

**IN THE HIGH COURT OF NEW ZEALAND
ROTORUA REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TE ROTORUA-NUI-A-KAHUMATAMOMOE ROHE**

CIV

UNDER

the Judicial Review Procedure Act 2016;
the NZ Bill of Rights Act 1990; and
the Declaratory Judgments Act 1908

IN THE MATTER

of an application for Judicial Review of a decision of
the Rotorua District Council to submit the
Rotorua District Council (Representation
Arrangements) Bill to Parliament

BETWEEN

ROBERT LEE
Rotorua
Software Developer
(Applicant)

AND

ROTORUA DISTRICT COUNCIL
Rotorua
Local Authority
(Respondent)

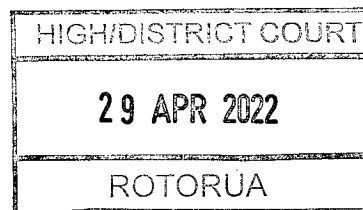
DATED

29 April 2022

Interlocutory Application for Interim Injunction

FILED BY APPLICANT

Robert Lee
101 Springfield Rd
Rotorua
robert@familee.kiwi
07 347-6200 / 021 347-620



Interlocutory Application for Interim Injunction

1. This is an Interlocutory Application for an Interim Injunction pursuant to HCR 7.53 to preserve the status quo.
2. This Application is accompanied by and should be read in conjunction with an Application for Review and a Statement of Claim.
3. The Applicant seeks the same relief in this Application as detailed in the Application for Review and the Statement of Claim.

Status Quo - Local Government Commission

4. On **8 April 2022** the Local Government Commission issued a determination that set aside the Rotorua District Council's ("the Council") "interim" **1M:1G:8AL** model and ruled that for the 2022 and 2025 elections:¹

3. The Council will comprise the mayor and 10 councillors elected as follows:

- a. 3 councillors elected by the electors of the Te Ipu Wai Taketake Māori Ward*
- b. 1 councillor elected by the electors of the Rotorua Rural Ward*
- c. 6 councillors elected by the electors of the Te Ipu Wai Auraki General Ward.*

5. This is the status quo that the Applicant seeks to preserve.

The impugned decision

6. On **19 November 2021** the Council made a "Substantive Resolution" comprised of five motions that was the culmination of its' six yearly review of its representation arrangements for the local government elections to be held in October 2022.
7. The fourth motion ("the Decision") was that the Council:

¹ <https://www.lgc.govt.nz/assets/Uploads/Rotorua-District-Council-determination-2022.pdf>

4.a. Agree that the ideal representational model for Rotorua would comprise;

- (i) 1 Mayor elected at large
- (ii) 1 Māori ward with 3 seats (*Te Ipu Wai Taketake ward*)
- (iii) 1 General ward with 3 seats (*Te Ipu Wai Auraki ward*)
- (iv) 4 “At large” seats
- (v) A Rotorua Lakes Community Board
- (vi) A Rural Community Board

b. Note that the preferred model (see 4a above) is not currently enabled under the current Local Electoral Act, Council instructs the Chief Executive to pursue the necessary statutory reforms, or other means, by which the preferred model can be adopted by Council at the earliest possible time, including if possible, prior to the 2022 election.

Bill to be rushed through Parliament

8. On **29 March 2022**, pursuant to the Decision, List MP Tamati Coffey introduced the Rotorua District Council (Representation Arrangements) Bill (“the Bill”) into Parliament which provides for a **3M:3G:4AL** model. He stated:²

*“I move, That the Rotorua District Council (Representation Arrangements) Bill be now read a first time. I nominate the Māori Affairs Committee to consider the bill, and, at the appropriate time, I will move an instruction to the committee that it report back to the House **by the end of May.**”*

(emphasis added)

9. This Bill is currently in the process of being rushed through Parliament and is intended to be passed into law and by the end of May so as to have effect

² https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20220406_20220406_20

for the local government elections in October 2022.

10. The Applicant therefore seeks **urgent** interim injunctive relief, certainly before the Bill can be passed into law, to set aside the Decision and enjoin the Respondent from pursuing legislative reform through Parliament for the 2022 election.

The Applicant

11. The Applicant is a person who will or may be affected by, or have an interest in, the decision made by Rotorua District Council on **19 November 2021** detailed in the Statement of Claim because he:
 - (a) is a resident and ratepayer in the Rotorua District Council's territorial area;
 - (b) has been endorsed as a councillor candidate by the Rotorua Residents and Ratepayers Association; and
 - (c) intends to run for Council in the local government elections in October 2022.
12. The Applicant and also those who may file affidavits in support of this action, and the other the residents and ratepayers of Rotorua would suffer irreparable harm if this unlawful arrangement were rushed through Parliament under urgency and allowed to be the basis for Rotorua's elections in October 2022.
13. The grounds for setting aside the Decision are set out in the accompanying Statement of Claim.

Dated 29 April 2022



Robert Lee
Applicant