

Council Meeting Agenda 13 November 2019



Meeting is conducted in the Council Chamber, Level 2, Philip Laing House
144 Rattray Street, Dunedin

Members:

Hon Marian Hobbs, Chairperson	Cr Gary Kelliher
Cr Michael Laws, Deputy Chairperson	Cr Kevin Malcolm
Cr Hilary Calvert	Cr Andrew Noone
Cr Michael Deaker	Cr Gretchen Robertson
Cr Alexa Forbes	Cr Bryan Scott
Cr Carmen Hope	Cr Kate Wilson

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Liz Spector, Committee Secretary

13 November 2019 09:00 AM

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1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. ATTENDANCE Staff in attendance will be noted.	
3. CONFIRMATION OF AGENDA Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
4. CONFLICT OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
5. PUBLIC FORUM Members of the public may request to speak to the Councillors.	
6. CONFIRMATION OF MINUTES The Council will consider approval of Minutes of the 23 October 2019 Council Meeting as a true and accurate record.	3
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Minutes of an ordinary meeting of Council held in
the Council Chamber, Level 2 Philip Laing House
144 Rattray Street, Dunedin on
Wednesday 23 October 2019 at 10 a.m.

Membership	
Cr Marian Hobbs	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Michael Deaker	
Cr Alexa Forbes	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Andrew Noone	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

Welcome

Chief Executive Gardner welcomed the Councillors-elect, members of the public and staff to the meeting at 10:00 am.

For our future

70 Stafford St, Private Bag 1954, Dunedin 9054 | ph (03) 474 0827 or 0800 474 082 | www.orc.govt.nz

1. APOLOGIES

No apologies were made.

2. CONFIRMATION OF AGENDA

The agenda was confirmed. Councillor-elect Laws foreshadowed a motion to adjourn the meeting after the Councillors were sworn in.

3. DECLARATION OF INTERESTS

Chief Executive Gardner reminded the Councillors-elect to inform of potential conflicts of interest.

4. PUBLIC FORUM

No public forum was held.

5. MATTERS FOR COUNCIL DECISION

5.1. Declaration of Office by Councillors

Chief Executive Gardner called for each Councillor-elect to read and sign the declaration which she then witnessed. After all declarations were attested to and signed, Mrs Gardner congratulated the Councillors and welcomed them to the Otago Regional Council.

Cr Laws made a motion to adjourn the meeting for the purpose of discussion between elected members as to preferred governance structure for the next 3 years, with aim of reconvening on this day. The motion was seconded by Cr Malcolm. Chief Executive Gardner said as Chair of the meeting, she was required by Standing Orders to immediately put the motion with no debate or discussion. Several Councillors asked for clarification. Chief Executive Gardner stated this was a procedural motion with no request to suspend Standing Orders and she put the motion to a vote.

Resolution

- 1) *That the meeting be adjourned for the purpose of discussion between elected members as to preferred governance structure for the next 3 years, with aim of reconvening on this day.*

Moved: Cr Laws
Seconded: Cr Kevin Malcolm
FAILED

5.2. Voting System for Certain Appointments

CE Gardner summarised the voting system options for election of the Chairperson and Deputy Chairperson that the Councillors would need to select. A discussion was held about the two different systems and CE Gardner asked for a motion.

Resolution

That the Council:

- 1) **Agrees** *that in the event of a tie between voting systems A and B, it will be resolved by lot as described in paragraph 5 of the report.*

Moved: Cr Laws
Seconded: Cr Robertson
CARRIED

Resolution

That the Council:

- 1) **Resolves Voting System A (election by the majority of members)** is the voting option for the election or appointment of positions defined by the Local Government Act 2002 for certain appointments.

Moved: Cr Scott
Seconded: Cr Wilson
CARRIED

Resolution

That the Council:

- 1) **Agrees** that in the event of a tie under voting system A, the candidate to be excluded from the next round of voting shall be resolved by lot as described in paragraph 5 of the report.

Moved: Cr Noone
Seconded: Cr Wilson
CARRIED

5.3. Election of Chairperson

After adoption of Voting System A was made, Chief Executive Gardner called for nominations for Chairperson.

Cr Deaker nominated Cr Robertson and Cr Hope seconded her nomination. Cr Forbes nominated Cr Hobbs and Cr Wilson seconded her nomination. Cr Calvert nominated Cr Noone. Cr Noone thanked Cr Calvert for the nomination but said he would not accept the nomination. Cr Kelliher nominated Cr Laws and Cr Calvert seconded his nomination.

Cr Laws asked that each nominee be given time to speak to their nomination and then allow questions of each nominee by Councillors, to be followed by time for the nominators to speak. The Councillors agreed on that format and Chief Executive Gardner confirmed each nominee would speak, Councillors would be provided the opportunity for questions, then the movers/seconders would get a right of reply prior to the vote.

Cr Robertson addressed the group, stating her focus for the triennium and the skills she would bring to the role of Chairperson. She said she wanted to harness the strength of the community and to prioritise those relationships. Cr Hobbs then addressed the group, stating she wanted to work with the Councillors, community, and territorial authorities to drive environmental issues including land use, and air and water quality. Cr Laws addressed the group stating he wants bring a culture change around the Council table, shifting to being a proactive council on all environmental issues.

Each Councillor was then provided an opportunity to ask questions of each of the three nominees. During the question period, CE Gardner suggested a twenty minute break for lunch, with Councillor questions for nominees to resume promptly after that. The meeting was then adjourned for twenty minutes at 12:02 p.m.

CE Gardner called the meeting back into order at 12:22 p.m. and questions for the nominees resumed. Cr Deaker and Cr Hope then spoke to their nomination of Cr Robertson, and Cr Forbes and Cr Wilson spoke to their nomination of Cr Hobbs.

Cr Laws then withdrew his nomination and stated he would support the election of Cr Hobbs as Chairperson. As there were no further questions or deliberations, CE Gardner called for votes for Chairperson. The vote resulted as follows:

Cr Hobbs: Cr Forbes, Cr Wilson, Cr Calvert, Cr Hobbs, Cr Kelliher, Cr Laws, Cr Malcolm

Cr Robertson: Cr Deaker, Cr Hope, Cr Noone, Cr Robertson, Cr Scott

Cr Hobbs was elected Chairperson of the Otago Regional Council, 7 votes to 5.

5.4. Election of Deputy Chairperson

Cr Hobbs attested to and signed the declaration which was witnessed by Chief Executive Gardner. Chairperson Hobbs then took the Chair and called for nominations for Deputy Chairperson.

Cr Calvert nominated Cr Laws for Deputy Chairperson and Cr Wilson seconded his nomination. Cr Deaker nominated Cr Noone for Deputy Chairperson and Cr Robertson seconded his nomination. Cr Hope nominated Cr Robertson for Deputy Chairperson. Cr Robertson declined the nomination as she felt the Chair and Deputy Chair should come from different regions of the territory.

Chairperson Hobbs asked the Councillors to vote on the two nominees for Deputy Chairperson. The vote was:

Cr Laws: Cr Calvert, Cr Wilson, Cr Forbes, Cr Hobbs, Cr Kelliher, Cr Laws, Cr Malcolm

Cr Noone: Cr Deaker, Cr Robertson, Cr Hope, Cr Noone, Cr Scott

Cr Laws was elected Deputy Chairperson of the Otago Regional Council by a vote of 7 to 5.

5.5. Adoption of Meeting Date Schedule to December 2020

Cr Laws left the meeting at 01:08 pm.

Cr Laws returned to the meeting at 01:10 pm.

Chairperson Hobbs noted the paper which proposed a draft meeting schedule through December 2020. Staff noted the meeting schedule can be amended at any time. Chairperson Hobbs then asked for a motion.

Resolution

That the Council:

- 1) **Adopts** the attached draft Schedule of Council and Committee meetings to December 2020.

Moved: Cr Calvert

Seconded: Cr Wilson

CARRIED

After the meeting schedule was adopted, Cr Wilson suggested a report from staff on alternative governance structure of portfolio or project leads and catchment leads be provided to the Councillors prior to the next meeting. Chief Executive Gardner agreed. Cr Wilson then moved:

Resolution:

- 1) *That staff prepare a report prior to the 13 November 2019 meeting on alternative governance structure of portfolio or project leads and catchment leads.*
- 2) *Note that what those leads may be will be decided by Council after the strategic planning day on 12 November 2019, along with time frames and delegations.*

Moved: Cr Wilson

Seconded: Cr Noone

CARRIED

6. MATTERS FOR NOTING

6.1. Key Legislation Update (LGA 2002)

Mr Paul Beverley, Buddle Findlay, and ORC Legal Counsel Peter Kelliher provided the Councillors with a summary of the legislative requirements identified in Clause 21(5)(c) of schedule 7 of the Local Government Act (LGA). Mr Beverley said this clause requires that certain legislation must be brought to the attention of Councillors at the first meeting of Council.

Cr Wilson left the meeting at 01:27 pm.

Cr Laws left the meeting at 01:33 pm.

Cr Laws returned to the meeting at 01:35 pm.

After a general discussion of the legislation, Chairperson Hobbs thanked Mr Beverley and Mr Kelliher and adjourned for a break at 1:45 p.m.

Chairperson Hobbs reconvened the meeting at 2:15 p.m. Chairperson Hobbs then provided time for each Councillor to give a brief introductory.

8. CLOSURE

As there was no further business, Chairperson Hobbs declared the meeting closed at 02:51 pm.

Chairperson

Date

Status report on the resolutions of the Council Meeting

11.3 Delegations	3 April 2019	Direct CE to bring a review of delegations	IN PROGRESS – Regulatory/Go vernance
11.1 Policy Committee Appointment of Iwi Representation	15 May 2019	Review and define partnerships of the 2003 MoU and Protocol between ORC and Ngai Tahu/Kai Tahu for Effective Consultation and Liaison	IN PROGRESS - Governance
11.3 Disposal of Poison Services Assets	15 May 2019	ORC to consult with community on proposed sale of poison services assets and include the Galloway land as part of a proposed sale	ASSIGNED - Operations
11.3 Finalise Biodiversity Action Plan	26 June 2019	Develop business case options for resourcing biodiversity and biosecurity activities to inform the next LTP (2021 - 2031) and enable implementation of the Biodiversity Action Plan.	IN PROGRESS - Operations
10.5 Lake Hayes Culvert	25 Sept 2019	Invite QLDC, DoC and NZTA to co-fund with ORC scoping investigation and establishment of a target water level range for Lake Hayes and scoping the investigation, consenting, design, construction, maintenance and funding of infrastructure to manage the lake level to that range. This will require incorporation of activity and funding of ORC's share of the costs into draft Annual Plans.	IN PROGRESS - Operations
10.8 Delegation of Harbourmaster Duties	25 Sept 2019	Conduct a review and amendment of the ORC Navigational Safety Bylaw 2019, noting date of relinquishment of transfer agmt will be the same as the effective date of the amended bylaw.	IN PROGRESS - Regulatory
5.5 Adoption of Meeting Date Schedule	23 Oct 2019	That staff prepare a report for 13 November 2019 meeting on alternative governance structure of portfolio or project leads and catchment leads. 2. Note that what those leads may be will be decided by Council after the strategic planning day on 12 November 2019, along with time frames and delegations.	IN PROGRESS – Governance

8.1. Chairperson's Report

Prepared for: Council

Activity: Governance Report

Author: Cr Marian Hobbs, Chairperson

Date: 5 November 2019

- [1] This report is brief. We were sworn in on 23 October 2019 and our first task was to vote in the Chair and Deputy Chair. What has followed has been mostly inward facing:
- I have met with each Councillor individually, as I try to build a committee system that meets Council priorities.
 - This work will be adopted at the upcoming 13 November Council meeting.

- [2] There has been a brief flurry of media interest in the “getting to know you” mode.

INDUCTION

- [3] We have had a thorough induction to the workings of the Otago Regional Council. As a new member, I was like the U3A audience, in that I came to understand the complexity of the work undertaken by ORC.

ŌTĀKOU MIHI

- [4] I found this very useful. Yes, we introduced ourselves individually and collectively to each other and found many histories, but I also learnt the history of the runaka’s involvement with the ORC.

