

## Severe Weather Events Recovery Review Panel

23 May 2023

Hon Barbara Edmonds  
Minister for Cyclone Recovery  
Executive Wing  
Parliament Buildings  
**WELLINGTON 6011**

Hon Damien O'Connor  
Minister for Land Information  
Executive Wing  
Parliament Buildings  
**WELLINGTON 6011**

via email

Dear Ministers


### **SEVERE WEATHER EMERGENCY RECOVERY (RATING VALUATIONS – HASTINGS DISTRICT COUNCIL) AMENDMENT ORDER 2023**

On 22 May 2023 the Severe Weather Events Recovery Review Panel (the Review Panel) considered the above draft Order.

As required under section 16 of the Severe Weather Emergency Recovery Legislation Act 2023, please find attached the Review Panel's report on this draft Order, including our recommendations and brief comments.

Of note is the insufficiency of consultation with local Iwi during the development of this draft Order. While this is not in itself a reason for the draft Order to not be considered necessary and desirable, we consider that it would be helpful for the relevant Minister to indicate to the Council when notifying them of the Minister's decision on the draft Order, when the Council is considering its rates remission policy, it should have particular regard to whether the land is multiply owned Māori land.

Yours sincerely



The Honourable Denis Clifford

**Convenor, Severe Weather Events Recovery Review Panel**

## Severe Weather Events Recovery Review Panel

### **THE REVIEW PANEL**

The Honourable Denis Clifford (Convenor)

Dr Veronica Jacobsen

Steve Wyn-Harris

Horiana Irwin-Easthope

<b>REPORT AND RECOMMENDATION OF THE REVIEW PANEL</b>
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### **SEVERE WEATHER EMERGENCY RECOVERY (RATING VALUATIONS – HASTINGS DISTRICT COUNCIL) AMENDMENT ORDER 2023**

1. We have been provided with a draft of the Severe Weather Emergency (Rating Valuations – Hastings District Council) Order 2023 (the draft Order) for review under section 16 of the Severe Weather Emergency Recovery Legislation Act 2023 (the Act). We provide our recommendations on the draft Order as required by section 16(2) of the Act, based on the following understanding of our remit.
2. The task of the Severe Weather Events Recovery Review Panel (the Panel) is reviewing and making recommendations on the draft Order to assist the relevant Minister to meet the section 8(1) criteria of being satisfied an Order is:
  - a. necessary and desirable for one or more purposes of the Act;
  - b. no broader than reasonably necessary;
  - c. consistent with section 11 (no effect on custody/ detention; no exemption/modification on constitutional legislative entitlements, including the New Zealand Bill Of Rights Act); and
  - d. not an unjustified limit on NZBORA rights and freedoms;

by supplementing the range of information and advice available to the Minister.
3. Paragraphs seven and 14 of the Terms of Reference for the Panel expand on this to provide that:
  - a. the Panel has been appointed to provide expert, technical advice and scrutiny of the draft Orders in Council; and
  - b. the Panel's recommendations may also address:
    - i. whether the draft Order in Council is sufficiently certain and clear, and if they are not, options to improve;
    - ii. the identification of any unintended or unforeseen but likely outcomes of the draft Order in Council, and ways to address these; and

- iii. any other matters the Panel considers relevant to the scope of its review of the draft Order in Council.
4. The criteria for the appointment of Panel members found in section 13(3) of the Act reflect the matters on which we consider we are to focus.
  5. Within that context the Panel's focus is the necessity and desirability of an Order as required in section 8(1)(a)(i) of the Act.
  6. We have based our review on our collective assessment of the materials provided to us and on our individual experience and expertise. Other than as stated in this report, we have not undertaken any further enquiries.

### **Reasons Recommendations and Brief Comments**

7. The draft Order proposes to modify relevant sections of the Rating Valuations Act 1998, and associated Regulations and Rules, so that cyclone damage is not required to be taken into account when doing the current revaluation of all properties under the jurisdiction of the Hastings District Council. This means that the revaluation can be completed by 30 June 2023. The Draft Order extends only to Hastings District Council as they were in the process of re-submitting their valuation to the Valuer-General when the severe weather events intervened.
8. To assist in reviewing the draft Order, officials provided the following materials:
  - a. the draft Severe Weather Emergency (Rating Valuations – Hastings District Council) Order 2023;
  - b. the draft Statement of Reasons;
  - c. a Cabinet paper titled Order in Council for the Ratings Valuation Act 1998
  - d. the consultation document; and
  - e. a table summarising the feedback received during consultation activities.
9. Additional supplementary information regarding the purpose of the draft Order and who was contacted during consultation was provided upon request of the Panel. The Panel also discussed the draft Order with officials from Land Information New Zealand.
10. When the panel reviewed the materials provided, they were unclear about the effect of clause 12, particularly regarding the application of the date of 1 August 2022. Following a discussion with officials from Land Information New Zealand, we understand that this is the effective date of valuation used by the Hastings District Council for the revaluation all properties under its jurisdiction.
11. We also note that the Cabinet paper committed officials to consulting on these proposals with local iwi, but the consultation processes did not in fact provide for that. The original consultation documentation received by the Panel also noted that "local iwi" were consulted. Following a question of clarification from the Panel, the information we received illustrated that "[T]he six mana whenua members of the Council's Heretaunga Takoto Noa Māori Standing Committee (who represent iwi from around the district)" were consulted. However, the standing orders for the Māori Standing Committee available online note that those six (6) members are "to be appointed by the Council and Kaumatua, taking into account the "post settlement

environment” and Mataawaka.” In that regard, the Panel is of the view that consultation with Iwi was insufficient.

12. We also note that the Council’s commitment to a rates remission is currently for red stickered properties only, with other properties being considered at the discretion of the Council (i.e. multiply owned Māori land that also might be disproportionately affected by the cyclone).<sup>1</sup> We consider that it would be helpful for the relevant Minister to indicate to the Council when notifying them of the Minister’s decision on the Draft Order, when the Council is considering its rates remission policy, it should have particular regard to whether the land is multiply owned Māori land.<sup>2</sup>
13. Other than the concern raised at paragraph 11, which we have suggested a course of action for, and based on the information before us, we are not aware of any reason why the Minister might not consider the Order to be necessary or desirable.



The Honourable Denis Clifford

Date: 23 May 2023

**Convenor, Severe Weather Events Recovery Review Panel**

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<sup>1</sup> The Panel notes that Marae and Urupā are exempt from rates under the Local Government (Rating) Act 2002. Councils also have the power to remit rates on Māori freehold land under certain circumstances under the Local Government (Rating of Whenua Māori) Amendment Act 2021.

<sup>2</sup> We understand that the rates remission policy is at the sole discretion of the Council.