

Council Meeting Minutes 21 May 2021

01-15-016
RDC-1134637

Minutes

**Council meeting held Friday 21 May 2021, 12pm
Council Chamber, Rotorua Lakes Council**

MEMBERS PRESENT:	Mayor Chadwick (Chair) Cr Donaldson (Deputy Chair) , Cr Kai Fong, Cr Kumar, Cr Macpherson, Cr Maxwell, Cr Raukawa-Tait, Cr Tapsell, Cr Wang, Cr Yates
APOLOGIES:	Cr Bentley
STAFF PRESENT:	G Williams, Chief Executive, C Tiriana, Manager CE Office; O Hopkins, Manager Corporate Planning & Governance; J Mikaere, Group Manager Operations; G Rangī, Manahautū Māori; K Biddle, Pukenga Mātauranga Māori, I Tiriana, Manager Council Communications; R Dunn, Governance Lead; I Brell, Governance Support Advisor.

The Chair, Mayor Chadwick welcomed elected members, media, staff and members of the public and asked Kingi Biddle to open the meeting with a Mihi/Karakia.

**1 KARAKIA WHAKAPUAKI
OPENING KARAKIA**

Cr Kai Fong opened the meeting with a Karakia.

**2 NGĀ WHAKAPĀHA
APOLOGIES****RESOLVED**

That the apologies from Cr Bentley be accepted.

Moved: Mayor Chadwick
Seconded: Cr Donaldson

CARRIED

3 WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

None

4 TEMPORARILY SUSPEND 'STANDING ORDER NO 21.5 – MEMBERS MAY SPEAK ONLY ONCE'

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

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

cl. 27(4), Schedule 7, LGA 2002

As per the above provision, it is recommended to, temporarily suspend 'Standing Order 21.5 - Members may speak only once' to allow members sufficient opportunity to consider the Māori Wards recommendations at the Council meeting 21 May 2021.

Resolved

- 1) **That the Council, temporarily suspend 'Standing Order 21.5 - Members may speak only once to a motion at a meeting' for the 21 May Council meeting.**
- 2) **The reason is to allow members sufficient opportunity to consider the Māori Wards recommendations.**

Moved: Cr Raukawa-Tait

Seconded: Cr Yates

CARRIED

5 PŪRONGO KAIMAHI STAFF REPORTS

RECOMMENDATION

5.1 CONSIDERATION OF MĀORI WARDS

Resolved

1. **That this report 'Consideration of Māori Wards' be received.**

Moved: Mayor Chadwick

Seconded: Cr Donaldson

CARRIED

Gina Rangi spoke to a presentation titled “Maori wards.” (Attachment 1)

Te Tatau o Te Arawa Partnership definition

Cr Macpherson asked Ms Rangi for a legal definition of the partnership (Te Tatau o Te Arawa). Cr Raukawa-Tait raised a point of order (irrelevance) sighting the standing of the partnership had been decided when the agreement was signed 18 December 2015 between Council and Te Arawa o Te Arawa Charitable Trust.

Chair, Mayor Chadwick upheld the point of order and did not accept Cr Macpherson’s question. However the Chair asked Ms Rangi if she would like to comment. Ms Rangi explained the Te Arawa Partnership agreement has a provision which sets out that it can only be disestablished by mutual consent. Therefore in the absence of a mutual decision to disestablish it remains in force.

Inaccurate Statement

Chair, Mayor Chadwick raised a point of order referring to the inaccuracy of Cr Macpherson’s statement that the current Council has advanced Te Arawa interests by investing ratepayers’ money into iwi partnership projects. The Chair asked Cr Macpherson to withdraw his statement. Cr Macpherson did not withdraw his statement and left the meeting.

ATTENDANCE: Cr Macpherson left the meeting at 1.41pm

Further Resolved

- 2. That Council accepts the recommendation of Te Tatau o Te Arawa and approves the establishment of a Māori Ward for the triennium 2022 election.**
- 3. That Council note a representation review (with full public engagement) will be conducted to determine representation arrangements.**
- 4. That Council agree to carry out a wider review of Council’s governance framework, including the purpose, membership and powers of Council’s committees and community boards, and a discussion with Te Arawa and the broader community about the possibilities of strengthening co-governance.**
- 5. That Council directs staff to prepare a proposal on the process and scope of the proposed review process.**

Moved: Mayor Chadwick

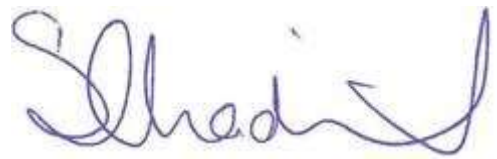
Seconded: Cr Donaldson

CARRIED

OPEN SESSION

The meeting closed at 1.58pm

Confirmed at a Council meeting on 28 June 2021



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Chair



This presentation

- Background:
 - Evolution of Māori representation
 - Amendment to the Local Electoral Act re: Māori wards
 - Representation review
 - Māori wards
- Te Tatau o Te Arawa
- The Future of Local Government (reforms)
- The Options
- Recommendation

This is our home, we are its people.
We're **the heart of Te Arawa**
and a centre for Māori culture and expression.
We're innovative and we share what we learn.
We're driving opportunity, enterprise and diversity.
We're **supporting a legacy of sustainability**
for our environment.
Rotorua is a place for everyone.
Tatau tatau - We together.