TERRITORIAL/NATIONAL AUTHORITIES

- [5] Regional mayors have been making contact prior to our first meeting of LGNZ’s Zone 6 in Oamaru on 18 and 19 November.
- [6] At the National level, Deputy Chair Michael Laws will be representing ORC at the first gathering of the Regional Chairs and Chief Executives at the LGNZ Regional Sector meeting in Wellington on 8 November.

NEXT STEPS

- [7] Once we have agreed to committee structure and memberships, we have one more task to do to set our stamp on the triennium:
- The Councillor-only dinner on 11 November is a chance to share our individual and specific goals for the triennium.
 - These goals will be discussed at the next day’s strategy meeting, facilitated by Peter Winder at Orokonui on 12 November.
 - This is the last chance to ensure that we are individually in the appropriate committees/priority groups to achieve what we committed to when we stood.

[8] Then we are ready to face outwards and get on with the mahi.

[9] Future reports will focus on my engagements and meetings.

RECOMMENDATION

That the Council:

1) ***Receives this report.***

ATTACHMENTS

Nil

8.2. Chief Executive's Report

Prepared for: Council
Activity: Governance Report
Author: Sarah Gardner, Chief Executive
Date: 7 November 2019

KEY MEETINGS ATTENDED

- [1] 26 September – regular catch-up with Aaron Fleming, Southern Regional Manager (Queenstown) for Department of Conservation.
- [2] 26 September – attended Fish & Game Council meeting and gave an update on 6AA.
- [3] 2 October – Meeting/introduction with Ross Mitchell and Andrew Parsonage from Jarden.
- [4] 3 October – ORC/PSA collective negotiations.
- [5] 4 October – met with Clutha District Council CEO Steve Hill to discuss water take consents.
- [6] 8 October – Executive outreach sessions to West and South Otago.
- [7] 11 October – Regular phone catch-up with Fergus Power, CEO of Waitaki District Council.
- [8] 14 October – With Richard Saunders, we met with Mike Grant from Fire & Emergency NZ.
- [9] 15 October – Regular catch-up with Dr Sue Bidrose, CEO of Dunedin City Council.
- [10] 22 October – New Council Induction Workshop #1 – equipment hand-out.
- [11] 23 October – Inaugural Council meeting; New Council Induction Workshop #2 – introduction to Council; New Council Induction Workshop #3 – Legal.
- [12] 24 October – New Council partnership hui at Otakou Marae; New Council Induction Workshop #4 – Culture & Communications; New Council Induction Workshop #5 – Civil Defence & Emergency Management.
- [13] 30 October – New Council Induction Workshop #6 – Water; New Council meeting #2; New Council Induction Workshop #7 – Regulatory.
- [14] 31 October – New Council Induction Workshop #8 – Operations; New Council Induction Workshop #9 – Policy, Science & Strategy.
- [15] 6 November – Met with Nicola Cull and Sarcha Every from Decipher Group.
- [16] 7 November – In Wellington, attended Regional CEO meeting; Regional Sector meeting with Minister Parker; NZ River Awards.
- [17] 8 November – In Wellington, attended Regional Sector meeting.

COUNCIL'S INAUGURAL MEETING AND INDUCTION

- [18] Congratulations to all Councillors elected for this triennium and to our new Chair and Deputy Chair respectively. It was my privilege to swear you in and chair the first part of your inaugural meeting. Staff have appreciated the opportunity to introduce many of you to our organisation and the work we undertake. This process has been a considerable investment in time and we have valued your engagement on our core functions and iwi partnership.

FIRE PERMITS AND ORC AIR PLAN

- [19] Richard Saunders and I met with representatives from Fire and Emergency NZ to discuss the challenge we face around the fire permitting process they conduct and the potential for those permitted fires to breach the Air Plan. The example that raised this issue was the fire at the bottom of the Remarkables that led to complaints over a weekend in the winter. It was agreed that our Compliance Team and Fire and Emergency would work together to ensure that the requirements of both agencies are clear to those who have permits.

FISH AND GAME COUNCIL BOARD MEETING

- [20] I was invited to speak with the Fish and Game Council in Dunedin to discuss Plan Change 6AA and our views and thoughts on the Government's Freshwater Package. Particular matters discussed included, the capacity in the "system" to manage all of the demands coming from Government in relation to improving water quality, the Skelton Review and its progress, Council's reasoning for Plan Change 6AA and where stakeholders might put their efforts in terms of balancing priorities in regard to our planning load. It was the first time in some years that ORC had attended this meeting.

ORC EXECUTIVE OUTREACH – TAPANUI AND BALCLUTHA

- [21] The ORC Executive continued its outreach sessions in West and South Otago and these included two meetings and two site visits. The site visits were to look at a water quality improvement project on a farm just near Tapanui and a wetland restoration proposal on a farm in Waipahi. We were extremely grateful to the farmers who allowed us to come onto their farms and witness their very positive work.
- [22] The outreach sessions proved to be a great opportunity for making connections but also to understand the pulse in the community and how communities are thinking about and proactively managing water quality. I acknowledged that water quality is not a problem caused or to be managed by any one part of our community, but by all of us. It was beneficial for us to understand how on farm improvements and community driven action is benefiting our environment. It was also useful to gain a perspective on the work of catchment groups and how the Government's Freshwater Package might impact those efforts.
- [23] The timing of these sessions proved valuable and we have been able to integrate some of the thinking we heard into our own submission to the Government on the Freshwater Package. This timing also allowed us to engage during that submission making process

and to provide communities with progress updates and information ahead of the submission closing date so that they could use our information or borrow from our submission if they wished.

RMA AMENDMENT BILL SUBMISSION

- [24] Previously, delegations sat with the Policy Committee (previous triennium) to determine Council's adoption of submissions to proposed Government policy and legislation. Given we have not yet determined committees and delegations, and we didn't have a Council meeting where full Council could have considered a submission on the Bill before the closing date of 7 November, I have made a submission as Chief Executive, after consulting with the Chair. The submission is attached for your reference.

REGIONAL INTEGRATED TICKETING SYSTEM (RITS)

- [25] The Regional Integrated Ticketing System (RITS) is progressing to the next phase of implementation. The system has been undergoing live testing via a soft launch in Northland for the six weeks with favourable results. The next region to go live has been confirmed as Whanganui in early December. Remaining regions are planned to be implemented in early 2020.

ATTACHMENTS

1. ORC RMA Amendment Bill Submission 20191107 [8.2.1 - 10 pages]



Our Reference: A1290979

7 November 2019

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

en@parliament.govt.nz

Dear Sir/Madam

Otago Regional Council (ORC) submission on Resource Management Amendment Bill (2019)

1. ORC thanks the Environment Committee for considering its submission.
2. In a period of greater focus on New Zealand's planning framework and instruments, ORC welcomes amendments to the Resource Management Act 1991 (RMA) ensuring it remains a robust, efficient and effective planning framework for local authorities to deliver positive outcomes for its communities.
3. As a cornerstone legislation which directs many local government functions, the RMA must not only support these functions but also remain relevant, inclusive and fair in how it impacts how New Zealanders can live, work and play in an environment we can all be proud of.
4. ORC submitted on the Resource Legislation Amendment Bill 2015. It supported a number of amendments but opposed others out of concern they were regressive- in particular provisional changes that could negatively impact local democracy and natural justice.
5. Therefore, ORC is pleased to see amendments that, overall, restore provisions supporting natural justice for people involved in resource management processes, specifically the consenting process.
6. ORC recognises the importance of amendments to support a new framework for freshwater management.
7. In our submission, ORC supports the proposed suite of regulations under the '*Action for healthy waterways*' consultation document. Concerns raised by ORC in the submission relate to detail of some proposed, in that the Ministry needs to ensure they are fair, clear, and effective.



8. Similarly, the details of provisions in the proposed freshwater planning process will be key to ensuring a supportive framework that delivers on the purpose of improving freshwater management and outcomes. ORC holds some concerns in respect to the implementation of the freshwater hearing process, and addresses these, and possible solutions, in the following table.
9. Due to the timing of this consultation, and recent local government elections, ORC's submission was not considered by council and is therefore a staff submission.
10. ORC's submission is set out in the order of the proposed Bill in the attached table.
11. If possible, ORC would welcome being able to speak to its submission.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Gardner".

Sarah Gardner
Chief Executive
Encl



Bill Clause	RMA Provision	Matter	ORC Submission
6	11	Subdivision	<p>ORC supports subdivision being a <i>restricted discretionary</i> activity by default unless provided for otherwise in an NES and/or plan rule/proposed rule. ORC's position is that a restricted discretionary activity will allow for appropriate development, will clear matters for consideration. However, where development is not appropriate, or can be more straightforward, plans can specifically provide for that on a case by case basis. This approach will allow national direction to be implemented with some flexibility.</p>
9	42C	Functions of EPA	<p>The amendment does not provide any clarification on implementing secretarial and support services for the freshwater hearing process. ORC notes Auckland Council's submission point of their experience that administrative resourcing across multiple hearings panels is substantial. Under the freshwater hearing process as proposed, these administrative costs should not be borne by any council.</p> <p>ORC seeks that the amendment provide clarification on how the secretariat services will be administered and what costs will be borne by the Ministry.</p>



Bill Clause	RMA Provision	Matter	ORC Submission
13	Subpart 4 of Part 5 (including Schedule 1 amendments)	Freshwater Planning Process	<p>ORC supports, in principle, a focused approach that will assist regional councils in making planning instruments that will promote better freshwater management.</p> <p>ORC has concerns, however about how the planning process will be successfully implemented. Freshwater management is often integrated with the management of other domains, be those in the provisions for land, water or coast in a plan or policy statement. Developing a plan to manage these in an integrated manner (a cornerstone of the RMA) needs to be able to holistically consider all issues and understand the interconnections of these issues, determine appropriate outcomes and the provisions that will achieve those outcomes.</p> <p>To isolate the development of freshwater planning (the hearing of submissions on proposed instruments) is contrary to good, integrated plan making and resource management.</p> <p>This isolation may also lead to inefficiencies of process. A panel hearing all aspects of a proposed plan or policy statement, other than the freshwater components, will need to wait on a freshwater panel's recommendations before finalising deciding how its provisions will integrate with freshwater management provisions. Equally, a panel hearing freshwater management proposals will be deprived of the ability to consider those in a wider (and appropriate) environmental context.</p> <p>Similar to our concerns around secretariat costs, ORC is concerned by the uncertainty of the process, and more particularly the cost of a Ministry appointed hearing panel. A five (or more) member panel set by the Ministry will be more expensive than a panel set under the ORC's hearing panel selection process. The provisions in the amendment do not give any guidance or clarity to what costs the Ministry will meet, nor if panel member charges will be capped. There is also no flexibility for a small or minor plan change, where having a five-person panel might be overly onerous and not</p>



Bill Clause	RMA Provision	Matter	ORC Submission
			<p>efficient. This can have an undesirable impact on ratepayers and will be a matter to be considered in Annual Plan and Long Term Plan processes.</p> <p>Capacity constraints are also of significant concern to ORC. Considering the number of panel members proposed to make up a freshwater hearing panel, implementing the necessary changes for all 16 regional authorities by 2025 will put significant pressure on the pool of qualified panel candidates. ORC agrees with the Auckland Council's submission on this matter, particularly the concern highlighting questions on the availability of enough professionals in New Zealand with the necessary expertise.</p> <p>ORC requests that the Ministry consider solutions provided by other submitters on this amendment clause. As possible options, ORC staff suggest:</p> <ul style="list-style-type: none"> • Reassessing the make-up/number on a freshwater hearing panel, the potential number of panel members as proposed is quite high. It may be more practical to reduce the council and government appointees to one member each. This would help reduce capacity constraints. • Running two parallel processes that would enable freshwater hearing panels to consider (and make recommendations on) all submissions on a proposed plan. This would ensure a more efficient integrated process can be achieved and promote a more inclusive, and robust process. <p>ORC also suggests that to support the hearing panels, they are given a strict timeframe in which decisions must be made, including the necessary regulatory provisions so they can remedy possible abuses of process. This would also ensure the pool of professionals required are able to better manage their availability for confirming future hearing panel commitments.</p>



