see that the interests of all including Te Arawa are taken into account.

I consider the idea of unelected committee members as a reflection of the past. It is an appeasement. The future is a vibrant and functional council having sensitivity to the cultural , spiritual and political needs of all. The needs of Maori and the rest of the community should be reflected in the advice the council receives externally and internally by expert advisors. If the council is not seen to fairly represent the need of certain Maori groups then it is not doing its job. Any separate decision making organisation will only weaken the knowledge base and decision making within council.

Is there another option

While Maori and other groups may have a common cultural identity I believe this is not true of political views. Political views are universally diverse. Clearly by the recent submissions it is a mistake to think that Maori are the only ones aggrieved by the political process. There is regular news of groups and individuals unhappy with their councils. Just like individuals councils are fallible. Its not a reason for radical undemocratic change but as in all organisations a reason for refinement of process, staff, training, accountability etc.

Councillors are democratically elected by all. Maori are well represented by the councillors.

Councils can only be successful if there is a two way relationship between councillors and the community. This is the process of consultation not partnership. The power to make decisions on our behalf is vested in our counsellors no one else.

I propose the Democratic Governance model which draws from active council supported Maori and Community Advisory boards staffed by unsalaried volunteers. Research, expert advice and reports would still provide information to counsel. Scope would be given to interest groups and individuals to lobby council.

Other comments

The cost estimate of the Te Arawa proposal appears to be unknown since it is unsupported by any cost breakdown. The council is not in any position to consider extra costs. The impending rate increase and the current indebtedness of the council is a burden to the community. The deterioration in the state of housing in many of our suburbs is an indicator of the poverty that exists in Rotorua. After 14 years of discussion Rotorua is still unable to support a homeless refuge due to a lack of council finance and will.

It may not be obvious to council but this process and the submission form are biased towards the Te Arawa preferred option. It is not at all neutral. If I do not agree with partnering with Te Arawa it might imply that I do not agree with consultation between Te Arawa and the council. Nothing could be further from the truth. It is essential the council consult with Te Arawa, other Maori and the wider community. The council have not sort to provide any analysis of council failings so we can understand the nature of the problems leading to this proposal. We are given no background of the failure of the Te Arawa standing committee. It is trite to suggest it no longer meets the needs of council and Te Arawa is a reasonable explanation.

The promotion of the Te arawa proposal has polarised this process.

I am aware of the historical grievances of Maori, their patience and the time taken to bring about change and some closure. This has all ultimately been achieved as a result of the democratic process. There are nations all over the world struggling to have what we and remarkably few other nations have. The democracy that we and our forebears have formed and learnt to understand is the most valuable thing we as a nation have. I am completely opposed to anything that undermines the democratic process such as the Te Arawa proposal and seek to strengthen what we already have:

ROTORUA LAKES COUNCIL

MINUTES OF COUNCIL HEARINGS ON PROPOSED TE ARAWA PARTNERSHIP MODEL (CONT.)

HELD ON 5 MAY 2015 AT 9:30AM

(CONTINUED FROM 30 APRIL AND 1 MAY 2015)

IN THE COUNCIL CHAMBER, ROTORUA LAKES COUNCIL

PRESENT: Mayor Chadwick (Chairperson)
Cr Bentley, Cr Donaldson, Cr Gould, Cr Hunt, Cr Kent, Cr McVicker, Cr Maxwell,
Cr Raukawa-Tait, Cr Searancke, Cr Sturt, Cr Tapsell and Cr Wepa.

APOLOGIES: Cr Hunt (for absence - on Council business in Wellington)
Cr Wepa and Cr Bentley (for lateness),
Cr Donaldson would be away briefly at 10am.

OFFICERS PRESENT: G Williams, Chief Executive; M Kingi, Director Kaupapa Maori; J-P Gaston, Group Manager Strategy and Partnerships; C Tiriana, Manager CE Office; O Hopkins, Governance and Partnerships Manager; J Riini, Partnership Advisor; K McGrath, Executive Assistant; S Newham, Executive Assistant, Chief Executive; D Foster, Chief Operating Officer, Performance and Delivery; R Dunn, Governance Lead.

Mayor Chadwick welcomed Councillors, submitters, staff and media to the Council hearings on the proposed Te Arawa Partnership model and explained the process for the hearings. Simultaneous translation was available using Patrick McGarvey as translator.

Submission No. 1874 – W M Fraser was tabled. This submission had been omitted from the agenda (Attachment 1).

1. HEARING OF SUBMITTERS

Time	Sub No	Submitter	Oral submission
9:32	547	Phillip Mutu	Mr Mutu in support of his written submission (Attachment 2). Q - How many Maori wards would you suggest? A – It would be a big achievement just to get 1 ward. Just leave it up to the process. Q – Maori wards have full voting rights - would that be good for Te Arawa? A – He agreed, whatever is good for Te Arawa. Q – Was that just for Te Arawa or all Maori? A – All Maori.

Time	Sub No	Submitter	Oral submission
9:39am	1021	Luke Martin	<p>Mr Martin spoke in support of his written submission.</p> <p>Q – You spoke about an option to have 4 Councillors from Maori Wards and 8 Councillors from the General Ward; if I was not on the Maori role would I be disenfranchised?</p> <p>A – Yes, in this form.</p> <p>Q – Are you aware that a representation review is being undertaken this year?</p> <p>A – Yes and disappointed Council made the decision on wards last year.</p> <p>Q – With regard to the statutory hearings committee, would you see a Maori representative being excluded because of land ownership?</p> <p>A – No, they could discuss technical issues and commissioners could be appointed.</p> <p>Q – The earliest time that wards could be introduced is 2019 - would you accept an interim model?</p> <p>A – The decision made in October is challengeable.</p> <p>Q – How many wards do you suggest?</p> <p>A – Only 2 wards with 4 Maori representatives and 8 general representatives.</p> <p>Q – Did you consider a Maori Policy Advisory Board?</p> <p>A – No.</p>
9:50	1055	Sir Toby Curtis	<p>Sir Toby spoke in support of his written submission on behalf of The Te Arawa Lakes Trust.</p> <p>Q – With regard to the Rotorua Te Arawa Lakes Strategy Group, how is this conducted between RLC, BOPRC and Te Arawa Lakes Trust?</p> <p>A – Te Arawa should have been 100% on the committee. At least there was a structure in place to get on with it. It works and a decision won't be made unless everyone agrees.</p> <p>Q - How do you look at decisions regarding Mana Whenua and all of Maori?</p> <p>A – Have no problems. Council can overturn everything. We have a plan and process.</p> <p>Q – Do you feel there are other options?</p> <p>P - It seems there is enough of a problem with just 1 proposal.</p> <p>Q – Is there total support within Te Arawa?</p> <p>A – There seemed to be total support but some individuals will have their own views. He was impressed with how the process was evolving and trusted the process. We need to put up with the time it takes for Te Arawa to agree.</p>

Attendance: Cr Donaldson left the meeting at 10:00am.

Time	Sub No	Submitter	Oral submission
10:05	1083	Ruth Gadgil	<p>Ms Gadgil spoke in support of her written submission.</p> <p>Q – Are you aware that for some years we have had unelected members on the Audit and Risk Committee and the Tourism Committee?</p> <p>A – Yes, I understand they had no voting rights.</p> <p>Q – Do you want separate Maori Wards?</p> <p>A – Initially she supported the Pro-Democracy model but now thinks Maori Wards would be fairer.</p> <p>Q – Are you aware that the LDHB have Maori representatives?</p> <p>A – She had a concern regarding voting rights.</p>

Attendance: Cr Wepa joined the meeting at 10:10am.

Time	Sub No	Submitter	Oral submission
10:11	1084	Peter Gadgil	<p>Mr Gadgil spoke in support of his written submission.</p> <p>Q – Are you in favour of Maori Wards?</p> <p>A – Agreed with Maori Wards or An Advisory Committee as long as they were elected.</p> <p>Q – Have you had much dealing with Maori?</p> <p>A – He worked in Forestry and with many Maori.</p> <p>Q – Are you opposed to voting rights?</p> <p>A – He agreed with Wards as they were voted in.</p> <p>Q – What is your view on having 2 members with or without voting rights?</p> <p>A – Don't have a problem with 2 members as long as they don't have voting rights.</p> <p>Q – Why would a Maori Advisory Board be better than TASC?</p> <p>A – There would be better agreement of all tribes involved.</p>

The meeting adjourned at 10:15am and resumed at 10:40am.

Attendance: Cr Donaldson rejoined the meeting at 10:40am

Time	Sub No	Submitter	Oral submission
10:40	1032	John Pakes	<p>Mr Pakes spoke in support of his written submission.</p> <p>Q – Did you consider for a Maori Advisory to be appointed?</p> <p>A – Yes. It was a requirement of the Local Government Act.</p> <p>Q – Do you see that Maori Wards would be the best way to include Maori in the democracy process?</p> <p>A – Options 2, 3 and 4 didn't include the word</p>

			<p>“vote”. The effect of voting could bring binding decisions of council – that is the fear. I believe in Maori Wards but believe Te Arawa doesn’t need wards as Te Arawa has the ability to stand up for themselves.</p> <p>Q – Are you aware it was a Te Arawa proposal? A - Yes. A problem that has been heard is that other Maori have not been consulted with. If council adopt to have 4 extra Te Arawa votes and then decide to include the other 62% of Maori what does that mean? Q – There was a focus on matawaka; have you spoken to other Maori? Q - Tangata whenua are the guardians of the land; have you heard of anyone objecting to that? A – He hasn’t been to other meetings. Non Te Arawa Maori feel like they are being ignored.</p>
10:58	1229	Bob Martin	<p>Mr Pakes spoke in support of his written submission.</p> <p>Q – Do you support the continuation of TASC? A – Yes. He spent 9 years on TASC. It fell to bits when the MOU’s were introduced. TASC fell out of the loop. Q – Do you agree with the proposal to have 2 members on committees without voting rights? A – Yes, support Te Arawa being part of the sub-committees without voting rights. Q – Did you see TASC diminish following the introduction of MOU’s? A – Yes. The standard of information became non-existent. Q – Are you in favour for the Mayor to be the TASC Chair? A – No. The chair should be elected by the committee.</p>
11:08	1037	Judy O’Sullivan	<p>Mr Pakes spoke in support of his written submission.</p> <p>Q – Would you support the use of trained Maori RMA commissioners? A - Yes, if they all had the qualifications and background, not just because they were Maori. Q – Do you agree with appointing Maori members with the right expertise but with no voting rights? A – Yes, don’t think anyone who is appointed should have voting rights. Council should listen to them, but they should not vote.</p>
11:21	1062	John Flemming	<p>Mr Fleming spoke in support of his written submission.</p> <p>Q – Are you aware that under the Local Government Act “A local authority must establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the local authority.”? A – He didn’t want to answer questions.</p>

Time	Sub No	Submitter	Oral submission
11:29	1064	AJ Mends	Mr Mends spoke in support of his written submission.
11:33	207	Walter Rika	Mr Rika spoke in support of his written submission (Attachment 3). Q – With regard to previous Environment Court actions, if the TAPP was introduced do you believe these issues wouldn't happen again? A – If the proposal was implemented such an issue wouldn't happen again. Q – Do you think there is difference regarding contributing on a decision or voting on a decision? A – He believed the more diverse the decision the better the input.
11:45	229	Pakitai Raharuhi	Mr Raharuhi spoke in support of his written submission (Attachment 4).
11:47	1095	Timothy Hughes	Mr Hughes spoke in support of his written submission. Q – Are you aware that under the Local Government Act “A local authority must establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the local authority and do you support Maori Wards? A – Yes. Q – There was opposition against the BOPRC model. Do you feel it is the right model now that it is working well? A – Yes.
11:56	1102	Lachlan McKenzie	Mr McKenzie spoke in support of his written submission. Q – Do you have an option preference? A – No. There are significant groups in the community who have the ability to put forward ideas to council. Q – Would you be in favour of a Maori Advisory Board? A – Agreed there was a need to communicate better. If a special committee was the best way then council needed to make that decision. There may be other groups that want the same. Q – Are you aware that under the Local Government Act “A local authority must establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the local authority” Is an at large system sufficient? A – He has read the Act. The Act mentions consulting with Maori but doesn't say Maori needed to be part of the decision making process. Elections at large are sufficient. Q – Are you in favour of Maori Wards for all of Maori? A – Open elections, either Maori or General, is

			<p>democracy. Q – Are you aware that council have unelected members on the Audit and Risk Committee and the Tourism Board? A – He is opposed to those as well. Decision makers need to be elected and accountable. Q – With regard to the requirements of the LGA are you saying that this will be compromised by giving 2 votes to this group of people? A – Yes. The Act says to contribute but not to vote on decisions. Q – Do you believe that Te Arawa is treated fairly and equitably? A – He did not say all groups were treaty fairly and equitably.</p>
12:13	1108	J A Zabkiwicz	<p>Mr Zabkiwicz spoke in support of his written submission. Q – Do you have a preferred option? A – Need properly elected officials who have the mandate from me to make a decision. Q – Are you aware they council has unelected members on the Tourism Board and the Audit and Risk Committee. A – They are needed for their expert opinions but they shouldn't have voting rights. Q – The Pro-Democracy model hasn't been consulted on, are you aware Te Arawa don't want a bar of it? A – Everyone can have an opinion. Democracy processes allow everyone to have their say. Q – Do you like list MPs in Government? A – He liked MMP. Q – Would you support Maori Wards if they were created? A – He had no problem with wards but why should you have a separate ward for Maori. Q – Would you support Maori Wards? A – Don't know if there was a need as we already have sufficient Maori representation on council. Members should be elected on merit not ethnicity.</p>

The meeting was adjourned at 12:25pm and reconvened at 1:00pm.

Time	Sub No	Submitter	Oral submission
1:00	1137	Michael Wheadon	Mr Wheadon spoke in support of his written submission.
1:11	1146	Allan Estcourt	Mr Estcourt spoke in support of his written submission. Q – What type of system do you think will work? A – I believe people need to bring their message to council.
1:19	1149	Tony Baker	Mr Baker spoke in support of his written submission. Q – Would you be happy with Maori Wards? A – That's how I feel Maori should be treated. Q – Have you talked to other Maori and asked if that's what they want? A – No but have known people who have lived here for years who should have the same rights. Q – Are you aware it is a Te Arawa proposal? A – Yes, the proposal should be voted no. Q – Why do you believe too many councillors have their own agenda? A – There are 3 Te Arawa councillors and that will benefit Te Arawa.
1:26	1195	Brian Eagle	Mr Eagle spoke in support of his written submission (Attachment 5).

Cr Donaldson rejoined the meeting at 1:32pm.

Time	Sub No	Submitter	Oral submission
	1195	Brian Eagle (cont.)	Q – Can you explain consensus decision making? A – Members can go into caucus to discuss a decision and then recommend to full council.
1:35	1205	Ana Morrison	Ms Morrison spoke in support of her written submission and presented a PowerPoint on behalf of Te Kotahitanga o Ngati Whakaue Assets (Attachment 6). Q – What is your opinion regarding Maori Wards? A – The proposal doesn't stand to add any new rights. The right to appoint has always been there. A lot of Maori don't participate in elections. Nationally it is trending downwards. Suggest the ones who don't vote feel disenfranchised. Q – Do you feel the young will be more engaged through the TAPP? A – It is my hope. TAPP offers different ways of engaging. Need to take social media approach to include youth. Q – What are your thoughts regarding suggestions that Te Arawa will elect only those who are elite? A – Haven't been involved in the process. Her opinion was that representation would be far greater as they would be representing all of Te Arawa.

			<p>Q – How accountable will the members be to the Te Arawa people if they are given voting rights? A – Once you have been given a Te Arawa leadership role you are accountable forever 24/7. Q – What are your thoughts around the comments that the proposal has been seen as a ‘power grab’? A – This is a start and a good step forward towards a full and meaningful partnership deal. Q – How many people do you represent? A – 8000 Ngati Whakaue as per the last census. Q – Do you support Maori Wards as an alternative and how many wards would you suggest? A – Haven’t thought about it, only put forward as an alternative. We need to move forward. First Option = Partnership model, Second Option = Maori Wards. The goal is to have a meaningful partnership.</p>
1:55	1626	Greg Allen	<p>Mr Allen spoke in support of his written submission in te reo. Q – What is your view on voting rights? A – I think it is a good thing. Q – Do you see it as a beginning? A – Yes think it is a start. Q – Do you think there is a way forward or compromise? A – Yes the first thing is to know who Te Arawa is. Understand Ngati Whakaue and the relationships with Tuhourangi and other iwi. Need to understand and appreciate the history and culture. Q – How has Ngati Whakaue felt about the negative comments? A – A lot will not know. Many will feel aggrieved. Already there is hope that this proposal will help us all.</p>
2:08	1221	Samantha White	<p>Ms White spoke in support of her written submission (Attachment 7). Q – Are you aware the proposal had to out for public consultation? A – History has influenced the general public. Changes create discomfort. Need to understand the history. There was nothing to fear. Some people don’t understand the Treaty and have fear. It can only enhance democracy. Q – Do you have a picture on how it will benefit your children? A – I think it will benefit all, education, tourism etc.</p>

Time	Sub No	Submitter	Oral submission
2:19	1239	Malcolm Thomas	<p>Mr Thomas spoke in support of his written submission.</p> <p>Q – Are you aware that if Te Arawa has 2 votes full council can still overturn a decision?</p> <p>A – Yes.</p> <p>Q - Is it your view that accommodating two sets of assumptions helps decision making?</p> <p>A – Yes. He explained the Whanganui River Settlement decision between the Crown and iwi.</p>

The hearing adjourned at 2:25pm and resumed at 2:45pm.

Attendance: Cr Bentley joined the meeting at 2:45pm.

Time	Sub No	Submitter	Oral submission
2:45	1345	Rawiri Waru	<p>Mr Waru spoke in support of his written submission.</p> <p>Q – Do you have another option?</p> <p>A – This was a starting point. Both Te Arawa and council want to grow Rotorua.</p> <p>Q – What is your opinion of the Pro-Democracy model to have an advisory committee?</p> <p>A – It is just an advisory role, you can hire advisors. It was not working for us and something new was needed.</p> <p>Q – Are there other parties that need to be heard?</p> <p>A – Yes and they are heard through council processes. It was about working together so everyone can reap the benefits.</p> <p>Q – Do you believe that with the aspirations of Te Arawa non Maori have nothing to fear?</p> <p>A – Correct. Everyone wants the best for Rotorua.</p> <p>Q – Do you think the proposal would allow Te Arawa to have more robust elections?</p> <p>A – Yes. My thoughts are that as iwi we are quite highly skilled.</p> <p>Q – Is there an inherent fear and how can you allay the fear?</p> <p>A - Te Arawa doesn't want to take over but want to be around the table. They want to be part of the decision process as they affect their people. There was not enough korero on our history. We are not going anywhere.</p>

Time	Sub No	Submitter	Oral submission
3:05	1011	Avis Spender	<p>Ms Spender spoke in support of her written submission (Attachment 8).</p> <p>Q – Could you support Maori Wards with 2 seats as an alternative?</p> <p>A – Yes in favour of 2 being elected members to a board.</p> <p>Q – There was a perception there would be 9 to 14 members. Are you aware that only 2 would be appointed from the board and council would not be financing the board?</p> <p>A – I found the correspondence bewildering.</p> <p>Q – Did you attend 1 of the 10 meetings before consultation?</p> <p>A – No.</p>
3:20	1586	Gina Mohi	<p>Ms Mohi spoke in support of her written submission on behalf of Te Tari Taiao, Te Maru o Ngati Rangiwewehi (Attachment 9).</p> <p>Q – Are you aware that an agreement has been reached with regard to the Rotoiti/Rotoma wastewater scheme?</p> <p>A – Yes. She was a member of an alternative wastewater land disposal group.</p> <p>Q – Would she accept Maori Wards?</p> <p>A – Maori Wards were successful at BOPRC but she hadn't focussed on that. She supported the model as it gave more recognition to Te Arawa.</p> <p>Q – Are you aware that the Maori Statutory Board in Auckland required a special act to make it happen?</p> <p>A – Yes. The results had been positive for the wider city. There were advantages for not just Maori but for all of the community.</p> <p>Q – What is your view regarding non Te Arawa and the Te Arawa proposal?</p> <p>A – Model 2 embraces Maori of non Te Arawa descent.</p> <p>Q – How would you address any bias issues regarding statutory hearing commissioners?</p> <p>A – Independent Maori hearings commissioners often have cultural issues and need experience and knowledge on these matters.</p> <p>Q – The Rotoiti/Rotoma wastewater and the Taniwha Springs appeals to the Environment Court have cost council a lot of money; do you think the proposal will help avoid such issues?</p> <p>A – Yes. Maori hapu and iwi can be around the table at an early stage to help avoid such costs.</p> <p>Q – How important is it that the members have voting rights?</p> <p>A – It is critical to have voting rights.</p>

Time	Sub No	Submitter	Oral submission
3:35	1245	Anaru Hunia	Mr Hunia spoke in support of his written submission.
3:40	1444	Russell Burton	Mr Burton spoke in support of his written submission. Q – Do you support non- elected members on committees? A – He was happy to support bringing on members in advisory roles. Fully expect to bring in expertise including finance. Q – Are you saying that seconded people should not have voting rights? A – The buck stops with council. Don't have a problem if sub-committee members have voting rights. It was important to manage any conflicts.

Submitters KM and W Fraser did not attend the hearing.

Time	Sub No	Submitter	Oral submission
3:45	1475	Claire Pryde	Ms Pryde spoke in support of her written submission.
3:55	1612	Harete Phillips	Ms Phillips spoke in support of her written submission. Q – Do you support in principle the proposal? A – She wanted to be able to vote on who was on the board. Q – Are you in favour of Maori Wards? A – No – want Maori representation from board. Q – TASC didn't work and it cost Council a lot of money. Do you think the proposal will help? A – Yes.
4:00	1740	Lorraine Smith	Ms Smith spoke in support of her written submission. Q – Do you understand why Te Arawa brought this proposal forward? A – Understood Te Arawa wanted more say in decision making.

The hearing adjourned at 4:10pm and resumed at 4:25pm.

Time	Sub No	Submitter	Oral submission
4:20	1490	Karen Waaka	Ms Smith spoke in support of her written submission (Attachment 10). Q – What will Te Arawa as a voice, with 2 voting rights, bring to the table? A – Knowledge base and assets. Te Arawa has different challenges to look after. The TAPP will be challenging. Te Arawa will hold their people accountable. Q – Would you agree that council could veto nominations put forward? A – A partnership needs some give and take. Some groups are merely advisory. Te Arawa is in there to invest.

			<p>Q – How can Te Arawa allay some fears coming from some submissions? A – You can't waste a lot of energy worrying about those who oppose. There will always be some who don't agree. The model is for all of Rotorua. There should be no fear. Take the olive branch from Te Arawa and start working together. Q – Is this proposal a good start to build on? A - Yes, but it will take time. Resources will need to be looked. Need to bring it together, to move forward together.</p>
4:40	1774	Les Lowrie	<p>Mr Lowrie spoke in support of his written submission (Attachment 11). Q – Were you aware that 2016 goals and 2030 vision highlighted the need for a closer working relationship with Te Arawa? A – Understand previous council had it on their agenda and it was an ideal time to pursue it. The public needed all the information before the election, not after it. Q – Where did you get the impression there was a TAPP prior to the election? A – Didn't hear that but heard TASC was breaking down. Q – Do you understand the proposal doesn't have appointments to full council? A – Effectively committees are making decisions as all council members are on these committees. Q – Did you follow the fluoridisation debate as this decision was overturned? A – Don't believe there was enough time taken for this proposal. Te Arawa doesn't necessarily speak for all Maori. The only alternative is to have Maori Wards.</p>
4:55	1464	Suzi Tetenburg	<p>Ms Tetenberg spoke in support of her written submission. Q – Do you want a fairer consultation method but not a partnership model? A – Yes, thought it would be fairer. Don't believe council has consulted well with any group. Q – Do you realise we already have unelected members on the Tourism Board and Audit and Risk committee? A – No. Q – Do you support Pro-Democracy? A – No not necessarily but something along those lines. Q – Do you support effective partnerships Maori Wards? A – Haven't thought about Maori Wards.</p>

The hearing adjourned at 5:05pm.

Doc No. RDC-540657

SUBMISSION NO. 1874

SUBMISSION NO: 1874

Submitter: W M Fraser

I WISH TO speak to the mayor and councillors regarding my submission.

Do you support in principle the intention to effectively partner with Te Arawa? No

Reasoning:

Nobody, but elected councillors, whose election I participated in, should make council decisions. Everyone in Rotorua should be able to contribute fairly in the 'governing' of this district and it is that election that enables that to happen.

This, in my opinion, is a biased statement with the use of the word 'effectively'. It is unspecific and a trap for the reader!

What aspects of the proposed Te Arawa Partnership Model do you agree with and why?

None, for the reason stated above.

What aspects of the proposed Te Arawa Partnership Model do you disagree with and why?

See above.

Is there another option or arrangement that you prefer and why?

Yes. The Democratic Governance Model where ADVICE from interest groups and expert officials may be available to aid councillors who have the sole power to vote on business affecting the citizens of Rotorua, all of whom have vested interests in the area.

Do you have any further comments?

I wish to emphasize that we all have vested interests in Rotorua, be it financially in a residence or in a business or in areas that we are involved in where ownership is public or where our recreation is etc.etc.

It is neither fair nor democratic to allow the vested interests of one group to be furthered, by giving that group voting rights on the Committees of the RMA Consent Hearings or the Strategic Working Groups or indeed any other Council Committee or Panel.

Every adult has the chance to have his/her say by voting at the Local Body Elections and anybody with particular interests may put him/herself forward for a seat on Council.

Submission

My name is Phillip Mutu of Ngati Hurungaterangi and Ngati Te Kahu from Ngapuna from one of the original Maori settlements of Rotorua.

I totally support the proposed Te Arawa partnership model and Maori wards instead of the Te Arawa partnership model.

My reasons are as follows, it is well known amongst us as Ngati Whakaue as part of the Fenton Agreement that we were guaranteed to be included into the decision making concerning the Rotorua township. It did happen but for some reason it had stopped to this day.

We the people of Ngapuna are still suffering today from all forms of pollution: air, land, water and industry affecting the health of our people mentally, emotionally, physically and spiritually which no people regardless of whatever race they are, should have to endure with and to live with. It is inhumane, it is insane living like this since 1890.

Today we are faced with issues like the threat of the proposed Eastern Arterial route that will cut through our homes and through our sacred lands. We were very disappointed when Council allowed the construction of a transfer waste station close to our homes, marae, church, urupa (cemetery) and our healing waiariki (bath). Now the Council is proposing to discharge treated waste effluence into the polluted Puarenga Stream, just to mention a few issues.

We once lived around the shores of Lake Tarawera before the eruption. At that time we had exploited the world famous Pink and White Terraces, our lake, our land, our culture and ourselves. This is why the Mt Tarawera eruption happened according to our tupuna handed down to us.

Today we do not know how long our spiritual kaitiaki (guardian) of the Puarenga stream will remain there because of the on-going pollution contaminating the stream. It is incredible that Te Rua Mano is still there. We also don't know how long Papatuanuku (our mother earth) will remain calm and peaceful because of man's greed before she unleashes her anger upon us all. To put into words of today's world, stay very close to your Civil Defence Emergency Kit because any disaster may strike at any time day or night.

Land is a very big issue for our Maori people. In days gone by we had fought and died for our lands. So when our tupuna gifted thousands of acres of our lands to form the Rotorua township, they gave our lands as an act of peace, kindness, sharing, caring, but most of all, as an act of aroha, or love.

Many of the Councils from the past to the present day have never ever shown any of these beautiful human qualities towards us, the people of Ngapuna.

We the people of Ngapuna have been ignored, trampled on, and shitted on sadly there is much more to come, we have to endure with and to live with.

We the people of Ngapuna are living proof how Councils past and present have treated us very badly and very unfairly. Our history with the different Councils over the years is reeking with it, as you have all heard this day.

We the people of Ngapuna are also proof that we disparately and urgently need to have in place a Te Arawa Partnership model and Maori wards today.

Submission - Re: Te Arawa Partnership Proposal with RDC

I speak on behalf of my Rika Whanau who were born and bred in Rotorua and who number in the hundreds – my parents alone have over 2 hundred descendants and increasing – Our Grandfather Te Uruoteao was commonly known as Pompey Rika and he lead the New Years parade as the Te Arawa Chief dressed in Maori traditional attire of Kiwi feather korowai and head gear through the streets of Rotorua for many, many years on his beautiful white horse prior to his passing in 1968

- 1 This Te Arawa Proposal can only enhance the better management, consultation, engagement and effective operation of the RDC governance
- 2 Firstly it is a proposal that the RDC has the legal authority to bring into effect should they wish to after due deliberation and discussion.
- 3 Next it has the backing of a substantial number of the RDC general constituents and including Maori population particularly of Te Arawa dissent
- 4 This proposal has been debated, discussed and robust hui has been had to formulate the detail to the proposal and has all the components of Maori requirements sufficient to make an improved difference to RDC decisions
- 5 The Te Arawa proposal will bring to the Council another dimension to its decision making process whereby Te Arawa perspective and input would be provided which may otherwise not be the case.
- 6 Te Arawa have played a significant part of the development of the Rotorua rohe both in the city and rural areas and will continue to do so by the fact that much if not all of the city bounds the lands that are owned and occupied or under the use and control of Te Arawa Iwi and affiliated Hapu including Ngati Pukaki, Ngati Whakaue, Ngati Tuhourangi, Ngati Wahiao, Ngati Pikiiao, Ngati Rangiwewehi, Ngati Rangiteaorere, and many other Hapu of the Rohe.
- 7 The inner city development has been hugely influenced by the Ngati Whakaue tribal land Trust known as Pukeroa Oruawhata and further development is continuing. All of this is most beneficial not only to the Maori beneficiaries of the lands but also the general public overall.
- 8 Te Arawa has had a major contribution to the RDC in the past but with the introduction and implementation of the Te Arawa proposal the input and contribution will be significantly increased.
- 9 There has been a good deal of negative comment about the Te Arawa Proposal which is mainly due to a mis-understanding that the Te Arawa Maori pose a threat to the democracy of the people but the reality is that Te Arawa only wish to contribute in a worthwhile way to the issues that may affect them and their people and the district. And it is through this Te Arawa Committee that is being proposed to be implemented that this can be done. The Te Arawa representatives will be selected and appointed from the best available people from the Te Arawa Tribe who will have the interests of not only the general

public but the interests of the Te Arawa Iwi at heart. Such appointees will have the experience, knowledge and the background of the work of the RDC and be aware of the particular needs and aspirations of our Maori people and will make a huge contribution to the affairs of our district that can only be beneficial to all the people of our district.

