

ROTORUA DISTRICT COUNCIL (REPRESENTATION ARRANGEMENTS) BILL SUBMISSION

INTRODUCTION

1. Te Tatau o Te Arawa (Te Tatau) is an independent Charitable Trust working to achieve the **Sustainable Well-being of People, Culture and Place** within te rohe o Te Arawa.
2. We serve and represent Te Arawa whānui who mandated the establishment of the Trust in 2015 and determined that the Trust board be made up of elected members representing multiple Te Arawa sectors – rangatahi (youth), koeke (elders), Te Arawa land trusts and incorporations, hapū and iwi, and pan-Te Arawa entities.
3. Importantly Te Tatau was also mandated as the Te Arawa Partner to Rotorua Lakes Council to create and foster a high trust environment in order to achieve enhanced socio-economic and cultural prosperity for Te Arawa, for Māori and for the wider community in the Rotorua district.
4. We appreciate the opportunity to submit on the the Rotorua District Council (Representation Arrangements) Bill.
5. We are lodging this Submission on behalf of the hundreds of Te Arawa uri and those enrolled on the Māori roll who provided feedback directly to Te Tatau during our own engagement process on Māori wards and the Rotorua District Council Representation Review Process *as well as the many Te Arawa uri represented by the Te Arawa mandated entities (including hapū and iwi trusts, land trusts, incorporations and pan-iwi rūpū) that endorse this submission.*
6. *Te Arawa mandated entities in support of this submission include:*
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7. *As such, we consider this submission to be one made on behalf of Te Arawa whānui i te rohe o Rotorua (Te Arawa whānui).*
8. This Submission is also made in alignment with the Te Arawa 2050 Vision, **Mauri Tū, Māuri Ora, Te Arawa E**, in particular the Te Arawa Rangatiratanga | Leadership whāinga tawhiti of:
 - ▲ Our future has the best leaders making and effectively implementing the best decisions about our resources to continuously achieve the best outcomes for our people. We lead, create and shape kōrero, partnerships and opportunities that bring about positive change on kaupapa that affect us.
9. Below we set out *the Te Arawa whānui* response to the Bill.
10. We wish to speak to our Submission.

GENERAL POSITION

11. We recognise the intent of this Bill is to provide for Rotorua Lakes Council to have an ideal representation arrangement for the Rotorua District that is currently prevented by clause 2 of Schedule 1A of the Local Electoral Act 2001.
12. *Te Arawa whānui* does support this Bill. However we strongly recommend that:
 - ▲ the Bill provides for a mechanism that enables Māori land blocks within the Rotorua District to fairly and equitably participate in Local Government Elections and cast their own votes, and,
 - ▲ that the introduction of a rural ward be considered and should a rural ward seat be introduced under this Bill to then subsequently reduce the number of proposed District as a whole (At large) members from four to three.
13. We also propose that membership of any boards for any s.9 Communities Created under this Bill should mirror that of Council so that those on the Māori Roll within any affected community can also vote for at least one member (in alignment with Māori Ward calculations) on that community's Board.
14. We set out the detail and rationale for our position below.
15. We then also raise two other issues we have noted about the Bill that we seek clarity for below.

MEMBERSHIP OF THE COUNCIL - THREE MEMBERS ELECTED FROM THE MĀORI WARD, THREE MEMBERS ELECTED FROM THE GENERAL WARD AND FOUR MEMBERS PLUS MAYOR ELECTED BY THE DISTRICT AS A WHOLE (3-3-4 Model)

16. *Te Arawa uri* and those enrolled on the Māori Roll who participated in our Māori Ward and Representation Review engagement strongly preferred a co-governance model or 50/50 split of decision-making power around the Council table.
17. Recognising that such a representation arrangement was outside of Representation Review parameters and relevant legislation under the Local Electoral Act our people gave a clear direction that a minimum of three members elected from the Māori Ward out of ten (plus the Mayor) had to be gained.
18. Despite knowing this, Council decided upon a final representation model that allowed for one Māori seat, one General seat and eight At Large seats (1-1-8 model). In that same decision they also determined that they would put forward a 3-3-4 Model local member's bill.
19. This led to *Te Arawa* both formally appealing against Council's 1-1-8 Model with the Local Government Commission while at the same time committing support for the 3-3-4 Model local member's bill - all in an urgent effort to get at least three Māori seats at the Council table.
20. With the recent Local Government Commission determination that overturned Council's 1-1-8 Model, three Māori Ward seats out of ten (plus the Mayor) are now in place for the coming Local Election.
21. However, we continue to support the Bill because it offers opportunity to:
 - ▲ enable those enrolled on the Māori Roll in our district to vote for both Māori Ward and At Large candidates at local elections. We see this as a definite value add for Māori that the current Local Government Commission determination does not provide for, and,

- ▲ challenge and request change to other overburdensome regulatory issues in the local representation and election space that creates an unfair and inequitable situation in terms of local election participation by Māori (particularly Māori land blocks) in the district.