Bill Clause	RMA Provision	Matter	ORC Submission
72	Part 4 of Schedule 1 - Subpart 1 (clause48(2)(b))	Freshwater Hearings Panel	<p>ORC agrees with sector concerns about this section as drafted enabling a panel to have a wide, undefined scope on what matters it may make recommendations on. This could be a positive if it found during a hearing, that some information relied on is incorrect, but no person submitted on it. It would make it easy for the panel to acknowledge that error and take this in account making their decision.</p> <p>However, it also risks a panel making changes to the proposed instrument without full regional context that could lead to adverse economic or social impacts. Furthermore, as drafted, a person's right of appeal under section 54 (subpart 3) can only relate to a matter addressed in their submission meaning natural justice is not followed if the panel makes a recommendation based on a matter no person had the opportunity to consider and speak to in a freshwater hearing.</p> <p>ORC opposes clause48(2)(b) as drafted and seeks:</p> <ul style="list-style-type: none"> • It is redrafted so it does not interfere with the natural justice a submitter is entitled to OR; • clause54(1) is amended to allow a submitter the ability to appeal recommendations made by a panel under clause48(2)(b).
54	Part 4 of Schedule 1 – Subpart 2 (clause54)	Freshwater Hearings Panel - Appeals	ORC submits , as discussed above, this section restricts submitters in Freshwater hearings from appealing recommendations on matters they may not have been aware of at the time of lodging their submission, impacting natural justice.
13	80A(2) and (3)	Freshwater Planning Process (references to regional documents)	ORC submits that it is important that freshwater planning provisions are consistent with the National Planning Standards' requirements so that integrating freshwater planning in to regional planning documents can be easily achieved.
15	87AAC(1)	Meaning of Fast-Track application	ORC supports restricting Fast-Track applications to <i>controlled</i> activities only. Activities of any more restrictive classification are typically more complex and should not be expected to be able to be dealt within a 10-day working day period.



Bill Clause	RMA Provision	Matter	ORC Submission
19	88H	Excluded time periods relating to non-payment of administrative charges	<p>ORC supports excluding time periods between which payments become due and the date the payment is settled. This allows it to fairly focus on applicants who fully engage in the process and ensures there is no undue burden on rate payers. This change allows the user to fully meet the costs associated with doing business.</p> <p>ORC requests clarity on how this provision is to be applied in instances where applicants contest costs under section 357B of the RMA.</p>
23	91D	Applicant may have processing of non-notified application suspended	<p>ORC supports this amendment as a means to reduce the need for timeframe extensions and be helpful for council and applicants. This will be particularly useful allowing time for situations where applicants need time to consider further information or options without the pressure of timeframes.</p> <p>ORC seeks clarity as to whether there will be any restrictions to the number of times this section might be used.</p>
24	95A	Public notification of consent applications	<p>ORC supports removing the preclusion of subdivision of land for residential activities.</p> <p>ORC has been concerned since previous RMA amendments that this allowed for a process where access to natural justice of genuinely affected persons was eroded, and the ability of regional authorities to ensure important matters (such as Natural Hazards) are being considered in the consenting process was removed. This amendment will address this concern.</p>
26	120(1A)	Right to appeal	<p>ORC supports the amendment to reinstate a person's (as per section 120(1)) right of appeal to decisions on subdivisions and residential activities - regardless of the respective activity classification.</p> <p>It stands that if a person, including the applicant, had such an interest in initiating, or taking a genuine position on the process then that involvement should extend to also being enabled to challenge a decision.</p>



Bill Clause	RMA Provision	Matter	ORC Submission
			<p>However, at the local government level, it remains important to retain the full scope of natural justice for parties involved in such processes to challenge decisions that may feature unique and complex issues.</p> <p>ORC is however concerned about enabling submitters to appeal on matters outside their submission. This contradicts new Schedule 1 Part 4 Subpart 2 – Appeals s54(1)(a) where an appeal must be related to a provision or matter that a person addressed in a submission.</p> <p>This approach may impact natural justice in providing no certainty to a local authority or applicant that it can make a reasonable effort to address all concerns and issues raised at a hearing, trying to avoid further time and cost to all parties via an appeal process – which are likely with this proposed amendment.</p> <p>ORC seeks deletion of proposed section 120(1B)</p>
27(1) - 28	128	Circumstances when consent conditions can be reviewed	<p>ORC supports these amendments. In Otago’s case it will very helpful where long term consents and water permits have been granted but do not have a minimum flow condition imposed yet. At present ORC would have to review these consents one by one. All of the costs of a review are borne by the Council so the amendment will make this process much more efficient.</p> <p>As an alternative approach, ORC would like to suggest the following:</p> <p>Where a plan has been through a public process and the provisions are settled and have been operative for not less than 6 months, and where those provisions establish any one or more of the following, then all current resource consents are deemed to have either (a) been amended to reflect the new limit, or (b) deemed to include a condition or conditions that reflect the new limit.</p> <p>The matters subject to this automatic amendment/review are:</p>



Bill Clause	RMA Provision	Matter	ORC Submission
			<ul style="list-style-type: none"> • The maximum instantaneous rate of abstraction • The timing of the abstraction • Minimum flows at which abstraction is to be reduced • Minimum flows at which abstraction is to cease • Applicable residual flows <p>Applicable flow measurement reference sites (the flow recorder that the consent conditions are tied to).</p>
59	330B(3)	Emergency works under CDEM Act 2002	<p>ORC supports amending the days required to apply for any necessary resource consents from “...<i>within 20 days</i>...” to “...<i>within 60 days</i>...”. This better reflects the time and management priorities required in a civil defence event, particularly a large one where such an application may take time to resource.</p> <p>ORC seeks that the Ministry consider applying an increase to 60 days to non-Civil Defence emergency works to reflect that similarly, with large complex incidents, additional time might be required to compile all necessary information for an application.</p>
66	Part 12A, s343G	Intervention by EPA	<p>Enforcement action can be time sensitive, particularly where further or significant environmental degradation is possible. An action may be time sensitive and not be able to be ‘held’ while an intervention process is begun.</p> <p>ORC seeks the Ministry redraft the intervention section to include clear criteria on how the intervention process will work in practice (including where an in-progress enforcement cannot wait for EPA’s takeover), and confirm the EPA’s responsibility for assuming all enforcement process costs once it gives notice of an intervention.</p>
66	Part 12A, s343G	Intervention by EPA	<p>Given the wording ‘intervening’ and ‘takes over’ are used in the provision, it would be more appropriate that a local authority ‘<i>suspends</i>’ any enforcement, rather than ‘<i>cease</i>’ it – cease has a rather finality to it.</p>



Bill Clause	RMA Provision	Matter	ORC Submission
			<p>This makes it clearer the same process continues in the handover of the enforcement action between the local authority and EPA and particularly if the EPA hand back the authority to finish the enforcement action.</p> <p>ORC seeks the word 'cease' is replaced in section 343G with the word 'suspends' where it relates to enforcement action of a local authority being handed over to the EPA.</p>
71	360D	Regulations that prohibit or remove certain rules	<p>ORC supports this amendment. In previous amendments, ORC was concerned that the ability of the Minister to made wide changes to plans, potentially without the full context of their status, posed a risk to local democracy.</p>
72	Part 4 of Schedule 1 - Subpart 1 (clause 43(6))	Conference of Experts	<p>ORC submits that the presumption in this proposed clause is wrong. Where the council employs or engages the services of an appropriate expert, that expert should be treated the same as all other experts at the hearing and should have the right to attend expert conferencing. To not enable this will be to restrict the knowledge base of the conference and therefore reduce its effectiveness in assisting the hearing panel.</p> <p>ORC seeks deletion of Clause 43(6).</p>

9.1. Decision Making Structure 2019-2022 Triennium

Prepared for:	Council
Report No.	GOV1865
Activity:	Governance Report
Author:	Amanda Vercoe, Executive Advisor
Endorsed by:	Sarah Gardner, Chief Executive
Date:	1 November 2019

PURPOSE

- [1] To adopt a high-level decision-making structure for the Otago Regional Council for the 2019-2022 triennium and approve the membership of the relevant bodies.

EXECUTIVE SUMMARY

- [2] The Chairperson of the Otago Regional Council, following discussions with members, recommends the following decision-making structure for the Otago Regional Council for the 2019-2022 triennium. Recommendations for the membership of the committees and groups have also been made.
- [3] In addition, consideration should be given to involving iwi representatives in the decision-making structure.
- [4] Once a high-level decision-making structure has been adopted, staff propose that further content and detail, including any delegations and terms of reference, be presented for Council consideration and adoption following a discussion at the first meeting of those committees and groups (to be scheduled before Christmas).

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Adopts** the proposed decision-making structure as outlined below.
- 3) **Approves** the proposed memberships of the committees and groups, as outlined below.
- 4) **Approves** an invitation being extended to iwi representatives to join the Strategy and Planning Committee, with full voting rights (see paragraph 23).
- 5) **Notes** that should the decision-making structure outlined be agreed, further content and detail, including any delegations, terms of reference, broad strategic context, scope and terms of engagement will be presented for Council consideration and adoption following a discussion at the first meeting of those committees and groups (to be scheduled before Christmas). This may require amendments to the brief purpose statements of each committee outlined below.

- 6) **Notes** additional guidance on a possible operating model for the Portfolio Action Working Group, for further discussion and consideration (paragraph 33).
- 7) **Notes** that the decision-making structure agreed upon can be reviewed at any point over the triennium to ensure it is fit for purpose.

BACKGROUND

- [5] The Local Government Act 2002 gives local authorities the power to appoint committees, subcommittees and other subordinate decision-making bodies that it considers appropriate (Section 30, Schedule 7).
- [6] Council and its committees are the key vehicle for enabling democratic local decision-making. Meeting agendas and papers are publicly notified, and the public is welcome to attend. When necessary, council and committees can be designated public-excluded for specific reasons (for example considering commercial-in-confidence material).
- [7] Principles for considering decision making structures include:
- **Transparency and openness** – the nature of governance structure can either enhance or diminish transparency and openness, both of which are essential to build trust in public institutions;
 - **Accountability** – choice of governance model must be understandable and accountability for decisions made must be clear and unambiguous;
 - **Inclusive and responsive** – the governance system should be responsive to issues and matters of concern brought before it without unnecessary delays;
 - **Competent and capable** – participants in the system need the capability to meet expectations and be able to access to competent advice;
 - **Diversity** – decision-making models should cater for diversity amongst elected members.

DISCUSSION

- [8] It is important to recognise that this structure as proposed may need to be reconsidered at a later date as Council determines its strategy for the triennium and in particular its areas of strategic focus and its key objectives for the next three years.
- [9] The Chair's proposed decision-making structure, and membership appointments for the 2019-2022 triennium is outlined below:

Council

- [10] Purpose: Governing body for the Otago Regional Council. General council business, public transport, proposals for provincial growth fund support, decisions on organisational property or assets other than infrastructure, monitor and manage natural hazard risks, adoption of all Committee recommendations.
- Chair: Cr Marian Hobbs
 - Deputy Chair: Cr Michael Laws
 - Meets: Monthly

Strategy and Planning Committee

- [11] Purpose: Assist the Council set the organisation's mission, vision and strategic direction (the 'strategic plan'). Monitor performance against the strategic plan. Develop and recommend to Council strategies, policies and plans that enable the ORC to deliver on its strategic plan and its legislative requirements. Assess the effectiveness of strategies, policies and plans.

- Chairs: Cr Marian Hobbs, Cr Michael Laws
- Meets: Monthly
- Membership: Committee of the whole plus two iwi representatives with voting rights (see further discussion below)

Finance Committee

- [12] Purpose: To guide and monitor the council's financial, commercial and administrative affairs, including the Port shareholding and operational performance, Long Term Plan, Annual Plan, and implementation of the Local Government Act 2002.

- Chairs: Cr Hilary Calvert, Cr Andrew Noone
- Meets: Quarterly
- Membership: Committee of the whole

Infrastructure Committee

- [13] Purpose: To overview the council's management of waterways and drainage and flood protection schemes.

- Chairs: Cr Gary Kelliher and Cr Carmen Hope
- Meets: Two monthly
- Membership: Committee of the whole

Regulatory Committee

- [14] Purpose: To oversee and monitor the Resource Management Act, Biosecurity Act and Building Act consents and compliance processes, to note court proceedings associated with these activities, and evaluate performance of regulatory instruments.