10. The proposal is also about sharing the responsibility of decision making with Maori in a way that will embrace the cultures of this district and move ahead ensuring the views of Maori are recognized as has been the case in the past but with more emphasis now because Te Arawa will be at the table and could not be merely given a token nod indicating that Maori have been consulted.
11. Rotorua is unique and is on the agenda of most every tourist that visits our Country as a place to "must visit" and that is mainly due to the Maori Cultural and Heritage sites, Maori Tourist sites such as the Buried Village, Pohutu Geyser at Te Puia, Kuirau Park and the Government Gardens with geothermal Ngawha and hot mud pools, Tikitere Hells Gate, and many other attractive features and most of all it is unique because of the concentration of our Maori population – that all tourists come to NZ to see
12. To have members of the Te Arawa tribe (being Tangata Whenua) who are an integral part of the huge attraction that Rotorua has to offer sitting along side the RDC councillors would be most beneficial to the legislative consultation process with Maori that RDC must carry out in the performance of its duties.
13. The RDC would be seen as making a genuine approach towards the terms of the Treaty of Waitangi by the implementation of the Te Arawa Proposal to the functions and affairs of the Council as it would show an understanding to the public at large the partnership relationship of co-operation that will be nurtured and developed between the Council and Maori.
14. This initiative will increase the awareness of what's happening in our district to more specifically our Maori people who otherwise would not pay so much attention to Council affairs, not because of disinterest, but because they would feel more involved now than in the past with what's going on, and may even be more inclined to communicate with their Iwi representatives who would be more accessible to them, to make their views known. This of course would give a broader public view to RDC issues and allow a better balance for decision making particularly on district issues affecting Maori and Maori land.
15. Finally the past representations of our Maori people with the RDC has shown a need for more and better input of Maori perspective to decisions of Council and with the implementation of this Te Arawa Proposal will bring into effect what the Maori population of the district has strived for in the past. It will create new and innovative ideas that could only derive from a Maori perspective and input and will give a greater understanding of the importance of partnership and relationships that can be achieved in Council's operations.
16. Total support and implementation of the Te Arawa Proposal is sought.
Walter P Rika (5/5/2015)

Summary

Submission to the Rotorua District Council – proposed Te Arawa
Partnership Model

Pakitai Raharuhi – Ngati Pikiiao, Ngati Kearoa, Ngati Tuaraa,

Ngati Whakaue

Mana Motuhake

Self Determination - The right to decide.

Whanaunga

To be inclusive not exclusive.

Te Tiriti o Waitangi

Partnership between Tangata whenua and Tauwiwi

Aroha

Expression of love and respect between our tupuna and settler families
in Te Arawa.

1

**Submission to the Lakes Council In Respect to the
Te Arawa Partnership Proposal
(Rev) Brian R.J. Eagle**

Your Worship, the Mayor, and Councilors of the Lakes Council: Tena koutou; Nga mema o Te Arawa, Tena koutou; Nga mema o Te Iwi, Tena Koutou; Tena koutou katoa

First, I thank the Council for the opportunity to speak to my submission concerning the Te Arawa Partnership Model.

Secondly, I congratulate you and Te Arawa on this proposal; I support it.

I support the proposal because I see it as a *first step* toward full partnership between Te Arawa and the Council; however, I acknowledge the proposal of itself, by no means, creates that partnership. I therefore encourage the Council to take this first step, but then for the Council and Te Arawa, to work on developing a model that will bring about full partnership.

Your worship, such models already exist; they include:

- The Methodist Church of New Zealand Model: This is the model I am most familiar with, being of that church. The Methodist Church has been using this model for over 30 years, since it determined in 1983, to become a Bicultural Church on the way to becoming a multi-cultural church. You might note the Church has been to the fore in being inclusive. It has been ordaining women to the ministry for nearly 56 years; it does not discriminate against ordination of Gay persons, and its membership is made up of persons from various cultures, the main ones being Pakeha, Maori, Tongan, Samoan, Fijian, and South Korean; cultures, which along with others, make up today's community.
- A second Model I am aware of is that used within the Anglican Church in New Zealand; this is similar to the Methodist Model except it covers New Zealand and Polynesia, and other structures within that church.
- Thirdly, I offer the partnership model for local bodies proposed by Whatarangi Winiata, former Professor of Accountancy at Victoria University, and former Tumuaki of Te Wananga-o-Raukawa, who, in 1997, along with Ngati Raukawa, presented partnership models for the Anglican Church, for Local Bodies, and for Parliament. The Church adapted the proposal in revising their 1857 constitution.

These models, and that of the Methodist Church, incorporate commitment to the Treaty of Waitangi, and incidentally these two churches were both active in New Zealand pre 1840, and were involved in development of the Treaty. French Roman Catholics were also present in New Zealand at that time, but were not part of Treaty development. I acknowledge Te Arawa did not sign the Treaty.

2

- Your Worship, in the Methodist Church – Te Hahi Weteriana o Aotearoa, this Treaty based model is given effect through the use of **Consensus Decision Making**, much more democratic than the so called democratic model presented to you by the Pro Democracy Society.

I have publicly described their model as a Colonial Model; it belongs to yesteryear. At it's worst, it can be tyrannical, history has proved this; and because it incorporates majority rule, it has historically denied women and people of different cultures significant say, especially in matters arising from their gender, sexuality, or cultural perspective. Such models have been institutionally sexist and racist, and often still are; this because, with majority rule, they are inherently so.

Despite being given the vote in Aotearoa in 1893, women are still under-represented in such forums. Rotorua is something of an exception, but numbers in Council still do not reflect the percentage of women in our community, and I note the Rotorua Lakes Community Board is still made up of senior men only.

Further, under majority rule, people of minority groups, e.g. of different cultures, inherently miss out in decision making simply because they are of a minority. Even though elected, as some are, history demonstrates, they are not particularly likely to succeed, especially when advocating concerns derived of their own culture; else they tend to be subjected to majority culture paternalism.

Also, members of such a model can be so individualistically orientated, tending to push personal agendas, to the extent they become of little use in building community, or creating unity of purpose.

Democracy under consensus decision making, using caucuses when appropriate, facilitates the prospect of partnership; it is more inclusive, engages a larger number of members, minority options are more readily acknowledged, a greater chance of obtaining unity of purpose with a variety of values can be achieved, and it leads to more stable, longer lasting decisions. It does not mean unanimity or total agreement; it does foster an ethic of working together for the greater good.

Consensus Decision making is used in a number of Parliaments around the Globe, and in other forums.

Your Worship, consensus decision making works; I know that from working within the Methodist Church. I would add: if the Council used a consensus model in it's decision making, the Pro-Democracy Society would hopefully have nothing to complain about; they too would find it more democratic than that which prevails in Council or within their own model. Surely, there is nothing to stop Lakes Council embracing **Consensus Decision Making** forthwith.

3

Your Worship, I look to the day when the Lakes Council will make an unequivocal commitment to Te Arawa, to work with them in partnership, using consensus decision making processes; and never to proceed without Te Arawa on any matter they have an interest in; they are Tangata Whenua in Rotorua; the first people here, and nobody, but nobody, can take that away from them. Other District Councils around the country, will, in due course, follow suit.

It is not sufficient to have one or two members of Council who are of Te Arawa, but not put on Council by Te Arawa, thus not necessarily accountable to Te Arawa, unless deliberately choosing to be so, or by some other arrangement. ***Anything less than full partnership is neither fair nor just.***

Finally, your Worship, I have provided notes from Methodist partnership and consensus decision making guidelines; from Whatarangi Winlata's notes on models of partnership; and other notes I have extracted off the Internet concerning a variety of Democratic Models; some, like that proposed by the Pro Democratic Society, are not as democratic as others.

I thank you.

1

Consensus Democracy (From Wikipedia)

Consensus democracy is the application of consensus decision-making to the process of legislation in a democracy. It is characterised by a decision-making structure which involves and takes into account as broad a range of opinions as possible, as opposed to systems where minority opinions can potentially be ignored by vote-winning majorities.^[1]

Consensus democracy also features increased citizen participation both in determining the political agenda and in the decision-making process itself. Some^[who?] have pointed to developments in information and communication technology as potential facilitators of such systems.

Examples:Consensus democracy is most closely embodied in certain countries such as Switzerland, Germany, Lebanon, Sweden, Iraq and Belgium, where consensus is an important feature of political culture, particularly with a view to preventing the domination of one linguistic or cultural group in the political process.^[2] The term consociational state is used in political science to describe countries with such consensus based political systems. An example of such a system could be the Dutch Poldermodel. Many parties in Lebanon call for applying consensus democracy (تفقواوتلأ تيطارقم يذلأ), especially at times of crisis.

Canada: In Canada, the territorial governments of the Northwest Territories and Nunavut also operate on a consensus model, unlike the oppositional political party structure that prevails elsewhere in Canada.

Guernsey: Consensus (non-party) government operates in Guernsey in the Channel Islands. Guernsey also operates a non-ministerial system of government in which government departments are headed not by ministers with executive authority, but by committees of five members. Members of the committees are elected by the 47-member States of Deliberation, which is both the parliament and the executive. The States of Guernsey (the island's parliament) last endorsed the system of consensus government by committees in 2002, when it rejected, by a very significant majority, a proposition to replace the system with executive/cabinet-style government. In 2004 Guernsey last made changes to its system of government.

All major items of policy are proposed to the Assembly, by which they are approved, amended or rejected. Most items are determined by simple majority voting.

At the most recent general election of people's deputies (members), all candidates campaigned as independents without affiliation with any party. Political parties have existed from time to time, but with little success.

In 2009, a majority of members of Guernsey's parliament signed a letter describing their continuing commitment to consensus government by committees and opposition to executive/cabinet-style government.

2

At their meeting on 16 July 2009, the States of Deliberation resolved to establish a Tribunal by the Tribunals of Inquiry (Evidence)(Guernsey) Law, 1949, as amended to inquire into the facts and circumstances of the industrial action by the Airport Fire Fighters at Guernsey Airport during May 2009, including the circumstances in which the dispute was resolved. The Resolution followed presentation of a Requête dated 29 June 2009 petitioning for a Tribunal of Inquiry to be established, signed by Deputy M M Lowe and seventeen other members of the States soon after the events being investigated.

The Tribunal of Inquiry's Report^[3] was published on 23 April 2010 and included the following text: The failure to deal with the underlying problem, which led to the industrial action 'by the firefighters, stems from the system of government which does not encourage either a corporate approach or collective responsibility. In our view there was a systemic failure to act in a corporate and strategic manner.^[4]

During debate on the findings of the Tribunal, it was confirmed that the Tribunal's statements in respect of corporate and strategic planning related only to the topic of industrial relations and were not a more general commentary about the island's system of government.

In 2010 the island's parliament indicated its continuing endorsement of government by committees and consensus when it approved by a large majority a motion which proposed that governance arrangements should be improved strictly within the existing system of government.

Immediately after the 2012 general election, the States of Deliberation elected a States Review Committee to review the extent to which the legislature and the executive are capable of fulfilling expectations of good governance with particular reference to, inter alia, policy development, accountability, and policy co-ordination and to make recommendations for any reforms considered necessary. The States Review Committee is due to report to the States of Deliberation in two stages before the end of 2014.

Varlant Forms of Democracy: Authoritarian, Anticipatory, Christian, **Consensus**, Delegative, Deliberative, Economic, Electronic, Grassroots, Illiberal, Inclusive, Industrial, Islamic, Liberal, Non-partisan, Ochlocracy, Participatory, Polyarchy, Radical, Religious, Representative direct, Social, Sociocracy, Sortition, Soviet, Stochocracy, Totalitarian, Tyranny of the majority

Guidelines for...

Conference Decision Making

The primary goal of the decision-making process is to enable Te Taha Maori (Tangata Whenua, the people who are of the land) and Tauwi (the people who came later and settled here) – partners of Te Hahi Weteriana o Aotearoa, the Methodist Church of New Zealand – to make decisions which demonstrate partnership.

The first step in decision-making is for Te Taha Maori to reach general agreement and Tauwi to reach general agreement on the decision before them. Then the two groups meet together to see if they can agree with a suggested decision.

Facilitation of the partnership decision-making process requires particular skills, which not all elected leaders will have developed, so an experienced facilitator may be asked by the President or Vice-President to lead the Conference at such times.

PRINCIPLES

The following are principles for making decisions in a manner which demonstrate our Treaty Partnership: i.e. between Taha Maori and Tauwi.

- The aim of Conference decision-making is to discern what is best for the Church.
- A decision is made only when it is clear that both partners – i.e. Taha Maori and Tauwi can state that they can agree with the suggested decision.
- Taha Maori/Tauwi may caucus if this will enable their group to reach general agreement so a partnership decision can be explored.
- Partners may choose their own language for the discussion. (Tauwi will need to decide the language(s) appropriate for them).
- When the partners do not agree, no decision can be made. Instead a process will be established which may lead to agreement in the future.
- The Council of Elders will monitor the process and may guide it.

DECISION-MAKING STRATEGIES

Consensus is a term often used when general agreement or substantial support, rather than majority rule, is a group's aim. "Consensus" as generally understood in relation to decision-making in large groups, enables:

- participation by a larger number of members
- the opportunity for minority options to be acknowledged
- a greater chance of obtaining unity of purpose in a group with a variety of values
- more stable, longer lasting decisions.

Consensus does not mean unanimity or total agreement. Rather it is the group agreeing to work together in a certain way, even though some members might prefer not to, e.g.

We are prepared to accept this decision because:

- it is for the good of the group
- we see it is so important
- we feel that our viewpoint has been adequately expressed
- we do not agree, but in the interests of the Church we will allow this to be the decision.

In consensus decision-making, if it is clear that no agreement is possible at the time of the discussion, before the topic is adjourned the President may choose to ask the Council of

Conference to meet to explore whether there is any way forward. If Council reports that there is no way forward then plans will be made for other approaches which may lead to consensus in the future. In the meantime the status quo will continue.

MEMBERS' RESPONSIBILITIES

Consensus decision-making requires a high level of member responsibility and individuals need to be aware of how they can contribute in a helpful manner.

Members should:

- expect to contribute briefly, to the point, and only once on a topic
- prepare what they have to say and speak only if that point has not already been made
- contribute material if it assists the discussion or reconciles an apparent difference
- keep silent if they cannot contribute in a way which aids the discussion.

PROCESSES

Some processes help us to listen to each other and find a way forward for the Church.

For example:

Discussion

Contribution which assists decision is about

- The issue
- Theology of the issue
- Suggested ways forward

Consensus

The process of seeking consensus can use a number of techniques which may assist the group to reach its general agreement.

Some of these are:

- caucusing
- brainstorming to collect ideas
- buzzing in pairs or threes to clarify a position
- dividing into small groups to respond to the same or different parts of the topic
- having a prepared presentation of the issues involved
- adjourning the topic till later in the agenda and having two or three people work at finding an alternative way forward
- a majority decision
- having members indicate non-verbally if they agree/disagree with the ideas being expressed
- identifying common ground and then working on areas of difference
- asking those with a different opinion if recording their view will enable them to allow the decision to be made.

Caucusing is a method used in large groups to assist decision making. It is a meeting of group(s) within the larger group. Caucusing enables any group to clarify its position on the business in hand. Conference does not continue when it divides into Taha Maori/Tauīwi caucus groups, so it is not appropriate for the President, Vice-President or facilitator of the Conference to continue facilitating any of the smaller groups.

In the Conference Taha Maori or Tauīwi can call for their group to caucus, but only if doing so seems likely to assist the full group to reach a decision.

There are 3 ways for this to happen:

- or** (a) the person presiding over the Conference may determine that caucusing is appropriate
- or** (b) Tauīwi may call for a caucus
- or** (c) Taha Maori may call for a caucus.

Conference then divides into Taha Maori and Tauwi groups. The people who facilitate the full Conference do not lead the small groups, so these groups need to have their own facilitators ready.

Caucus process

Each group decides its own process for establishing its position on the topic.

- or
- (a) They may work in one group
 - (b) They may divide into smaller groups, e.g. ethnic, gender, district or interest groups, who discuss their position regarding the topic.

The sub-group(s) come to their decision so they rejoin the larger group and report their position. Then that group seeks to reach agreement. This continues until all the sub-groups have rejoined the caucus. A sub-group may decide it cannot reach an agreed position but that it is prepared to support the one reached by the full group.

If at any time a sub-group cannot reach an agreed position and this prevents a decision being reached by the full group, then the sub-group may ask for a specified time to explore other approaches if that is expected to result in an eventual decision.

The caucus then discusses its position to see if it has been able to reach a common mind. If it has, the caucus rejoins the Conference.

What does the Conference do?

When Tauwi and Te Taha Maori groups rejoin, Conference reconvenes, so the person presiding resumes his/her role. Normally the group which called the caucus reports first, then the other group reports its position. If the person presiding called the caucus, he/she will determine the order of reporting back. Then the whole Conference works toward a consensus decision.

When the process is complete the person presiding shall make a clear statement of the decision.

SUMMARY

- Conference decision-making is a process which demonstrates Te Taha Maori-Tauwi partnership agreement and enables full participation from all member groups.
- Consensus agreement using caucus groups, and other methods of assisting decision-making is an appropriate mode for making partnership decisions.
- For such processes to be successful all group members need to participate in an informed and responsible manner.

Facilitation of these processes is a skilled task and the President and Vice-President may request experienced people to lead some sessions.

TREATY PARTNERSHIP

Decision-making Procedures through a Consensus Process

Information/Clarification for Conference

CAUCUSING

a) **Calling for a caucus**

According to present procedures, calling for a caucus only relates to the convening of Te Taha Maori and Tauwi caucuses. However, interest groups can meet within the Tauwi caucus. If an individual or an interest group in the life of the Conference wishes to raise a process issue, they should approach their caucus facilitators and express their concern. The facilitators are:

- *Tauwi*: Lynne Frith and Paula Taumoepeau
- *Te Taha Maori*: Will choose their facilitators at their pre-conference meeting

The facilitators will then take what action they feel is appropriate

b) **Steps for making Treaty partnership decisions**

In the process of making Treaty partnership decisions, we have discerned the following 5 steps:

• **Step One: Starting together**

Both treaty partners are present. Caucusing does not occur in this step. The report is received. A presentation is made outlining the contents of the report and the suggested decisions. Space is made for questions seeking clarification etc.

• **Step Two: Testing out how the Treaty partners feel about the issues under discussion**

Focus is now upon the 'suggested decisions'. The President/Vice-President seeks the mind of Conference on 'suggested decisions' where there appears to be consensus, and these are processed. Where a consensus is not obvious on specific 'suggested decisions' there is clarification as to lack of consensus. For example, is it related to differences between the Treaty partners or within a partner? At this point either partner may request caucusing, or the President/Vice-President may suggest it. An initial time limit is proposed for the caucusing. The President/Vice-President clarifies for the whole Conference, what both caucuses will be addressing when they meet separately.

• **Step Three: Sharing responses from the caucuses**

When both caucuses are ready to report back, both sets of facilitators will meet with the President and Vice-President to share the responses. This is suggested for two reasons. Firstly, it will avoid the President/Vice-President having to react 'cold' to what is reported to the Conference. Secondly, the sharing will indicate if either or both caucuses need to give reasons as to why they have arrived at a particular point. For example, if both caucuses were in agreement, there would be no need to share reason.

If a caucus does not achieve a consensus, this will be reported to the whole Conference. It would not be appropriate for the other caucus to indicate its response at this point. If finally within a caucus there is no consensus to proceed, no decision by Conference can be made (see page 9, last paragraph).

• **Step Four: Making a Treaty Partnership decision**

If there is agreement by both caucuses, Conference can make a decision. Conference can only make a decision if both partners agree.

If there is no agreement between caucuses, or within a caucus, the areas where there is a lack of agreement will be clearly identified. Some or all of the following questions might

then be asked: Is more information required? Is it necessary to caucus again? Could an 'ad-hoc' representative group meet during Conference to address the areas of disagreement and seek a way ahead? If there is still lack of agreement between the two partners, then no decision is made by the Conference, and the status quo remains. The President/Vice-President will define the 'status quo'.

- **Step Five: Moving on to the next business**

Before this happens, Conference is asked if there are any concerns/issues arising from the discussion that need to be addressed and reported back to Synods/Conference the next year. This is important where Conference members agree 'in principle' with a particular proposal, and expect that their concerns will have been addressed when the 'fleshed-out' principle returns to the next Conference for final endorsement. Consequently, a decision might read "We have agreed that ... and the following concerns/issues have been referred to ... for consideration and a report to Synods and Conference next year".

If any Conference member wishes to record their dissent from a Conference decision, they should put it in writing and hand it to the Daily Record Secretaries.

Procedures to enable the business of Conference...

to be taken "En Bloc"

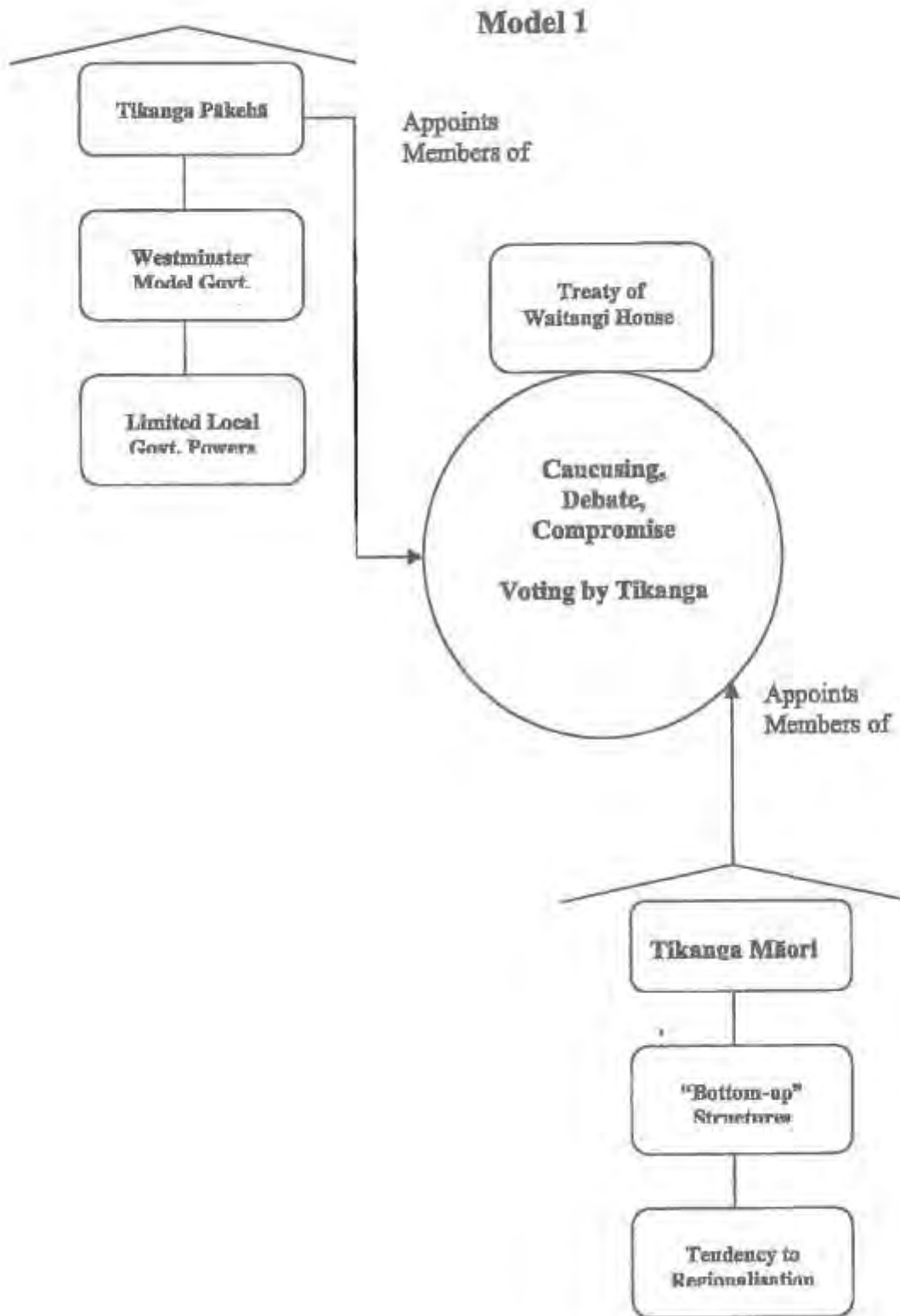
- (1) Committees/Boards will be asked to advise the Conference as to those reports/resolutions that can be presented to the Conference En Bloc. On the recommendation of the Committees or Boards they will be put to the Conference En Bloc. Reports/Resolutions to be taken En Bloc will be highlighted on the PowerPoint presentation.
- (2) In order to safeguard the rights of members of Conference to speak on any report/resolution, any member may by simple request to the Chair, have removed from the "En Bloc" procedures any report/resolution.

(Minutes of Conference 1978, Resolution 1, page 564, amended 2004)

FUNCTION – COUNCIL OF ELDERS

The Council of Elders shall enable and assist the Church in its Bicultural Journey by seeking to model the equal partnership prefigured in the Treaty of Waitangi, and at Conference specifically will:

- (a) monitor and recommendations of all Conference Committees and Boards of the Conference, and
- (b) reflect and comment on the style, processes, work and priorities of all Conference Committees and Boards, Conference discussion and decision making, and
- (c) refer back for further consideration any report or recommendation which the Council of Elders considers will hinder or divert the Church from its Bicultural Journey, and
- (d) report each year to the Conference.



Model 1 "Te Pihopatanga Model"

This model has been advanced by Te Pihopatanga. The basic idea can be traced back to work done by the Raukawa Trustees (a body representative of the kotahitanga of Ngāti Raukawa ki te Tonga, Te Āti Awa ki Whakarongitai and Ngāti Toarangatira) for consideration at a national conference in 1984. It prescribes arrangements which resemble closely the structure adopted by the Anglican Church in 1990 for its Constitution.

There will be two representative houses, one for Tikanga Māori (and to operate within Tikanga Māori) and one for Tikanga Pākehā (and to operate within Tikanga Pākehā). Each will have its own administration and, after consultation with each other, will recommend legislation for passage through a 'Treaty of Waitangi House'. This house will consider (a) whether there has been adequate consultation between the two partners and (b) whether the legislative recommendations are consistent with the Treaty of Waitangi.

The members of the 'Treaty of Waitangi House' will be appointed by (or elected from) the two Tikanga. They will vote 'in tikanga'. That is to say, representatives of either tikanga can insist that a proposal be put to the Māori and Pākehā representatives separately. A majority vote of each group will be necessary for the proposal to become law. Thus, any legislation will be legitimated only with the assent of the representatives of both peoples.

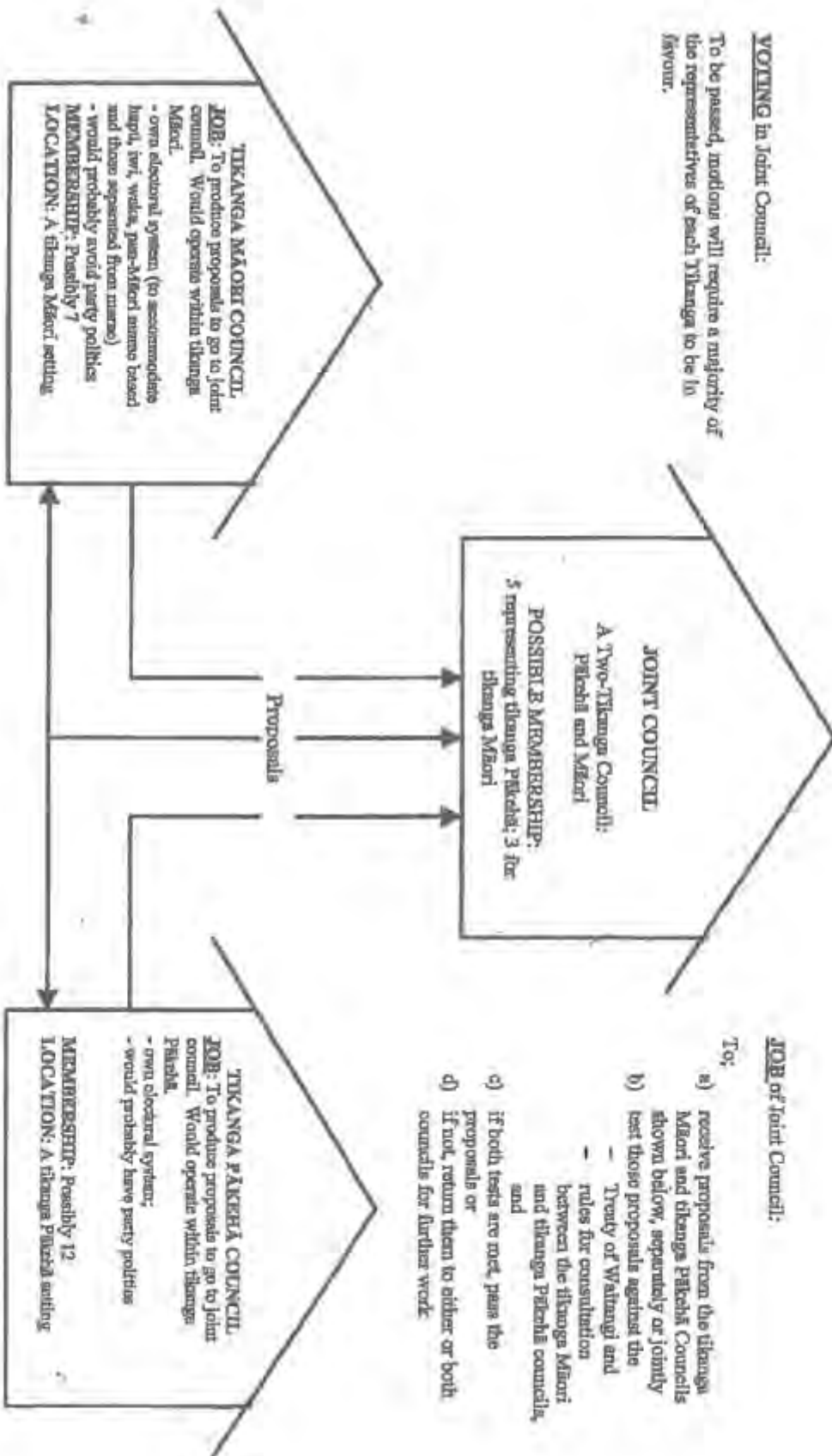
An advantage of this model is that the 'Treaty of Waitangi House' states, in a very simple form, the distinctive basis of the partnership between the two partners to the Treaty of Waitangi – as prescribed in the Constitution of the Church.

Another point in favour of this model is that the existence and operations of the other two Houses and their respective administrations provide for two cultures development - a philosophy embodied in the Constitution of the Church.

The disadvantage is that there is no clear way (apart from consensus, dialogue and commonsense) for resolving disputes between the tikanga. So particular matters might drag on unresolved for a long time. One tikanga might start to object to the other's proposals, solely to get bargaining leverage to get its own proposals through.

A possible disadvantage, also is that a lot of work might have to be done to sort out which matters Tikanga Pākehā administration would look after and which would be handled by Tikanga Māori administration to avoid wasteful duplication. Nor is it yet clear how a 'New Zealand' government would be formed, how administrative policies would be coordinated between the two administrations, and how the cost of administration would be shared.