Koinei tō tātau kāinga. Ko tātau ōna tāngata.
Nā tātau tonu i ora ai te ahurea
Māori me ōna āhuetanga katoa.
He iwi auaha tātau e tuku nei i tā tātau e ako nei.
E kokiri nei tātau i te angitu,
i te hihiri me ngā rerekētanga maha.
E kaha tautoko nei tātau i whakapūmautanga o te taiao.
Mō te katoa a Rotorua. Tatau tatau

Evolution of Māori representation

- October 1993 – Te Arawa Standing Committee
- 26 May 2015 - Council adopted the Te Arawa Partnership Model.
- 18 December 2015 – Te Arawa Partnership Agreement signed
 - In October 2014 Council had decided not to establish a Māori ward
 - Under the Local Electoral Act, that decision was binding for two elections
 - As a result, when the Te Arawa partnership model was agreed, Council did not have the power to establish a Māori ward

Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 202

- Came into effect on 2 March 2021
- Main contents:
 - Ended the binding poll mechanism for Māori wards
 - Transition period ends 21 May 2021
- FAQ: Can we defer the decision and include Māori wards in our representation review later this year?
 - An ordinary decision to introduce Māori wards had to be made by 25 Nov' 2020
 - The transition period extends the timeframe to 21 May 2021

Representation Reviews - scope

- The Local Electoral Act 2001 requires a representation review at least every six years.
- The proposal must address:
 - total number of council members
 - If wards are created, the number, name and boundaries of each ward.
 - The number of community boards, their membership and boundaries.

Representation Reviews - process

- By 31 August 2021, Council must approve a proposal for community consultation
- Public submissions and hearing
- Council decision
 - (Potential appeal to the Local Government Commission)
- Final decision has effect for the next two elections

Māori wards

- Current Rotorua District electoral population is 77,300 (30 June 2020 estimate, based on 2018 census)
 - General Roll: 55,600 (72%)
 - Māori Roll: 21,700 (28%)
- Therefore 28% (or thereabouts) of elected members to come from Māori ward, 72% from general ward.
- Everybody votes for the role of Mayor
- Māori and general wards are subject to the same population ratio rules

Te Tatau o Te Arawa



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Recommendation from Council's partner Te Tatau o Te Arawa

- 19 March - Te Arawa consultation began
 - Extensive opportunities to participate
 - Hui, social media, online surveys, meetings with Te Arawa groups

- 11 May 2021 – Te Tatau recommendation to Council
 1. That Council establish Māori wards for the 2022 election (and retain Te Tatau o Te Arawa); and
 2. That the representation review reflects the outcome of the establishment of Māori wards.

The report also records strong views from Te Arawa that local government arrangements should reflect Te Tiriti o Waitangi (a broader discussion than Māori wards)

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The Future of Local Government



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The future of local government

- Re-instatement of the 4 well-beings
 - Repeal and replace the RMA
 - Three Waters reform
 - Recently announced Local Govt review panel chaired by Jim Palmer
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Future of local government

- Local Government Review Panel seeks recommendations on:
 - a **resilient and sustainable** local government system **fit for purpose** and able to adapt to future needs;
 - **public trust/confidence**;
 - effective partnerships between **mana whenua, and central and local government** to better provide for social, environmental, cultural, and economic wellbeing
 - **local government that actively embodies the Treaty partnership**, through the role and representation of iwi/Māori in local government, and seeks to uphold the Te Tiriti o Waitangi / Treaty of Waitangi and its principles through its functions and processes.

Te Tiriti o Waitangi

- Article 1:
 - The rights of the Crown
 - Kāwanatanga (governorship) v sovereignty
 - 'Fair and effective representation'
- Article 2:
 - The rights of Māori
 - Tino rangatiratanga (highest authority) v possession
- Article 3: rights and privileges of British subjects

Te Tiriti o Waitangi

FAQ: 'But local government don't have Treaty responsibilities because technically councils are not the Crown'

LGA/02 requires council to have processes for Maori to contribute to local government decision-making:

- Sections 4 and 77, parts 2 and 6 of the Local Government Act 2002

Treaty settlement legislation also creates specific rights:

- Te Arawa Lakes, Te Arawa River Iwi, Kaituna River, Tarawera River, Ngāti Rangiteaorere, Rangitihi, Rangiwewehi, Tapuika, Raukawa, Te Pūmautanga o Te Arawa

"Actively embody the Treaty partnership" is specifically to be considered as part of the current reforms

The future of local government cont'd

- Complex community issues require partnership with iwi, central government and local government.
- Māori wards and the representation review:
 - Important because of Council's reputation and relationships with Te Arawa
 - Doesn't address:
 - current reform process
 - key aspects of the existing governance framework: Council's committees and delegations, the role of central government and iwi
 - Broader questions of co-governance

The Options



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The Options

- Option 1: Decline to establish Māori wards
- Option 2: Establish Māori wards
- Option 3: Establish Māori wards and begin broader review of governance arrangements



ROTORUA
LAKES COUNCIL

Supporting our vision are seven 2030 goals:



Recommendation

1. That this report 'Consideration of Māori Wards' be received.
2. That Council accepts the recommendation of Te Tatau o Te Arawa and approves the establishment of a Māori Ward for the triennium 2022 election.
3. That Council note a representation review (with full public engagement) will be conducted to determine representation arrangements.
4. That Council agree to carry out a wider review of Council's governance framework, including the purpose, membership and powers of Council's committees and community boards, and a discussion with Te Arawa and the broader community about the possibilities of strengthening co-governance.
5. That Council directs staff to prepare a proposal on the process and scope of the proposed review process.