- Chairs: Cr Kate Wilson and Cr Gretchen Robertson
- Meets: Two monthly
- Membership: Committee of the whole

Portfolio Action Working Group

- [15] Purpose: Portfolios and portfolio groups provide a way for councillors to focus on strategic and policy leadership in their area of responsibility and assist the Council to meet its strategic objectives. The Working Group will be a forum for Councillors to report back on key progress and risks and issues within each allocated group. (No decision making, each group to choose their own chair and how often they meet, terms of reference to be developed, but some further discussion on a possible operating model is below in paragraph 38).

- Chair: Cr Kevin Malcolm
 - Water/Biosecurity/Biodiversity:* Cr Bryan Scott, Cr Carmen Hope, Cr Gretchen Robertson, Cr Kevin Malcolm
 - Urban Development/Transport:* Cr Alexa Forbes, Cr Andrew Noone, Cr Hilary Calvert, Cr Michael Deaker

iii. *Climate Change/Coast/Air Quality*: Cr Kate Wilson, Cr Marian Hobbs, Cr Bryan Scott, Cr Gary Kelliher, Cr Alexa Forbes

iv. *Iwi/Engagement/Emergency Management*: Cr Carmen Hope, Cr Michael Deaker, Cr Marian Hobbs

- Meets: Two monthly

Regional Transport Committee

[16] Purpose: Required by section 105(1) of the Land Transport Management Act 2003 and responsible for preparing the Regional Land Transport Plan, reviewing the Plan and monitoring progress against outcomes.

- Chair: Cr Alexa Forbes
- Deputy Chair: Cr Kate Wilson
- Meets: Three times a year
- Membership: New Zealand Transport Agency, Dunedin City Council, Clutha District Council, Central Otago District Council, Queenstown Lakes District Council, Waitaki District Council Members (to be appointed).

Audit and Risk Subcommittee (of Finance Committee)

[17] Purpose: To assist the Council in fulfilling its governance responsibilities relating to its financial, reporting, legislative, health and safety and risk management practices.

- Chair: Independent – to be appointed
- Meets: Quarterly
- Membership: Cr Hilary Calvert, Cr Andrew Noone, Cr Kate Wilson, Cr Kevin Malcolm

Employment Committee

[18] Purpose: To undertake performance assessments, negotiate any matters relating to the Chief Executive's employment contract and agree and review key result areas.

- Chair: Cr Marian Hobbs
- Meets: Routinely twice a year, once in December/January and once in June or at the discretion of the Chair
- Membership: Cr Michael Deaker, Cr Andrew Noone, Cr Alexa Forbes

Objections Committee

[19] Purpose: To consider and determine any objections in respect of consent or other statutory decisions.

[20] Note, Councillors need to be willing to complete the Making Good Decisions Programme for membership of this Committee.

- Chair: Cr Kevin Malcolm
- Meets: When needed
- Membership: Cr Andrew Noone, Cr Carmen Hope, Cr Hilary Calvert

Commissioner Appointments Subcommittee (of Regulatory Committee)

[21] Purpose: To appoint Councillor and non-Councillor commissioners for hearing consent applications under the Resource Management Act. To appoint mediators for consent applications.

- Chair: Cr Kate Wilson

- Meets: When needed
- Membership: Cr Gretchen Robertson, Cr Gary Kelliher, Cr Bryan Scott.

Otago Civil Defence and Emergency Management Group Joint Committee

[22] Purpose: A joint committee under the Civil Defence Emergency Management Act 2002, made up of elected representatives from territorial authorities and Otago Regional Council.

- Representative and likely Chair: Cr Marian Hobbs
- Meets quarterly

Appointments to non-statutory reference groups:

- Mana to Mana – membership to be confirmed whether all Councillors, or a smaller group
- Otago Mayoral Forum – Cr Marian Hobbs
- Connecting Dunedin – Cr Alexa Forbes, Cr Michael Deaker, Cr Marian Hobbs
- Way to Go – Cr Alexa Forbes, Cr Marian Hobbs, Cr Michael Laws
- Lower Waitaki River Scheme Liaison - Cr Kevin Malcolm
- Eco Fund Decision Panel Chair – Cr Michael Deaker
- Manuherehia Reference Group – Cr Andrew Noone
- LGNZ Regional Sector Group – Cr Marian Hobbs, Cr Michael Laws
- LGNZ Zone 6 – Cr Marian Hobbs, Cr Michael Laws

Iwi participation

- [23] The Chair recommends an invitation be issued for two iwi representatives to join the proposed Strategy and Planning Committee in the 2019-2022 triennium. Feedback from the last Mana to Mana meeting of the 2016-2019 triennium was positive about the benefits of having iwi at the decision-making table, for both the council and iwi.
- [24] The Otago Regional Council has formally recognised its statutory responsibilities to consult with iwi on relevant management issues and to take account of the principles of the Treaty of Waitangi. This was agreed in a memorandum of understanding and protocol between the Otago Regional Council, Te Rūnanga O Ngāi Tahu and Kai Tahu ki Otago (now Aukaha) for effected consultation and liaison dated 22 January 2003.
- [25] These statutory obligations are primarily under the Resource Management Act 1991, the Ngāi Tahu Claims Settlement Act 1998, the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999, the Biosecurity Act 1993, and the Local Government Act 2002.
- [26] The memorandum of understanding focuses on the conduct of iwi liaison, and on Council resource consent processes. However, the Council's statutory obligations and principles are just as, if not more important in resource management policy setting.
- [27] Council has the statutory authority to appoint iwi representatives to the Strategy and Planning Committee under Clause 31(3), Schedule 7 of the Local Government Act.

- [28] Council has a statutory obligation to consult with iwi in planning policy. Experience from the last triennium has demonstrated the value in evolving the partnership with iwi by providing for iwi to be part of the decision-making process on policy direction.
- [29] The Chair considers that the benefits to appointing iwi representatives are two-fold:
- It gives tangible effect to Council's partnership with iwi in its decision-making; and,
 - Provides scope for direct engagement and dialogue between our iwi partners and councillors – allows for informed and robust decisions on planning policy.
- [30] It is proposed the same terms of appointment are adopted for the 2019-2022 triennium invitation as were used for the 2016-2019 triennium:
- The appointments will be full voting members of the Strategy and Planning Committee.
 - Their inclusion will take the membership of the Strategy and Planning Committee to 14.
 - The appointment would be for a three-year term.
 - Remuneration would be set at 20 percent of the base Councillor rate and paid fortnightly to reflect the workload expected of the appointees to the Committee and to align to current Councillor remuneration.
- [31] Should agreement to invite iwi representatives to join the committee be agreed, the Chair or Chief Executive will write to Ngāi Tahu, advising them of the outcome of this meeting and formally inviting them to recommend two representatives on the Strategy and Planning Committee.

Workshops

- [32] Workshops have been used in the past by staff to share preliminary advice and thoughts on technical and complex issues for discussion with councillors before a decision needs to be made. Workshops have traditionally not been public, which allows councillors and staff more opportunity for free and frank discussion. These are not decision-making meetings.

Portfolio Action Working Group - additional guidance on possible operating model

- [33] Portfolios and portfolio groups provide a way for councillors to focus on strategic and policy leadership in their area of responsibility and assist the Council to meet its strategic objectives. They also provide a mechanism for Councillors to:
- ensure progress is made towards the Council's strategic priorities
 - lead discussions on portfolio matters with fellow Councillors
 - be regularly briefed by senior staff on key matters, working closely with staff to shape future priorities.
- [34] The proposed role of the portfolio lead, either individually or as a group is to:
- Take a strategic leadership role in their portfolio of responsibility and champion the portfolio at Council briefings and meetings.
 - Act as the point of contact for those activities within their portfolio.

- Engage with key stakeholders.
- Keep the Chair informed of emerging issues.
- Maintain a 'no surprises' approach with colleagues and staff.

[35] Proposed formal engagement

- Meet monthly with the relevant senior staff assigned to the portfolio or portfolio group. These briefings discuss progress and challenges and provide an opportunity for portfolio councillors to discuss the future direction for the portfolio activities.
- Present two-monthly updates on portfolio progress to Council's Portfolio Action Working Group (Councillor only in the beginning).
- It is proposed that for the avoidance of disruption, time be set aside for portfolio engagement with General Managers if required on the first and third Monday mornings of each month.

OPTIONS

- [36] Adopt a high-level decision-making structure for the 2019-2022 triennium and approve membership recommendations.

CONSIDERATIONS

Policy Considerations

- [37] A decision-making structure that enables clear policy decisions to be made is important for the Otago Regional Council.

Financial Considerations

- [38] Not applicable.

Significance and Engagement

- [39] Not applicable.

Legislative Considerations

- [40] The Local Government Act 2002 gives local authorities the power to appoint committees, subcommittees and other subordinate decision-making bodies that it considers appropriate (Section 30, Schedule 7).

Risk Considerations

- [41] Not applicable.

NEXT STEPS

- [42] The next steps are should the decision-making structure outlined be agreed, further content and detail, including any delegations, terms of reference, broad strategic context, scope and terms of engagement will be presented for Council consideration and adoption following a discussion at the first meeting of those committees and groups (to be scheduled before Christmas).

ATTACHMENTS

Nil

9.2. Approval of Councillor Remuneration for 2019 - 2022 Triennium and adoption of updated Expenses, Reimbursements and Allowances Policy

Prepared for:	Council
Report No.	GOV1867
Activity:	Governance Report
Author:	Amanda Vercoe, Executive Advisor
Endorsed by:	Sarah Gardner, Chief Executive
Date:	13 November 2019

PURPOSE

- [1] To confirm remuneration amounts for Councillors, as per guidance in the Remuneration Determination issued by the Remuneration Authority in June 2019.

EXECUTIVE SUMMARY

- [2] The Otago Regional Council needs to decide how to allocate its “remuneration pool”. Based on the guidance from the Remuneration Authority, it proposes to pay its Deputy Chairperson \$83,598 and its members \$62,000 each per annum. The Otago Regional Council *Expenses, Reimbursements and Allowances Policy* is also attached for adoption.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the Chair’s remuneration is set by the independent Remuneration Authority at \$147,000 per annum (total remuneration).
- 3) **Adopts** the proposed remuneration for the Deputy Chair of the Otago Regional Council as \$83,598 per annum.
- 4) **Adopts** the proposed remuneration for the remaining Councillors of the Otago Regional Council as \$62,000 per annum.
- 5) **Agrees** that this information be forwarded to the Remuneration Authority by the Chief Executive by 20 November, to be included in the Authority’s December Determination.
- 6) **Confirms** the attached *Expenses, Reimbursements and Allowances Policy*.

BACKGROUND

- [3] Remuneration for local government representatives is allocated by the Remuneration Authority (the Authority), an independent body set up by Parliament. In June 2019, the Authority issued a determination for remuneration for the 2019-2022 triennium (attached).
- [4] The Authority set the Chairperson remuneration post-election at \$147,000 (total remuneration)
- [5] The Authority set the Councillor minimum allowable remuneration at \$48,670.

- [6] In addition, each local authority has been allocated a “remuneration pool” for allocation according to its own priorities and circumstances. The total pool available for Otago Regional Council (excluding the Chairperson) is \$703,598 annually.
- [7] The Authority will undertake two rounds of amending the determination. To be included in the first amendment, the final allocation needs to be submitted to the Authority by 20 November 2019. The second will be in January 2020.
- [8] There are four key requirements for allocating the remuneration pool
 - a. The whole pool must be utilised.
 - b. The council will need to decide a base remuneration for councillors who have no additional responsibilities. This could be equal to or higher than the base amount set out by the Authority.
 - c. For any roles with additional remuneration attached, the council will be required to have a formal vote to set out the positions of responsibility and the committee structure, decide who will be undertaking each role and also decide the annual dollar value of remuneration attached to each role, in addition to the basic councillor remuneration.
 - d. Following its formal decision-making, the Chief Executive will need to forward the adopted resolutions to the Authority for consideration for inclusion in the determination.