At a more fundamental level, some people will object that where the less numerous partner to the Treaty can withhold its assent to legislation which the more numerous partner wishes to pass, equal weight is not being given, to the wishes of the individual voters who make up the two groups.



9.0 Some Questions Specific to Local Bodies

I am aware that my paper was to have a local body orientation to it. I thought that I would provide this by introducing some questions about local body politics against which the model which I have described in this paper might be tested.

Late in 1995, Professor Philip McDermott of Massey University who had a special interest in local body government at that time, wrote to me asking questions about local democracy and indigenous communities. These questions are set out below with commentary from myself.

(a) *How well prepared are local councils to deal with sovereignty questions?*

My impression is that local councils rely heavily on consultation - which is the direction given to them by the Resource Management Act and other legislation. They are a long way from contemplating the call for sovereignty heard in various Māori quarters and, I believe, do not know how to deal with sovereignty questions except to hide behind the statutes and declare that they are not the Crown. Adoption of the Raukawa-Mihinare model under appropriate enabling legislation, would go a long way toward dealing with these questions. For some Māori it would not be far enough. For many Māori it would be.

(b) *What is an appropriate local level for dealing with not just Treaty claims, but also matters of biculturalism and sovereignty: 'local' regional or national - hapū, iwi or pan-tribal?*

The model which is proposed would deal automatically with the 'biculturalism' issue and it would go considerable distance toward satisfying the anxieties which give rise to the sovereignty demands. There would be the need to strike a balance in representation between local hapū (and iwi) and Māori who are not of the local hapū or iwi. The Māori partner should be left to work this out just as the Pākehā partner should be left alone by the Māori partner to work out their arrangements.

(c) *What has been the impact of the increased calls for consultation through various planning mechanisms (annual, district and regional plans, for example) on Māori?*

These calls have been Pākehā directed and burdensome and, in terms of the purpose of the process, the consultation has been largely ineffectual. The presentations appear to be a fait accompli; and, the opportunity for unconstrained discussions, gone. Under the Raukawa-Mihinare model there may be more work, but much of it would be Māori initiated and directed. The present reactive role would be largely displaced with proactive behaviour.

(d) *What are some of the questions which arise from the Resource Management Act and its presumption of the right of public authorities to determine the effects which the activities of indigenous people might have on the natural environment?*

Under the proposed model, Māori would be part of the 'public authorities' and would be administering this Act, determining the effects on the natural environment according to their world view and controlling the process, jointly, with their partner.

(e) How can the authority of iwi or hapū be affirmed within the resource management structure?

The model which is proposed would ensure that Māori are a full partner in local government and, therefore, a full partner in the design and implementation of the resource management structures of local bodies.

(f) What are the good models for developing relationships of mutual benefit between councils, mana whenua tribes or specific Māori resource management agencies?

The existing models are based on one way consultation - to satisfy statutory requirements. The framework and context for the relationships are largely Pākehā. This not to say that the relationships are not harmonious. Typically, they are not set within a context of tino rangatiratanga or shared decision-making. The quality of partnership which would come from the proposed model is absent.

(g) What is the potential for iwi management plans and the transfer of local government functions to iwi authorities under the Resource Management Act?

Iwi and Tikanga Pākehā plans would be developed in close cooperation between the partners. Some of this can happen now but the relationships are not conducive to this happening as a matter of course.

(h) How far does the green ethos of RMA coincide with the ethos of Māori?

This will vary from iwi to iwi and the Rankawa-Mihinare model would permit the debate on this matter to take place at the local level.

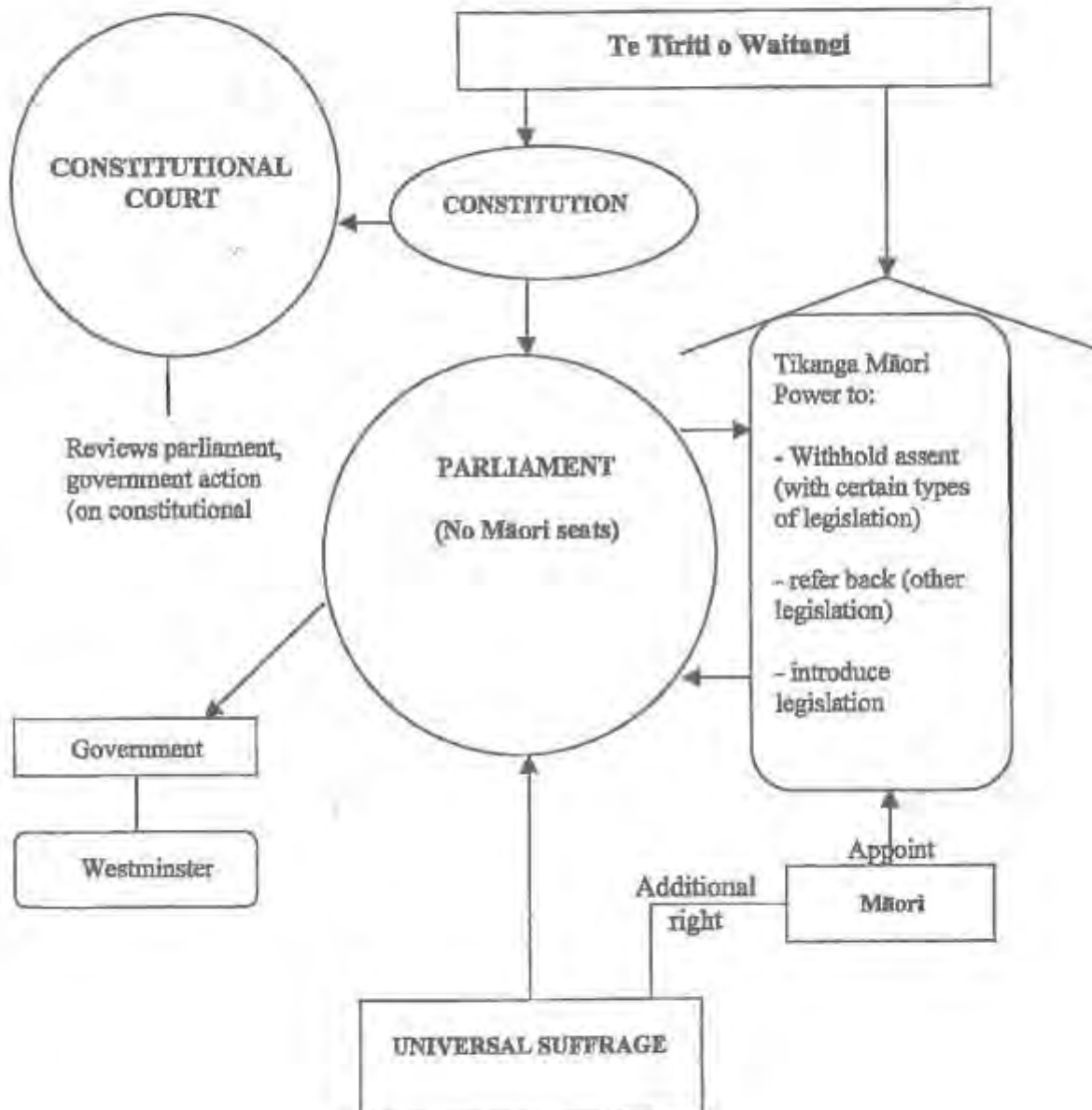
These questions have been addressed with the model of Māori representation presented in this paper in mind. There are other contexts from which they could have been addressed. For the purposes of this paper the questions have provided a standard by which the potential value of the Rankawa-Mihinare model might be assessed.

10.0 Conclusion

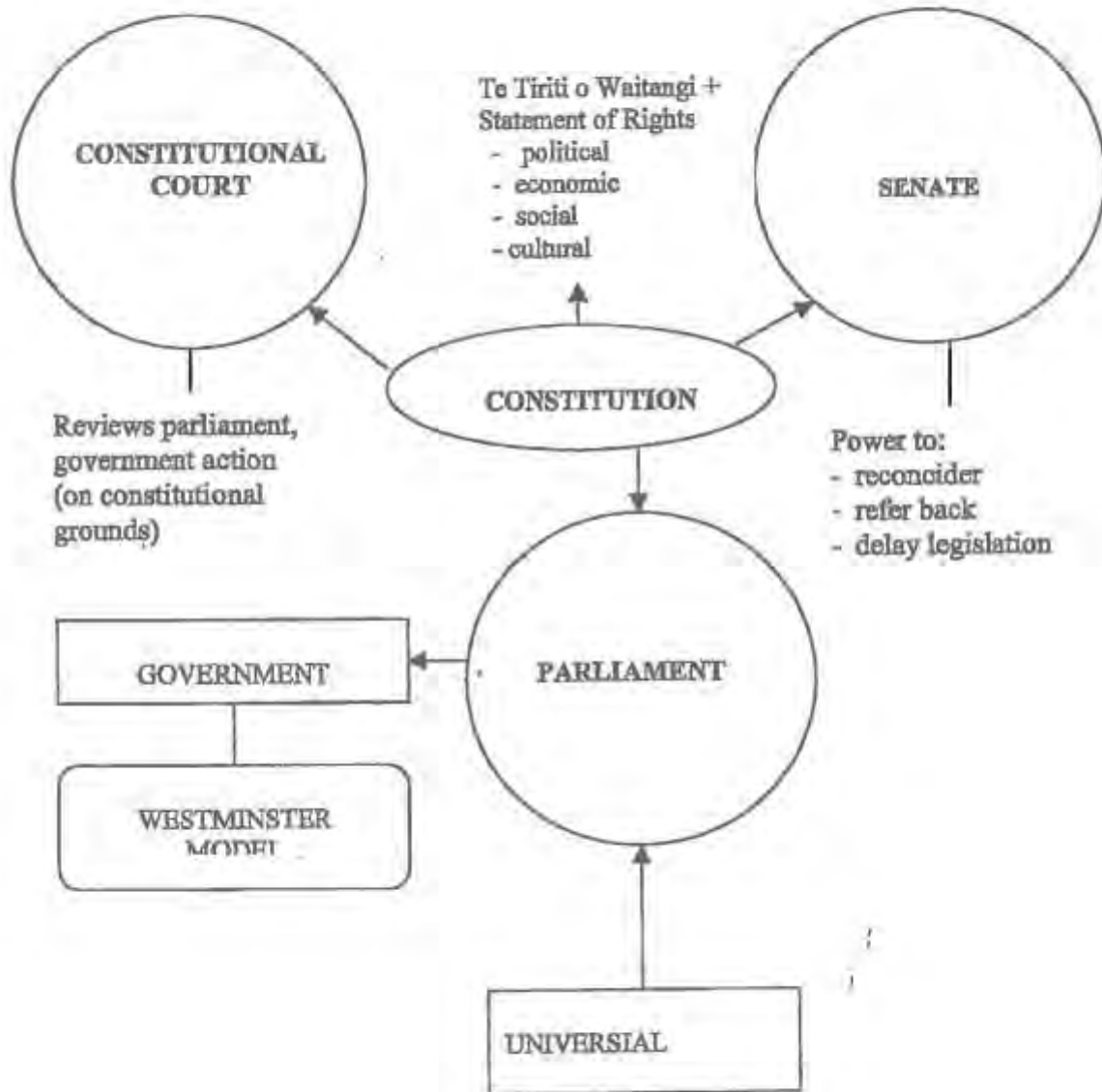
This paper has relied heavily on the experience of the Anglican Church as it went through its constitutional revision, including the implementation - which is ongoing.

The importance of this reliance on that experience is that the Church demonstrated that major constitutional change can be accomplished peacefully and within the law. Aotearoa New Zealand as a Nation could do something very similar. It should not delay the work.

Model 3



Model 4



Model 4: Parliament, Constitutional Court and Senate.

This model also continues our present parliamentary system either in its current or a modified form. In addition the Constitution will be amended to spell out the rights of the partners under Te Tiriti/the Treaty. It might also state the political, social, economic, civil and cultural rights of all New Zealanders. It could also be agreed that Māori have greater control of their own destiny in relation to such matters as health and social welfare.

There could also be a Constitutional Court, which will have similar powers to those of the Court in Model 2. The Court can declare invalid any legislation which contravenes the Constitution. There could also be a Senate of Kaitiaki, as in Model 2. All legislation will be referred to Senate, which can send matters back to Parliament if there are difficulties. But that will only delay matters, if Parliament persists.

The advantage of this model is that it retains the existing system of forming Governments and prosecuting government policy, subject to the checks and balances provided in the proposed Constitution. The model also preserves the approximate equality of each vote.

The disadvantage is that the ultimate protection of Māori interests would depend on how the Constitution is written and how it is interpreted by the Court. It would need to be decided whether private citizens could bring claims and, if so, whether the procedures would have to be 'adversarial' and expensive, as in the current court system. A Senate which had solely the power to delay, would not guarantee Māori interests - or Pakehā interests, for that matter - as effectively as do the arrangements in Models 1 and 2.

Nor, in this model, is there a clear focus on law making and administration by Māori, for Māori, as there is in the first three models. Presumably much would need to be discussed, in the negotiation of changes to the Constitution, to ensure a sufficient degree of autonomy for Māori over Māori affairs.

These Models show some of the ways in which the Māori partner's Treaty rights could be given greater protection against majority politics, than they are now. No doubt other suggestions, and new combinations of these ideas, will be discussed as well. The important thing is that New Zealanders are made more aware of the issues facing the nation, and of the fact that they are of truly constitutional proportions.

CONCLUSION

Why People Should Not be Alarmed by Constitutional Reform

Several proposals are made in this document for changes to the constitution of our country. Some are quite radical, others less so. Many will think that the constitution should not be changed at all on grounds that it works well enough as it is, and that indeed, partly unwritten and conventional as it is, it has provided the foundation throughout the twentieth century for one of the most democratic and stable governments in the world. There is much to be said for this view. Scholars of democracy point out that there are eighteen well-settled democratic regimes in the post Second War world (out of a total of nearly 190 regimes) and New Zealand is among them. Since, too, serious measurements have been taken, New Zealand has always scored high on most attributes that democratic regimes are supposed to embody and to foster: tolerance of diversity, the respect for human rights, freedom of association, religious freedom, respect for law, and so on. The one attribute we did not traditionally display which the other regimes do (we were second to last of the eighteen settled democracies in 1980) was policy-making based on

consensus. There has been increased opportunity for this since the introduction of the MMP system. And our other weakness - a tendency not to have representatives of minority ethnic groups (except Māori) in Parliament - seems also to be being addressed by the system.

Nevertheless it is clear that there are defects in our constitution. To put them at their lowest they concern the representation of Māori interests, and to put them at their highest, they concern the recognition of the rights of Māori as a separate people. There is no question but that Māori, Pākehā and other ethnic groups make up a single political nation, and as such, individuals of all those groups must be represented in the political system and be accorded the common rights of New Zealanders. But it is equally clear that Māori have separate rights as a people, and (as among themselves) as separate iwi and hapū. The 'rights' (where a right is an interest which must be protected and perhaps fostered by some kind of law binding on those who would undermine it) are some of them straightforwardly a matter of New Zealand domestic law. These include those rights under the Treaty of Waitangi which are recognised in statute as interpreted by the judiciary, rights to reparation, to be consulted with as partners in various enterprises and so on. Other domestic law rights include aboriginal rights like Māori rights to customary fisheries, which, deriving from English common law, are now like the Treaty, also partly enshrined in statute. Others of their rights are not so straightforwardly a matter of domestic law, but are a matter of international law in its post Second War developments. There is firstly the (ambiguous and highly-limited right) of each 'people' to 'self-government'. This, for instance gives New Zealanders in general the right to govern themselves, and it could be argued that it also gives Māori an extensive set of rights to govern themselves. Secondly there is the 'aboriginal right' of international law (as opposed to English common law) namely the right to autonomy of indigenous peoples. This right is one the scope and exercise of which will obviously vary from place to place, but the interests which it protects are those of the preservation of cultures and ways of life for those who choose them, and it manifests itself at the one extreme as the ancient and unextinguished rights of a colonised people to rule itself, and at the other as more limited rights of decision-making in specific areas.

It is worth noting that New Zealand is far from unique in the problems it faces. Of the world's nearly 190 states, only a handful are mono-ethnic or mono-national. One widely accepted count is that there are about 5,000 discrete ethnic or national groupings in the world. Thus the state of Nigeria has 450 nations; Brazil 180 nations; the UK four; plus innumerable ethnic groups. Nor is New Zealand alone in having an indigenous population which objects in certain ways to being ruled by the successors of those who colonised their country. Of the world's 5 billion people, 200 million are indigenous people locked, often unwillingly, into the states of the Americas, South East Asia, Scandinavia and Africa, and in New Zealand, Australia, India and China. Since the end of the Cold War the issue of how to incorporate groups of peoples into states has been of great concern in international affairs, and in the very vigorous industry of constitution-making and reforming which is characteristic of current times. Very few now believe that the 'melting pot' can be relied on in anything other than quite long terms (more than 150 years, say) to produce 'one people' out of two or more. The international question is and has been how to fit the desire of variously-separate peoples to manage their own destinies with the obvious impossibility (and injustice) of the idea that there must be a single state for each single people, and with the undesirability of slotting individuals, their families and descendants, into national or ethnic groups without their free consent. And this is also the New Zealand - Aotearoa problem. We have done remarkably well up until now, especially in the fields of according human and civil rights to all our citizens. But it may well be time for us New Zealanders to think of

according Māori New Zealanders a special place in our constitution. Of the eighteen settled democracies, at least six (Switzerland, the Netherlands, Norway, Belgium, Sweden and Canada) make special provision for the representation of and sharing in political power of separate national groups. Regions are given separate powers; language and cultural groups are given rights to representation in legislatures, bureaucracies and judiciaries, proportional representative systems require that political parties appeal across peoples, or make it possible for peoples to have their own parties; localities or groups in localities are accorded substantial powers of self-government; second chambers are constituted to protect minorities against governments who would, for too light reason, damage ways of life in which substantial numbers of their citizens find their fulfilment. Our constitutional 'mother country', the UK, is heading in the same direction with substantial independence for the Scots and the Welsh on the current government's agenda, mandated by the 1997 election.

Whatever solution we adopt, it would need to be adapted to our own condition and a consensus as to what it should be, worked out in great detail.

RECOMMENDATIONS

Finally, this Commission respectfully suggests to the 1998 General Synod / te Hīnota Whānui that in response to the report of the Commission the following resolution be put:

- (1) That General Synod receives this Report and supports moves to develop a new Constitution giving effect to the Treaty of Waitangi,
- (2) That the Government be invited, as a matter of urgency, to establish a Constitutional Commission to investigate and report on a new Constitution,
- (3) That in the meantime the Church initiate a programme of education and discussion amongst its members to raise awareness of the issues, and explore constitutional proposals similar to the Models set out in the Report.

The Commission hopes that this Report will provide a basis for materials to be prepared which will further education and debate about this issue. It will of course benefit from the attentions of others who have the time, which regrettably we have not had, to put our Report into a crisp, compact and well-edited form.

The report is still far from complete. The full text of important constitutional documents and international treaties could well be appended. Reference may also be made to various publications where more detail will be found, to cover the bare outline of constitutional change which is given in this report. And it will be much improved as a result of comments and suggestions made at General Synod, and by the contributions of those who are well-equipped to offer opinions on constitutional matters.



























Samantha White

Tēnā koutou katoa, ngā mihi nui ki nga tupuna hoki. Ko Samantha White toku ingao, i whanau mai ahau I ingarangi, he uri ahau no te iwi hurai me te iwi airihi, ~~no tena~~ ^{engari} kei te rohe o Te Arawa toku kainga inaianei. Greetings to you all, acknowledgments to those who have gone before us also, I was born in England but now my home is in the region of Te Arawa.

From reading through the submissions online, those who have submitted "no" make me fear for the society I am bringing my children up in. I put to you that the no's are showing a lack of basic understanding of the history of this country that many say we are all one of. Reality is that we are not all equal in this country.

We only have to look at the disengagement of Māori with politics and voting, the disproportionate numbers in the judicial system and the unemployment stats. The widening educational gap between Māori and non Māori. The educational system – one size fits all? No. Russell Bishop's extensive reserach project has proved that Māori and non Māori benefit equally from a kaupapa Māori approach whereas a westernised educational system sees the achievement gap widen. The judicial system is incorporating marae based hearings for rangatahi with success. New Zealand tourism benefits from the unique position it has with Māori.

As a relatively new citizen of Aotearoa despite understanding the negative effect of the miss history taught in schools for decades post colonisation and the westernised norm which is pushed within the media I still do not understand why when anything to do with the indigenous population is raised it appears to invite such negativity and horror from certain areas, and yet there is no bias in decision making, no racism going on...no special measures needed here thank you very much, the privileged white declare! What does the Environment Court know!

White Privilege now there's a term that causes uncomfortable feelings amongst many...but it is just a term to cover the set of assumptions about what is regarded as neutral, normal and universally accessible. James Baldwin in the 2012 Consedine book said: "the biggest problem with white privilege is the invisibility it maintains to those who benefit from it the most." And the book goes on to say: In New Zealand white privilege evolved in colonial times where structures were put in place that were designed to meet the needs of Pākehā settlers... [and] marginalised Māori, yet these systematic structural benefits remain invisible to Pākehā."

Despite a promise of tino Rangatiratanga in 1840 this never eventuated, 175 years on the idea of power sharing is still a-nath'e-ma for many who have been victim of a miss education by the State. This leads to the lack of a considered no being offered. The no's appear to have missed the point that the proposal is a considered one and probably have not even considered it is far from what tino rangatiratanga promised their tupuna all those years ago. Those in the no camp appear to be ignoring the legal obligations that are placed on Council, their elected representatives. I also get the impression that these no's seem to have little confidence in the full council's ability to ratify decisions of committees, which have always been able to co-opt non elected people.

The proposal is not one sided, it takes into account all parties rather than just pushing forward with just the needs of 13 individual iwi in mind. I also hope that the councils legal obligations will be the driving force behind the decision made, as if we look to these obligations, the recognised founding document of this country and white privilege I should not be able to say to tangata whenua, those with mana whenua in this rohe: what's wrong with the Eurocentric format we have now, your proposal is not acceptable; because we in our position of white privilege have to trust we might not have the perspective to see things from the

indigenous perspective. That is the trust and respect we need to show in order to move forward as one. Mana whenua have said it is the one they consider to be the most workable and that is why I implore on our elected body to do the same and continue to work towards partnership and a better, more connected society for the next generations by doing what is right and accepting the proposal; as there is no risk to democracy. Full Council, still has the final say in this model.

The UN declaration of human rights promotes indigenous people's full and effective participation in all matters that concern them. Strong New Zealand evidence is out there that one size does not fit all, and a Eurocentric approach is not the only approach. Change can cause discomfort but the discomfort doesn't mean the change is wrong or the needs of all cannot be met. The treaty is relevant today, it is a document which allows for both the indigenous population and the non indigenous population's needs to be acknowledged and incorporated to work together. I hope for future generations 2015 sees the Council make the right decision in the midst of a strong non indigenous majority wish for the status quo not to change, to listen to the statute they are bound by and accept what mana whenua are suggesting. To accept is to enhance democracy
Tēnā koutou Tēnā koutou Tēnā koutou katoa

Doc No. RDC-529922

SUBMISSION NO. 1011

SUBMISSION NO: 1011

Submitter: Avis and Don Spender

I DO NOT WISH TO speak to the mayor and councillors regarding my submission.

Do you support in principle the intention to effectively partner with Te Arawa? No

Reasoning:

I do not support the Te Arawa Partnership Model as proposed at the public meetings and reinforced by the handouts supplied. I feel we elected a Council at the last elections to oversee the Governance of the Rotorua District for 3 years.

What aspects of the Te Arawa Partnership Model do you agree with and why? Not supplied

What aspects of the proposed Te Arawa Partnership Model do you disagree with and why?

I did not vote to have another committee set up to sit with the Council at every meeting of the Council and to have speaking rights and for 2 of them to have voting rights on the important committees.

Is there another option or arrangement that you would prefer and why? Not supplied

Do you have any further comments?

I cannot understand why the Te Arawa Partnership Model needs 9-14 members – at the ratepayers expense. We have an elected Council to run our city with input from consultants to advise on specific items and projects.

After following the Auckland Super City Committee problems, as reported in the NZ Herald and talking to relations, and visitors to our city, I feel we would be heading down the same downward spiral of not making decisions to benefit the whole Rotorua District if this "Model" was accepted and followed.

We have enough underutilized costly assets to be budgeted for in the city. These are costing us millions without taking on further debt, for this proposal I refer to the International Airport, Events Centre and others that I can only presume run at a loss!! Museum Café?? For one.

5th May

SUBMISSION TO THE TE ARAWA PARTNERSHIPS HEARING COMMITTEE

TE TARI TAIAO – ENVIRONMENTAL UNIT: TE MARU O NGATI RANGIWEWEHI IWI AUTHORITY

My name is Gina Mohi, I am presenting this verbal submission today as the manager of Te Tari Taiao, the Environmental Unit of the Te Maru o Ngati Rangiwewehi Iwi Authority. I hold a Master of Science degree conferred by the University of Waikato, with a double major in Resource Management Planning and Earth Sciences and I have worked as consents planner for the Rotorua District Council in the past(2003-2005). I am the chief editor and author of the Ngati Rangiwewehi Iwi Environmental Management Plan, and have actively engaged with the Rotorua Lakes Council on behalf of Ngati Rangiwewehi over a number of years on various environmental and resource management matters. I am also a qualified Independent Hearing Commissioner and have sat on a number of Resource Consent hearings throughout the Bay of Plenty over the last four years.

Our opening statement is that Te Tari Taiao emphatically endorses Model 2 proposed within the Te Arawa Partnerships document based on the following reasons:

LEGAL OBLIGATIONS

Under section 81 of the Local Government Act 2002 (LGA) Councils must develop and maintain ways for Māori to contribute to council decisions and consider ways that it may foster the development of Māori capacity to contribute to decision making processes. Sections 6(e), 7(a) and 8 of the Resource Management Act 1991 (RMA) also provide legislative direction to local authorities regarding their obligations to Maori under the Act. These legal obligations under both the LGA and RMA have been taken into account in the development of Model 2 which has been endorsed by Te Arawa whanui via a series of hui held within the rohe as it is considered that this particular model will best assist council to meet their obligations in a meaningful manner and will significantly reduce legal challenges from hapu and iwi that have occurred in the past at the cost of the Rotorua ratepayers.

COUNCIL'S ENGAGEMENT HISTORY

Historically, Council has had a very poor record of engagement and consultation with Te Arawa. The Environment Court decision NZEnvC 116 is a case in point, and indeed has been the catalyst to the development of the Te Arawa Partnerships model discussions. The poorly executed Rotoma Sewage Scheme Project and consequent issue of resource consent was challenged by local hapu and upheld by the environment court who awarded costs of \$115,000.00 to the hapu appellants. The Court also recognised that Council's consultation processes were "*among the most serious breaches of Council's obligations brought to this*

division's attention." The total unseen cost's of this entire project, and subsequent hearing expenses are likely to be in the millions of dollars bracket. Additionally, Ngati Rangiwewehi found themselves in a similar position in 2007, where lack of genuine consultation regarding the renewal of a water take consent at the Taniwha Springs water utility site also saw the hapu challenge the consent decision in the Environment Court (NZEnvC 117) which was also upheld by the Court at significant cost to Rotorua ratepayers.

Ironically, as significant landowners and ratepayers, tangata whenua are additionally penalised as they seek to uphold their inherited obligations as kaitiaki to protect the natural and physical resources. They are morally obligated to challenge developments that would have a potential negative or unsustainable effect on their 'taonga tuku-iho' at their own cost, and are then further penalised as ratepayers when Environment Court decisions uphold their appeals. Basically, tangata whenua end up paying twice!

POST-SETTLEMENT TE ARAWA – GROWING ROTORUA

The majority of Te Arawa hapu have completed their Treaty of Waitangi claims settlements which has, and will see further economic growth and development of the Maori asset base locally. The benefits to the wider Rotorua community as a consequence is real and significant. Model 2 embraces this indisputable fact and provides the appropriate platform to further enhance the strategic growth of our district. It is incomprehensible that there a fringe component of our community who continue to cling to out-dated, colonial bias and an inherited superiority complex that refuses to see the inevitable, or accept that there is nothing to fear from acknowledging the fact that the growth of our community going forward will be significantly influenced by the burgeoning Māori economy. They do a disservice to our community and our district, and disadvantage us all from the multiple opportunities that we as a community have before us by embracing the burgeoning economic prosperity that post-settled entities have and will continue bring to our district.

CONCLUSION

The proposal to include tangata whenua into Council structures of governance and decision making are not new and have been instituted by a growing number of progressive local authorities throughout Aotearoa, and the benefits reaped as a result have been multiple, A case in point is the Independent Maori Statutory Board in Auckland. I do not have the time to go into detail about this at this time, however I suggest that the Council invite their CEO, Brandy Hudson to present to them the significant gains that have been possible for the wider Auckland City community as a result.

In closing, we challenge this Council to move into the new era of collective agreement arrangements between tangata whenua and local government that both honours and embraces the principles of Te Tiriti o Waitangi for the betterment of the Rotorua community and ultimately Aotearoa whanui!

Noho ora mai

Gina Mohi
Te Tari Taiao Manager
Te Maru o Ngati Rangiwewehi Iwi Authority



KAREN TE-O-KAHURANGI WAAKA

Te Arawa

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AUCKLAND 0612

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Your worship the Mayor, councilors, members of the Rotorua
community - tena koutou,

Rau rangatira o Te Arawa whānui, ngā kaitautoko kī tēnei tono ki te
kaunihera mo te waka hourua nei mō Te Arawa, nei ra te mihi manahou
ki a tatou.

No Te Arawa ahau – Ko Tuhourangi – Ngati Wahiao, Ko Ngāti Whakaue,
Ko Tūwharetoa ēra. He taha Pakeha toku, He taha Kōtimana toku, He
taha Airihi hoki.

Ko Maureen raua ko John Waaka okū mātua

Ko Te O Kahurangi Waaka toku ingoa.

Ahakoā ka mahi au ki Tamaki i te nuinga o enei ra, no konei ahau!

Koinei taku ūkaipo.

He ahi kaa mai tawhiti he pahī tangata.

**Kei te tautoko ahau i te taura nei mo Te Arawa hei waka hourua ki te
Kaunihera.**

In preparing to speak today I couldn't do so without remembering the many people who have passed on who I think, would be excited at the prospect of a Te Arawa Partnership model as presented to the council, Rotorua community and our Iwi .

I refer to pakeke I recall growing up on this community of the past 40+ years, of Hamuera Mitchell, Wihapi Winiata, Tutanekai Kinita, The Rt Rev Manuhua Bennett, Sir Howard Morrison, Joe Hakaraia, Maria Tini, Te Keepa Marsh, Theo Mataiawhea Tait and my own grandparents Kuru & Rangitamoe, Irikau & Rhona and many,many more..

