

Rotorua District Council (Representation Arrangements) Bill

Local Bill

Explanatory note

General policy statement

This Bill specifies representation arrangements to apply to the next 2 triennial general elections of the Rotorua District Council, operating as Rotorua Lakes Council (the **Council**). The Bill provides for representation arrangements that would otherwise be prevented by the Local Electoral Act 2001. The Bill also provides for the representation arrangements to apply to subsequent triennial general elections, by Order in Council.

Background

On 21 May 2021, the Council resolved to establish a Māori ward and then commenced a Representation Review. Following the Representation Review, on 19 November 2021 the Council resolved that the ideal representation arrangement for Rotorua would comprise—

- 1 mayor elected at large:
- 1 Māori ward with 3 seats (Te Ipu Wai Taketake ward):
- 1 general ward with 3 seats (Te Ipu Auraki ward):
- 4 at large seats:
- a Rotorua Lakes Community Board:
- a Rotorua Rural Community Board.

However, as the ideal representation arrangement is not currently enabled under the Local Electoral Act 2001, the Council also adopted an interim representation arrangement to apply until such time as the ideal representation arrangement can be implemented by a local Bill.

Reasons for local Bill

The Council's ideal representation arrangement is currently prevented by clause 2 of Schedule 1A of the Local Electoral Act 2001 as it does not satisfy the formula currently specified for calculating the number of Māori ward members of the Council.

Purpose of Bill

The purpose of this Bill is to provide for the Council's ideal representation arrangement to apply for the 2 triennial general elections following the Bill coming into force. The Council considers that this representation arrangement provides for fair and effective representation.

The Bill also provides for this representation arrangement to be extended to subsequent triennial general elections by the Governor-General by Order in Council, following notification by the Council and consideration by the Minister of Local Government (the **Minister**).

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 relates to commencement. The Bill, once enacted, is to come into force on the day after the date of the Royal assent. However, if assent occurs after 1 June in a year in which a general election must be held in accordance with section 10(2) of the Local Electoral Act 2001, the Bill will come into force on the later of—

- the day after the date on which it receives the Royal assent; and
- the day after the date specified in that section as the day on which the election must be held.

Part 1

Preliminary provisions

Clause 3 sets out the purposes of this Bill. These are to—

- provide for a representation arrangement for the Rotorua District Council comprising—
 - 1 Māori ward; and
 - 1 general ward; and
 - membership of the Rotorua District Council as follows:
 - 3 members elected from the Māori ward; and
 - 3 members elected from the general ward; and
 - 4 members and 1 mayor elected by the district of the Council (the **Rotorua District**) as a whole; and
 - a community to be known as the Rotorua Lakes Community and a Rotorua Lakes Community Board; and

- a community to be known as the Rotorua Rural Community and a Rotorua Rural Community Board; and
- modify the application of the Local Electoral Act 2001 to the Council.

Clause 4 defines certain words and expressions that are used in the Bill.

Clause 5 provides that the Bill binds the Crown.

Part 2 Representation arrangements

Subpart 1—Application

Clause 6 stipulates that the provisions in the Bill apply to the 2 triennial general elections (including any associated election) following the commencement of the Bill.

Clause 7 provides that the Governor-General may, by Order in Council, on the recommendation of the Minister, extend the application of the Bill beyond the 2 triennial general elections (as stipulated in *clause 6*) to any subsequent triennial general election and any associated election.

Subpart 2—Wards, communities, and representation arrangements

Clause 8 declares the division of the Rotorua District into the following 2 wards:

- 1 Māori ward called the Te Ipu Wai Taketake ward:
- 1 general ward called the Te Ipu Wai Auraki ward.

Clause 9 declares the constitution of the following 2 communities, as delineated on plans deposited with the Local Government Commission:

- Rotorua Lakes Community:
- Rotorua Rural Community.

Clause 10 provides the representation arrangements for the Council, a Rotorua Lakes Community Board, and a Rotorua Rural Community Board, with members of the council and boards elected and appointed as specified in that clause.