DISCUSSION

- [9] Advice from the Chair and Deputy Chair following discussions with elected members is that in recognition of a different decision-making structure for 2019-2022 triennium, with each councillor undertaking additional responsibilities with either committee co-chair roles, subject matter portfolio roles or membership of external groups, all councillors aside from the Chair and Deputy Chair will be paid equally.
- [10] The recommendation is that all councillors other than the Chair and Deputy Chair are paid the same rate of \$62,000 per annum.
- [11] In recognition of the additional workload of the Deputy Chair, the recommendation is that remuneration for this role is \$83,598.
- [12] The Remuneration Authority’s determination will be backdated to the date the new council made its formal decisions on roles and appointments (23 October for the Deputy Chair) and the day after election results were confirmed (19 October for Councillors receiving the new base rate).
- [13] Although it is expected most councils are unlikely to change their positions of responsibility during a triennium, the Remuneration Authority will consider proposals made to it by councils requesting new arrangements and will either issue an amending determination or consult further with these councils.

Expenses, Reimbursements and Allowances Policy

- [14] At the 26 June 2019 Council Meeting, the Council approved the introduction of a childcare allowance policy which was then added to the *Expenses, Reimbursements and Allowances Policy*.

- [15] This policy is attached for confirmation by the new Council. Proposed changes to the policy adopted by Council in June 2019 include:
- a. Claims are now to be submitted electronically through the ORC's Go Expense system.
 - b. Accommodation/travel arrangements are to be made through the Committee Secretary rather than through Corporate Services.
 - c. No alcohol can be claimed, unless a Councillor is required to do so as a hosting requirement and has obtained prior approval of the Chairperson.
 - d. Reduction of communication allowance from \$950 to \$550 per annum because the Council-provided iPads now come with 4G connectivity. If a Councillor has chosen to not use the Council-provided iPad, they will be eligible for a \$400 per annum internet service cost reimbursement.
 - e. Discontinuation of the Dunedin Club membership for the Chair.

OPTIONS

- [16] Adopt the proposed remuneration and expense policy outlined above.

CONSIDERATIONS

Policy Considerations

- [17] Not applicable.

Financial Considerations

- [18] Remuneration for elected officials is set by the Remuneration Authority and is budgeted for by the Otago Regional Council.

Significance and Engagement

- [19] Not applicable.

Legislative Considerations

- [20] Not applicable.

Risk Considerations

- [21] Not applicable.

- [22] Not applicable.

NEXT STEPS

- [23] Once approved, the Chief Executive will forward the agreed remuneration details to the Remuneration Authority for inclusion in its first determination amendment.

ATTACHMENTS

1. Otago Regional Council Remuneration Spreadsheet [9.2.1 - 1 page]
2. Expenses Reimbursement and Allowances Policy - November 2019 Draft [9.2.2 - 3 pages]
3. ORC Council Remuneration Authority Local Government Members 2019 20 Determination 2019_-_signed_ [9.2.3 - 76 pages]

Proposed Remuneration for Councillors



Use this worksheet to calculate the proposed remuneration for the positions with additional responsibilities using dollar amounts.

Local authority:

Number of elected members (excluding the mayor or regional chair):

Councillor remuneration pool (\$):

Councillor minimum remuneration (\$):

1) Enter proposed base remuneration for a councillor (\$):

2) Enter name/title of proposed position with additional responsibilities	3) Enter number of members per position	Proposed councillor base remuneration (\$)	4) Enter proposed additional remuneration (\$)	Proposed annual total remuneration per member (\$)	Total (\$)
Deputy Chairperson	1	62,000	21,598	83,598	83,598
Councillor (with no additional responsibilities)	10	62,000	n/a	62,000	620,000

Grand total (\$):

Balance of pool (\$):



Expenses, Reimbursements and Allowances Policy

The following is the expenses regime for elected members of the Otago Regional Council.

Principles

- Reimbursement of expenses incurred is available where required by virtue of membership for Council and Committee meetings, workshops, consent hearings, Council approved representation and Council organised events, but not for constituency activity including invitation from constituency groups, or general Council invitations.
- Claims are to be made by Councillors in the GO Expense claim system (GO). Expense claims will not be automatically generated by staff. Claims will be approved by the General Manager Corporate Services.
- When an expense claim is submitted in GO the Councillor certifies that the expenses are incurred on legitimate Council business in accordance with Council policy, that the amounts were incurred and paid for by the Councillor and no claim for reimbursement of any sum will be made from another source for these costs.
- Travel shall be shared where practicable. Where by virtue of private arrangements a Councillor chooses not to utilise Council provided or shared travel, expenses shall not be reimbursed.
- Accommodation and travel arrangements to be made through the Committee Secretary.
- Basis of reimbursement is actual and reasonable.
- Claims are to be supported by itemised GST invoices / receipts.
- No alcohol can be claimed, with the exception being a Councillor required to do so as a hosting requirement and the expenditure is pre-approved by the Chairperson.
- Costs of spouse/partner accompaniment to be met privately.
- Where Council provided transport is available and not used, mileage allowance is not claimable.
- Claims for travel to be based on distance from normal residences, or such shorter distance as may be involved.
- Mileage is for travel in a private motor vehicle and by the most direct route that is reasonable in the circumstances.
- Travel time is to be by the quickest form of transport and most direct route that is reasonable in the circumstances.
- Claims should be made as soon as is practicable following the meeting or activity claimed for.



Specific Considerations

Hearing Fees

The amount payable to a Councillor who acts as Chair of a hearing panel is \$100 per hour. The amount payable to a Councillor who is a member of a hearing panel, but not the Chair, is \$80 per hour. Other conditions that apply to these payments including the hearings that apply and time that may be claimed are as determined by the Remuneration Authority.

Motor Vehicle Mileage Allowance

The maximum motor vehicle mileage allowance authorised by the Remuneration Authority will be paid for qualifying travel.

Travel Time Allowance

A travel time allowance as authorised by the Remuneration Authority will be paid for qualifying travel.

Communications

- iPads (or a similar device of Council's choice) will be supplied to each Councillor. Ownership is retained by the Council.
- An appropriate printer will be supplied on request for the use of each Councillor. Ownership is retained by Council. Cost of reasonable consumables for Council use to be met by the Council.
- Where a Councillor prefers to utilise their own equipment, and therefore no Council device is supplied, an allowance of \$200 per annum will be paid plus an additional \$400 per annum for use of a members own internet service. This equipment and internet connection must be of a standard acceptable to Council.
- A communication allowance of \$550 per annum will be paid. This covers:
 - use of personal mobile phone equipment \$150,
 - use of a members own mobile phone service (call and data costs) \$400.
- The communications allowance will be paid 6 monthly in arrears (in April and October).

Childcare allowance

A childcare allowance as authorised by the Remuneration Authority will be paid when a member is engaged on qualifying Council business. Claims are to be on an actual reimbursement basis and supported by itemised GST invoices / receipts.

Incidental Costs

Incidental costs such as accommodation, meals, parking, fares and other such costs incurred on Council business are recoverable on an actual and reasonable basis. Such claims are to be supported by itemised GST invoices / receipts and approved by the Chief Executive or General Manager Corporate Services. As stated in the Principles it is Council's preference that accommodation and travel arrangements are booked by Council though the Committee Secretary.

Where a Councillor chooses to stay privately when otherwise Council provided accommodation would be required, an allowance of \$65 per night is payable.



Unforeseen Expenses and Costs

Any unforeseen expenses or costs of any Councillor related to Council activities, except for constituency work, may be made at the discretion of the Chief Executive or General Manager Corporate Services.

Chairperson

In recognition of the Chairperson's wider Council role, the following additional entitlements are available:

- Provision of a Council vehicle in accordance with the Remuneration Authority's use formula.
- Provision of a cell phone including call and data costs.
- Membership of Air New Zealand Koru Club.



Local Government Members (2019/20) Determination 2019

Pursuant to the Remuneration Authority Act 1977 and to clauses 6 and 7A(1) and (5) of Schedule 7 of the Local Government Act 2002, the Remuneration Authority, after having regard to the matters specified in clause 7 of that schedule, makes the following determination (to which is appended an explanatory memorandum).

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**Local Government Members (2019/20) Determination
2019**

**Schedule 2
Remuneration from 2019 election of members**

43

Determination

1 Title

This determination is the Local Government Members (2019/20) Determination 2019.

2 Commencement

This determination comes into force on 1 July 2019.

3 Expiry

This determination expires on the close of 30 June 2020.

Interpretation

4 Interpretation

In this determination, unless the context otherwise requires,—

ATA panel means a panel appointed by an accord territorial authority under section 89 of HASHA

board means—

- (a) a community board of a territorial authority other than the Auckland Council; or
- (b) a local board of the Auckland Council

determination term means the period from the coming into force of this determination to its expiry

HASHA means the Housing Accords and Special Housing Areas Act 2013

hearing has the meaning given to it by clause 5

hearing time has the meaning given to it by clause 6

local authority means a regional council or a territorial authority

member means,—

- (a) in relation to a local authority (other than the Canterbury Regional Council) or a board, a person who is declared to be elected to that local authority or board under the Local Electoral Act 2001 or who, as the result of further election or appointment under that Act or the Local Government Act 2002, is an office holder in relation to the local authority or board (for example, a chairperson);
- (b) in relation to the Canterbury Regional Council, a person who has been elected or appointed to membership in the transitional governing body in

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accordance with the Environment Canterbury (Transitional Governance Arrangements) Act 2016, or who, as the result of further election or appointment, is an office holder in relation to the Canterbury Regional Council (for example, a chairperson)

on local authority business includes on the business of any board of the local authority

regional council means a regional council named in Part 1 of Schedule 2 of the Local Government Act 2002

RMA means the Resource Management Act 1991

territorial authority means a territorial authority named in Part 2 of Schedule 2 of the Local Government Act 2002.

5 Meaning of hearing

In this determination, **hearing** means—

- (a) a hearing that is held by an ATA panel arising from—
 - (i) a resource consent application under subpart 2 of Part 2 of HASHA; or
 - (ii) a request for a plan change or for a variation to a proposed plan under subpart 3 of Part 2 of HASHA; or
- (b) a hearing arising from a resource consent application made under section 88 of the RMA; or
- (c) a meeting for determining a resource consent application without a formal hearing; or
- (d) a hearing arising from a notice of requirement (including one initiated by the local authority); or
- (e) a pre-hearing meeting held under section 99 of the RMA in relation to a hearing referred to in paragraph (b) or (d); or
- (f) a hearing as part of the process of the preparation, change, variation, or review of a district or regional plan or regional policy statement; or
- (g) a mediation hearing in the Environment Court as part of an appeal from a decision of a local authority; or
- (h) a hearing on an objection against a charge fixed by a local authority under section 36 of the RMA.

6 Meaning of hearing time

In this determination, **hearing time** means the time spent on any of the following:

- (a) conducting a hearing;
- (b) formal deliberations to decide the outcome of a hearing;
- (c) participating in an official group site inspection related to a hearing;

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- (d) determining a resource consent application where a formal hearing does not take place:
- (e) up to a maximum of the aggregate of the time referred to in paragraphs (a) and (b), preparing for a hearing and participating in any inspection of a site for the purposes of a hearing (other than an official group site inspection under paragraph (c)):
- (f) writing a decision arising from a hearing or communicating for the purpose of the written decision.

Entitlement to remuneration, allowances, and hearing fees

7 Remuneration, allowances, and hearing fees payable

Remuneration

- (1) For the period beginning on 1 July 2019 and ending on the close of the day on which the official result of the 2019 election is declared under section 86 of the Local Electoral Act 2001 in relation to a local authority, a member of that local authority or a board of that local authority is entitled to the applicable remuneration set out in Schedule 1 (adjusted under clause 9 if applicable).
- (2) On and from the day after the date on which the official result of the 2019 election is declared under section 86 of the Local Electoral Act 2001 in relation to a local authority, a member of that local authority or a board of that local authority is entitled to the applicable remuneration set out in Schedule 2 (adjusted in accordance with clause 9 if applicable).
- (3) If a member of a territorial authority is also elected or appointed to a board, the member is entitled only to the remuneration that is payable to the member as a member of the territorial authority.