Their thoughts not stuck on the incredible, and outrageous responses that it has generated by those in opposition to the model for whatever reason, in the name of pro-democracy.

But instead, their unwavering commitment to being a part of the Rotorua Community as descendents of Te Arawa in their investment, and support of initiatives that have long fostered the inclusion of Māori as a vital and celebrated identity of this city, not out of democracy but by whakapapa!

Some submissions I have seen cry words like racism, undemocratic, special treatment, unfair privilege as reasonable basis for deterring such a process for Te Arawa.

And yet what has been presented is an option to assist the integration and involvement of Iwi responsibilities that are required by council in the many 'democratic' processes which must have "regard for Māori" as guaranteed by our founding treaty of this country.

No matter what opinion you may have to how well or not that Treaty has served our communities, it has been established by colonial legal systems that "Māori are the indigenous people of Aotearoa", that certain of those indigenous rights were protected as well as the right to be treated as citizens of NZ.

A very brief overview I accept, but one to merely remind dissenters that what we seek is not taking away from anyone else, but refines the way in which our voice, our consultation and input can best assist council.

Na reira ki a ratou mā kua ngaro i te tirhanga kanohi, na koutou te mana, nō mātou te mahi.

I turn to my generation and those who have worked in preparing this Te Arawa Partnership model. Nei ra te mihi mo o koutou mahi rangatira. Mōku ake, ka tautoko tuarua.

I looked into the priorities 2016 and plan to 2030 going forward for the Rotorua Lakes Council. It talked about aspirations that I support, for my whanau. They are not so different, but the processes to achieve these for Iwi development and involvement will require work and input. One that the Te Arawa Partnership model can help facilitate for these goals.

2016 Priorities:

1. Develop a vibrant city heart that attracts people and activity

2. Develop our economic base by growing existing & attracting new, businesses to our region

Flagship Projects

Centres of excellence and innovation in clean energy, spa city, fresh water, iwi development, tourism and 'Wood First'.

3. Support reinvigorated neighbourhoods and the creation of healthy homes

Flagship Projects

Sustainable alternative energy options eg geothermal.

4. Sustainable infrastructure and affordable, effective council services

Rotorua Lakes Council: 2030 Goals:

Our future is:

- A resilient community ... **He hāpori pūmanawa** Inclusive, liveable and safe neighbourhoods give us a sense of place; and confidence to be involved and connected.
- Homes that match needs ... **Kāinga noho kainga haumarū** Quality, affordable homes are safe and warm, and available to meet everyone's needs.
- Outstanding places to play ... **Papa whakatipu** Recreation opportunities are part of our lifestyle; connecting us, transporting us and surrounding us.
- Vibrant city heart ... **Waahi pūmanawa** Our inviting and thriving inner city reflects our unique heritage and lakeside location.
- Business innovation and prosperity ... **Whakawhanake pākihi** We boast a diverse and sustainable economy energised by our natural resources and innovative people.
- Employment choices ... **He huarahi hōu** We are a prosperous connected community; growing our education, training and employment opportunities.

- Enhanced environment ... **Tiakana te taiao** We are known globally for our clean, natural environment, air quality and healthy lakes
-

Like all good plans they provide aspirations, inspiration and innovation as key platforms for the relationships.

The exciting part I recognized was that the Te Arawa Partnership model provides a way in which Iwi can contribute more effectively in a way that aligns with our own Te Arawa aspirations & innovation.

Like all plans - time, resource and key people are what will make it work. This is what is proposed.

It is transparent and accountable and what we as Te Arawa want as an alternative to the former Te Arawa Standing Committee, and even designated seats or other alternatives.

My written submission was SIMPLE - to support the intent and outline as presented of the **Te Arawa Partnership model**.

My request to speak today, was to note to the Rotorua Lakes Council and attendees and those following this process, that we must continue to protect those things that are uniquely Rotorua and uniquely Māori. What is good for Māori IS GOOD for Rotorua, is GOOD for NZ.

I hear in the dissenters, a concern to such a proposal allowing Te Arawa as a 'minority group' infers that the Council are somehow giving away more than we deserve than other members of the community.

Well, I believe those objectors are merely using "Māori " as an excuse for their own racism towards us. Being Maori and asking to have regard

to my feelings, beliefs, cultural practice and right to an opinion is a human right, not due to race, but due to regard of our differences. Male, Female, Dark, Fair, Toned, NOT, Short, tall , Maori, Chinese, from Ngongotaha, Ngapuna, Tarawera, Tuhourangi, Ngati Whakaue, Ngāpuhi, Pakeha, Scottish, Irish, young or old – they are all labels. At the end of the day surely we as a human race, want to be cherished for our different talents, skills and backgrounds – Special not in a bad way, but as AWESOME PEOPLE of this community.

Again I over-simplify perhaps. Or perhaps that's my ideal. Because for Māori, indeed Te Arawa Iwi, it's not that simple. Because it is harder to be Māori in our own country, indeed our own city than it is anywhere else in the world.

People do see us as different in a negative way as per the Pro Democracy group & others, when in fact being Te Arawa is our inspiration - despite the contributions we make to business and education, despite our investment in tourism and other industries, despite our involvement at personal levels to mentoring and growing the next generations – just like you, we are different, but we are all part of this neighbourhood and community, This is where we unite – tatau, tatau. It does not mean to be the same. It means to have regard and respect of one another's difference of united effort for a common purpose. That's what it means to me.

Why can we not agree that to work towards more common goals, no matter what structure, committee or partnership model we have, that

we agree on fundamental values. A view of what is possible, not what is impossible.

There are many important things we should be focused on.

Saving clean air, clean water, less pollution, happy & healthy children, sustainable energy, sustained land ownership of our country ...

We are at a real risk as long as successive governments / and entrepreneurs sell off NZ land and assets to foreign investors, that those of us, whether KIWI or IWI will be out- numbered and the democracy you crave will become that of the tyranny of the majority and a numbers game. Other cultures and values will rule this country and we will have allowed it.

A position Māori are consistently battling, and it is only through efforts to work towards an ideal of the Treaty we hold, that we seek to regain management of our own assets and investments, for a greater good for Aotearoa, which include partnerships like this with Council.

In closing, I return back to the commemorations of ANZAC day this year, less than a week and a half ago.

Where New Zealanders, all around the country remembered the efforts of our soldiers that fought together in WW1 especially the centenary of Gallipoli, WW2 and subsequent tours of duty.

Wasn't it interesting that no one commented on how racist or separatist it was to have our own Māori troops as the 28 Māori Battalion?

How things like life and death and war know no boundary for race when fighting for our right to democracy and freedom are at stake.

We can die alongside fight & die alongside each other, but we cannot make decisions together.

Oh how the notion of democracy in non – war times raises cries of racism and special privilege against Māori as a conscious objection!

Na reira, ka mihi kau atu ki a koutou e whakatakoto o koutou whakaaro i mua i te kaunihera i enei ra.

Me whai oranga tatau mo tatau. Ahakoa te aha ka whai matou o Te Arawa i ngā huarahi maha hei whakapakari ai i o tatau nei Ao.

Ehara tēnei te huarahi anake mo matou, Kei a matou to matou ake rangatiratanga. Hei te tau titoki.

Na reira i roto i te ngākau iti kei mua i aku koeke, aku papa,aku kōkara,tuākana, tungāne, tuāhine hoki, tēnei ka tau.

5/5/15

Thank you for the opportunity to present an oral submission in support of my hand written submissions relating to the Te Arawa Proposal. It is appreciated.

Way back in 2013 a new Mayor and 12 Councillors were elected to get on with the business of running Council. Prior to election day, when eligible electors spoke, I personally did not hear of any suggestions that new councillors and the now Mayor propose that unelected persons would be added to the Rotorua District Council (now Rotorua Lakes Council also not mentioned). **IF ELECTORS HAD HEARD SUCH A SUGGESTION I BELIEVE WE WOULD NOW HAVE A SOMEWHAT DIFFERENT MAKEUP OF PERSONNEL ON COUNCIL.**

What I did hear from the Mayor was that she wished to have a more consultative Council, the need to reduce excessive staff numbers, the need to fix the costly International Airport structure, the need to reign in our galloping expenditure particularly capital expenditure, the need to develop fully our natural resources and to make Rotorua a friendly City. An admiral wish list. **No mention of the Te Arawa Proposal.** Councillors had a range of ideas from curbing capital and other expenditure, defending the status quo, the need to attend urgently to Airport costs etc. while two of the new councillors were critical of staff numbers, consultive measures, a more open council, easier to read financial statements and the need to reduce all forms of expenditure. **To my knowledge once again no mention of the Te Arawa Proposal.**

Because I believe that Councillors should be elected solely by eligible residents and not appointed, by whatever method, I am strongly apposed to the Te Arawa Proposal. It is my belief that Te Arawa were already in a privileged position and had a great deal of influence at the Council head table. That they chose to relinquish that position is their concern an one that they now have to live with. To the best of my knowledge Maori represent about 40% of the population and Te Arawa less than 50% of all Maori in our City. So why do the present Mayor and the majority of Councillors believe that they have any right to re-invent the political wheel and impose upon the general populace an unfair, not to mention costly system. If adopted it is likely to prove only a starting point, as if and when Te Arawa agree to allow other Maori a similar voice, the number of unelected councillors will certainly increase not to mention costs.

Currently the present Council are very adept in procrastination, wheeling and dealing on issues, the formation of small alliances, delaying tactics without adding another factor ie an additional Maori presence many of whom are also adept at procrastination. This has the affect of slowing down Council business to its detriment and will have an effect on efficiency.

When I first came to Rotorua , way back in 1969, I was extremely surprised that as a Secretary/Manager of a business, who did not live on the premises, I was entitled to 2 votes - 1 private and 1 for the business. It was a most uncomfortable position and I was glad when the City and County Councils merged and the practice was abolished. I believed then and now in 1 vote for 1 person.

In view of the excessive number of submissions received on this issue, mostly against the Te Arawa Proposal, Council should take heed of warnings expressed by the general populace and delay any action until after the next election. I believe that members of the general public are not happy with the indecent haste that this proposal is being pursued. I ask Council to remember that where changes are made in haste that they invariably are not good changes. Alterations will almost certainly be needed.

Everyone standing for re-election at the next election will then be able to campaign on what they believe about the proposal and any new prospective councillors will be able to express their views. The voting public will then be able to democratically express their views by ballot. If by chance they elect those in favour of the Te Arawa proposal in sufficient numbers, then the new council will have a mandate to pursue this issue.

This the proper way to advance this issue and we must rid ourselves of backdoor measures.

I simply do not believe they currently have such a mandate and urge Council to go back to the drawing board, slow down then reconsider what action they should take.

Les Lowrie,

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ROTORUA LAKES COUNCIL

MINUTES OF COUNCIL HEARINGS ON PROPOSED TE ARAWA PARTNERSHIP MODEL (CONT.)

HELD ON 6 MAY 2015 AT 9:30AM

(CONTINUED FROM 30 APRIL, 1 MAY AND 5 MAY 2015)

IN THE COUNCIL CHAMBER, ROTORUA LAKES COUNCIL

PRESENT: Mayor Chadwick (Chairperson)
Cr Bentley, Cr Donaldson, Cr Gould, Cr Hunt, Cr Kent, Cr McVicker, Cr Maxwell,
Cr Raukawa-Tait, Cr Searancke, Cr Sturt, Cr Tapsell and Cr Wepa.

APOLOGIES: Cr Gould, Cr Searancke & Cr Bentley (for lateness)

OFFICERS PRESENT: G Williams, Chief Executive; M Kingi, Director Kaupapa Maori; J-P Gaston, Group
Manager Strategy & Partnerships; C Tiriana, Manager CE Office; O Hopkins,
Governance & Partnerships Manager; J Riini, Partnership Advisor; R Dunn,
Governance Lead.

Mayor Chadwick welcomed Councillors, submitters, staff and media to the Council hearings on the proposed Te Arawa Partnership model and explained the process for the hearings. Simultaneous translation was available using Patrick McGarvey as translator.

1. HEARING OF SUBMITTERS

Time	Sub No	Submitter	Oral submission
9:30	998	Marinus Koppe	Mr Koppe spoke in support of his written submission.

Attendance: Cr Raukawa-Tait left the meeting at 9:31am and rejoined the meeting at 9:37am.

Time	Sub No	Submitter	Oral submission
	998	Marinus Koppe (cont.)	Q – Are you aware that the TASC were invited to sit on meetings and to contribute but without voting rights? A – Yes. Q – Would you support the proposal without voting rights? A – Yes. Q – Where did you get the \$1m figure for costs? A – Costs would include secretary's costs and wages. The costs would go up. Q – Are you aware that Te Arawa would meet some of those costs? A – No.

Time	Sub No	Submitter	Oral submission
9:40	402	Bryce Murray	Mr Murray spoke in support of his written submission in te reo. Q – If voting rights are given to Te Arawa on the two committees, would that provide more meaningful input? A – Yes. Rather than TASC it would provide more meaningful input. Q – Did you enjoy taking Rotorua District Council to the Environment Court? A – No but will do it again if necessary.
9:50	305	Alyssa Tibble	Ms Tibble spoke in support of her written submission in te reo. Q – Are your views typical of Ngati Whakaue? A – Can't speak on behalf on everyone. Know of others that are represented not only by Te Arawa but other affiliations. Q – What is your response to comments that the Te Arawa proposal is undemocratic? A – All the evidence shows it is democratic. Saddened of the ignorance in the community.
10:00	10	Waitsu Wu	Ms Wu spoke in support of her written submission.

Attendance: Cr Bentley left the meeting at 10:00am.

Time	Sub No	Submitter	Oral submission
			Q – Are you aware this is a Te Arawa Proposal? A – Yes. Q – Some migrants are speaking Maori. Do you think we should be doing more in this area? A – It should be a democracy as a whole. If the members have voting rights and are paid they should be voted in. Q – Do you mind that we pay members of the Tourism Board? A - Yes I do mind - they should contribute as a volunteer. Q – Are you aware that when we didn't listen to Te Arawa it cost Council lots of money? A – Yes we know and do understand.
10:10	1492	Frances Louis	Ms Louis spoke in support of her written submission. Q – Te Arawa is tangata whenua. How do you suggest we engage with other Maori? A – Depends on te reo, if other Maori wish to adopt this then that's good. She did not support the Pro-Democracy model.

Time	Sub No	Submitter	Oral submission
10:15	1495	Tawhanga Nopera	<p>Mr Nopera spoke in support of his written submission.</p> <p>Q – Has your thinking around tribablization changed?</p> <p>A – Over time there has been a better understanding. Need to understand whakapapa as far back as possible to help connect.</p> <p>Q – Is it two world views that are in opposition; can they work together?</p> <p>A - There was not enough discussion around similarities. We have a lot of the same identities and core values.</p> <p>Q - Did you feel there was a unanimous approval at the hui a iwi?</p> <p>A – Yes. People were excited but unsure around the potential for something positive to happen because it is a pathway.</p> <p>Q – Regarding the people against the proposal, in your view what are the elements of similar core values?</p> <p>A – A critical element is they are interested in the process. Trust is about process. Trust comes from practice. Council has so many layers so when you look at the process it doesn't look like it can be trusted.</p>

The hearing adjourned at 10:27am and resumed at 10:45am.

Time	Sub No	Submitter	Oral submission
10:45	1533	Tony Pecotic	Mr Pecotic spoke in support of his written submission.
10:58	1543	David Field	<p>Mr Field spoke in support of his written submission.</p> <p>Q – Are you aware of our portfolio groups who have volunteered on these groups?</p> <p>A – Not fully aware and don't particularly care who they are. There are lots of other groups who should be given similar opportunities.</p> <p>Q – Are you aware that this is a Te Arawa proposal?</p> <p>A – Yes. The difficulty is that it grants Te Arawa voting rights and other sectors are not being given the same opportunity.</p> <p>Q – Are you aware how this proposal began?</p> <p>A – Yes in general. Support the proposal in principle but have difficulty with the voting rights while other similar groups won't.</p> <p>Q – Are you aware that Marlborough has Maori representatives on 4 committees with voting rights?</p> <p>A – No.</p> <p>Q – Do you think Te Arawa should come to council with a united voice?</p> <p>A – Yes but the rest of the community should have a similar committee.</p>

Time	Sub No	Submitter	Oral submission
	1543	David Field (cont.)	Q – Do you think Maori Wards should be introduced? A – Don't think the direction is clear enough. Central Government need to give a clear direction to Local Government.
11:20	1699	Blanche Kiriona	Ms Kiriona spoke in support of her written submission (Attachment 1A and 1B). Q – Do you know if the community had a say when TASC was first proposed? A – Not sure.
11:35	1551	Mereheeni Hooker	Ms Hooker spoke in support of her written submission (Attachment 2). Q – Waiariki Polytech had Maori representatives with voting rights - did it work well? A – Yes, now it is in place although it took some time. Several workshops were held and recommended that Waiariki recommend having Te Mana Tauranga included. Q – You support the model in principle; do you believe the proposal will bring about healthy relationships? A – It has to be worked through. The stressful part had to see it played out through the media. Q – What is your opinion regarding Maori Wards? A – Maori Wards are an option.
11:45	1583	Nev Dow	Mr Dow spoke in support of his written submission (Attachment 3).
11:55	1590	Keneti Kennedy	Mr Kennedy spoke in support of his written submission in te reo. Q – Would introducing Maori Wards help join Te Arawa & council together? A – Rather than Maori Wards, as tangata whenua we should have an opportunity to have a say. Mauriora is the po between council & Te Arawa. Council should carry on but allow Te Arawa to sit on council to help with decision making. Q – Has your experience at Waiariki helped you? A – It was fantastic at Waiariki and more bilingual than anyone. It is a great success. All institutes in New Zealand look at Waiariki as a model. There are three iwi working together.
12:07	73	Rick Thame	Mr Kennedy spoke in support of his written submission. Q – Are you aware we have unelected members on the Tourism committee? A – He believes committees proposed under option 2 are a better option. Q – Do you think there is another way? A – Absolutely believe Te Arawa must have a way forward with this council. Doesn't believe 1 group with 2 votes is tenable.

Time	Sub No	Submitter	Oral submission
	73	Rick Thame (cont.)	<p>Q – Can you explain the 2 votes?</p> <p>A – In local body elections we have 1 vote. There would be another level of entry into council through Te Arawa. We already have Maori members on council.</p> <p>A – Acknowledging that Te Arawa is tangata whenua how do we get better representation in council.</p> <p>A – 40% of the population is Maori; we should all be working together.</p> <p>Q – Have you a view on Maori Wards?</p> <p>A – No Not really. Maori Wards could cover Maori land. Yes it could be another way forward.</p>
12:15	1870	Mark Copeland	<p>Mr Copeland spoke in support of his written submission.</p> <p>Q – Are the voting rights the sticking points?</p> <p>A – Wants Te Arawa to have an integral part of council decision making.</p> <p>Q – Do you think a decision should be made soon or do we need to take longer?</p> <p>A – It's not for me to speak for Te Arawa. It's a start. There could be a risk it could drag on.</p> <p>Q – How do you react to the fear factor?</p> <p>A – Everyone has a view and is part of the process. He has been involved in a number of large commercial partnerships that operate on true partnerships and are very successful. Need to think more inspirationally about what partnerships mean.</p> <p>Q – What does the Maori Ward concept mean to you?</p> <p>A – Not a fan of Maori Wards locally would rather have a partnership.</p>
12:25	1608	Dennis Walsh	<p>Mr Walsh spoke in support of his written submission.</p> <p>Q – Would you favour council to take more time?</p> <p>A – Absolutely. It would help the community heal as it is divided at the moment.</p> <p>Q – Do you think it has divided the community or just exposed issues?</p> <p>A – It has really divided and upset the community.</p> <p>Q – What are people most afraid of?</p> <p>A - I don't think it is fair the way it has been put forward.</p> <p>Q – Do you think the consultation model was understood?</p> <p>A – The model being proposed is not democratic.</p> <p>Q – Are you aware of the Environment Court decisions against council?</p> <p>A – Yes. He did hear bit & pieces. Te Arawa a great business and everyone needs to go forward in a fair and equitable manner.</p> <p>Q – Do you think the decision from 26 May should go out to the community?</p>

			A – Yes.
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The meeting adjourned at 12:35pm and resumed at 1:05pm.

Time	Sub No	Submitter	Oral submission
1:05	1656	Potaua Biasiny-Tule	Mr Biasiny-Tule spoke in support of his written submission.
1:25	1764	Rod Milne	Mr Milne spoke in support of his written submission.
1:35	1660	Scott Macalister	Mr Mccalister spoke in support of his written submission. Q – How do we take away the fear? A – Council was not above reproach. There was so much jargon on-line. When people don't understand it is easy to get the wrong message. Q – What do your friends think? A - People are becoming more inclusive. He thinks youth are in favour of Maori representation. Q – Did you have to any meetings? A – No. There was a lot of information on-line.
1:45	1662	Kahuariki Hancock	Ms Hancock spoke in support of her written submission in te reo (Attachment 4). Q – Do you support the model 2? A – Yes it will be fantastic and a step in the right direction. Q – What do think the MOU's are working? A – Having MOU's and the Te Arawa proposal add value.
1:55	1665 & 1689	Arapeta Tahana	Mr Tahana spoke to his PowerPoint in support of his written submission on behalf of his personal perspective & Atirangi Tahana Whanau Trust (Attachment 5). Q – Why do you think Te Arawa has chosen to come down this route and not go with Maori Wards? A – They didn't consider Maori Wards. Previously council didn't want Maori Wards and wouldn't consult on Maori Wards. However Maori Wards was a good second choice. Q – Have other models that have been put forward to you? A – The Pro-Democracy Society hasn't discussed their model with me or Te Arawa. It sounds like Status quo. Have invited Pro-Democracy to speak to Te Arawa but they didn't want to at that stage. Q – Is it about building trust? A – It was a good model to start with. Q – Would you have a board and wards? A – If we go down the ward track maybe we still need a board. BOPRC spent \$600k on their Maori Board. Q – Do you think the community has been divided? A – No one can be divided unless they choose to. I don't think we are divided but we have been scared to have the conversation. It doesn't fell nice but we

			need to have this conversation.
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Time	Sub No	Submitter	Oral submission
2:25	1453	Gerard Horgan	Mr Horgan spoke to in support of his written submission. Q – Do you accept that Te Arawa have told us themselves that TASC didn't work? A – Yes but we need to do an analysis and find out why. Q – Are you aware of other Te Arawa partnerships? A – Yes. Q – Are you suggesting elected Te Arawa members have to carry the weight themselves and not the other elected members? A – No they are there as councillors who may have more knowledge on Te Arawa issues?
2:35	1705	Trevor Brine	Mr Brine spoke to in support of his written submission.

The hearing adjourned at 2:45pm and resumed at 2:55pm

Time	Sub No	Submitter	Oral submission
3:00	1718	Gaylene Brough	Ms Brough spoke to in support of her written submission on behalf of Rerewhakaaitu Residents & Ratepayers. Q – Are you aware that the members on the Tourism Committee and Audit & Risk Committee have voting rights? A – Personally don't agree with voting rights. Te Arawa have been recognised as they should, need to move on.

Submitters Marcus Wilkin and the Okere Group did not attend the hearing.

Time	Sub No	Submitter	Oral submission
3:05	1800	Rodney Houghton	Ms Houghton spoke to in support of his written submission. Q – Can you explain how 2 votes can end up with disproportionate power? A – Don't want unelected people on key committees with voting rights. Q – How could you recommend we have a constructive process? A – Throw away what's happening and start again. Q – Are you clear why council received the Te Arawa proposal? A – Have no recollection of the Environment Court mentioning a Te Arawa partnership. Q – Did you attend one of the council meetings? A – No. Q – Would you see this model creating 2 classes of

			<p>citizens & how would this affect you? A – He was thinking about his grandchildren. Most councillors would have retired by the time we see the end to this.</p>
3:20	1797	Brian Stamp	<p>Mr Stamp spoke to in support of his written submission. Q – What are the views from the Okareka community? A – The ones he spoke to are of the same view.</p>

Attendance: Cr Bentley rejoined the meeting at 3:25pm.

			<p>Q – Are you aware that the model was received from Te Arawa? A – Not at first but understand now. Don't want voting rights. Q – Would you favour more time to get consensus? A – Yes & to have a referendum next year. Q – Are you aware that the LGA states that "A local authority must establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the local authority" A – Yes aware of that. Can meet obligations by consultation.</p>
3:30	1802	Martyn Evans	<p>Mr Evans spoke to in support of his written submission.</p>
3:40	1805	Jim Rofe	<p>Mr Rofe spoke to in support of his written submission. Q – Are you aware that the Tourism committee have non-elected members? A – Yes used to give councillors expertise. With reference to the model, they could be voting on something that has nothing to do with Te Arawa. Don't agree.</p>
3:45	1685	Kathy Horgan	<p>Ms Horgan spoke to in support of her written submission. Q – The proposal could be an intermediate measure with Maori Wards being looked at for the 2019, what are your thoughts? A – Meetings with the Mayor are filling these needs. Q – Do you know if the meetings with the Mayor are looking at forward or past matters? A – Would hope both forward and back. Was told about previous grievances at a previous meeting. Q – Are you aware that TASC were unhappy for the last 3 to 4 years? A – Yes. TASC wanted to set agenda's and to Chair the meetings. Q – Why are you opposed to the Te Arawa proposal? A - We need to step back and look at all possibilities.</p>

Time	Sub No	Submitter	Oral submission
4:00	1809	Keith Garratt	<p>Mr Garratt spoke to in support of his written submission.</p> <p>Q – Did you see this issue coming up following the 2013 elections?</p> <p>A – No.</p> <p>Q – Do you think the proposal should be introduced as a trial up to the 2016 elections?</p> <p>A – Yes but then the incoming council would do a review.</p> <p>Q - Te Arawa put forward 4 options. Are there any other options you are in favour of?</p> <p>A – Don't agree with the Pro-Democracy proposal. Want a Maori Ward system that represents the community at large.</p> <p>Q - Do you think a referendum was too late for the 2016 election?</p> <p>A – The representation review will overlap, but not sure of the process.</p>
4:10	1872	Don Newport	<p>Mr Newport spoke to in support of his written submission.</p>
4:20	512	Selwyn Insley	<p>Mr Insley spoke to in support of his written submission.</p> <p>Q – Do you support the proposal?</p> <p>A – Just asking for a fair hearing. All groups that make up Te Arawa just want a fair say. We need to agree on what the boundaries are.</p> <p>Q – Would you accept an interim model up to the 2016 elections?</p> <p>A – No. If we wait for the next elections that will be too long.</p> <p>Q – What are your thoughts regarding comments that Te Arawa are just another interest group?</p> <p>A – We are not a special interest group but indigenous people. The United Nations have outlined indigenous groups. There are other ethnic groups in Rotorua but Te Arawa is the indigenous group. Give respect where it is due. Maori are indigenous tangata whenua and have special rights.</p> <p>Q – If you were nominated onto a committee how would that work?</p> <p>A – Would need to know what that committee was about.</p> <p>Q – Are you aware that a decision could be thrown out by council?</p> <p>A – Council shouldn't make dump decisions to be over ruled.</p> <p>Q – Do you believe the Te Arawa proposal will go some way for the voice of Te Arawa to be heard?</p> <p>A – Yes if the right people are at the table.</p>

Cr Donaldson commented that the chief Executive, Mr Williams, would provide a report giving legal advice to councillors prior to the deliberations.

The hearing adjourned at 4:35pm

Submission by Blanche Hohepa-Kiriona
Te Arawa Partnership Model
Rotorua Lakes Council
6 May 2015

Ki a koe Stevie, te tumuaki o te kaunihera nei, me a koutou ngā mema tena koutou, tena koutou katoa.

Blanche through both parents is of Te Arawa descent n affiliates to Rangiteaorere, Tutenui, Tuhourangi, Uenukukopako Te Roro o Te Rangī and Pukaki

I am an 8th generation from Pukaki a prominent feature he had from korero passed down are these chingy eyes I have.

I am a shareholder in numerous Māori lands in Rotorua, many of which are rate paying

Haven't we come a long way I remember under Graeme Halls (former Rotorua Mayor) watch my daughter n I for weeks n months researched and compiled a proposal to present to council then to be told we couldn't present and it had to be a male as you can imagine there were a lot of unsavory and beep beep words in our Va jay jay camp that day so we asked a male to present for us n he went ki wiwi ki wawa on his own waka that had nothing to do with our proposal thank goodness this can never happen

My whānau have never had a voice or any influence in Rotorua local government. Like thousands of other people, we pay our rates and we vote. But unlike thousands of other families in Rotorua, we've given and sacrificed much.

In the past when local Pakeha leaders came knocking at our door for land so they can build schools, churches and hospitals, my whānau has given without any hesitation.

Even though that giving has benefited others more than it has us, we're all good with that because we respect the decision of our parents and grandparents and the value they placed on manaakitanga.

But if that's not enough for you to take my submission seriously, then think about the resources, which would have enabled my whānau to build economically, that were forcibly taken from us in the name of progress.

The taking of land that once homed our Ngāti Uenukukopako settlement of Karamuramu, for Rotorua Airport, is one example.

The land that you drive on to get to and from Rotorua to Tauranga and Whakatane, that once homed my Ngāti Tutenui people, who as a result are now landless and marae-less, is another example.

Why is this you may ask?

Because when their whenua was taken for roading at the turn of the last century, the residue that the authorities did not need, was sold for what is now lifestyle blocks at Brunswick, Parkcliffe and parts of Okawa Bay.

In their greed and heartlessness, the authorities at that time had no thought to returning that surplus of land to Ngati Tutenui but this is just one of the many stories of land being taken from Te Arawa whanau hapu n iwi.

It was the wish of my late brother Hiko Hohepa, that we seek some justice for Ngati Tutenui. As a result we lodged a Treaty of Waitangi claim which saw us reach a settlement with the Crown in 2008 and become part of the iwi collective group known as Te Pumautanga o Te Arawa.

I give praise to my cousin Arama Pirika and the Ngati Tutenui Hapu Trust to rebuild our hapu with what little they have.

Since the late-1990s I have witnessed first-hand the cries and aspirations of my whānau and hapū fall on deaf ears in council.

And this was during the time of the Te Arawa Standing Committee (TASC) whose inception was supported by my late mother.

If she had of been alive to see the tokenism that plagued that committee, she would have been very disappointed because that was not the intention when the idea of it was first raised.

It was sickening to watch how far my whānaungā and I had to bend over just to get on the agenda of a TASC meeting!

I'm sick of reading council records in which my father and his cousins were called "horis" and "ungrateful" because they wanted to lease, rather than sell, their land for an airport.

I'm sick of my daughter and I being labelled "adjutators" because we challenged council.

I'm sick of seeing my hapū take the council to court so we can be heard.

While I give as much as I take, when it comes to warring words, I've been very reluctant over the past 10 years to support anyone in my whānau wanting to get involved in council business, solely because I don't want them to be abused or forced into a position that will see them fight their own people.

Above all, I long for a day when my whānau, and others from Te Arawa, will find their true place in their homeland.