Clause 11 provides that the Governor-General may, by Order in Council, on the recommendation of the Minister, alter boundaries of the communities created by *clause 9*.

Subpart 3—Relationship with other Acts

Clause 12 provides the general relationship of the provisions in the Bill with that of the following Acts:

- Local Electoral Act 2001:
- Local Government Act 1974:
- Local Government Act 2002.

Subpart 4—Other provisions

Clause 13 provides that nothing in the Bill limits the Council's capacity to enter into co-governance arrangements with local iwi, including Te Tatau o Te Arawa Charitable Trust.

Clause 14 requires the Council to send a copy of the Bill, once enacted, to the persons listed in section 19Y(2) of the Local Electoral Act 2001. The Council must discharge this obligation as soon as practicable after the Act comes into force.

Tāmami Coffey

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Rotorua District Council (Representation Arrangements) Act **2022**.

2 Commencement

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(1) This Act comes into force on the day after the date on which it receives the Royal assent.

(2) However, if Royal assent is given after 1 June in a year specified in section 10(2) of the Local Electoral Act 2001 as a year in which a general election must be held, this Act comes into force on the later of—

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(a) the day after the date on which it receives the Royal assent; and

(b) the day after the date specified in that section as the day on which the election must be held.

Part 1**Preliminary provisions**

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3 Purposes

The purposes of this Act are to—

(a) provide for the Council to have a representation arrangement comprising—

(i) 1 Māori ward; and

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(ii) 1 general ward; and

(iii) membership of the Council as follows:

(A) 3 members elected from the Māori ward; and

(B) 3 members elected from the general ward; and

(C) 4 members and 1 mayor elected by the District as a whole; and

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(iv) a community to be known as the Rotorua Lakes Community and a Rotorua Lakes Community Board; and

(v) a community to be known as the Rotorua Rural Community and a Rotorua Rural Community Board; and

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(b) modify the application of the Local Electoral Act 2001 in relation to the Council.

4 Interpretation

(1) In this Act, unless the context otherwise requires,—

- associated election** has the same meaning as in section 19Z(5) of the Local Electoral Act 2001
- commencement date** means the date on which this Act comes into force (*see section 2*)
- Commission** has the same meaning as in section 5(1) of the Local Electoral Act 2001 5
- Council** means Rotorua District Council, operating as Rotorua Lakes Council
- District** means the district of the Council.
- (2) Terms defined in the Acts specified in **section 12(1)** have the same meaning in this Act unless the context otherwise requires. 10
- (3) However, if there is any inconsistency between the provisions of this Act and any provisions of the Acts referred to in **section 12(1)** or any regulations made under any of those Acts, this Act prevails.
- 5 Act binds the Crown**
- This Act binds the Crown. 15

Part 2 Representation arrangements

Subpart 1—Application

- 6 Application of Act**
- (1) This Act applies to the 2 triennial general elections (including any associated election) following the commencement date. 20
- (2) This section is subject to **section 7** (which relates to extending the application of this Act by Order in Council).
- 7 Application of Act may be extended by Order in Council**
- (1) Despite **section 6**, the Governor-General may, by Order in Council made on the recommendation of the Minister, extend the application of this Act to include any subsequent triennial general election (including any associated election). 25
- (2) The Minister may only make a recommendation under **subsection (1)**—
- (a) upon request by the Council; and 30
- (b) if satisfied that,—
- (i) at least 1 month before making any determination in accordance with **subparagraph (ii)**, the Council has given public notice of its intention to request a recommendation, in accordance with section 19M(2) of the Local Electoral Act 2001 (with all necessary modifications); and 35

- (ii) the Council has determined that the representation arrangements set out in **section 10** provide fair representation for the electors of each ward, having regard to the communities of interest identified in the public notice referred to in **subparagraph (i)**.
- (3) Any Order in Council made after 1 August in the year preceding a triennial general election will not apply to that triennial general election but will apply to any subsequent triennial general election. 5
- (4) As soon as practicable after the making of an Order in Council under this section, the Council must send a copy of the order to the persons listed in section 19Y(2) of the Local Electoral Act 2001. 10