Allowances and hearing fees

- (4) A member of a local authority or a board is also entitled to—
 - (a) the applicable allowances payable under clauses 10 to 14:
 - (b) the applicable hearing fees payable under clause 15.

8 Acting mayor or chairperson

- (1) This clause applies to a member who acts as a mayor or chairperson during a period when, because of a vacancy or temporary absence, the remuneration or allowances that would usually be paid to the mayor or chairperson are not being paid.
- (2) While acting as mayor or chairperson, the member must be paid the remuneration and allowances usually payable to the mayor or chairperson, instead of the member's usual remuneration, allowances, and hearing fees.

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9 Motor vehicles for mayors and regional chairpersons

- (1) A local authority may provide to the mayor or regional chairperson of the local authority either—
- (a) a motor vehicle (which may be provided for restricted private use, partial private use, or full private use); or
 - (b) a vehicle mileage allowance under clause 11.
- (2) The maximum purchase price that may be paid for a motor vehicle purchased by a local authority for provision to a mayor or regional chairperson during the determination term is,—
- (a) in the case of a petrol or diesel vehicle, \$55,000 (including goods and services tax and any on-road costs); and
 - (b) in the case of an electric or a hybrid vehicle, \$65,000 (including goods and services tax and any on-road costs).
- (3) If a motor vehicle is provided to a mayor or regional chairperson for restricted private use, no deduction may be made from the annual remuneration payable to the mayor or regional chairperson under Schedule 1 or 2 in respect of the provision of that motor vehicle.
- (4) If a motor vehicle is provided to a mayor or regional chairperson for partial private use or full private use,—
- (a) the annual remuneration payable to the mayor or regional chairperson under Schedule 1 or 2 must be adjusted by the local authority in accordance with subclause (5) or (6) (as applicable); and
 - (b) the adjustment must take effect on and from—
 - (i) the date of commencement of this determination (in the case of a motor vehicle provided to the person before that date); or
 - (ii) the date of provision of the motor vehicle to the person (in the case of a motor vehicle provided during the determination term).
- (5) If a motor vehicle is provided to a mayor or regional chairperson for partial private use, the amount calculated in accordance with the following formula must be deducted from the remuneration payable to that person:
- $$v \times 41\% \times 10\%$$
- where v means the actual purchase price of the vehicle, including goods and services tax and any on-road costs.
- (6) If a motor vehicle is provided to a mayor or regional chairperson for full private use, the amount calculated in accordance with the following formula must be deducted from the remuneration payable to that person:
- $$v \times 41\% \times 20\%$$
- where v means the actual purchase price of the vehicle, including goods and services tax and any on-road costs.

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- (7) In this clause,—
- full private use means—**
- (a) the vehicle is usually driven home and securely parked by the mayor or regional chairperson; and
 - (b) the vehicle is available for the mayor or regional chairperson’s unrestricted personal use; and
 - (c) the vehicle is used by the mayor or regional chairperson for both local authority business and private use; and
 - (d) the vehicle may also be used by other local authority members or staff on local authority business, with the permission of the mayor or regional chairperson
- partial private use means—**
- (a) the vehicle is usually driven home and securely parked by the mayor or regional chairperson; and
 - (b) the vehicle is used by the mayor or regional chairperson for both local authority business and private purposes; and
 - (c) the vehicle may also be used by other local authority members or staff on local authority business, with the permission of the mayor or regional chairperson; and
 - (d) all travel in the vehicle is recorded in a log-book; and
 - (e) the use of the vehicle for private purposes accounts for no more than 10% of the vehicle’s annual mileage
- restricted private use means—**
- (a) the vehicle is usually driven home and securely parked by the mayor or regional chairperson; and
 - (b) the vehicle is otherwise generally available for use by other local authority members or staff on local authority business; and
 - (c) the vehicle is used solely for local authority business; and
 - (d) all travel in the vehicle is recorded in a log-book.
- (8) To avoid doubt, subclause (2) does not apply to a motor vehicle provided to a mayor or regional chairperson before 1 July 2018.

Allowances

10 Definition of member

For the purposes of payment of allowances under clauses 11 to 14, **member**, in relation to a territorial authority, includes a member of a board of the territorial authority.

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11 Vehicle mileage allowance

- (1) A local authority may pay to a member a vehicle mileage allowance to reimburse that member for costs incurred in respect of eligible travel.
- (2) A member's travel is eligible for the allowance if—
 - (a) it occurs on a day when the member is not provided with a motor vehicle by the local authority; and
 - (b) the member is travelling—
 - (i) in a private vehicle; and
 - (ii) on local authority business; and
 - (iii) by the most direct route that is reasonable in the circumstances.
- (3) The allowance payable to a member for eligible travel is,—
 - (a) for a petrol or diesel vehicle,—
 - (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
 - (ii) 30 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term:
 - (b) for a petrol hybrid vehicle,—
 - (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
 - (ii) 19 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term:
 - (c) for an electric vehicle,—
 - (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
 - (ii) 9 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term.

12 Travel time allowance

- (1) A local authority may pay a member (other than a mayor or a regional chairperson) an allowance for eligible travel time.
- (2) A member's travel time is eligible for the allowance if it is time spent travelling within New Zealand—
 - (a) on local authority business; and
 - (b) by the quickest form of transport that is reasonable in the circumstances; and
 - (c) by the most direct route that is reasonable in the circumstances.
- (3) The travel time allowance is \$37.50 for each hour of eligible travel time after the first hour of eligible travel time travelled in a day.

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**Local Government Members (2019/20) Determination
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- (4) However, if a member of a local authority resides outside the local authority area and travels to the local authority area on local authority business, the member is only eligible for a travel time allowance in respect of eligible travel time—
 - (a) after the member crosses the boundary of the local authority area; and
 - (b) after the first hour of eligible travel within the local authority area.
 - (5) The maximum total amount of travel time allowance that a member may be paid for eligible travel in a 24-hour period is 8 hours.
 - (6) Despite subclause (1), the Chatham Islands Council may pay the Mayor of the Chatham Islands Council an allowance for eligible travel time.

13 Communications allowance

Equipment

- (1) If a local authority determines that particular information or communications technology equipment is required by members to perform their functions and requests that members use their own equipment for those purposes, the local authority may pay an allowance in accordance with subclause (2).
- (2) The matters in respect of which an allowance is payable and the amounts that may be paid for the determination term are as follows:
 - (a) for the use of a personal computer, tablet, or laptop, including any related docking station, \$200;
 - (b) for the use of a multi-functional or other printer, \$40;
 - (c) for the use of a mobile telephone, \$150.

Services

- (3) If a local authority requests a member to use the member's own Internet service for the purpose of the member's work on local authority business, the member is entitled to an allowance for that use of \$400 for the determination term.
- (4) If a local authority requests a member to use the member's own mobile telephone service for the purpose of the member's work on local authority business, the member is entitled, at the member's option, to—
 - (a) an allowance for that use of \$400 for the determination term; or
 - (b) reimbursement of actual costs of telephone calls made on local authority business upon production of the relevant telephone records and receipts.
- (5) If a local authority supplies a mobile telephone and related mobile telephone service to a member for use on local authority business and allows for its personal use, the local authority may decide what portion, if any, of the local authority's costs reasonably attributable to such personal use must be paid by the member.

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Pro-rating

- (6) If the member is not a member for the whole of the determination term, sub-clauses (2) to (5) apply as if each reference to an amount were replaced by a reference to an amount calculated in accordance with the following formula:

$$(a \div b) \times c$$

where—

- a is the number of days that the member held office in the determination term
- b is the number of days in the determination term
- c is the relevant amount specified in subclauses (2) to (5).
- (7) The Remuneration Authority may approve rules proposed by a local authority to meet the costs of installing and running special equipment or connections where, because of distance or restricted access, normal communications connections are not available.

14 Childcare allowance

- (1) A local authority may pay a childcare allowance, in accordance with subclauses (2) and (3), to an eligible member as a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business.
- (2) A member is eligible to be paid a childcare allowance in respect of childcare provided for a child only if—
- (a) the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
 - (b) the child is aged under 14 years of age; and
 - (c) the childcare is provided by a person who—
 - (i) is not a family member of the member; and
 - (ii) does not ordinarily reside with the member; and
 - (d) the member provides evidence satisfactory to the local authority of the amount paid for childcare.
- (3) A local authority must not pay childcare allowances to a member that total more than \$6,000 per annum, per child.
- (4) In this regulation, **family member of the member** means—
- (a) a spouse, civil union partner, or de facto partner:
 - (b) a relative, that is, another person connected with the member within 2 degrees of a relationship, whether by blood relationship or by adoption.

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Hearing fees

15 Fees related to hearings

- (1) A member of a local authority or a board who acts as the chairperson of a hearing is entitled to be paid a fee of up to \$100 per hour of hearing time related to the hearing.
- (2) A member of a local authority or a board who is not the chairperson of a hearing is entitled to be paid a fee of up to \$80 per hour of hearing time related to the hearing.
- (3) For any period of hearing time that is less than 1 hour, the fee must be apportioned accordingly.
- (4) This clause does not apply to—
 - (a) a mayor or a member who acts as mayor and is paid the mayor's remuneration and allowances under clause 8(2); or
 - (b) a chairperson of a regional council or a member who acts as chairperson of a regional council and is paid the chairperson's remuneration and allowances under clause 8(2).

Revocation

16 Revocation

The Local Government Members (2018/19) (Local Authorities) Determination 2018 (LI 2018/124) is revoked.

**Local Government Members (2019/20) Determination
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Schedule 1

**Schedule 1
Remuneration before 2019 election of members**

cl 7(1)

**Part 1
Remuneration of members of regional councils**

Bay of Plenty Regional Council

Office	Annual remuneration (\$)
Chairperson	144,661
Deputy Chairperson	81,011
Regional Direction and Delivery Committee Chairperson	79,984
Committee Chairperson (5)	67,662
Councillor	57,395

Canterbury Regional Council

Office	Annual remuneration (\$)
Chairperson	173,344
Deputy Chairperson	93,681
Chairperson, Audit and Risk Committee	83,645
Chairperson, Regulation Hearing Committee	80,655
Canterbury Water Management Strategy Zone Committee Member (9)	75,296
Councillor	66,916

Hawke's Bay Regional Council

Office	Annual remuneration (\$)
Chairperson	127,436
Deputy Chairperson	66,287
Committee Chairperson (5)	66,287
Councillor	53,030

Manawatu–Wanganui Regional Council

Office	Annual remuneration (\$)
Chairperson	137,703
Catchment Operations Committee Chairperson	69,253
Deputy Chairperson	62,088
Environment Committee Chairperson	62,088
Audit, Risk and Investment Committee Chairperson	57,313
Passenger Transport Committee Chairperson	57,313
Regional Transport Committee Chairperson	57,313
Catchment Operations Committee Deputy Chairperson	50,150
Environment Committee Deputy Chairperson	50,150

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Schedule 1	2019
	Annual remuneration
Office	(\$)
Manawatu River Users' Advisory Group Chairperson	47,761
Councillor	47,761
Northland Regional Council	
	Annual remuneration (\$)
Office	
Chairperson	122,056
Deputy Chairperson	79,153
Committee Chairperson/Portfolio Leader (7)	69,459
Councillor	56,537
Otago Regional Council	
	Annual remuneration
Office	(\$)
Chairperson	136,889
Deputy Chairperson	71,724
Regional Transport Committee Chairperson	58,917
Committee Chairperson (4)	58,917
Councillor	51,231
Southland Regional Council	
	Annual remuneration
Office	(\$)
Chairperson	111,625
Deputy Chairperson	47,732
Committee Chairperson (4)	47,732
Councillor	39,777
Taranaki Regional Council	
	Annual remuneration (\$)
Office	
Chairperson	102,550
Deputy Chairperson/Executive Committee Chairperson	58,325
Chairperson Policy and Planning Committee and Taranaki Solid Waste Management Committee	54,436
Chairperson Consents and Regulatory Committee	50,548
Committee Chairperson (Land Transport or Civil Defence Emergency Management Committee or Yarrow Stadium Joint Committee) (3)	46,660
Councillor and appointee to Taranaki Biodiversity Trust	44,715
Councillor	38,883