Many of us want what all other families, Māori and non-Māori, in Rotorua want.

That is to have decent paying jobs, so we can provide for our families, access to essential services, be able to practice our culture and to be safe and healthy.

However, the gaps between the haves and have nots in Rotorua is still too wide.

The pockets of poverty in Rotorua that existed last century are still here today.

And it is for all the reasons above that I support Te Arawa Partnership Model.

It's time for change, time for a more positive way of doing things.

What's good for Te Arawa is good for Rotorua.

Here are some of my thoughts on specific parts of the model:

Te Arawa Board representation: Overall I support what's proposed, although I'd like to see mātāwaka given a seat on the board as soon as it is set up. Why? Mātāwaka are still tangata whenua of Aotearoa and

partners to Tiriti o Waitangi. They also make a significant contribution to our local economy as ratepayers and taxpayers and many of them who reside in our rohe have been doing so for generations. I'm also pleased to see that rangatahi will have a seat on the board. Why? They are our future leaders so it's important they have a voice.

Voting rights: If we're talking about genuine partnership, then Te Arawa should be given voting rights on all council committees. For now however, I'll support what's proposed as any form of partnership has to be better than the toothless taniwha (TASC) that the council previously had in place.

Commissioner: I'm particularly pleased to see that Te Arawa will be able to influence the appointment of a commissioner for RMA hearings. Why? More than 10 years ago, one of my Te Arawa hapū (Ngāti Uenukukopako) struggled to get our voice understood by two commissioners appointed by RDC, who had no thorough understanding of Te Ao Māori or Māori tikanga and values. We believe their cultural shortcomings worked against us. I'm sure that knowledge of Te Ao Māori will be a fundamental requirement of whoever Te Arawa appoints to this position.

Finally I ask that when you step onto the tarmac at Rotorua Airport, take a moment to remember that this land was once the home and playground with its abundance of fruit trees, and hot springs for all the children of Ngāti Uenukukopako.

How do I know that? because I was one of those children.

No reira tena ra koutou, tena ra koutou, tena ra tatou katoa.



Wiri Rapata
Hohepa



Tukuahau Hohepa
(nee Wihapi Winiata)



Te Hiko o te Rangi Hohepa

TE ARAWA PROPOSED PARTNERSHIP

E rau rangatira ma, tena koutou katoa, kua huihui mai nei ki te tautoko i te kaupapa o te ra nei. No reira, tena koutou, tena koutou, tena tatou katoa. Good morning!

My name is Mereheeni Hooker. My submission on the Te Arawa Proposed Partnership was very brief.

The proposed model supports and acknowledges Te Arawa's role within the jurisdiction of the Rotorua District Council. I believe it is inclusive and, therefore, will promote and encourage greater participation from Te Arawa. It has the potential to identify common aspirations and opportunities to advance the vision of the Rotorua community. [It] adds value to the voice of the people. [It] improves and enhances decision-making processes.

But knowing there would be an opportunity to speak to one's submission, I took the line of, "less is more". To be specific about any one aspect would take too long so my presentation is a general one. And even this morning I can assure you that I won't be taking up a lot of your time. I also appreciate that I may be repeating a lot of what has already been noted and said engari, kei te pai.

I am here to say that I support, in principle, the Te Arawa Proposed Partnership, the operative words being "in principle" and "proposed" because they imply "room for movement", "room for improvement".

The Rotorua Lakes Council has cited many examples of how other councils have enabled Council-Maori engagement and Maori representation, some aspects of which are similar to the proposed Te Arawa model. Indeed, while not a local authority, we have on our own back doorstep a similar model at Waiariki Institute of Technology – its Council and Te Mana Matauranga. So, as a community, we can't even be trailblazers!

For me, watching this process unfold has been at best, fascinating, and at worst, distressful. It has the hallmarks of a celebrity marriage going through a very public divorce being played out in the media. Not that I wish to go through a divorce myself, but from what I have seen, when there is a hiccup in a relationship, usually, common sense, did I say common sense, yes, common sense goes out the door along with one's suitcase, the kids etc. Then somewhere along the line, compromises are made which do not necessarily meet the needs or wants of either party but compromises are made, nevertheless. And the cost of the whole process can be horrendous - not only financially but also emotionally, socially and spiritually.

In the "Opinion" column of the Daily Post on the 20th of April, Max Simpkins, a Rotorua lawyer, said, "Rather than depicting the current process as divisive, we should see it as *the* opportunity to focus on how to achieve healthy relationships in our community,"

I have a lot of respect for the champion of the Pro-democratic Society, Reynold Macpherson. The massive efforts of the Society to bring about a more democratic decision-making process has, undoubtedly, played a huge role in the current process. However, if we are to be honest with ourselves, there are anomalies at every level of governance processes so the key for us is to work together,

‘Nau te rourou, naku te rourou, ka ora ai te tangata.’
‘With your basket and my basket, our people will thrive.’

The important thing here for me though is another whakatauki,

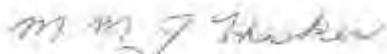
‘He aha te kai o te rangatira? He korero.’
‘What is the food of leaders? It is dialogue, it is conversation.’

It is the dialogue, the conversations, not the shouting and screaming as might happen in a divorce, that bring about the “room for movement”, “room for improvement”.

In closing, I would love to see the same energy and determination used in this process to debate, for example, the Trans-Pacific Partnership Agreement.

Ma te Atua koutou e manaaki, e tiaki hoki.

Kia ora



Mereheeni M.J. Hooker

Original submission is SUBMISSION NO: 1583

N Dow

Wednesday 6th May, 2015 11.40 am speech to Rotorua City Council Te Arawa Partnership hearings.

Having had the benefit and privilege of listening to many voices and perspective from the Te Arawa side of the debate and others over the previous three days of Hearings, I offer the following:

What possible amendments now have to be considered by the City Council regarding the Te Arawa proposal? For me, having a Te Arawa nominee added to a three-person committee that already includes an acknowledged Te Arawa descendant on the chief executive's remuneration committee, is one of the most troubling aspects of this proposal. It would provide the POTENTIAL opportunity to influence the direction the chief executive takes AND undermine the required neutrality of a public office and official. This would be obvious to any neutral observer. This is where "corruption" creeps in. Insidious as rust. Do as we want or you will not get a pay rise or a bonus. Subtly worded of course.

Another anti-democratic and deeply troubling issue was raised by many speakers, especially by some older Te Arawa speakers. They mentioned ANZAC day to drive the point home. They fought for freedom and democracy. Not for power over fellow citizens going to unelected people. Not for disproportionate power going to any group of people. They fought and died for freedom and democracy.

It's been said that some don't read too much of what comes into their in-box and some don't respond to emails. There may well be a valid perception from Te Arawa that the City Councillors, as distinct from "the council" have not, and are not listening to their concerns. One Friday afternoon presenter Morris Meha used his entire presentation time (and it was outstanding) to present an eye opening litany of issues that are seemingly new or unheard by the Councillors/City Council concerning those tribes (at least 3 distinct Rohe?? groups) and businesses. Unfortunately the list was so long there was no time for questions, but it made the point brilliantly.

The evidence is that Councillors and Officials have not improved their capacity to consult since the Environment Court case that Jean-Paul told us cost the ratepayers over a million. And now we have the Mayor buying local legal advice to back her personal ideology and the Partnership Plan when a leading national legal authority says the Plan is not legally compliant. A third, independent and nationally authoritative opinion must be sought quickly to minimise another massive financial risk to ratepayers.

Going back to the Friday afternoon presentation, One question I would have liked to have asked is:

Would a Te Arawa Partnership Model have been the solution to this group's issues? Would it have made a difference? As many of the problems described appeared to be long-standing grievances, the TeArawa Standing Committee was obviously was not a solution at the time when it was said to be not working well. Was that because Te Arawa's various houses are some what separate and divided and not working together as has been suggested by other speakers, or some other reason?

A key issue MAY be that Te Arawa is a house divided, 'many houses' as mentioned by another Te Arawa speaker, and not working together. Clearly Te Arawa is NOT a monolithic entity as some would like to claim or think, but the fact remains that there is a clear perception that the City Council is not listening. There's that CONSULTATION thing again. It could be that they need what the Pro-Democracy Society has suggested; their own elected Maori Policy Advisory Board where they can gradually resolve internal differences between diverse parties, and then lobby the Council as a coordinated entity.

A throw away comment during an afternoon break was that, because one "small" part of one of the Te Arawa house is booking over one million PER WEEK in income, they do not need the generosity of the council. Another speaker spoke of the near/more than a BILLION \$\$\$ in ASSETS that wider Te Arawa control. Those are not small numbers and a credit to the movers of those parts of the Te Arawa business. No one is criticising Te Arawa abilities. But why should economic power translate directly into political power? That is plutocracy, rule by the rich. Not democracy, rule by the people

Wider Te Arawa over a long period of time has been very generous to the Rotorua City and district, we should (and do) remember this but also realise that was in NO WAY one-sided as the generosity was actually reciprocated from three sides; Te Arawa, the local settlers and the central government. It wasn't one-sided or even two-sided, as some like to claim, but community development in everyone's interest. Te Arawa speakers have mentioned this many times. The relatively recent invention of lop-sided obligations has created a myth. There's that CONSULTATION and cooperation between parties again.

Some one is not listening, CONSULTATION and sincere and genuine LISTENING to issues and then acting on this is what is required, NOT partnership but CONSULTATION.

Partnership with specific groups is NOT mentioned in the Local Government Act (2002) or its amendments, as implied by the advocacy questions raised by various City Councillors in the hearings. Their body language and questions make their pre-determined positions very obvious. Try as they might, they can't make the word 'CONSULTATION' mean 'partnership'. They can't make 'contribute to decision-making processes' mean 'participation in making decision.'

I also think that it is immoral for Council to increase costs on ratepayers far in advance of the Consumer Price Index. The median income in the Rotorua District is around low \$20,000's. (2013 Census). Many families are already struggling to pay rates and general house hold bills, especially but not limited to those on fixed incomes. FUNDING a parallel governance and administrative empire IS UNAFFORDABLE AND unnecessary on top of a huge rate increase and large council funding shortfall that was advertised last week. In addition to the financial impact is the divisive effect of Partnership Plan.

In my street, which is very close to one of our sitting City Councillors
There is only ONE common road,
there is only ONE common water pipe
there is only ONE common sewer pipe
there is only ONE common rubbish collection
there is only ONE common footpath.

We ALL share those resources. They are used by and belong to us ALL, "ONE Rotorua"

My street is used by and lived in by a multitude of races, ethnicities, new citizens and tribal affiliations which are not and cannot separated, and nor should it be. We fail to get along in "ONE Rotorua" at our COLLECTIVE peril. The divisive effect of the Partnership Plan will be on ALL of us.

It has been interesting to hear the different views of older/elder Te Arawa speakers as compared to the younger, but in this forum we haven't heard much from the youth of Rotorua. While they may be the future they are currently disengaged from any of these proceedings. It could also be that some choose not to engage in public politics, and we must respect the right of individuals NOT to participate.

So the trick might be to maximise voluntary contributions through representative democracy, without raising false expectations about being able to participate in the making of decisions. Those who believe that they should get their own way want absolute power, which is implausible in a diverse community with many legitimate interest groups. We need elected Councillors to manufacture compromises or we will have conflict.

Luckily for Rotorua there are no Bantustans as was in Sth Africa under Apartheid. There are only common roads and facilities, unlike in some countries where only certain people can use certain roads or facilities. In "ONE Rotorua" everyone can use everything to everyone's mutual advantage. With ~ 1/4 of the City Councillors of Te Arawa descent or having an affiliation of some kind one would think that there would ALREADY be a pathway or access for successful CONSULTATION.

I am concerned that the Mayor and many Councillors hid behind officials and Te Arawa activists during the so-called Special Consultative Process. There was the appearance of biases and pre-determined positions. Rotorua is too small. . But for them to refuse to participate in discussions about all four options, and the Democratic Governance Option, on the grounds that the law prevented it, was ludicrous. We have an open democracy that

values debate and differences of opinion, and yet some of you chose to accept silly and partisan legal advice, mostly "verbal" and avoided engaging with your voters. And your voters will remember.

Notwithstanding this example of democracy being undermined by biased advice, Te Arawa can simply stand excellent candidates in the 2016 elections. It's my firm belief that Te Arawa candidates can and do get voted onto the council by ALL Rotorua residents. Some at these Hearings have told me in the last week that this is not so. However look at the Honourable Trevor Maxwell as a long-term example, and Councillor Tania Tapsell as the long term future (we hope), and many other cherished Te Arawa names from the past who long served on our City & District Council. It is proof that our community will vote for good candidates of whatever tribe or race or family name.

A ward system would not help as many are either not on the roll (at ALL) or not on the Māori roll but that is another topic. Such a ward system would also have to represent ALL Māori residing in "ONE Rotorua" from WHATEVER tribe, not just the broader Te Arawa group/ houses.

Due to either perceived or actual lack of consultation, one group is naturally feeling aggrieved but SEPARATISM is not a solution. CONSULTATION is. It worked in the past it can work in the future.

You can clearly and unambiguously have genuine, sincere, meaningful CONSULTATION without having voting rights, that is, unelected power over fellow citizens. The fact that I'm here right now is proof of that. I can't say I haven't been at least listened to, even if some may not agree with my position. It's amazing how accessible our Councillors are and council is. It's not too hard to contact with email, phone or FACE TO FACE.

Those behind the various Te Arawa entities can and DO have the ability and the ACCESS to meet with ANYONE they wish at the City Council, virtually at any time. There are NO closed doors. That is a remarkable feature of our open DEMOCRACY in this district. That's why I am amazed that only a few brave souls on Council ignored the instruction to stay away from the Information Sessions. Had they attended they would have picked up the undercurrent of resistance to the propaganda being pushed. The People are not stupid.

I spoke to a number of Te Arawa presenters about the Te Arawa Standing Committee at various Council information presentations. All of them said privately that it was mostly internal disharmony that caused it to fail. But it needed fixing to be effective, not replacing it with a far-too-powerful Te Arawa Board that would have a co-governance role, and therefore take up co-sovereignty.

Can the Te Arawa Standing Committee be fixed without throwing the baby out with the bath water? YES it can, with proper and genuine CONSULTATION. It does not need voting rights to do what it was set up to do; policy advisory functions. How is giving voting rights going to fix the problem of internal dissension and division. As previously mentioned, and even acknowledged by previous Te Arawa speakers here, Te Arawa is NOT one monolithic entity as some would like to pretend, claim or think.

Te Arawa have had over a year working on this 'blueprint' yet it is woefully short on details and costings. Even with repeated questions at a number of Information Sessions, the joint team of council spin doctors and Te Arawa representatives failed to provide more detailed answers about the size of the Board and its supportive infrastructure. The joint presenters kept changing their minds. What started in the 18 December proposal as 14 or 15 grew by the Okaraka meeting to "as many as 22 members required", according to Arapeta Tahana. Nearly twice as many as the ENTIRE City Councillors who currently represent US ALL.

Call that a moving feast. Few DETAILS, no costing forthcoming to THE PUBLIC. Completely unsatisfactory. And then it was described as 'outrageous' that others would do their own costings using their own assumptions! The rate paying public are supposed to just accept this despite being short on specifics and lacking detail on a proposal and costings after being worked on for a year. I think not!

Another Councillor asked, in a very persistent manner on Friday, whether the Pro Democracy group had consulted with Te Arawa, and if not why not. A grossly inappropriate and impertinent question. Why did Te Arawa and the Mayor's Working Party not consult with the public in the year they used to develop the proposal? Did these developers see themselves as being above the normal policy development processes used in democracies?

And it was only with the Council suddenly deciding, at two days notice, to approve the Partnership Plan in principal before any public consultations had been provided, did the Pro-Democracy Society actually get established. And why did the partners promoting the Partnership Plan not reach out to other interest groups to hear what they had to say and to build them into a coalition of support. From the outset the only real options the two partners offered was either Option 2 or 3, both undemocratic, either declaring Options 1 and 4 not viable, or preventing the Pro Democracy Society from labling its option for democratic governance.

Unlike the Mayor's Working Party, the Pro-Democracy Society used democratic processes to develop an appreciation of what The People wanted, and formed an inclusive Society from all walks of life that rapidly grew to about 350 members, all self-funded. It raised the money needed for a top flight legal opinion in one day. By comparison, the Partnership Plan was developed at the ratepayer's expense by two exclusive partners; the ruling regime on Council and a go-it-alone special interest group that has, at least for the moment, no intention of sharing anything with any other group.

It is amazing to me that the partners behind the Partnership Plan never seriously considered repairing the Te Arawa Standing Committee which according to most reports was very successful for many years as an influential policy advisory group with highly effective relationships with Mayors and Councillors. Instead it seems that the Mayor's Working Party decided to complete the process of wrecking it, declared it dead, and then continued to work closely with the four "Young Turks" who were only interested in getting more power, even unelected power.

And to give the Plan some respectability, it was presented on 18 December 2014 allegedly "on behalf of the Te Arawa Standing Committee" and as legitimated by a hui of 300 Te Arawa in early the same month. This is less than 1.5% of the 40,000 that affiliate with Te Arawa. That is why it really should be called 'A Partnership Plan', not 'the Te Arawa Partnership Plan'.

The fundamental problem posed by the Partnership Plan is that these young leaders from Te Arawa EXPECT to have voting rights on Council STANDING committees, an event unprecedented ANYWHERE in NZ on ANY council, despite some leading questions by Councillors at these Hearings who have tried to infer that this is commonplace! It is not! These Councillors, in my view, are unwisely fronting for a new power elite in some parts of Te Arawa who do not have the wisdom to seek an electoral mandate. My reading of the contested legal advice is that Councillors do not have the right in law to share their governance powers with other unelected people.

At this stage of the proceedings I would have expected a list of potential names to have been put forward by the promoters of Partnership Plan so The People of Rotorua could see whom they were potentially getting to sit unelected on Council Committees. I asked at Council Information Sessions as to whom the (now "up to" 22) Te Arawa Board members might be, but no such list was forthcoming. Mere details I guess.

So in conclusion I hope for the sake of District unity that the Partnership Plan does not get passed by our Council. Passing it will mean introducing co-governance in local government and be the first example ever in New Zealand of co-sovereignty, where two power systems co-exist, a constitutional matter of enormous interest to the Solicitor General.

That does not mean that there should not be compromise, sincere and meaningful CONSULTATION with the Te Arawa and OTHER groups and that City Council to address ALL issues of concern, some to remedy past issues, and outstanding issues and many more issues likely into the future of our community, but as Mr Ken Isles said on Friday afternoon, "Consultation is a valuable thing but partnership is and means a different thing entirely."

In my view, the Te Arawa activists sought and were offered far too much power, which went far beyond the letter of the law. The public have found many ways to reject Options 2 and 3 which are unacceptable and politically unsustainable because they are UNDEMOCRATIC.

Thank you for listening,
N Dow

Tena Koutou Katoa

Ko Tīheia te Maunga, Ko te Awahou te Awa, Ko Tarimano te Marae, Ko Ngati Rangiwewehi te Iwi,
Ko Te Arawa te Waka. Ko Kahuariki Hancock toku Ingoa,

He Mokopuna ahau no ratou nga Matua Tupuna o Ngati Rangiwewehi, He kuia hoki ahau no aku
Mokopuna kotiro, ko Ella raua ko Maraea.

Tīmata ahau penei:

Tuatahi e mihi ana ki te kai karakia, nana te waka o te whakapono, hei kawē i nga kaupapa korero o
tenei wananga.

Ko tenei wananga hei whiriwhiri i nga whakaaro, he weliweli i nga hua, ki te kimi huarahi oranga ma
tatou nga tangata o tenei hapori o Rotorua.

Ko taku kitenga, ko tae ki te wa, me noho ngatahi a nga Iwi o te rohe, kia koutou te kaunihēra a rohe
o Rotorua.

Na te noho ngatahi ki nga Iwi o te hapori, ka taea i nga mea katoa.

My name is Jocelyn Kahuariki Hancock, I reside at 27 Russell Road, Rotorua.

I hold a Graduate Diploma in Business, Maori Development from the University of Auckland. Other
qualifications include First Line Management, Health Promotion Certificate and Graduate Studies
with Te Wananga o Raukawa.

I have also received Scholarship awards from Te Ohu Kaimoana, Ngati Whakaue Education
Endowment, Manaaki Tauiira and Te Wananga o Raukawa.

My day job is a CEO, I am the Chief Executive Officer for the Rangiwewehi Charitable Trust.

I am here representing myself and my whanau. My whanau have resided in the Rotorua District for
many generations and will continue to remain for many more generations to come.

I take pride in being able to deliver this submission in Te Maori and acknowledge the tension that
can be created from this element.

I draw upon an energy of Cultural Continuity to deliver a message from my inter-generational
Whānau perspective.

My mother is Ella Bidois born 2nd September 1931 at Te Awahou and has always resided in Rotorua.
Today she is 83 years old and recalls the taking of Te Puna o Pekehaua via Public Works Act 1968. At
the time Ngati Rangiwewehi kinsman, Pakeke Heketoro Leonard was the deputy Mayor and he
noted that the taking was unjustified. The purpose of the taking was as a Water supply for the
Ngongotaha district. As time would progress this spring became subject to a Resource Consent in
1992.

In 2002 the consent arose for renewal and new matters included into the RDC application which was
supported by the Environment Bay of Plenty. In 2008, Ngati Rangiwewehi appealed that consent and

sought changes that aligned more closely with the Tangata Whenua relationship to the Puna, (spring). In 2009 a decision was made and the result is, that the consent will expire on the 18th of August 2018. Trevor Maxwell was the Deputy Mayor of RDC during this time period under Kevin Winters leadership.

I acknowledge these two kinsman from Ngati Rangiwewehi, in order to highlight that Ngati Rangiwewehi have always endured trying times and unusual relationships with the District Council, but have continued to preserve, with a view to reaching a reconciliation of relationship.

In the context of this submission, I acknowledge support for Model two of the partnership model and promote that it will require tweaking but forms a baseline or starting point.

Public and Private partnership is not foreign it is already being embraced in this community and should continue to be the trail blazer for these initiatives. An accord of this type will lead towards a more balanced approach to Social cohesion and Economic Development.

These things are not hard for Council to put into place, let us not waste energy on the inevitable, but focus our energy into the possible and incredible.

Two simple pathways can help us to achieve a more fluid response:

S31 of the Local Government Act – encourages the appointment of unelected members to Council committees.

S81 encourages the engagement with Maori and Model 2 of this submission process is a step in the right direction as shown by the large interest of the Community.

Last but not least, I would like to acknowledge the Council, Leadership and courage taken to bring these type of issues out into the fore front for discussion and not allow them to fester into negative oblivion.

In closing,

Ma te Whakatau, Ka mohio.

When we are shown, we come to know.

Ma te Mohio, Ka marama

When we know, we come to understand.

Ma te marama, ka ora ai tatou

When we understand, we achieve wellness.

Thank you for the opportunity to put forward this submission.

I re-iterate that I support the exploration of Model 2. I do not support any other models.

Naku noa

Kahuariki Hancock

6th May 2015



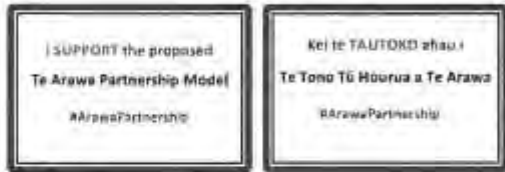
Overview

- He Mihi
- People, People, People
- The Model and Our Differences
- Partnership, Values, Community and Leadership
- Closing Thoughts



He aha te mea nui o te ao...
He Tangata, He Tangata, He Tangata





Model and the Differences

- Democracy
- Maori Representation vs Interest Group

- ← Partnership
- ← Legality
- ← Features
- ← Process
- ← Cost

- Distractions
 - Fear
 - Reson
 - Unwillingness to adopt spirit of partnership



Partnership, Values, Community and Leadership

- open your hearts and minds to what's possible when people work together and value each other
- move beyond politics, demonstrate leadership
- keep our children and grandchildren in mind when making this decision
- Do what is right not what is comfortable – not about doing things right, but doing the right things



When our great grandchildren read the
chronicles of time....

What will our chapter say?

**THE TRUE SIGN OF
INTELLIGENCE IS NOT
KNOWLEDGE BUT
IMAGINATION.**



Albert Einstein
German Theoretical Physicist
(1879-1955)



The Wero to Councillors...

A genuine leader is not a searcher for
consensus but a molder of consensus.

Martin Luther King, Jr.





What's possible if Council and Te Arawa work in genuine partnership for the betterment of Rotorua

- Advance economic growth
- Improved social outcomes
- Integrated city growth
- Appreciation and understanding





Overview

- 1 Introduction
- 2 Te Arawa Snapshot & Background
- 3 Legislative Framework
- 4 **Partnership Model**
- 5 Model Development
- 6 Summary

Introduction

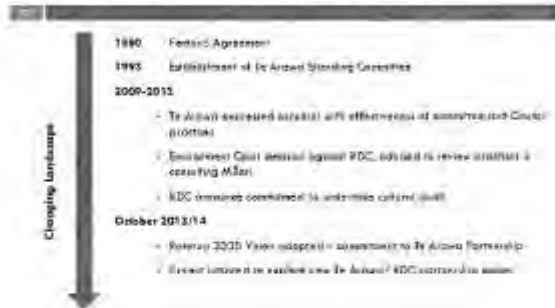
Te Arawa wants to work in partnership with RLC to:

- 1 To strengthen Te Arawa's participation in RLC decision making
- 2 Strategic & Integrated Development that identifies opportunities to work together for the betterment of Rotorua
- 3 Build Te Arawa's Capacity and Capability to participate in RLC decision making
- 4 Improve communication, kōrero and information sharing
- 5 Improve RLC's delivery of its obligations to Māori

Te Arawa Snapshot



Historical Background



Te Arawa Aspirations

- ☐ Need for clear purpose, functions
- ☐ Need for strengthened partnership with Council
- ☐ Affirm iwi / hapū rangatiratanga
- ☐ Clear connection with stakeholders
- ☐ Effective advocate for Te Arawa interests
- ☐ Need to control own agenda and path
- ☐ Need for budget to effectively carry out objectives

Legislative Framework

s81 of the UGA

- ☐ Engaging and Consulting with Māori
- ☐ Building the capability and capacity of Māori to contribute to council decision making
- ☐ Providing relevant information to Māori for the purposes above

Legislative Framework

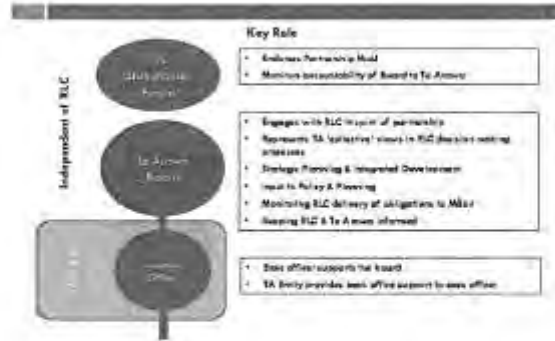
s6-8 of the SMA

- ☐ Recognition of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga
- ☐ Have regard to the role of Māori as kaitiaki
- ☐ Take into account the principles of the Treaty of Waitangi
- ☐ Mechanisms in place to 'give effect' to the above

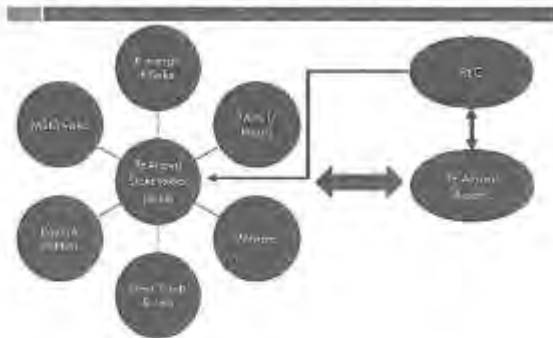
Purpose of Partnership



Te Arawa - Structure



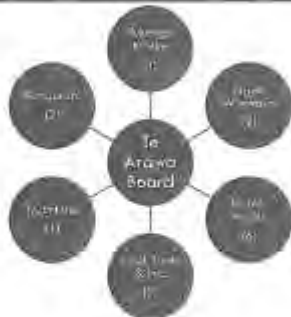
Partnership & Accountability



Input into Policy & Planning



Board Representation – Option 1



- 10 members
- Members nominated & elected by Te Arawa Whānau
- Māiāwaka not included but to be included from year 2 onwards

Board Representation – Option 2



- 10 members
- Members nominated & elected by:
 - Te Arawa Whānau
 - Māiāi Kōwhiri
- Māiāwaka included

Model Development



- ...year process to develop, engage and refine model
- ...led with Te Arawa Whānau, Māiāi and stakeholders
- ...project group and TASC Māiāi members to progress model development
- ...people affected by
- ...lead to develop model and engage with Te Arawa

Community Consultation

- Te Arawa believe this is a major kaupapa for both Te Arawa and the wider community
- We feel it is only right that the Rotorua community has an opportunity to consider this proposal
- We welcome the opportunity to share this vision of partnership

*Today we can...
honour the past, empower the present,
and strengthen our future...*

*We believe in
"Tātau, Tātau - We Together"*

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

TE ARAWA PARTNERSHIP MODEL DECISION-MAKING

Report prepared by: Jean-Paul Gaston, Group Manager Strategy and Partnerships

Report approved by: Geoff Williams, Chief Executive

1. PURPOSE

This report is to assist Council to make decisions on the Statement of Proposal for the Te Arawa Partnership model ('TAPM') proposal following consultation under the special consultative procedure.

This report includes a broad analysis of submissions and recommends a new Te Arawa Partnership model that supports Council's objectives as stated in the Statement of Proposal (SOP).

2. EXECUTIVE SUMMARY

This report analyses all options and recommends a modified Te Arawa Partnership model from the TAPM set out in the SOP ('modified TAPM'). The modified TAPM addresses the issues raised during the consultation and hearings process and effectively delivers the Council's objectives, specifically the statutory obligation to "... establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority".

The four options identified in the SOP and an alternative model of engagement identified by the Pro-Democracy Society (PDS) are lawful and, to varying degrees, meet the Council's obligations in regard to Māori involvement in the decision-making processes of Council.

However, this report concludes that the four options identified in the SOP, and the alternative option identified by the PDS, each in their own way, do not fully address the key issues and themes raised during the submission process.

The Te Arawa developed TAPM, adopted in principle for public consultation, establishes a level of active participation in the decision-making processes of Council, as opposed to a more passive advisory or consultative arrangement supported by many submitters.

Submissions on the SOP were polarised at the two ends of the engagement continuum.

In examining submission themes, Council objectives and existing consultative arrangements (iwi protocols and MOUs) this report concludes that a more active participation arrangement than that currently in place would be more effective in meeting Council's strategic, relationship and statutory obligations to Māori.