MĀORI LAND BLOCK PARTICIPATION IN LOCAL ELECTIONS

22. For the Rotorua District: in area, Māori land makes up 51,989 ha of 261,908 ha – just under 20% of all land in the district. In number, there are well over 1,200 individual land blocks - around 750 of which are administered via a management structure established under the Māori Land Court.
23. Exemptions (such as for those lands that are conservation estates) and rates rebates notwithstanding all Māori land blocks are subject to some form of rating.
24. Currently, when it comes to participating in our local elections, Māori land blocks are treated the same as Ratepayers. In practice this means that if a land block wishes to vote it must register and complete a Ratepayer Elector Enrolment Form and must then nominate an individual to vote on its behalf. Section 40 of the LEA states that the name of any person must not appear more than once in the same electoral roll, so, the personal vote that the nominated individual makes also covers their land block. To be clear, the vote cast is only counted once, it is not counted twice (i.e. as one individual vote and one land block vote). The only time a land block's vote can be counted separately is if the nominated individual lives outside of the district.
25. This practice is fair for people/landlords that own more than one property in the district, or mainstream entities (e.g. Trusts or Businesses) that own one or more properties in the district. Simply put, houses and properties for this cohort are assets. Assets that can be bought, sold, exchanged, and used as collateral. It makes sense that this cohort is subject to the voting practice of one person casting a vote regardless of how many properties they own. Likewise, it makes sense that an out of district property owner or landlord should be able to vote in the local election of the district in which they are paying rates (while also being able to vote as a resident in their own district).
26. For whenua Māori however, it does not make sense. It is an unfair situation that disenfranchises rate paying Māori land blocks from equitably participating in local elections regardless of the representation arrangement Council has in place.
27. Whenua Māori is, for all intents and purposes, inalienable and therefore is not simply an asset owned by a person (or entity).
28. A Māori land block is collectively held – often with hundreds (sometimes thousands) of beneficiaries on its register. As such, any significant decisions about the land can only be made with the consent of 75% of those registered beneficiaries.
29. Having one person's individual, personal vote also cover the interests of a Māori land block is unfair to both the person and to the land block.
30. Alternatively, asking Māori land blocks to put forward a representative outside of the district so that it's vote can be separately counted goes against the nature and tenets of whenua Māori tenure, such as the importance of ahi kā led decision making processes.
31. Instead, any Māori land block in our district should be able to register and then cast its own vote (utilising its own systems of decision-making to determine how it will vote).

32. Our support for this Bill is with the strong recommendation that the Bill provides for a mechanism that enables fair and equitable participation in local government election processes by Māori Land Blocks.

CONSIDERATION OF A RURAL WARD

33. In light of the recent Local Government Commission determination to introduce a Rural Ward seat to the Council table, discussions have ensued about what this means for tangata whenua.

34. We recognise that whether in urban or rural settings our people are present.

35. We know that the majority of our Māori land blocks in the Rotorua District are in rural settings.

36. We are also aware that those in rural settings often cite that their concerns and issues are not heard or considered as well as those from urban settings and have asked for a rural ward seat to help them be better represented.

37. We believe that the introduction of a Rural Ward should be considered as part of this Bill and that this consideration should also look at whether communities created and relevant representation arrangements for those communities under section 9 and 10 of the Bill needs to change or not.

38. Should this consideration lead to a Rural Ward being introduced under this Bill the number of Council seats should not increase from 10 (plus the Mayor) to 11 (plus the Mayor). This would not align with direction from Te Arawa uri and those on the Māori Roll to gain at least three Māori seats out of ten. Instead, one of the four currently proposed At Large seats should be removed to accommodate a Rural seat.

39. Our support for this Bill is therefore also given with the strong recommendation that should a Rural Ward be introduced that the number of At Large seats will reduce from four to three to keep the total number of Council seats at the table to ten (plus the Mayor).

COMMUNITIES CREATED

40. In addition to the Consideration of a Rural Ward section above in terms of looking at its potential impact on communities created and their representation arrangements under sections 9 and 10 of the Bill, we posit that the membership of any created community board should mirror that of Council.

41. For example, if a Rotorua Lakes Community Board is formed under this Bill and there are four members elected by the electors of the Rotorua Lakes Community as a whole then a Māori Ward formula should be applied to that representative body, i.e. at least one of the four members should be voted on by those on the Māori Roll resident in the Lakes rohe.

42. Otherwise any member of a Community Board appointed by the Council should be a member representing the Te Ipu Wai Taketake Ward.

OTHER ISSUES ARISING FROM THE BILL THAT REQUIRES CLARITY

43. In relation to Section 7 (2) (a) of the Bill, we would like the Bill to identify the ramifications if there is no request from the Council to the Minister to make a recommendation to the Governor-General to extend the application of the Act.
44. In relation to Section 7 (3) of the Bill, we would like the Bill to clarify what representation arrangements will apply to that triennial general election should an Order in Council be made after 1 August in the year preceding a triennial general election.

FINAL COMMENTS

45. As stated earlier, we recognise the intent of this Bill is to provide for Rotorua Lakes Council to have an ideal representation arrangement for the Rotorua District that is currently prevented by clause 2 of Schedule 1A of the Local Electoral Act 2001.
46. The two key provisos to our support that we have outlined in this submission along with our position on any Communities Created under this Bill have been included to ensure the representation arrangement for the Rotorua District is actually ideal for Te Arawa and for those on the Māori Roll.