**Local Government Members (2019/20) Determination
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Schedule 1

Waikato Regional Council

Office	Annual remuneration (\$)
Chairperson	159,205
Deputy Chairperson	87,035
Committee Chairperson A and B	74,380
Committee Chairperson A (6)	74,380
Councillor	61,726

Wellington Regional Council

Office	Annual remuneration (\$)
Chairperson	170,291
Deputy Chairperson/Committee Chairperson	90,990
Committee Chairperson (3)	80,961
Portfolio Leader (1)	77,569
Chairperson, Hutt Valley Flood Management Subcommittee and Portfolio Leader	80,961
Committee Chairperson, Chief Executive Employment Review Committee	77,569
Chairperson, Wairarapa Committee	77,569
Councillor	64,755

West Coast Regional Council

Office	Annual remuneration (\$)
Chairperson	80,613
Deputy Chairperson and Chairperson of Resource Management Committee	42,381
Councillor	37,614

Part 2

**Remuneration of members of territorial authorities and their
community or local boards**

Ashburton District Council

Office	Annual remuneration (\$)
Mayor	112,976
Deputy Mayor	36,910
Standing Committee Chairperson (3)	32,955
Councillor	26,365

Methven Community Board

Office	Annual remuneration (\$)
Chairperson	5,396
Member	2,698

**Local Government Members (2019/20) Determination
2019**

Schedule 1

Auckland Council

Office	Annual remuneration (\$)
Mayor	285,041
Deputy Mayor	160,606
Chairperson of committee of the whole (3)	132,579
Councillor (16)	111,901

Albert–Eden Local Board

Office	Annual remuneration (\$)
Chairperson	91,269
Deputy Chairperson	54,752
Member	45,015

Devonport–Takapuna Local Board

Office	Annual remuneration (\$)
Chairperson	82,731
Deputy Chairperson	49,658
Member	43,149

Franklin Local Board

Office	Annual remuneration (\$)
Chairperson	85,645
Deputy Chairperson	51,387
Member	43,713

Great Barrier Local Board

Office	Annual remuneration (\$)
Chairperson	56,062
Deputy Chairperson	33,637
Member	26,302

Henderson–Massey Local Board

Office	Annual remuneration (\$)
Chairperson	96,420
Deputy Chairperson	57,862
Member	47,023

Hibiscus and Bays Local Board

Office	Annual remuneration (\$)
Chairperson	89,378
Deputy Chairperson	53,647
Member	44,560

**Local Government Members (2019/20) Determination
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Schedule 1

Howick Local Board

Office	Annual remuneration (\$)
Chairperson	98,477
Deputy Chairperson	59,100
Member	48,100

Kaipātiki Local Board

Office	Annual remuneration (\$)
Chairperson	88,539
Deputy Chairperson	53,133
Member	44,231

Māngere–Ōtahuhu Local Board

Office	Annual remuneration (\$)
Chairperson	92,158
Deputy Chairperson	55,295
Member	46,608

Manurewa Local Board

Office	Annual remuneration (\$)
Chairperson	93,023
Deputy Chairperson	55,804
Member	46,408

Maungakiekie–Tāmaki Local Board

Office	Annual remuneration (\$)
Chairperson	89,221
Deputy Chairperson	53,513
Member	45,229

Ōrakei Local Board

Office	Annual remuneration (\$)
Chairperson	87,507
Deputy Chairperson	52,494
Member	44,011

Ōtara–Papatoetoe Local Board

Office	Annual remuneration (\$)
Chairperson	92,402
Deputy Chairperson	55,451
Member	46,561

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	<i>Papakura Local Board</i>	
Office		Annual remuneration (\$)
Chairperson		84,352
Deputy Chairperson		50,621
Member		44,215
	<i>Puketāpapa Local Board</i>	
Office		Annual remuneration (\$)
Chairperson		84,628
Deputy Chairperson		50,797
Member		43,875
	<i>Rodney Local Board</i>	
Office		Annual remuneration (\$)
Chairperson		82,778
Deputy Chairperson		49,667
Member		42,757
	<i>Upper Harbour Local Board</i>	
Office		Annual remuneration (\$)
Chairperson		81,898
Deputy Chairperson		49,139
Member		42,839
	<i>Waiheke Local Board</i>	
Office		Annual remuneration (\$)
Chairperson		65,034
Deputy Chairperson		39,011
Member		30,078
	<i>Waitākere Ranges Local Board</i>	
Office		Annual remuneration (\$)
Chairperson		82,345
Deputy Chairperson		49,427
Member		43,018
	<i>Waitematā Local Board</i>	
Office		Annual remuneration (\$)
Chairperson		89,978
Deputy Chairperson		54,007
Member		45,776

**Local Government Members (2019/20) Determination
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Schedule 1

Whau Local Board

Office	Annual remuneration (\$)
Chairperson	88,158
Deputy Chairperson	52,895
Member	44,608

Buller District Council

Office	Annual remuneration (\$)
Mayor	86,060
Deputy Mayor and Hearings Committee Chairperson	35,801
Finance and Audit Committee Chairperson	30,132
Policy and Risk Committee Chairperson	25,657
Grants Committee Chairperson	24,763
Economic Development Committee Chairperson	25,657
Councillor	20,287

Inangahua Community Board

Office	Annual remuneration (\$)
Chairperson	7,158
Member	3,579

Carterton District Council

Office	Annual remuneration (\$)
Mayor	75,113
Deputy Mayor	25,760
Councillor	19,816

Central Hawke's Bay District Council

Office	Annual remuneration (\$)
Mayor	94,584
Deputy Mayor and Chairperson Finance and Planning Committee	40,320
Chairperson Community Development Committee	32,760
Chairperson Audit and Risk Committee	32,760
Chairperson Environment and Regulatory Committee	32,760
Councillor	25,200

Central Otago District Council

Office	Annual remuneration (\$)
Mayor	99,990
Deputy Mayor	23,666
Committee Chairperson (4)	23,081
Councillor	21,840

Schedule 1	Local Government Members (2019/20) Determination 2019
<i>Cromwell Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,245
Member	7,123
<i>Maniototo Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,907
Member	3,454
<i>Teviot Valley Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,907
Member	3,454
<i>Vincent Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	15,326
Member	7,663
Chatham Islands Council	
Office	Annual remuneration (\$)
Mayor	52,650
Deputy Mayor	22,376
Councillor and Member of Civil Defence Emergency Management Group (7)	16,749
Councillor	14,078
Christchurch City Council	
Office	Annual remuneration (\$)
Mayor	194,000
Deputy Mayor	118,220
Councillor	102,400
<i>Banks Peninsula Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	19,729
Member	9,864
<i>Coastal–Burwood Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	47,236
Member	23,618

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Schedule 1

Fendalton–Waimairi–Harewood Community Board

Office	Annual remuneration (\$)
Chairperson	46,595
Member	23,297

Halswell–Hornby–Riccarton Community Board

Office	Annual remuneration (\$)
Chairperson	49,160
Member	24,580

Linwood–Central–Heathcote Community Board

Office	Annual remuneration (\$)
Chairperson	49,160
Member	24,580

Papanui–Innes Community Board

Office	Annual remuneration (\$)
Chairperson	47,236
Member	23,618

Spreydon–Cashmere Community Board

Office	Annual remuneration (\$)
Chairperson	47,236
Member	23,618

Clutha District Council

Office	Annual remuneration (\$)
Mayor	101,130
Deputy Mayor	28,995
Committee Chairperson (2)	27,614
Portfolio Leader A (2)	23,472
Portfolio Leader B (4)	22,092
Shared Committee Chairperson (2)	24,853
Councillor	20,711

Lawrence–Tuapeka Community Board

Office	Annual remuneration (\$)
Chairperson	5,828
Member	2,914

West Otago Community Board

Office	Annual remuneration (\$)
Chairperson	6,907
Member	3,454

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Schedule 1	2019
Dunedin City Council	
Office	Annual remuneration (\$)
Mayor	160,699
Deputy Mayor and Chairperson of Economic Development Committee	81,495
Committee Chairperson (4)	76,794
Sub-Committee Chairperson	68,716
Councillor	62,689
<i>Mosgiel–Taieri Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	19,237
Member	9,619
<i>Otago Peninsula Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,244
Member	8,122
<i>Saddle Hill Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,458
Member	8,229
<i>Strath Taieri Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,669
Member	7,334
<i>Waikouaiti Coast Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,030
Member	8,015
<i>West Harbour Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,458
Member	8,229
Far North District Council	
Office	Annual remuneration (\$)
Mayor	150,000
Deputy Mayor	87,756
Committee Chairperson (3)	66,979

**Local Government Members (2019/20) Determination
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Office	Annual remuneration (\$)
Councillor	54,074

Bay of Islands–Whangaroa Community Board

Office	Annual remuneration (\$)
Chairperson	31,273
Member	15,637

Kaikohe–Hokianga Community Board

Office	Annual remuneration (\$)
Chairperson	26,806
Member	13,403

Te Hiku Community Board

Office	Annual remuneration (\$)
Chairperson	27,365
Member	13,682

Gisborne District Council

Office	Annual remuneration (\$)
Mayor	145,697
Deputy Mayor	51,369
Standing Committee Chairperson (5)	47,419
Special Committee Chairperson (2)	43,468
Rural Councillor (4)	40,413
Councillor	39,515

Gore District Council

Office	Annual remuneration (\$)
Mayor	87,952
Deputy Mayor	26,980
Portfolio Leader (3)	23,968
Councillor	19,449

Mataura Community Board

Office	Annual remuneration (\$)
Chairperson	4,122
Member	2,061

Grey District Council

Office	Annual remuneration (\$)
Mayor	92,246
Deputy Mayor	32,743

**Local Government Members (2019/20) Determination
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Office	Annual remuneration (\$)
Councillor	23,388

Hamilton City Council

Office	Annual remuneration (\$)
Mayor	166,786
Deputy Mayor	102,020
Chairperson Committee of the Whole (4)	94,172
Deputy Chairperson Committee of the Whole (4)	86,324
Councillor	78,476

Hastings District Council

Office	Annual remuneration (\$)
Mayor	144,161
Deputy Mayor	67,173
Chairperson and Portfolio Leader A (4)	53,741
Portfolio Leader A (not a Chairperson) (3)	50,469
Portfolio Leader B (6)	49,377
Councillor	45,613

Hastings District Rural Community Board

Office	Annual remuneration (\$)
Chairperson	15,036
Member	7,518

Hauraki District Council

Office	Annual remuneration (\$)
Mayor	104,741
Deputy Mayor	42,778
Ward Chairperson (3)	30,769
Councillor	22,515

Horowhenua District Council

Office	Annual remuneration (\$)
Mayor	115,996
Deputy Mayor	41,693
Chairperson, Finance, Audit and Risk Committee	36,160
Chairperson, Hearings Committee	36,160
Chairperson, Community Wellbeing Committee	32,898
Chairperson, Community Funding & Recognition Committee	32,898
Councillor	29,638

**Local Government Members (2019/20) Determination
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Foxton Community Board

Office	Annual remuneration (\$)
Chairperson	12,518
Member	6,259

Hurunui District Council

Office	Annual remuneration (\$)
Mayor	92,683
Deputy Mayor	35,727
Finance Audit and Risk Committee Chairperson	29,220
Infrastructure Services Committee Chairperson	29,220
Public Services Committee Chairperson	29,220
Councillor with additional duties relating to earthquake recovery (5)	22,173

Hanmer Springs Community Board

Office	Annual remuneration (\$)
Chairperson	8,025
Member	4,013

Hutt City Council

Office	Annual remuneration (\$)
Mayor	151,966
Deputy Mayor	83,837
Committee Chairperson (3)	64,275
Hutt Valley Services Committee Chairperson	60,083
Arts and Culture Sub-Committee Chairperson	60,083
Councillor	55,892