Key elements of the recommended new Te Arawa Partnership model are:

- Defined nomination and appointment process for Council consistent with the TAPM.
- New Terms of Reference, delegations and membership for the Strategy, Policy & Finance and Operations & Monitoring Committees. Specifically:

- Confining the delegations to these committees to the power to recommend to full Council only, rather than make decisions on behalf of full Council. This will provide clear accountability to Council and removes the negative requirement to use standing orders and notices of motion, which arguably contravene LGA provisions, to enable Council to overturn decisions of its committees.
- Membership may include up to two appointed iwi representatives with voting rights.
- Non-voting iwi appointee on the Chief Executive performance sub-committee.

It is proposed that a separate report be prepared to consider options for greater Te Arawa (Tangata Whenua) input within RMA processes. This report will be completed before August 2015 and will address options to support Te Arawa input but will also identify options to assist consent applicants in having their application heard in an efficient and timely manner.

3. RECOMMENDATION 1

- 1. That the report “Te Arawa Partnership Model Decision-Making” be received.**
- 2. That Council acknowledges the assistance of the Te Arawa working party (former members of the TASC) and Te Arawa in developing the TAPM and the significant contribution that all submitters have made to the consultation process.**
- 3. That Council adopts:**
 - a) The Modified Te Arawa Partnership Model (‘modified TAPM’) as set out in section 5.5 of this report; and**
 - b) The new terms of reference, membership and delegations for the:**
 - i) Strategy, Policy and Finance Committee**
 - ii) Operations and Monitoring Committee**
 - iii) Chief Executive Performance Committee**

as set out in Attachment 1 to this report.
- 4. That Council adopts the new terms of reference, membership and delegations for the Audit and Risk Committee (Attachment 1 to this report).**
- 5. That Council consider options for greater Te Arawa (Tangata Whenua) input to RMA hearing processes in a separate report. This report will be presented to Council before August 2015.**
- 6. That the Chief Executive be instructed to ask the Te Arawa working party (former members of the TASC) to continue working with Council and Te Arawa to develop arrangements, policies and agreements to support the proposed Te Arawa Board and appointment process for Te Arawa representatives with a maximum annual operating budget of \$250,000, except for three-yearly Te Arawa elections when the maximum budget will be \$290,000.**

4. BACKGROUND

The concept of the Te Arawa Standing Committee (TASC) started in 1989 when Te Arawa mooted the formation of a Māori Advisory Committee to meet the requirements of a number of statutes.

In 1993 the TASC was formulated. At the time, the TASC model was recognised as a bold and innovative approach to meeting the Treaty obligations that the Council faced across a number of pieces of legislation.

Since that time the Committee has been formally reviewed once in 2007, which saw the introduction of an election process to elect members to the committee. Formerly representation on TASC was by appointment. The first elections were held in 2010.

TASC has not changed significantly in its form since its inception 21 years ago. However, the make-up of Te Arawa has changed significantly with new entities mandated to represent Te Arawa on various matters.

In 2013 it was agreed by Council and the then TASC that the committee was no longer the optimal vehicle for either and a new alternative was needed.

The former members of TASC have operated during the last 12 months as a working party to coordinate the development and consultation of the Te Arawa proposal within Te Arawa.

5. DISCUSSION AND OPTIONS

Council has received a significant number of written and verbal submissions, a number of petitions and legal opinions.

The discussion section of this report has been broken down to the following sections:

- Council objectives and expected benefits of a Te Arawa partnership
- Options for consideration on an involvement continuum
- Key themes from submissions
- Submission issues related to different elements of the model
- Evaluation of current options against submission themes
- New option for consideration

5.1 **Council objectives and expected benefits of a Te Arawa Partnership**

The recommendations of this report are based on the Council's overall objectives, as stated in the Statement of Proposal (SOP) and reflecting statutory obligations.

These objectives were stated in the SOP as:

The model was developed by Te Arawa at Council's request as a means to:

- *help Council meet its Rotorua 2030 vision commitment to effectively partner with Te Arawa;*
- *to improve the delivery of Council's legal and statutory obligations to Māori;*
- *to strengthen Te Arawa's participation in Council decision-making;*
- *to identify strategic opportunities to work closely together for the betterment of Rotorua district; and*
- *to build iwi capacity and capability to partner with local government.*

As identified in Local Government New Zealand's document *Council-Māori engagement, October 2007*, Council's legal and statutory responsibilities - particularly under the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA) are to facilitate participation by Māori in Council decision-making processes, including obligations to:

- engage/work closely with Māori and Tāngata Whenua (local iwi);
- recognise the Crown's obligations under the Treaty of Waitangi, as required under legislation;
- provide opportunities and maintain effective processes for iwi to contribute to decision-making;
- consider ways in which Māori capacity can be developed for contributing to decision-making processes, and
- take an informed approach to how decision-making can benefit the Māori community's wellbeing.

Te Arawa during their 18 December 2014 presentation identified the following benefits of the TAPM as:

- Improved communication and engagement between Council and Te Arawa leading to an effective partnership based on good faith, co-operation and understanding.
- The sharing of skills and knowledge to improve Māori wellbeing and development for the benefit of all who live in or visit Rotorua district.
- Strategic and integrated development of Rotorua district – identifying opportunities where Council and Te Arawa can work together for the betterment of the district.
- Identification of co-investment opportunities.
- Increased likelihood that Council will comply with legislative and statutory provisions referring to Māori, Tāngata Whenua and the Treaty of Waitangi, thus minimising the risk to the ratepayer of repeating costly mistakes resulting from non-compliance.

Council's legal advice, provided by Tompkins Wake, notes that Council is afforded broad discretion by legislation to make its own assessment as to how it shall provide opportunities for Māori to contribute to its decision-making processes.

5.2 Options for consideration on an involvement continuum

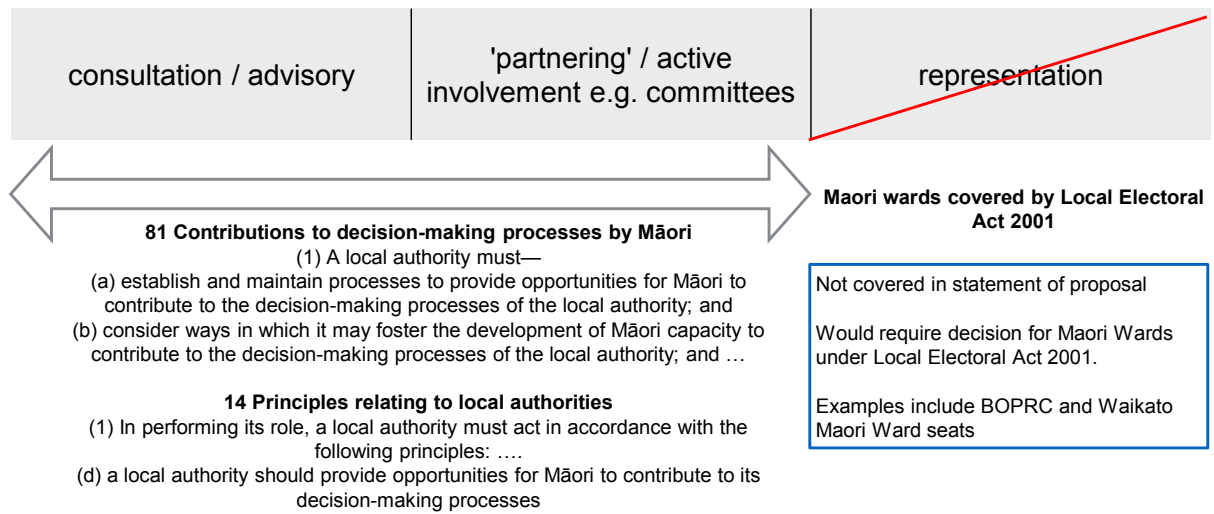
To assist the discussion on the different options identified in the SOP and, through the consultation process, a simple involvement continuum has been identified. This continuum broadly separates arrangements that are consultative or advisory in nature from those that are more participatory (eg: 'partnering' and active involvement on committees) and finally, the distinction of representation options where there are elected seats on Council under the provisions of the Local Electoral Act 2001.

We have identified the scope of the key sections of the LGA on the same continuum. The Tompkins Wake advice notes "the obligations set out in section 81(1) are clear. However, the LGA does not prescribe how these obligations must be met. That is for each Council to determine, having regard to its role as a local authority, and such other matters it considers on reasonable grounds to be relevant to those judgments."

As set out in Dr Kenneth Palmer's text "Local Authorities in New Zealand" at paragraph 1.6.2:

"This provision (section 81) may require interpretation in a factual context. There is an element of uncertainty or ambiguity in relation to the nature of the contribution to the decision making processes of the local authority. A first interpretation is the section should be construed it require active consultation with Māori and to invite submissions on relevant matters. A second view is that the obligation requires local authorities it either specifically appoint Māori as representatives on some or all committees to ensure that in every significant decision-making process there is a specific Māori contribution to the decision itself. Alternatively, that latter process could be satisfied by establishing an all Māori membership standing or ad hoc committee to consider matter of particular concern to Māori, and to report back to the governing body or other committee, thereby contributing to the decision-making process."

The involvement continuum also notes representational arrangements which were not included in the SOP and should be addressed through a representation review.



In addition to the SOP options and the key alternative option raised during the submission process we have identified a number of other example options from NZ local authorities. These examples are detailed in Attachment 2 and are intended to provide a practical snapshot of operating examples of potential solutions.

Options considered in this report

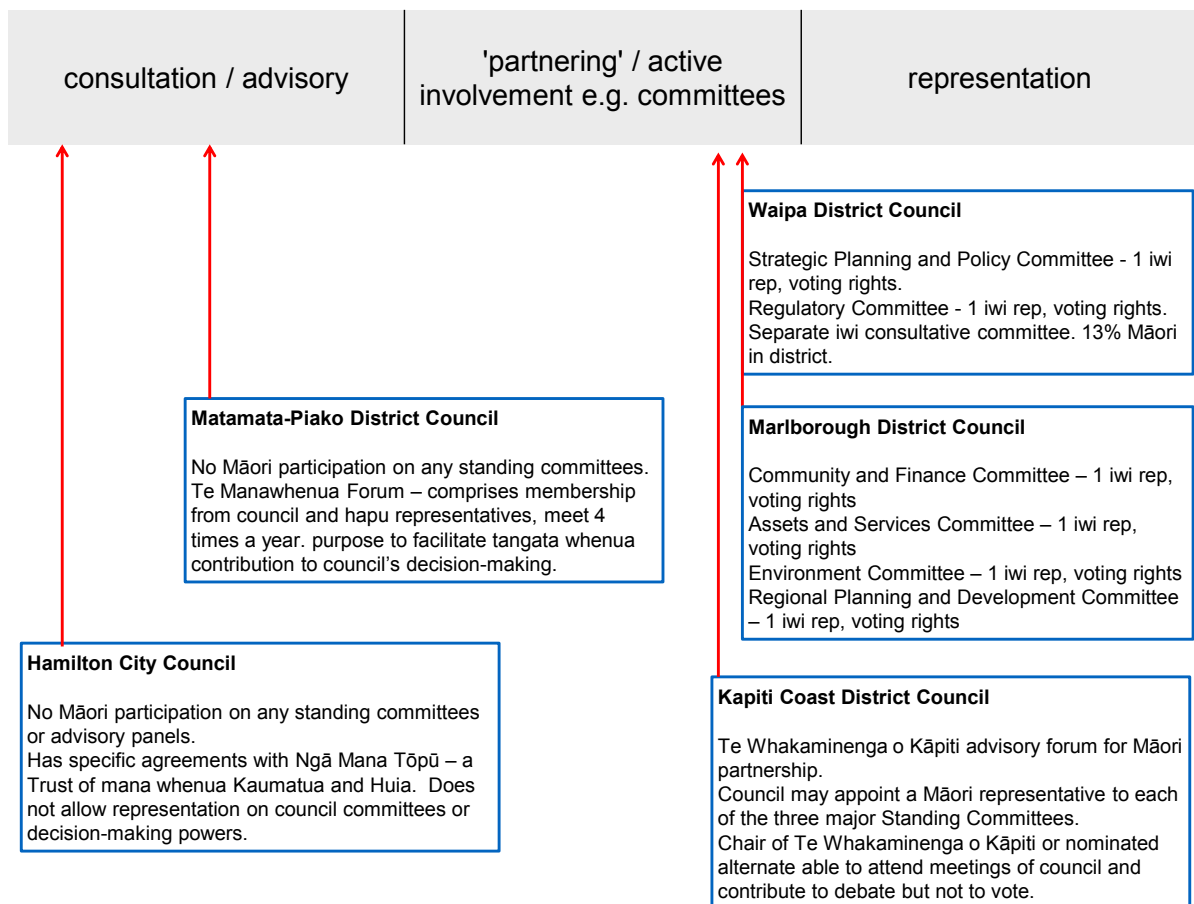
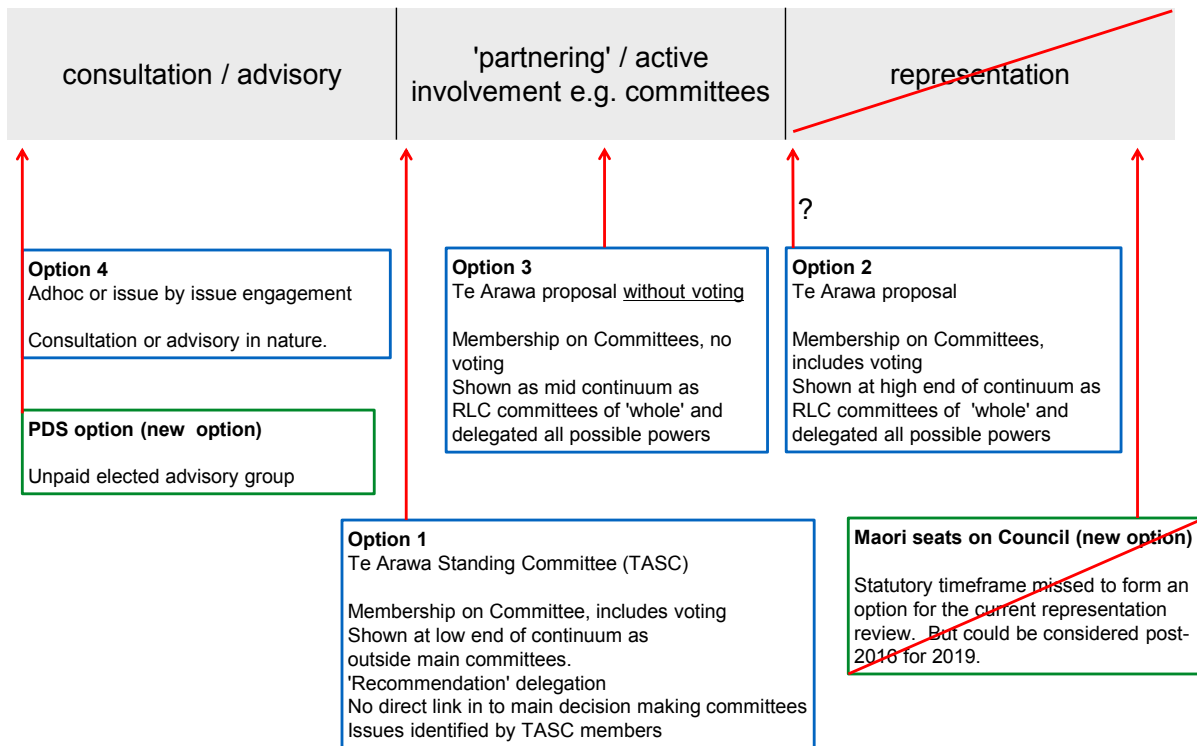
The following section of this report evaluates the four options considered in the SOP and the PDS option presented during the submission process.

Plotted on the involvement continuum the five options appear with the following distribution. Option 2 and 3 appear at the upper end of the involvement continuum because:

- All functions that can be delegated by Council are delegated eg: decision making power
- Committees are committees of the whole eg: membership includes all Councillors

The previous TASC committee is identified at the lower end of this continuum as it had limited ability to set its own agendas and had recommending powers only.

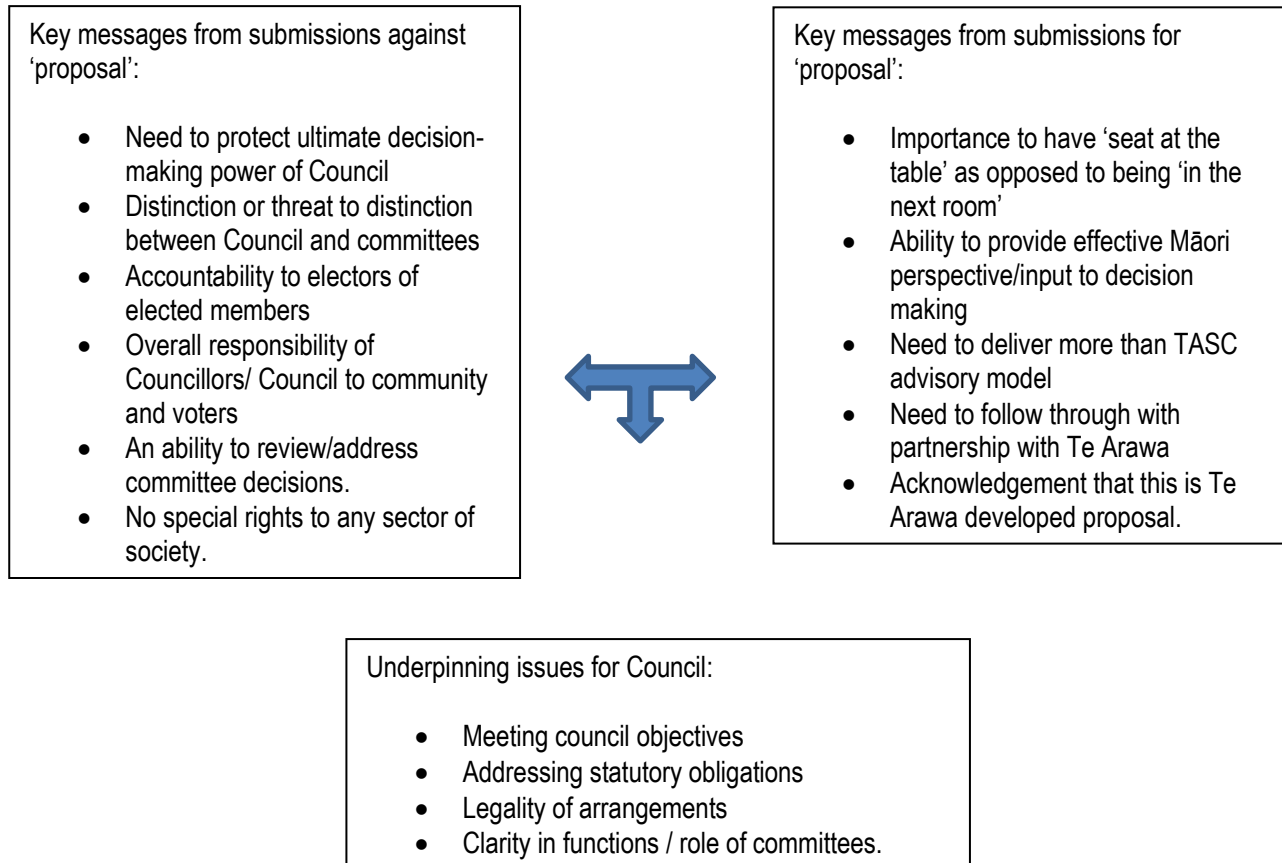
The PDS model is identified at the low end of the consultation/advisory continuum because it is identified in the submissions as being unpaid and voluntary, though members were to be elected.



5.3 Key themes from submissions

A significant number of submission points have been raised both for and against the TAPM or one of the other options identified in the SOP. Submissions were also received in support or against the alternative option promoted by the PDS. A wider assessment of this model is included in Attachment 4.

Key submission themes have been summarised below. They do not capture every point. As key themes they are intended to reflect the two distinct perspectives evident in the consultation feedback. Specifically these are:



It is important to note that these key themes are intended to cover the prominent or key submission points/issues only. Councillors have read all submissions and heard or received audio of the verbal submissions received at the hearings as well. Though broad, the key themes are intended to cover the vast majority of submission points.

Though 'democracy' was mentioned in a significant number of submissions, its context has been narrowed to implications under the Local Government Act eg: need to protect ultimate decision-making power of Council, distinction between Council and committees, accountability to electors of elected members and an ability to review/address committee decisions, no special rights to any sector of society.

Separate from the submissions received by Council, a broad analysis of letters to the editor feedback has been included in Attachment 5. Also included in this attachment is an analysis of the question 'Do you support in principle the intention to effectively partner with Te Arawa?' from the standard submission form.

Reference was also made to the issue of Māori wards in a number of submissions. Māori wards were not a part of the SOP and are covered by previous decisions of Council and a separate process under the Local Electoral Act 2001.

To recap, Māori 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 electors). A poll or resolution can take place at any time but to take effect for the purposes of the 2016 triennial general election:

- The Council resolution would have had to have been made before 23 November 2014 (section 19Z(3)(a)); and
- The results of a poll (requiring the establishment of a Māori ward) would have had to have taken place on or before 21 May 2015 (section 19ZG(1) and (2)).

If, as a result of a resolution by Council at any point between now and the 2016 elections or poll, Māori wards are to apply, Council is required to proceed to carry out a representation review in accordance with Part 1A and Schedule 1A of the Local Electoral Act (LEA) (with the requirements of Part 1A being subject to the provisions of Schedule 1A of the LEA).

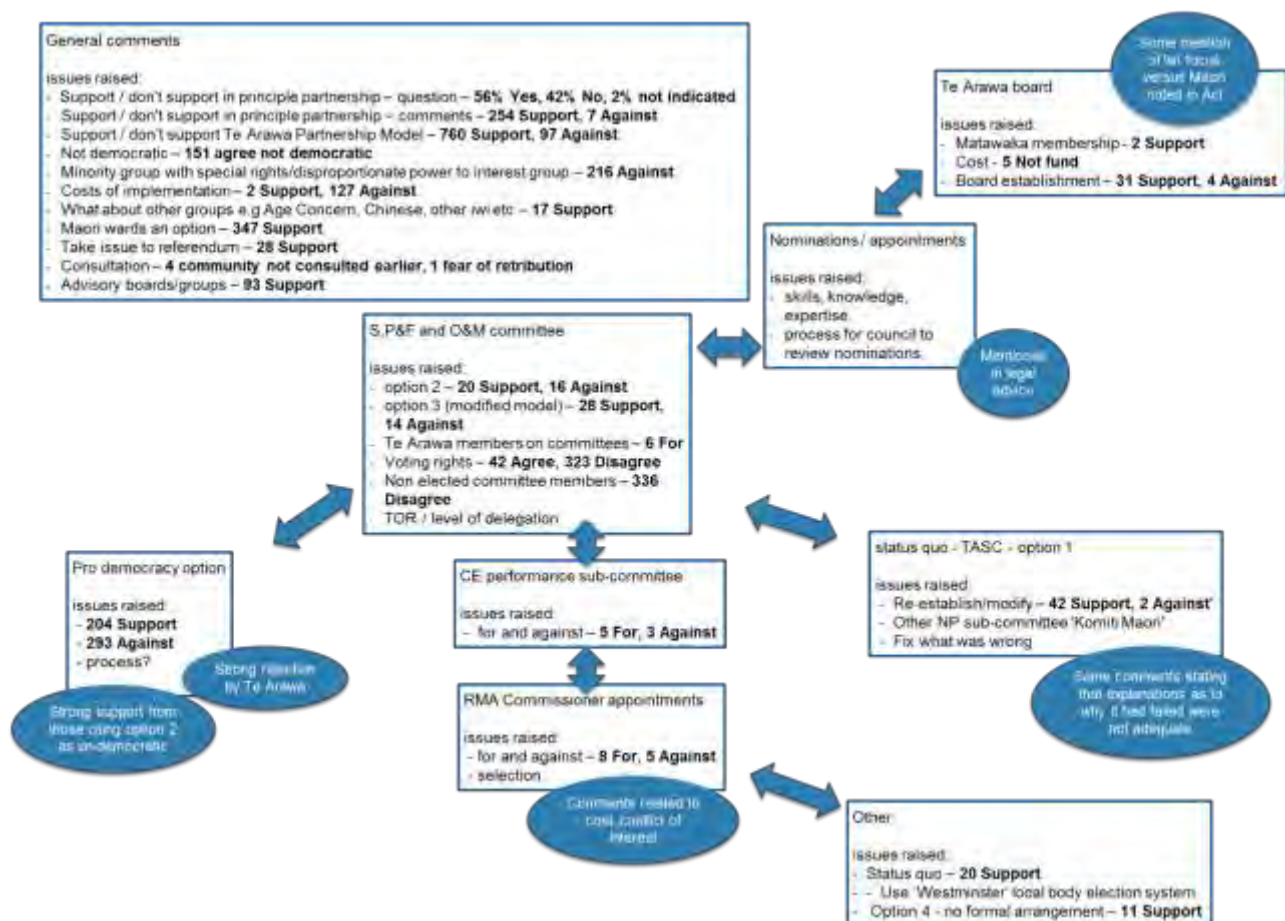
Clause 1 of Schedule 1A of the LEA requires the review to be undertaken in the year immediately before the year in which the triennial general election is to be held, but no later than 31 August in the year immediately before the year in which the triennial general election is to be held. This would mean another representation review in 2018 to have effect on the 2019 election.

On this basis, no other reference is made to Māori wards in this report.

5.4 Submission issues related to different elements of the model

Submission points have also been grouped as they relate to the different parts of the proposed model or alternatives. The following diagram identifies key submission 'issues' and a general summary statement (in blue).

In summary, this approach highlights the focus on principles or general comments on democracy and elected representation, rather than on the specific parts of the committee arrangements.



5.5 Evaluation of current options against submission themes

The following section evaluates the four options included in the SOP and the PDS option against the key submissions themes.

A limited narrative is provided where needed to clarify the evaluation.

Submission themes	Option 1 (TASC)	Option 2 (TAPM proposal)	Option 3 (TAPM proposal, no voting)	Option 4 (no formal arrangement)	RPDS alternative
Need to protect power of Council	Yes	No – concern committee appears as Council	No – concern committee appears as Council	N/A	N/A
Distinction or threat to distinction between Council and committees	N/A	No – as above	No – as above	Yes	N/A
Accountability to electors of elected members	Yes	Less – high delegations of Committees	Less - high delegations of Committees	Yes	Yes
Overall responsibility of Councillors / Council to community and voters	Yes	Yes	Yes	Yes	Yes
An ability to review / address committee decisions	As current	No or possible risk – standing orders	No or Possible risk – standing orders	N/A	N/A
No special rights to any sector of society	No – provides committee for TA	No – provides non-elected TA appointees	No – provides non-elected TA appointees	No – tangata whenua involvement on any RMA related projects	Yes – Māori policy advice matched by other community groups
Importance to have 'seat at the table' as opposed to being 'in the next room'	No	Yes	Yes	No	No
Ability to provide effective Māori perspective/input to decision making	Possible	Yes	Yes	Unlikely – mandated group / different views	Unlikely – voluntary therefore limited time
Need to deliver more than TASC advisory model	No	Yes	Yes	No	no
Need to follow through with partnership with Te Arawa	No	Yes	Yes	No	No
Acknowledgement that this is Te Arawa developed proposal	No	Yes	Yes	No	No
Meeting Council objectives	No	Yes	Yes	No	No
Addressing statutory obligations	likely	likely	likely	unlikely	unlikely
Legality of arrangements	Yes	Yes	Yes	Yes	Yes
Clarity in functions / role of committees.	Yes	Less	Less	Yes	Yes

Each of the four current options, and the RPDS option, fail to address some or all submission themes to varying degrees. In this respect, none of the options will meet with universal approval within the community.

Dealing specifically with the TAPM (option 2), adopting this model, unmodified, will fail to address submitter concerns about Council divesting its decision-making powers to unelected members who are sitting on committees with delegated decision-making powers. One response to this issue may be to prefer option 3, which is the TAPM without voting rights for unelected members. However, based on submissions received from Te Arawa, this removal of voting rights 'waters down' the TAPM and is not supported by Te Arawa.

Alternative Model

An alternative model, which is recommended in this report, is to modify the TAPM, not by removing voting rights, but by clarifying that committees are recommendatory. Instead of each committee being delegated to make decisions on behalf of Council, its delegation is restricted to making recommendations back to full Council for consideration and ultimate decision-making. This modified TAPM is recommended because it retains the overall structure of the TAPM, maintains voting rights, but simply restricts the decision-making powers of the committees. It is also recommended because, although the ability for full Council to overturn decisions of its committees exists, the process is not straightforward. Council has, for a number of years, worked on the basis that provided standing orders are observed, Council can overturn a decision of its committee under standing orders. For a number of years this was undertaken using modified standing orders that introduced a 'call in ability', termed the three day rule. In this term of Council this amendment was not confirmed as it was believed that the standard notice of motion provisions within the generic standing orders provided sufficient safety. However, legal advice from Tompkins Wake indicates that the process has been the subject of Court scrutiny with the Court questioning whether, depending on the set up of the committee structures and the delegations, the ability to overturn exists (*Templeton v Kapiti Coast District Council*; High Court unreported, CIV-2004-485-1686, 28 June 2005, Miller J).

The benefit of the modified TAPM is that it avoids this legal issue. No longer will the committee have decision-making powers, so the ability for Council to overturn the decision is no longer relied on, nor relevant. The modified TAPM is free of this legal uncertainty.