Subpart 2—Wards, communities, and representation arrangements

8 Wards created

- (1) The District is divided into 1 Māori ward to be known as Te Ipu Wai Taketake ward and 1 general ward to be known as Te Ipu Wai Auraki ward.
- (2) The boundaries of Te Ipu Wai Taketake ward and Te Ipu Wai Auraki ward are the same as the boundaries of the District. 15
- (3) The wards created in **subsection (1)** are treated as wards established under section 19Z of the Local Electoral Act 2001.

9 Communities created

- (1) A community is constituted, to be known as the Rotorua Lakes Community, comprising the area delineated on LG-024-2016-Com-1 deposited with the Commission. 20
- (2) A community is constituted, to be known as the Rotorua Rural Community, comprising the area delineated on LG-024-2016-Com-2 deposited with the Commission. 25
- (3) The communities created in **subsections (1) and (2)** are treated as communities constituted under sections 19H and 19J of the Local Electoral Act 2001.

10 Representation arrangements

- (1) Members of the Council are to be elected as follows: 30
- (a) 3 members by the electors of the Te Ipu Wai Taketake ward:
- (b) 3 members by the electors of the Te Ipu Wai Auraki ward:
- (c) 4 members by the electors of the District as a whole:
- (d) a mayor by the electors of the District as a whole.
- (2) A Rotorua Lakes Community Board is to be formed as follows: 35
- (a) 4 members elected by the electors of the Rotorua Lakes Community as a whole:
- (b) 1 member from the Council to be appointed by the Council.

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- (3) A Rotorua Rural Community Board is to be formed as follows:
- (a) 4 members elected by the electors of the Rotorua Rural Community as a whole:
 - (b) 1 member from the Council to be appointed by the Council.
- 11 Boundaries of communities may be altered by Order in Council** 5
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, alter the boundaries of the communities referred to in **section 9**.
- (2) The Minister may only make a recommendation under **subsection (1)**—
- (a) if the application of this Act has been extended by an Order in Council made under **section 7**; and 10
 - (b) upon request by the Council; and
 - (c) if satisfied that the Council has determined that the proposed alterations will provide for fair and effective representation for individuals and communities. 15
- (3) The provisions of **section 7(3) and (4)** apply to an Order in Council made under this section.

Subpart 3—Relationship with other Acts

- 12 Act to be read with other specified Acts**
- (1) The following Acts must be read in conjunction with, and subject to, this Act: 20
- (a) Local Electoral Act 2001:
 - (b) Local Government Act 1974:
 - (c) Local Government Act 2002.
- (2) The Acts specified in **subsection (1)** and any regulations made under those Acts apply accordingly and with any necessary modifications. 25
- (3) In particular, in relation to any election to which this Act applies,—
- (a) **section 10** applies—
 - (i) despite sections 19H, 19J, and 19R(1)(b)(i) and (iii) and Schedule 1A of the Local Electoral Act 2001; and
 - (ii) in place of any requirement for the Council or Commission to make a determination under those provisions; and 30
 - (b) accordingly, on the commencement date—
 - (i) any determination made by the Council or the Commission under those provisions that is inconsistent with **section 10** is treated as withdrawn; and 35

- (ii) any appeal or objection under section 19O, 19P, or 19R of the Local Electoral Act 2001 against a withdrawn determination is treated as ended.

Subpart 4—Other provisions

- 13 Co-governance** 5
Nothing in this Act limits the Council’s capacity to enter into co-governance arrangements with local iwi, including Te Tatau o Te Arawa Charitable Trust.
- 14 Council must send copy of Act to certain persons** 10
As soon as practicable after this Act comes into force, the Council must send a copy of the Act to the persons listed in section 19Y(2) of the Local Electoral Act 2001.