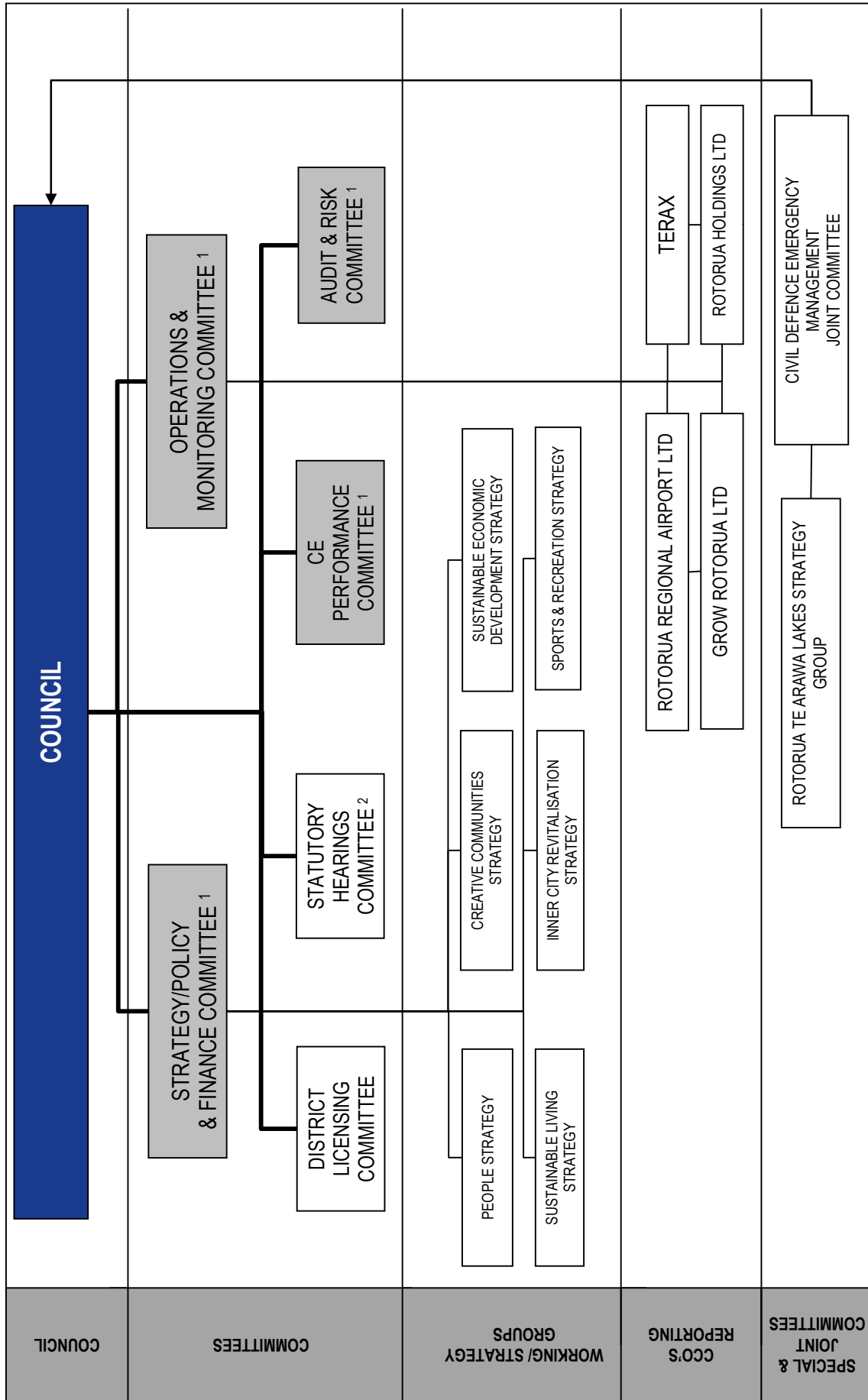
The committee, including unelected members, may vote on an issue but only to the extent that the committee makes a recommendation to Council for its decision.

5.6 New option for consideration

The failure of all current options, including the RPDS option, to properly address the various submission themes suggests a new or revised option should be developed. It is important to note that some submission themes are not fully reconcilable. On this basis, the modified TAPM relies more heavily on meeting the Council's overall objectives.

Changing the delegations for both the SP&F and O&M Committees from full delegations to the power to recommend provides an opportunity for elected members to have final accountability for Council decisions. This ensures the elected member accountability for decisions and ultimately back to electors and residents.

The relationship of the proposed 'new' committees to Council is shown in the diagram below:



¹ Terms of reference for these committees are updated as part of this report

² This will be dealt with in the subsequent RMA report

Changes to the delegations also impact on the Audit and Risk Subcommittee. It is proposed that this Subcommittee now be recognised as a committee reporting directly to Council and not through the O&M Committee. Under the current structure, the Audit and Risk Subcommittee makes recommendations to the O&M Committee, which currently has decision-making powers. Under the Modified TAPM proposal, the O&M Committee becomes recommendatory only. It is not appropriate for the Audit and Risk Subcommittee to continue to make recommendations to another recommendatory committee. Accordingly, under the Modified TAPM, it is proposed that the Audit and Risk Committee remains recommendatory, but that it now report its recommendations to full Council for it to make decisions.

Involvement in the CE Performance Committee was intended to provide Māori perspective to considerations of the Chief Executive's performance and of the Council organisation as a whole. This involvement is significant even without voting rights as membership of the CE Performance Committee does not include all elected members. In addition, though recognising the influence the Chief Executive has on the organisation, Māori involvement in the decision-making processes of Council (as per section 81 of LGA) could be addressed adequately through the SP&F and O&M Committees only. As it was part of the Te Arawa proposal it has been retained within the modified TAPM option. References made to this committee were limited in the submissions received.

The proposed new terms of reference, membership and delegations for each key committee affected by the changes are detailed in Attachment 1. These changes relate specifically to:

- Strategy, Policy and Finance Committee
- Operations and Monitoring Committee
- CE Performance Committee
- Audit and Risk Committee

The subsequent report planned on the RMA arrangements will be used to make any necessary changes to the Statutory Hearings Committee if adopted.

The Te Arawa Board nomination and committee appointment process for non-elected members on the two main committees will need to be documented and clearly understood, if such an option is agreed. The nomination and appointment process will be developed with advice from Council's lawyers.

Costs have been identified in a number of submissions. The report of the 18 December noted cost estimates as:

Option / criteria	Option 2 Te Arawa proposal	Option 3 Te Arawa proposal modified
RDC direct costs (estimates)	Limited. Less than \$50k	Limited. Less than \$50k
RDC 'contract' costs (estimates)	Contract for service with TA entity to cover: <ul style="list-style-type: none"> • Board fees • Exec officer • Admin/ advertising Approximately \$100-\$150k \$50k. Use of previous committee funding to undertake consultation and strategy development	Contract for service with TA entity to cover: <ul style="list-style-type: none"> • Board fees • Exec officer • Admin/ advertising Approximately \$100-\$150k \$50k. Use of previous committee funding to undertake consultation and strategy development
Other / third party costs	\$20-40k. Share of Board elections*	\$20-40k. Share of Board elections*
Totals (approximates)	\$290k (\$250k in 2 non-election years)	\$290k (\$250k in 2 non-election years)

Te Arawa have discussed this funding level and have accepted the need for a Te Arawa entity to support part of the costs of the Te Arawa Board. As a consequence, there was a recognition that the Council costs of \$250k and

\$290k for an election year were a capped sum. This financial limit would be seen as basis for the new option limits also.

The question of the statutory relationship of Council to Māori, as opposed to Tangata Whenua, was raised in a number of submissions. Te Arawa has noted the responsibility of Tangata Whenua to host other Māori in the district. The Te Arawa Board is also to include a mātāwaka representative at a later stage. The key partnership for Council is with Tangata Whenua Māori. On this basis, it is recommended that no changes need to be recommended to enhance mātāwaka involvement.

In summary the key elements of this new option are:

- clear nomination and appointment process for Council (to be developed following decision)
- changes to delegations of SP&F and O&M Committees recommending powers to Council (new TOR and delegations included in report)
- up to two non-elected Te Arawa Board appointments to both the SP&F and O&M Committees with voting rights
- up to one non-elected Te Arawa Board appointment to the Chief Executive's performance review committee (new TOR included in report) with no voting rights
- an undertaking that the maximum costs for Council support for the Te Arawa Board and its activities will be \$250k and \$290k in an election year. Other support to be provided by a Te Arawa entity.

Council will also need to consider how any RMA arrangements will work with current Joint Management Agreements (JMAs).

The proposal to appoint RMA commissioners to hearing panels are not being addressed in this report. As a different piece of legislation is involved it is proposed that a separate report be presented to Council in the next two months examining options to facilitate greater Te Arawa involvement while protecting and enhancing the opportunities of applicants to identify how they want their application considered eg: currently options exist for applicants to request an independent commissioner.

The following table looks to review the ability of this new option to address the submission themes noted earlier:

Issue	New option
Need to protect power of Council	Yes – delegations reduced to recommending
Distinction or threat to distinction between Council and committees	Yes – delegations reduced to recommending
Accountability to electors of elected members	Clear decision making accountability to full Council
Overall responsibility of Councillors / Council to community and voters	Clear decision making accountability to full Council
An ability to review / address committee decisions	Delegations reduced to recommendations – addresses notice of motion requirements as call in mechanisms
No special rights to any sector of society	No. However, addresses Council's statutory obligations under section 81 of LGA
Importance to have 'seat at the table' as opposed to being 'in the next room'	Non-elected appointments to committees with voting rights
Ability to provide effective Māori perspective/input to decision making	Non-elected appointments to committees with voting rights
Need to deliver more than TASC advisory model	Non-elected appointments and involvement in decision making processes of Council
Need to follow through with partnership with Te Arawa	Non-elected appointments and involvement in decision making processes of Council
Acknowledgement that this is Te Arawa developed proposal	Yes – refinement of proposal. Retains key elements.

Issue	New option
Meeting Council objectives	Yes
Addressing statutory obligations	Likely
Legality of arrangements	Yes
Clarity in functions / role of committees.	Yes – enhanced and addresses conflict with standing orders

6. **ASSESSMENT OF SIGNIFICANCE**

Council resolved at its meeting on 18 December 2014 as below:

1. **That the report “Te Arawa Partnerships Proposal” be received.**

Cr Sturt/Cr Gould
C14/12/113a
CARRIED

2. **That Council receives the partnership proposal from Te Arawa and acknowledges the work undertaken in its development.**

3. **That the Te Arawa Partnership Proposal has been assessed as “significant” under its Significance and Engagement Policy.**

Cr Sturt/Cr Gould
C14/12/113b
CARRIED

7. **COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Following the district elections in 2013, it was identified that Council needed to establish a better working accord with Te Arawa and that a new partnership model was needed. This was supported by Te Arawa with the agreed themes for an improved model being:

- Need for clear purpose, functions
- Need for strengthened partnership with Council
- Affirm iwi/hapu rangatiratanga
- Clear connection with stakeholders
- Effective advocate for Te Arawa interests
- Need to control own agenda and path
- Need for budget to effectively carry out its work

The Te Arawa Standing Committee was not confirmed as a formal committee of Council after the 2013 local body election so that the review and subsequent model development could take place.

A formal TASC workshop to review the terms of reference was held on 8 October 2013.

TASC iwi members met with Te Arawa stakeholders (including Te Arawa hapū, entities, land trusts etc) on 24 January 2014. Recommendations from this meeting were:

- That all Te Arawa stakeholders present supported the review process.
- That a comprehensive review occurs.
- That plans and recommendations are drafted and taken out to the Iwi.

In February 2014 the scope of works for Atkins Holm Majurey who were initially engaged to undertake a cultural engagement audit for Council following criticism by Environment Court Judge Smith following an appeal of Council's resource consent for the Rotoma/Rotoiti sewerage treatment plant, was changed to developing a preliminary draft model for Te Arawa engagement for discussion.

This report was provided to a Council forum on 1 May 2014 which provided an update on the Te Arawa Partnership portfolio and the initial draft of the Te Arawa Partnership model options paper prior to the options paper being released to Te Arawa.

From April 2014 to December 2014 the Te Arawa Partnership iwi members initiated an engagement process with Te Arawa hapu, entities and key stakeholders to develop the proposed Partnership model into a model that Te Arawa endorsed.

The September to December consultation process involved the following stakeholder and Marae Hui:

IWI/HAPŪ	VENUE
Te Arawa Lakes Trust (15 September)	Nukuteapiapi office of Te Arawa Lakes Trust
Ngā Pukenga Koeke o Te Arawa (7 October)	Council Chamber
Te Roroaterangi, Uenukukōpako, Rangitearere, Tūteniu (29 October)	Ōwhata Marae
Ngāranui, Ngāti Tura/Te Ngākau, Rangiwewehi (1 November)	Tarukenga Marae – State Highway Mamaku
Ngāti Hurunga, Ngāti Hinemihi, Ngāti Tumatawera (9 November)	Hurunga Marae – Ngapuna
Whakaue ki Ōhinemutu (22 November)	Te Ao Marama – Ōhinemutu
Ngāti Tahu/Whaoa (27 November)	Ngāti Tahu-Whaoa Runanga Waitapu offices
Ngāti Pūkiao ki te Rotoiti (30 November)	Hinekura Te Waiti Marae, Rotoiti
Ngāti Pūkiao ki Whangamarino (6 December)	Otaramarae Marae

At the end of the engagement process Te Arawa proposed an independent Board to represent their interests and has asked that Council consider the appointment of representatives of this Board to the key committees, these being:

- Strategy Policy and Finance Committee (SP&F) – two appointed members with voting rights
- Operations and Monitoring Committee (O&M) – two appointed members with voting rights
- Māori Commissioners included on all statutory hearing panels dealing with Resource Management Act (RMA) consents – one appointed within a normal panel of three commissioners
- Chief Executive Performance Committee – one appointed member with no voting rights
- Other strategic working groups e.g. portfolio groups as required

The proposed model was presented by Arapeta Tahana, on behalf of the Te Arawa Standing Committee which had undertaken the development and iwi consultation. At the presentation Te Arawa suggested community engagement on the model.

The Council resolved that the model be accepted “in principle” and due to its significance, a Special Consultative Procedure (SCP) of the LGA 2002 be initiated.

A Statement of Proposal was prepared and a special consultative process undertaken. 10 public information sessions were held around the district with more than 250 people attending the different sessions.

DATE	LOCATION
Tuesday 10 March 2015	Ngakuru Hall
Wednesday 11 March 2015	Waikite Clubrooms, Bellvue Road
Thursday 12 March 2015	Rerewhakaaitu Settlers Hall
Monday 16 March 2015	Rotorua Lakes Council Civic Centre

DATE	LOCATION
Tuesday 17 March 2015	Lake Okareka Hall
Thursday 19 March 2015	Ngongotaha Community Hall
Thursday 18 March 2015	Western Heights High School
Tuesday 24 March 2015	Reporoa Community Hall
Wednesday 25 March 2015	Rotoma Hall
Thursday 26 March 2015	Lynmore Primary School

The seven-week period for public feedback closed on 17 April with nearly 1900 submissions lodged with the Council. Around 200 of the submitters accepted the invitation to speak directly to the mayor and councillors about their submissions at hearings.

In addition, Council received four petitions with a total of 2,060 signatures.

Five days of hearings were held between 30 April and 11 May. Where Councillors were not able to attend any part of the hearings, audio recordings and speaking notes/presentations were made available.

8. **CONSIDERATIONS**

8.1 **Financial/budget considerations**

This report recommends a fixed funding allocation to support the recommended option. This is \$250k per annum and \$290k when a three yearly election occurs. These budgets will need to be recognised within the Long-term Plan to be adopted at the end of June.

8.2 **Policy and planning implications**

As a consequence of this report the terms of reference and delegations of the SP&F Committee, O&M Committee and CE's Performance Subcommittee will need to be updated. There are no other policy and planning implications.

8.3 **Risks**

Council has received advice from Tompkins Wake on the preparation of this report. In addition, Tompkins Wake in their legal advice dated 24 April 2015 noted:

"We confirm that the TAPM is lawful and compliant with Council's obligations under relevant legislation. In particular the TAPM:

- (a) does not constrain Council's powers to approve committees in a manner inconsistent with the LGA;*
- (b) is not inconsistent with the provisions of the LGA and RMA relating to the ToW and Māori involvement in local governance;*
- (c) is consistent with the LGA's purposes relating to democratic governance."*

A full copy of this advice is provided in Attachment 3.

There is always a risk that Council decisions may face judicial review, however, Council has sought to mitigate this risk in this case by adhering to the key steps within the special consultative procedure.

8.4 Authority

Council has the powers of authority under the Local Government Act to take the decisions recommended in this report.

9. ATTACHMENTS

- Attachment 1: Terms of reference for the Strategy Policy & Finance Committee, Operations & Monitoring Committee, Chief Executive's Performance Committee, and Audit & Risk Committee (pages 173 – 179)
- Attachment 2: Example arrangements in other councils – 5 key examples for comparison (pages 180 – 183)
- Attachment 3: Legal advice from Tompkins Wake Lawyers dated 24 April 2015 (pages 184 – 192)
- Attachment 4: Wide assessment of PDS model (pages 193 – 194)
- Attachment 5: Summary of letters to editor and Feedback Form question 'Do you support in principle the intention to effectively partner with Te Arawa?' (pages 195 – 198)

STRATEGY/POLICY AND FINANCE COMMITTEE

Type of Committee	Committee
Subordinate to	Council
Subordinate Committees	
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	
Membership	<p>Councillor Raukawa-Tait (Chair) Councillor Hunt (Deputy Chair)</p> <p>All elected members and the Mayor, and may include up to two Te Arawa representatives as non-elected members (with speaking and voting rights), if appointed by Council following nomination by an independent board, to be established by Te Arawa.</p> <p>Appointment of non-elected members will be made only if the Council is satisfied that the nominee "has the skills, attributes, or knowledge that will assist the work of the committee" (as required by Schedule 7, clause 31(3) of the Local Government Act 2002) and that the nominee otherwise meets the Council's nomination and appointment criteria.</p>
Quorum	7 elected members
Meeting frequency	6-weekly
Delegations	<p>The Committee's function is recommendatory only.¹ 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

¹ Council is authorised to delegate anything precedent to the exercise of Council's powers, duties and functions - Schedule 7, clause 32, Local Government Act 2002

	<p>priorities;</p> <ul style="list-style-type: none"> • 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); • 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.²
<p>Relevant Statutes</p>	<p>All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.</p>
<p>Limits to Delegations</p>	<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>

² A committee is subject in all things to the control of the local authority, and must carry out all general and special directions of the Council given in relation to the committee - see Schedule 7, clause 30(3), Local Government Act 2002.

OPERATIONS AND MONITORING COMMITTEE

Type of Committee	Committee
Subordinate to	Council
Subordinate Committees	
Legislative Basis	Schedule 7 clause 30 (1) (a), Local Government Act 2002.
Purpose	The purpose of the Operations and Monitoring Committee is to assist the Council to ensure consolidated and complete reporting and monitoring of all financial and non-financial information and performance measures against the Annual Plan, Long Term Plan and strategic goals/priorities.
Reference	
Membership	<p>Councillor Wepa (Chair) Councillor Sturt (Deputy Chair)</p> <p>All elected members and the Mayor, and may include up to two Te Arawa representatives as non-elected members (with speaking and voting rights), if appointed by Council following nomination by an independent board to be established by Te Arawa board, to be established by Te Arawa.</p> <p>Appointment of non-elected members will be made only if the Council is satisfied that the nominee "has the skills, attributes, or knowledge that will assist the work of the committee" as required by the Local Government Act 2002, Schedule 7, clause 31(3), and that the nominee otherwise meets the Council's nomination and appointment criteria.</p>
Quorum	7 elected members
Meeting frequency	6-weekly
Delegations	<p>The Committee's role is recommendatory only.³ It is authorised to take the actions precedent to the exercise by the Council of its statutory responsibilities, duties and powers, by:</p> <ul style="list-style-type: none"> • Monitoring and reporting on the performance of the Council in terms of the organisational targets set in the Long Term Plan and Annual Plan – both financial and non-financial; • Monitoring and reporting on operational performance and benchmarking; • Undertaking quarterly reviews and reporting on Council's financial performance; • Monitoring, reviewing and reporting on the performance of council controlled organisations; • Monitoring, reviewing and reporting on Council's tender and procurement processes; • Monitoring, reviewing and reporting on the performance and management of Council contracts; • Monitoring, reviewing and reporting on the performance and management of

³ Council is authorised to delegate anything precedent to the exercise of Council's powers, duties and functions - Schedule 7, clause 32 of the Local Government Act 2002

	<p>major capital projects (including considering and making recommendations on issues that may arise);</p> <ul style="list-style-type: none"> • Providing oversight and making recommendations in respect of proposals to exercise the powers and remedies of the General Conditions of Contract (by Council as “Principal”) – including taking possession of, determining, or carrying out urgent repairs to works covered by the contract; • Considering and making recommendations on outstanding accounts and the remission of fees and charges, for amounts exceeding \$6,000; • Considering and making recommendations as to the settlement of uninsured claims for compensation or damages where the amount exceeds the amounts delegated to council officers; • Considering and making recommendations on requests for Council to guarantee third party loans; • Considering and making recommendations on proposals and requests for the grant of easements or rights of way over Council property; • Considering and making recommendations in respect of proposals to which will or are likely to significantly vary the levels and/or terms of insurance for Council assets; <p>Such other functions as the Council may direct from time to time.⁴</p>
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>

⁴ A committee is subject in all things to the control of the local authority, and must carry out all general and special directions of the Council given in relation to the committee - see Schedule 7, clause 30(3) of the Local Government Act 2002.

CHIEF EXECUTIVE PERFORMANCE COMMITTEE

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 this committee is to review the performance of the Chief Executive annually, and also undertake the legislative requirements in relation to the Chief Executive's performance.
Reference	
Membership	<p>The Mayor, all elected members and may include one non-elected member (who shall have speaking rights but no voting rights), subject to appointment of a Te Arawa representative, following nomination by the independent board to be established by Te Arawa.</p> <p>Appointment of a non-elected member will be made only if the Council is satisfied that the nominee "has the skills, attributes, or knowledge that will assist the work of the committee" as required by the Local Government Act 2002, Schedule 7, clause 31(3) and the nominee otherwise meets the Council's nomination and appointment criteria.</p>
Quorum	7 elected members
Meeting frequency	Once annually (or as required)
Delegations	<p>Review Chief Executive's performance annually and establish performance targets for each year.</p> <p>Undertake a performance review at end of first term of appointment as required by Schedule 7, clause 35 of the Local Government Act 2002, which currently provides:</p> <p>"(1) A local authority must, not less than 6 months before the date on which the chief executive's contract of employment for the first term expires, conduct and complete a review of the employment of the chief executive.</p> <p>(2) The review must assess—</p> <p>(a) the performance of the chief executive; and</p> <p>(b) the mix of skills and attributes possessed by the chief executive, and the degree to which they are consistent with the skills and attributes that the local authority considers necessary for the future; and</p> <p>(c) any other factors that the local authority considers relevant.</p> <p>(3) To avoid doubt, responsibility for determining the degree to which any factors in subclause (2)(a) and (b) apply to a review, and the relevance of any additional factors under subclause (2)(c), rests solely with the local authority."</p>

AUDIT AND RISK COMMITTEE

Type of Committee	Committee									
Subordinate to	Council									
Subordinate Committees	N/A									
Legislative Basis										
Purpose	<p>The purpose of the Audit and Risk Committee is to:</p> <ul style="list-style-type: none"> • monitor and report to the Council on: <ul style="list-style-type: none"> ○ The Council's external and internal audit process; ○ The performance of Council's legal responsibilities (within the ambit of the Committee's delegated authority); ○ The independence and effectiveness of Council's internal audit processes; ○ Existing corporate policies (including recommending new corporate policies to prohibit unethical, questionable or illegal activities); • Provide a communication link between management, internal auditors/external auditors and Council; • Support measures to improve management performance and internal controls; • Support the professional independence, effectiveness and accountability of the Risk Management Framework. 									
Reference										
Membership	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Mayor (Chair)</u></td> <td style="width: 50%;"><u>Deputy Mayor</u></td> </tr> <tr> <td>Chair Strategy Policy & Finance Committee</td> <td>Deputy Chair Strategy Policy & Finance Committee</td> </tr> <tr> <td>Chair Operations and Monitoring Committee</td> <td>Deputy Chair Operations and Monitoring Committee</td> </tr> <tr> <td>External appointee</td> <td>Chair Statutory Hearings Committee</td> </tr> </table> <p>External members will be appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment. External membership contracts are to be reviewed and assessed no later than two months after each triennial election to allow for transition and continuity.</p>		<u>Mayor (Chair)</u>	<u>Deputy Mayor</u>	Chair Strategy Policy & Finance Committee	Deputy Chair Strategy Policy & Finance Committee	Chair Operations and Monitoring Committee	Deputy Chair Operations and Monitoring Committee	External appointee	Chair Statutory Hearings Committee
<u>Mayor (Chair)</u>	<u>Deputy Mayor</u>									
Chair Strategy Policy & Finance Committee	Deputy Chair Strategy Policy & Finance Committee									
Chair Operations and Monitoring Committee	Deputy Chair Operations and Monitoring Committee									
External appointee	Chair Statutory Hearings Committee									
Quorum	5									
Meeting frequency	Four times a year (or as required)									
Delegations	<p><u>External Audit</u></p> <ul style="list-style-type: none"> • Engage with Council's external auditors regarding the external audit work programme • Review engagement letters and management reports • Recommend to Council the terms and arrangements for the external audit programme • Monitor management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented. 									

	<p><u>Internal Audit</u></p> <ul style="list-style-type: none"> • In conjunction with the Chief Executive, agree the scope of the annual internal audit work programme • Approve Council’s internal audit charter • Monitor the delivery of the internal audit work programme • Assess whether all significant recommendations of the Internal Audit have been properly implemented by management. Any reservations the Internal Auditor may have about control risk, accounting and disclosure practices should be discussed by the committee • Review the Annual Internal Audit Plans and assess whether resources available to Internal Audit are adequate to implement the Plans. <p><u>Risk Management</u></p> <ul style="list-style-type: none"> • Review the effectiveness of the control environment established by management including computerised information systems controls and security. This also includes a reviewing/monitoring role of the documentation of all policies and procedures. • Review the effectiveness of the risk assessment/management policies and processes. • Engage with internal and external auditors on any specific one-off audit assignments. • Consider matters referred to the committee by the CE, Council or other Council committees. • Review the appropriateness of accounting policies adopted by Council • Civil Defence hazard and preparedness policies and procedures
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation including:
Limits to Delegations	

Example arrangements in other councils – 5 key examples for comparison

WAIPA DISTRICT COUNCIL

Council

The Full Council's role is to carry out the responsibilities required under the Local Government Act 2002. It is the final decision-making authority and generally approves or adopts recommendations made by committees.

It is made up of all Councillors and the Mayor.

Standing Committees

Strategic Planning and Policy Committee

This Committee is made up of all Councillors, the Mayor, and an Iwi representative nominated by Nga Iwi Toopu o Waipa and appointed by Council.

Purpose: to oversee the development and review of Council's bylaws, strategies, policies and plans (including Reserve Management Plans) and where appropriate, to act as Council's hearings committee for consultation in relation to these.

Service Delivery Committee

This Committee is made up of all Councillors plus the Mayor.

Purpose: to have responsibility for overseeing Council's infrastructure work programme, asset management planning and levels of service in relation to the service delivery areas of the Road corridor, Water Services and Community Facilities, including the consideration of regional integration of services.

Finance and Corporate Committee

This Committee is made up of all Councillors plus the Mayor.

Purpose: to undertake Council's corporate and governance functions specifically in relation to financial and non-financial reporting, financial policies and treasury matters, insurance matters, property management and Council Controlled Organisations.

Regulatory Committee

This Committee is made up of The Mayor, four councillors and a Council appointed Iwi representative nominated by Nga Iwi Toopu o Waipa.

Purpose: to manage the regulatory aspects of Council's business, particularly in relation to the Resource Management Act 1991.

Note: appointed commissioners may hear and determine applications. From September 2014, all members of the committee will require to be accredited members.

District Licensing Committee

This is a new committee of Council that also acts as a Board of Inquiry under the Sale and Supply of Alcohol Act 2012. A commissioner has been appointed as the Chair and must sit with two committee members when required, from a panel of members. The Committee considers all licensing applications.

Iwi Consultative Committee

The Iwi Consultative Committee is made up of the following members:

The Mayor, the Deputy Mayor, and the Chairs of the Strategic Planning and Policy Committee, Service Delivery Committee, Finance and Corporate Committee and the Regulatory Committee, one representative from each of the Waikato Tainui Trust Board, Maniapoto Trust Board and the Raukawa Settlement Trust, the Chairperson of Nga Iwi Toopu O Waipa, a Kaumatua representative and nine members recommended by Nga Iwi Toopu O Waipa and

appointed by Council to represent the hapu of the Waipa District. The Chief Executive attends these meetings as a member of the Committee.

Purpose: to facilitate communications between Council and Tangata Whenua. The Committee will consider any matter impacting on the interests of Tangata Whenua including but not limited to historical, cultural, recreational, health, housing, environmental and resource management. The Committee will advise Council and Iwi on Treaty of Waitangi implications for policies and activities of Council.

KAPITI COAST DISTRICT COUNCIL

Central to this Delegations Framework is the partnership between the Elected Members and the tāngata whenua of the District – namely, the iwi and hapū of Te Ahi Awa ki Whakarongotai, Ngā Hapū o Ōtaki (Ngāti Raukawa) and Ngāti Toa Rangatira (together forming the A.R.T Confederation). Te Whakaminenga o Kāpiti is the advisory forum for this partnership. To strengthen Māori participation in decision-making Council may appoint a Māori representative to each of the three major Standing Committees. Council and Te Whakaminenga o Kāpiti will also engage with māta waka (other resident Māori) over the 2013-2016 Triennium.

The Chair of Te Whakaminenga o Kāpiti or their nominated alternate is able to attend meetings of Council and is able to contribute to the debate but not to vote. Where Te Whakaminenga o Kāpiti has submitted on an issue, or has spoken during Public Speaking Time on an issue they shall not participate in discussion of debate. (Note: consideration will be given on a case-by-case basis by Council on whether the Chair of Te Whakaminenga o Kāpiti, or their alternate, stays in attendance for any public-excluded session.)

MALBOROUGH DISTRICT COUNCIL

Representation on Council

Council has to each of its Standing Committees an iwi representative. These appointed representatives have full speaking and voting rights as accorded to elected members.

The Māori Advisory Komiti was established under a Memorandum of Understanding in 1997. The Memorandum sets out the intention of both parties to support a partnership between Tangata Whenua iwi and Council.

Community and Finance Committee

This Committee is responsible for community and social issues, youth, elderly and access issues, culture and heritage, social policies (ie; gaming and psychoactive substances policies), grants and donations, sister cities, libraries, customer services, democratic process, parking, Long Term Plan, Annual Plan, Annual Report, general administration, audit issues, property management, Council Subsidiaries, risk management, health and safety.

8 Councillors and Mayor

Iwi representative

Assets and Services Committee

This Committee is responsible for all infrastructure including roads; road safety (including walking and cycling strategies); sewerage; water; stormwater; rivers and drainage, waste management (including recycling); reserves; halls; cemeteries; public conveniences; and civil defence and emergency (including rural fire).

7 Councillors and Mayor

Iwi representative

Environment Committee

This Committee is responsible for environmental science and monitoring, monitoring of consents, enforcement and prosecution policies, biosecurity, animal control, building control, resource consent processing, dangerous goods, fencing of swimming pools, food and health monitoring, harbour management and landscape group.

6 Councillors and Mayor

Iwi representative

Rural Representative

Regional Planning and Development Committee

This Committee is responsible for the development of Regional Policy Statement, Resource Management Plan Maintenance, District Plan Development and implementation of Growing Marlborough and "Smart and Connected" Economic Development strategies, CBD and Small Township Revitalisation programmes, Destination Marlborough, Picton Forum, Sounds Advisory Group.

6 Councillors and Mayor

Iwi representative

MATAMATA-PIAKO DISTRICT COUNCIL

The Corporate and Operations Committee

This Committee consists of the Mayor and all eleven Councillors. Council has delegated all of its responsibilities, duties and powers to the Corporate and Operations Committee except for those that it cannot delegate under the Local Government Act 2002.

The Hearings Commission

In general the Hearings Commission has delegated authority to hear and determine all applications that are within Council's functions duties and powers under the Resource Management Act 1991, Dog Control Act 1996 and Fencing of Swimming Pools Act 1986

Te Manawhenua Forum Mo Matamata-Piako

The forum comprises membership from the Council, Ngati Haua, Ngati Tumutumu, Ngati Raukawa, Ngati Maru, Ngati Whanaunga and Ngati Paoa with Ngati Tamatera having the ability to join in. The forum is scheduled to meet four times a year, a schedule of those meetings is available from Council.

The purpose of the forum is to facilitate tangata whenua contribution to Council's decision-making. It will consider any matter to promote the social, economic, environmental and cultural well-being of the Māori communities for today and for the future taking a sustainable approach.

District Licensing Committee

The District Licensing Committee is required to consider and determine applications under the Sale and Supply of Alcohol Act 2012.

The composition of a District Licensing Committee set out in Section 189 of the Sale and Supply of Alcohol Act 2012, is to consist of three members appointed by Council. The Chairperson must be an Elected Member. The other two members must be appointed from Council's list of approved persons as set out under Section 192 of the Sale and Supply of Alcohol Act 2012.

The Audit and Risk Committee

The Audit and Risk Committee has been recommended by the Office of the Auditor General and our auditors, Audit New Zealand. The purpose of the Audit and Risk Committee is to ensure Council has appropriate risk management and internal and financial control systems. The Audit and Risk Committee comprises of the Mayor and three Elected Members.

Waharoa (Matamata) Aerodrome Committee

The Waharoa Aerodrome Committee will comprise of 3 Members appointed by the trustees, 1 Council appointed member and the Mayor and Deputy Mayor.

Chief Executive Officer Performance Committee

The Chief Executive Officer Performance Committee comprises of the Mayor, Deputy Mayor and the Chairpersons of the standing committees of Council. Set up to undertake a formal review of the Chief Executive Officer's performance.

HAMILTON CITY COUNCIL

Council

Mayor and all councillors

Finance Committee

Monitor council's financial and non-financial performance, monitor delivery of key projects, approve and monitor contracts, approve acquisition or sale or lease of properties owned by the council, consider and approve deferred capital expenditure, approve changes to projects, consider and approve business cases.

Mayor and all councillors

Strategy and Policy Committee

Develop and recommend strategies, plans and policies, monitor implementation and effectiveness of strategies, plans and policies, develop and recommend bylaws, develop and approve submissions to other organisations.

Mayor and all councillors

Audit and Risk Committee

Role and scope of the Audit and Risk Committee is defined in the Audit and Risk Committee Charter.

2 external appointees, Mayor, Chairperson of Finance Committee, Chairperson of Strategy and Policy Committee

CEO Review Committee

Review the CE's performance and make recommendations to council about all matters relating to the employment of the CE and the CE's employment agreement.

Mayor, Deputy Mayor, Chairperson of Finance Committee, Chairperson of Strategy and Policy Committee

District Licensing Committee

Consider and determine applications under the Sale and Supply of Alcohol Act 2012.

6 external appointees



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24 April 2015

Chief Executive
Rotorua Lakes Council
DX JP30031
ROTORUA

For: Geoff Williams
Email: geoff.williams@rdc.govt.nz

Dear Geoff

Te Arawa Partnership Model

Introduction

1. Rotorua Lakes Council ('Council') has sought advice on the legality of the proposed Te Arawa Partnership Model ('TAPM'), in particular whether the TAPM:
 - (a) constrains Council's powers to appoint committees in a manner inconsistent with Local Government Act 2002 ('LGA') provisions;
 - (b) is inconsistent with the provisions of the LGA and Resource Management Act 1991 ('RMA') relating to the Treaty of Waitangi ('ToW') and Maori involvement in local governance; and
 - (c) is inconsistent with the LGA's purposes relating to democratic local governance.

Summary of advice

2. We confirm that the TAPM is lawful and compliant with Council's obligations under relevant legislation. In particular the TAPM:
 - (a) does not constrain Council's powers to approve committees in a manner inconsistent with the LGA;
 - (b) is not inconsistent with the provisions of the LGA and RMA relating to the ToW and Maori involvement in local governance;
 - (c) is consistent with the LGA's purposes relating to democratic governance.

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Background

3. Before turning to an analysis of Council's statutory obligations concerning how it engages with Maori, it is relevant to examine its existing relationship with Maori.
4. Te Arawa is a confederation of 13 iwi and over 60 hapu located in the Rotorua and Bay of Plenty region. The Te Arawa people number 42,000, comprising 6.5% of New Zealand's total Maori population, and 34% of people residing in Rotorua district.
5. Between 1993 and 2013 Council had constituted the Te Arawa Standing Committee ('TASC') which is operated as its principal vehicle for engagement with Maori. It is a widely held view amongst representatives of Te Arawa and Council that this model did not serve the parties particularly well and had in part, contributed to an unsatisfactory relationship. The relationship between Council and Te Arawa reached its low point during the 2013 hearing of an Environment Court appeal bought by Ngati Pikiao Environmental Society Incorporated and others¹. In that decision, the Environment Court held that Council had misled the Court and deliberately misled iwi in respect of cultural impacts and consultation matters². The judgment concludes by stating:

[102] What does concern us is that the District Council has on this occasion been proven to have misled both the parties and the Court on several important matters. Given the reported lack of use of the Maori consultative committee for the District Council, there may be deeper questions which require investigation in other fora. That is not a matter for the Court to explore on this occasion. Nevertheless, this is among the most serious breaches of Council's obligations brought to this division's attention.

6. Against this background, Council took the appropriate step of reviewing its relationship with Te Arawa and its processes for engagement with Maori. The result was the collaborative development of the TAPM between Council and Te Arawa.

The TAPM

7. The TAPM is set out as Appendix A to this report³. In summary, under the TAPM, an independent Board, elected by the Te Arawa community, is to be established in collaboration with Council. This Board will nominate, for Council's consideration, various representatives to be members of a range of Council committees, some of which will have delegated decision-making powers. It is intended that any Te Arawa representatives which are established by Council as committee members, will have voting rights on those committees.

Statutory framework

8. Council's purpose, role, function, duties and powers are set out in the LGA, which is the key statute regulating Council's activities.
9. The LGA makes specific provision for the ToW in section 4 which provides:

4 Treaty of Waitangi

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

¹ *Ngati Pikiao Environmental Society Inc & Ors v Bay of Plenty Regional Council (cost decision)* [2013] NZ EnvC116.

² *Ibid* para 91.

³ This text is taken from the publicly notified statement of proposal dated February 2015.

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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.

10. This statement of intent recognises the Crown's role in respect of the ToW and how, through the LGA, Maori contributions to local government decision making are to be facilitated.

11. Within Part 2 of the LGA which sets out the purpose of local government and the role and powers of local authorities, section 14 establishes a set of principles which Council must observe, in performing its role. Relevantly, section 14 provides:

14 Principles relating to local authorities

(1) In performing its role, a local authority must act in accordance with the following principles:

(a) a local authority should—

(i) conduct its business in an open, transparent, and democratically accountable manner; and

(d) a local authority should provide opportunities for Maori to contribute to its decision-making processes.

12. Within Part 6 of the LGA which sets out the framework and requirements for Council's decision making, section 81 specifically addresses Council's obligations to Maori. It provides:

81 Contributions to decision-making processes by Māori

(1) A local authority must—

(a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and

(b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and

(c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

(2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—

(a) the role of the local authority, as set out in section 11; and

(b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

13. The obligations set out in section 81(1) are clear. However, the LGA does not prescribe how these obligations must be met. That is a matter for each Council to determine, having regard to its role as a local authority, and such other matters it considers on reasonable grounds to be relevant to those judgments⁴.

14. In terms of this broad discretion afforded to local authorities, each Council must make its own assessment of how it shall provide opportunities for Maori to contribute to its decision making processes

⁴ Section 81(2).

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15. There are a range of responses which are lawful and reasonable, depending upon the circumstances of each individual Council. As set out in Associate Professor of Law Dr Kenneth Palmer's text "Local Authorities in New Zealand" at paragraph 1.8.2:

This provision (section 81) may require interpretation in a factual context. There is an element of uncertainty or ambiguity in relation to the nature of the contribution to the decision making processes of the local authority. A first interpretation is the section should be construed to require active consultation with Maori and to invite submissions on relevant matters. A second view is that the obligation requires local authorities to either specifically appoint Maori as representatives on some or all committees to ensure that in every significant decision-making process there is a specific Maori contribution to the decision itself. Alternatively, that latter process could be satisfied by establishing an all Maori membership standing or ad hoc committee to consider matters of particular concern to Maori, and to report back to the governing body or other committee, thereby contributing to the decision-making process.

16. As can be seen from the above extract, Council's discretion on how it gives effect to its obligations under section 81 is very wide. Its discretion is not, however, without limits. Council can only act in a manner which is consistent with its functions and powers prescribed in the LGA, or other relevant legislation such as the RMA⁵.

Council committees

17. It is relevant at this point to examine Council's powers in respect of the establishment of its committees.
18. The LGA enables Council to establish committees and subcommittees of Council, and to delegate its functions to these committees and subcommittees, including its decision making functions⁶.
19. Every committee is subject in all things to the control of the local authority. A committee may appoint a subcommittee unless prohibited from doing so by the local authority. Where so appointed, the subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee⁷.
20. Unless expressly provided otherwise in an enactment, a local authority may discharge or reconstitute a committee or subcommittee, and a committee may discharge or reconstitute a subcommittee that it appointed. The power to discharge a committee or subcommittee does not amend or rescind a decision lawfully made by the committee under a delegation⁸.
21. The membership of a committee or subcommittee is controlled by the local authority constituting the body. In respect of a subcommittee constituted by a committee, the membership may be determined by the committee unless the local authority directs otherwise. The minimum number of members of a committee is three, and the minimum number of members for a subcommittee is two. At least one member of a committee must be an elected member of a local authority. An employee of the local

⁵ These obligations to establish and maintain processes to provide opportunities for Maori to contribute to the Council decision making processes are further reinforced in other parts of the LGA, see section 82 principles of consultation, clause 8 Schedule 10 relating to Council's LTP, and in other legislation including Resource Management Act 1991.

⁶ LGA, Schedule 7, clauses 30-32.

⁷ LGA, Schedule 7, clause 30(1)-(4).

⁸ LGA, Schedule 7, clause 30(6).

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authority may not be a member of a committee, unless the committee is a subcommittee⁹.

22. Of particular note for present purposes is clause 31(3) of Schedule 7 to the LGA which provides:

31 Membership of committees and subcommittees

- (3) The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.

23. This clause gives Council the direct statutory power to appoint unelected individuals to its committees or subcommittees, provided the criteria set out in the clause is met.

Delegations

24. The power to establish a committee or subcommittee of Council works hand in hand with Council's power to delegate its powers and functions to these subordinate bodies.
25. The general power of a local authority to delegate a function to a committee, and the powers of sub-delegation, are set out in the LGA at Schedule 7, clause 32. Pursuant to clause 32(1), apart from a number of powers which are expressly provided for, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision making body any of its responsibilities, duties or powers¹⁰.

Consideration of TAPM in light of the statutory framework

26. The TAPM has the following important characteristics:
- + It maintains Council's existing committee structure and delegations to those committees but preserves Council's right to discharge or reconstitute a committee or amend the delegated authority of a committee.
 - It establishes a mechanism, via the Te Arawa Board process, whereby Te Arawa identifies and nominates suitable candidates to become unelected members of Council's committees.
 - Council retains all decision making rights in terms of which nominated individuals, if any, become committee members.
 - Committee members, including unelected members, having voting rights in respect of committee decisions.
27. Accepting that the existing committee structure and delegations are lawful, and that the appointment of unelected members to Council's committees is also lawful, there are two issues which warrant closer consideration. First, the Board nomination and appointment process, and second, voting rights.

⁹ LGA, Schedule 7, clause 31.

¹⁰ For the exclusions, see clause 32(1)(a)-(h).

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Board nomination and appointment process

28. Concern has been raised about whether the Board nomination and appointment process may place Council at risk of abdicating its discretionary power of appointment, and taking into account irrelevant considerations.
29. While it is acknowledged that these risks exist, they can be readily avoided. In terms of the risk of abdicating its discretionary powers, it must be emphasised that regardless of the Board's nominations, Council has reserved its right to make the final decision on who should be on its committees. That decision will be made taking into account the statutory criteria; whether the nominee has the skills, attributes or knowledge that will assist the work of the committee¹¹.
30. The Board nomination process can act as a "first filter" in terms of identifying candidates, with ultimate decision making power of appointment remaining with Councils.
31. Further risks have been identified regarding the potential for the Board to take into account irrelevant considerations within its own process, and for this to then influence its nominations, and therefore Council's ultimate decision. This concern can be addressed. Council's decision making criteria is extremely broad; skills, attributes and knowledge. With suitable guidelines and education, only in the rarest of circumstances will a Board consideration fall outside this very broad criteria. If it does, the risk is mitigated once again by Council conducting its final decision making with a clear understanding of the statutory criteria.
32. Finally on this issue, concern has been raised that by channelling possible committee candidates through the Board process, Council hands over a significant part of its discretionary appointment powers and limits the pool of potential candidates. For the reasons explained above, Council is not handing over its discretionary appointment powers. It is, however, acknowledging that in order to identify suitable candidates with a Maori perspective, Council should rely on Te Arawa to identify, as a first stage in the process, suitable individuals. This is efficient. However, if Council identifies an individual, outside of this Board nomination process, who meets the statutory criteria for an unelected committee member, it has reserved its power to appoint that person to any committee, quite apart from any appointments made via the TAPM. Those statutory rights remain.

Voting

33. Voting rights for unelected members is a contentious issue. Concern has been raised that by affording unelected members voting rights on committees, Council could be going beyond its obligation to provide opportunities for Maori to contribute to decision making processes.
34. The concern is that rather than simply participating in a decision making process, the TAPM allows Maori to shape the outcome of that process and contribute substantively to the ultimate actions of the local authority. This is correct. This is indeed an outcome of the TAPM. This outcome is lawful and does not overstep the bounds of what Council can do to give effect to its obligations under section 81 of the LGA.
35. The obligation to provide opportunities for Maori to contribute to the decision making processes of Council is not limited to that part of the process leading up to the decision

¹¹ LGA, Schedule 7, clause 31(3).

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making. If Parliament had intended to limit the contribution in this manner, it would have expressly done so.

36. Without this limitation, section 81 must be given its plain meaning. The decision making process includes making the decision. That includes voting on a decision and unelected members can participate in committee voting. In this regard, the TAPM is lawful. Whether this model is politically acceptable is a separate issue.

Further issues

ToW

37. Concern has been raised that the TAPM seeks to implement a partnership between Council and Te Arawa as part of its obligations to recognise the ToW.
38. Council is required to recognise the ToW. This does not mean that Council must assume the Crown responsibility as treaty partner. Instead, it must observe certain obligations to Maori that are required of it by Parliament, pursuant to the LGA, RMA and other enactments. For example, the RMA specifically requires Council, when performing its functions under that Act, to take into account the principles of the ToW¹².
39. The relationship between Council and Te Arawa has been correctly described as a partnership. It is not correct, as has been suggested, that the LGA limits Council's actions in respect of any engagement with Maori to only facilitating consultation, and that the concept of partnership falls outside the scope of those provisions.
40. To limit Council's relationship with iwi to consultation alone is to ignore the plain meaning of sections 4, 14(d) and 81 of the LGA. Simply put, contributing to Council's decision making processes is not limited to consultation alone. If Parliament had intended this narrow outcome, it would have said so. Instead, the statutory language is deliberately broad, with guidance on how Council should interpret the obligations set out in section 81(2) of the LGA.

TAPM focusses on one particular iwi

41. It is correct to say that the TAPM focusses on one particular iwi. There is good reason for this. Council recognises Te Arawa as mana whenua. However, it is acknowledged that Council's obligations are in respect of all Maori within its district.
42. Council will need to ensure it has processes in place, beyond TAPM, to ensure its obligations to all Maori are met. Work should be done to ensure Council achieves a "catch all" approach, such that Council's strategies for engagement with Maori do not end solely with TAPM.

Conclusion

43. We confirm that the TAPM is lawful and compliant with Council's obligations under relevant legislation. In particular the TAPM:
- (a) does not constrain Council's powers to approve committees in a manner inconsistent with the LGA.

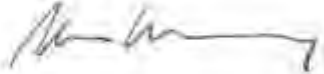
¹² RMA, section 8.

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- (b) is not inconsistent with the provisions of the LGA and RMA relating to the ToW and Maori involvement in local governance;
- (c) is consistent with the LGA's purposes relating to democratic governance.

44. Please contact me if you would like to discuss matters further.

Yours faithfully
TOMPKINS WAKE



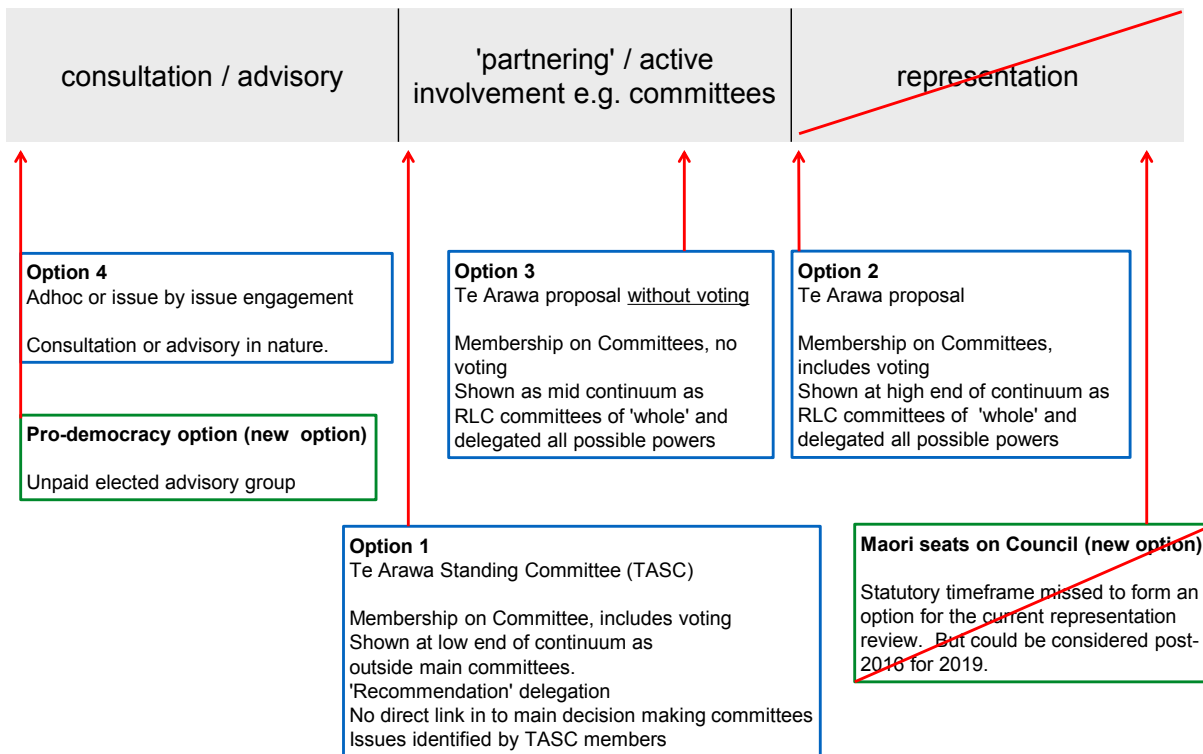
L F Muldowney
Partner

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APPENDIX A

PROPOSED TE ARAWA PARTNERSHIP MODEL

1. Rotorua Lakes Council ('Council') proposes to enable representatives nominated by Te Arawa to actively participate in Council decision-making by appointing:
 - Two representatives of Te Arawa as full voting members of its Strategy, Policy and Finance Committee; and
 - Two representatives of Te Arawa as full voting members of its Operations and Monitoring Committee; and
 - One representative of Te Arawa as a non-voting member of its CEO Performance Committee; and
 - One suitably qualified representative nominated by Te Arawa as commissioner to all statutory hearing committees (typically comprising three commissioners) determining notified resource consent applications under the Resource Management Act 1991; and
 - Ad hoc non-voting representatives nominated by Te Arawa on strategic working groups as and when required by Council, e.g. strategy portfolio steering committee.
2. An independent board, elected by the Te Arawa community, will be established in collaboration with Council ('Board'). The Board will be elected by way of an "at large" Te Arawa election, and it will represent different sectors of the wider Te Arawa community (e.g. Rangatahi 2 seats; Pūkenga Kōheke/Kaumātua 1 seat; Ngāti Whakaeu 2 seats; other Te Arawa iwi 6 seats; land trusts and incorporations 2 seats; Pan Te Arawa entities 1 seat) to a maximum of 14 members. In the future an additional seat may be made available for mātawaka / taura here (Māori from other iwi resident in Rotorua).
3. The Board will nominate, for Council's consideration, representatives to be members of the various committees.
4. While the composition of its committees is a matter for Council to determine, Council will accept the Board's nominations provided it is satisfied that the nominees have the necessary skills, attributes and knowledge to assist the work of the respective committee.

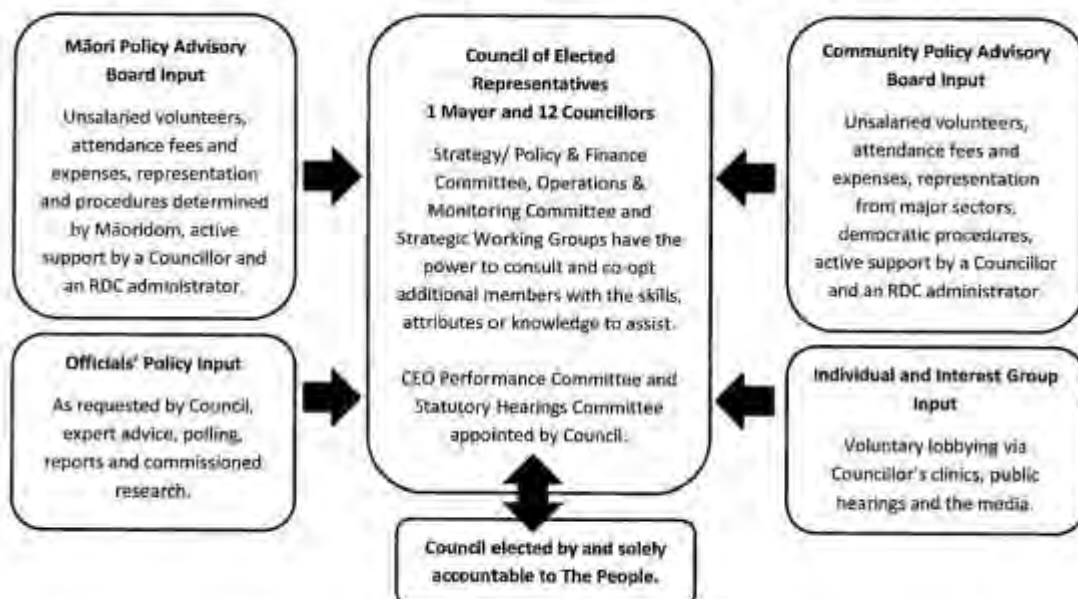


The RPDS model is intended to provide the iwi input to council decision-making with a corresponding community consultative group balancing community input. This is shown in the diagram provided by the RPDS below:

THE DEMOCRATIC GOVERNANCE MODEL – Option 5

As proposed by the Rotarua Pro-Democracy Society Inc

Input into Policy and Planning – Democratic Governance Model



RPDS model	
Council objectives:	
<ul style="list-style-type: none"> • help Council meet its Rotorua 2030 vision commitment to effectively partner with Te Arawa 	Does not directly meet intent to partner - model not considered or proposed by/to TA. Potential to be seen as less than current links.
<ul style="list-style-type: none"> • to improve the delivery of Council's legal and statutory obligations to Māori 	Meets statutory obligations at low end of engagement continuum. Question whether proposed group would offer significantly more than current arrangements e.g. MOUs and Protocol agreements.
<ul style="list-style-type: none"> • to strengthen Te Arawa's participation in Council decision-making 	Has potential risk about ability to strengthen participation as no direct input to decision-making. Effectiveness of discussions and Te Arawa/Māori view much reduced when not 'at the table'. Additional risks exist as voluntary and therefore likely to be time limited.
<ul style="list-style-type: none"> • to identify strategic opportunities to work closely together for the betterment of Rotorua district 	The time to identify strategic opportunities may be limited by voluntary nature of arrangement.
<ul style="list-style-type: none"> • to build iwi capacity and capability to partner with local government 	Possible.
Efficiency	
<p>Option expects representatives to be elected (no view of whether this is council or iwi costs) and with no payment for representatives on the committee.</p> <p>Support requirements by Council organisation are likely to be high as a voluntary committees time would need to be carefully management. This may adversely impact of the detail that can be included in reports.</p>	
Effectiveness	
<p>Risk that insufficient time would be available for voluntary committee to sit and review issues to provide perspective to decision making.</p> <p>Likely that time pressures would see some issues not going to advisory committee (this was a similar issue with TASC).</p> <p>Ability to fully record / reflect discussion so that 'views' can be effectively provided as an input to decision making process at committees. This was a problem with TASC and verbatim/extended minutes and detail of meetings may be required to try and address the loss of detail around discussions.</p>	
Risks / Mitigations	
<p>Lack of iwi support - wider discussions would be needed to address an understanding of how a consultative committee would fit. This model may be seen as the 'oppositions' plan and therefore its support may not be strong within Te Arawa - a careful review of terms of reference of committees and management processes to ensure all key / appropriate issues are presented or directed to the consultative committee would be required.</p> <p>Non-payment - a voluntary committee may heavily constrain the ability to meet or traverse issues in a timely / detailed manner. No effective mitigation is possible unless payment can be considered.</p> <p>Appropriateness of representatives - this may be affected by clarity on council processes, non-payment and overall iwi support.</p>	
Issues	
<p>This option has received direct support from a number of submitters.</p> <p>This option has also received opposition in the submissions. Reasons why it is not supported have cited:</p> <ul style="list-style-type: none"> - even less direct input than TASC - 'toothless' - not put forward by Te Arawa as the best option for engagement - non-paid - represents low end of Council's compliance to sec 81 as shown on continuum. 	
Conclusion	
<p>Does not fully address the Council's agreed objectives.</p> <p>Not supported by Te Arawa - potentially a less effective model than previous TASC.</p> <p>Potentially not efficient or effective - high support costs, likely time constraints, questionable ability to see 'views' delivered to decision making committees / council.</p>	

Summary of letters to the editor and Feedback Form question

Letters to the editor (7 May 2014 to 14 May 2015)

Number				Percentage		
Total letters received	Support TAPM	Against TAPM	Not indicated	Support TAPM	Against TAPM	Not indicated
210	39	143	28	19%	68%	13%

Total correspondents - 112

Correspondent	No. of letters	Support TAPP	Oppose TAPP	Other
A J MacKenzie	5		5	
Adrienne Rosoman	1	1		
Alan Barnes	1		1	
Alf Hoyle	1		1	
Ann Somerville	1	1		
Bill Kirkland	1		1	
Bill Munro	1		1	
Blanche Kingdon	4		3	1
Blanche Kingdon, Lois Slemint, Annie Wells	1		1	
Bob and Laurie Badrick	1		1	
Brian Gore	1		1	
Bruce Moon	1		1	
Catherine Watson	1	1		
Cathryn Bjarnesen	1		1	
Charles Sturt	1			1
Charlie Windell	1			1
Christina Humphreys	1		1	
Cliff Lee	8		8	
David Dornan	1	1		
Derek Packham	1			1
Don Muncaster	2		2	
Dorreen Towers	1		1	
Dr Bernard Conlon	1	1		
Dr Johan Morreau	1	1		
Eddie Hayllar	3		3	
Elaine Mander	3		3	
Erana Hond-Flavell	3	3		
Fiona Mackenzie	1		1	
Fred McRae	1			1
Geoff Fischer	2	1		1
Geoff Parker	4	4		

Correspondent	No. of letters	Support TAPP	Oppose TAPP	Other
Glenys Searancke	1		1	
Glenys Searancke, Reynold Macpherson, Len Watson	2		2	
Gloria Moengaroa	2	2		
Harry Brassler	11		11	
Hilma Gill	3		3	
Hopuruahina Wairamawhitu	1		1	
Hugh Wilson	3		3	
Ian R Braddon-Parsons	2		2	
J Fleming	2		2	
Jack Shallard	1		1	
Jackie Evans	1			1
James Megson	1			1
Jean-Paul Gaston	1			1
Jerry Douglas	2		2	
Jim Gray	2		1	1
Jim Spiers	3		3	
Joe Van Der Sluis	1		1	
John Flemming	2		1	1
John Te Manihera Chadwick	1			1
John Pakes	1	1		
John Raphael	3	2		1
John Rika	3	2		1
John Smale	1		1	
Jon Turner	1		1	
Joseph Gielen	1	1		
Julie Calnan	3		3	
Kathryn Phillips	1		1	
Keith Garratt	4	2		2
Ken Parker	1		1	
Ken Witherow	1		1	
Kere Cookson-Ua	2	2		
L Pearce	1		1	
Len Watson	1		1	
Lorraine E Smith	1		1	
Luke Martin	2			2
M Brooks	1		1	
Maggie Bentley	1		1	
Marie Booth	1			1
Marjorie Griffiths	1		1	
Mark Collet	1		1	
Mark Franken	1		1	
Mark Oliver	1			1

Correspondent	No. of letters	Support TAPP	Oppose TAPP	Other
Martin Gis	3		3	
Martin Hine	1	1		
Martin Wepa	1		1	
Michael Gill	1			1
Mike McVicker	4		4	
Mike McVicker, Reynold Macpherson	1		1	
Moyra Te Ariki Bramley	1	1		
Neill Kennedy	1		1	
Paddi Hodgkiss	12		9	3
Paul Carpenter	4		4	
Peter Mullen	1	1		
Piripi Bishop	1	1		
R Bishop	3		3	
Ra Cleave	1	1		
Rachel Ward	1		1	
Rae Martin	2		2	
Reverend Brian R J Eagle	1	1		
Rex Charlton	1		1	
Reynold Macpherson	13		13	
Richard Prince	1		1	
Rob Kent	1		1	
Rob Paterson	1		1	
Rod Ball	1		1	
Rod Petterson	1			1
Rosemary Mackenzie	1			1
Rosemary Michie	1		1	
S Noel Jory	1			1
Stephen Millsteed	5		5	
Sylvia Phillips	1		1	
Tama Nikora	1	1		
Tawhanga Nopera	2	2		
Te Taru White	1	1		
Te Ururoa Flavell	1	1		
Terry McConkey	1		1	
Terry Tapsell	1		1	
Waaka Vercoe	1	1		
Walter Bateson	1			1
Wayne Henson	1		1	
Wiki Wiringi	1	1		

Feedback Form

'Do you support in principle the intention to effectively partner with Te Arawa?'

Number				Percentage		
Total submissions	Support	Do not support	Not indicated	Support	Do not support	Not indicated
1869 (5 withdrawn)	1048	785	36	56%	42%	2%