Eastbourne Community Board

Office	Annual remuneration (\$)
Chairperson	13,531
Member	6,766

Petone Community Board

Office	Annual remuneration (\$)
Chairperson	16,109
Member	8,054

Wainuiomata Community Board

Office	Annual remuneration (\$)
Chairperson	16,969
Member	8,484

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Invercargill City Council	
Office	Annual remuneration (\$)
Mayor	131,042
Deputy Mayor	55,420
Committee Chairperson (4)	48,141
Councillor	35,953
<i>Bluff Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	8,591
Member	4,296
Kaikōura District Council	
Office	Annual remuneration (\$)
Mayor	70,243
Councillor	20,025
Kaipara District Council	
Office	Annual remuneration (\$)
Mayor	106,905
Deputy Mayor	63,252
Taharoa Domain Governance Committee Chairperson	37,951
Mangawhai Community Park Governance Committee Chairperson	37,951
Regional Land Transport Portfolio Holder	37,951
Representative Sport Northland	35,160
Councillor	31,627
Kāpiti Coast District Council	
Office	Annual remuneration (\$)
Mayor	128,099
Deputy Mayor	48,602
Committee Chairperson (3)	46,733
Appeals Committee Chairperson	41,124
Chairperson, Grants Allocation Committee	41,124
Councillor	37,386
<i>Ōtaki Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	15,250
Member	7,625

**Local Government Members (2019/20) Determination
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Paekākāriki Community Board

Office	Annual remuneration (\$)
Chairperson	7,947
Member	3,973

Paraparaumu–Raumati Community Board

Office	Annual remuneration (\$)
Chairperson	19,976
Member	9,988

Waikanae Community Board

Office	Annual remuneration (\$)
Chairperson	16,325
Member	8,163

Kawerau District Council

Office	Annual remuneration (\$)
Mayor	77,938
Deputy Mayor	26,055
Regulatory and Services Committee Chairperson	23,265
Councillor	18,611

Mackenzie District Council

Office	Annual remuneration (\$)
Mayor	71,447
Councillor with additional responsibilities (3)	24,574
Councillor	19,659

Fairlie Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Tekapo Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Twizel Community Board

Office	Annual remuneration (\$)
Chairperson	4,989
Member	2,494

Schedule 1	Local Government Members (2019/20) Determination 2019
Manawatu District Council	
Office	Annual remuneration (\$)
Mayor	111,449
Deputy Mayor	41,744
Committee Chairperson (3)	37,272
Councillor	29,817
Marlborough District Council	
Office	Annual remuneration (\$)
Mayor	139,957
Deputy Mayor	48,263
Committee Chairperson (4)	48,263
Councillor	38,610
Masterton District Council	
Office	Annual remuneration (\$)
Mayor	109,160
Deputy Mayor	41,370
Chairperson Strategic Planning and Policy Committee and Hearings Committee	41,370
Chairperson Infrastructure Committee	39,892
Councillor	29,550
Matamata–Piako District Council	
Office	Annual remuneration (\$)
Mayor	114,281
Deputy Mayor	32,764
Chairperson, Corporate and Operations Committee	32,764
Councillor	28,491
Napier City Council	
Office	Annual remuneration (\$)
Mayor	136,176
Deputy Mayor	54,698
Committee Chairperson (4)	52,156
Deputy Committee Chairperson (4)	48,570
Councillor	45,413
Nelson City Council	
Office	Annual remuneration (\$)
Mayor	140,079
Deputy Mayor	62,662

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Office	Annual remuneration (\$)
Committee Chairperson (5)	50,548
Deputy Committee Chairperson (3)	43,863
Councillor	41,774

New Plymouth District Council

Office	Annual remuneration (\$)
Mayor	145,571
Deputy Mayor	64,051
Committee Chairperson (3)	57,187
Councillor	45,751

Clifton Community Board

Office	Annual remuneration (\$)
Chairperson	12,457
Member	6,229

Inglewood Community Board

Office	Annual remuneration (\$)
Chairperson	14,821
Member	7,410

Kaitake Community Board

Office	Annual remuneration (\$)
Chairperson	13,317
Member	6,659

Waitara Community Board

Office	Annual remuneration (\$)
Chairperson	14,821
Member	7,410

Ōpōtiki District Council

Office	Annual remuneration (\$)
Mayor	82,856
Deputy Mayor	42,567
Chairperson Audit and Risk Committee	40,382
Coast Community Board Chair	29,644
Councillor	22,519

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	<i>Coast Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		9,978
Member		4,989
	Otorohanga District Council	
Office		Annual remuneration (\$)
Mayor		81,259
Deputy Mayor		32,348
Councillor		19,606
	<i>Kawhia Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		4,000
Member		2,000
	<i>Otorohanga Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		14,315
Member		7,157
	Palmerston North City Council	
Office		Annual remuneration (\$)
Mayor		145,228
Deputy Mayor and Chairperson Hearings Committee and Chairperson CEO Performance Panel		72,535
Chairperson Finance and Performance Committee and Deputy Chairperson Hearings Committee		55,309
Chairperson Arts, Culture and Heritage Committee and Deputy Chairperson Community Development Committee		51,228
Chairperson Economic Development Committee		53,948
Chairperson Audit and Risk Committee		49,868
Chairperson Sport and Recreation Committee and Deputy Chairperson Economic Development Committee		53,268
Deputy Chairperson Finance and Performance Committee and Deputy Chairperson Arts, Culture and Heritage Committee		50,095
Chairperson Planning and Strategy Committee and Deputy Chairperson Sport and Recreation Committee and CEO Performance Panel		56,669
Deputy Chairperson Audit and Risk Committee		46,695
Chairperson Community Development Committee and Deputy Chairperson Planning and Strategy Committee		53,268
Councillor		45,334

**Local Government Members (2019/20) Determination
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Porirua City Council

Office	Annual remuneration (\$)
Mayor	133,595
Deputy Mayor	52,850
Standing Committee Chairperson (2)	52,850
Councillor	40,654

Queenstown–Lakes District Council

Office	Annual remuneration (\$)
Mayor	121,386
Deputy Mayor	42,327
Committee Chairperson (4)	39,765
Councillor and Wanaka Community Board Chairperson	39,765
Councillor	34,135

Wanaka Community Board

Office	Annual remuneration (\$)
Chairperson	23,959
Member	11,979

Rangitikei District Council

Office	Annual remuneration (\$)
Mayor	96,632
Deputy Mayor	39,257
Committee Chairperson (2)	29,869
Deputy Committee Chairperson (3)	23,895
Councillor	21,335

Ratana Community Board

Office	Annual remuneration (\$)
Chairperson	4,253
Member	2,126

Taihape Community Board

Office	Annual remuneration (\$)
Chairperson	8,676
Member	4,338

Rotorua District Council

Office	Annual remuneration (\$)
Mayor	142,694
Deputy Mayor	76,031

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		Annual remuneration (\$)
Office		
Committee Chairperson (2)		64,029
Deputy Committee Chairperson (2)		64,029
Cultural Ambassador		58,027
Councillor		52,027
<i>Rotorua Lakes Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		16,797
Member		8,399
<i>Rotorua Rural Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		18,773
Member		9,387
Ruapehu District Council		
Office		Annual remuneration (\$)
Mayor		96,651
Deputy Mayor		30,990
Committee Chairperson (1)		24,791
Councillor		20,671
<i>National Park Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		5,857
Member		2,928
<i>Waimarino–Waiouru Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		8,676
Member		4,338
Selwyn District Council		
Office		Annual remuneration (\$)
Mayor		127,364
Deputy Mayor		44,967
Councillor with additional responsibilities		39,444
Councillor		36,435

**Local Government Members (2019/20) Determination
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Malvern Community Board

Office	Annual remuneration (\$)
Chairperson	17,720
Member	8,860

South Taranaki District Council

Office	Annual remuneration (\$)
Mayor	115,191
Deputy Mayor	36,532
Chairperson, Environment and Hearings Committee	33,433
Member Environment and Hearings Committee (4)	30,532
Member Audit and Risk Committee (1)	29,421
Community Board Councillor (1)	27,430
Councillor	26,747

Egmont Plains Community Board

Office	Annual remuneration (\$)
Chairperson	12,303
Member	6,152

Eltham Community Board

Office	Annual remuneration (\$)
Chairperson	11,872
Member	5,936

Hawera–Tangahoe Community Board

Office	Annual remuneration (\$)
Chairperson	14,030
Member	7,015

Patea Community Board

Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504

South Waikato District Council

Office	Annual remuneration (\$)
Mayor	106,901
Deputy Mayor	39,412
Committee Chairperson A (2)	35,189
Committee Chairperson B	33,826
Councillor with additional duties (6)	29,530

Local Government Members (2019/20) Determination 2019	
Schedule 1	Annual remuneration (\$)
Office	
Councillor	26,620
<i>Tirau Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,691
Member	3,346
South Wairarapa District Council	
Office	Annual remuneration (\$)
Mayor	82,139
Deputy Mayor	33,110
Councillor/Committee member (1)	23,048
Councillor	19,554
<i>Featherston Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,507
Member	3,253
<i>Greytown Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,507
Member	3,253
<i>Martinborough Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,507
Member	3,253
Southland District Council	
Office	Annual remuneration (\$)
Mayor	117,161
Deputy Mayor	38,130
Committee Chairperson (4)	33,229
Councillor	27,236
<i>Edendale–Wyndham Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	4,749
Member	2,375

**Local Government Members (2019/20) Determination
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Otautau Community Board

Office	Annual remuneration (\$)
Chairperson	7,554
Member	3,778

Riverton/Aparima Community Board

Office	Annual remuneration (\$)
Chairperson	6,691
Member	3,346

Stewart Island/Rakiura Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Te Anau Community Board

Office	Annual remuneration (\$)
Chairperson	10,792
Member	5,396

Tuatapere Community Board

Office	Annual remuneration (\$)
Chairperson	4,533
Member	2,266

Wallacetown Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Winton Community Board

Office	Annual remuneration (\$)
Chairperson	9,281
Member	4,640

Stratford District Council

Office	Annual remuneration (\$)
Mayor	79,999
Deputy Mayor	27,447
Chairperson Major Committee (2)	22,508
Representative on External Committee (2)	22,508
Chairperson Minor Committee (1)	20,476
Councillor	19,606

Schedule 1 **Local Government Members (2019/20) Determination**
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Tararua District Council

Office	Annual remuneration (\$)
Mayor	101,591
Deputy Mayor	39,374
Member Forestry Committee (2)	30,995
Member Audit and Risk Committee (2)	30,995
Councillor	28,124

Dannevirke Community Board

Office	Annual remuneration (\$)
Chairperson	11,656
Member	5,828

Eketahuna Community Board

Office	Annual remuneration (\$)
Chairperson	7,554
Member	3,777

Tasman District Council

Office	Annual remuneration (\$)
Mayor	145,904
Deputy Mayor and Standing Committee Chairperson	51,201
Standing Committee Chairperson (3)	47,262
Committee Chairperson (2)	43,325
Councillor	39,386

Golden Bay Community Board

Office	Annual remuneration (\$)
Chairperson	13,103
Member	6,551

Motueka Community Board

Office	Annual remuneration (\$)
Chairperson	14,606
Member	7,303

Taupō District Council

Office	Annual remuneration (\$)
Mayor	124,269
Deputy Mayor	43,892
Chairperson, Fences, Roding, Reserves and Dogs Committee	42,063
Chairperson, Emergency Management Committee	42,063
Chairperson, Mangakino-Pouakani Representative Group	40,234

**Local Government Members (2019/20) Determination
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Office	Annual remuneration (\$)
Councillor	36,576

Turangi–Tongariro Community Board

Office	Annual remuneration (\$)
Chairperson	16,836
Member	8,418

Tauranga City Council

Office	Annual remuneration (\$)
Mayor	159,431
Deputy Mayor	98,590
Committee Chairperson (4)	83,801
Committee Deputy Chairperson (3)	82,980
Councillor	82,158

Thames–Coromandel District Council

Office	Annual remuneration (\$)
Mayor	120,040
Deputy Mayor	55,618
Committee Chairperson (3)	50,428
Councillor with external appointment (3)	42,271
Councillor	37,080

Coromandel–Colville Community Board

Office	Annual remuneration (\$)
Chairperson	15,714
Member	7,857

Mercury Bay Community Board

Office	Annual remuneration (\$)
Chairperson	18,801
Member	9,400

Tairua–Pauanui Community Board

Office	Annual remuneration (\$)
Chairperson	15,714
Member	7,857

Thames Community Board

Office	Annual remuneration (\$)
Chairperson	19,924

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Office	Annual remuneration (\$)
Member	9,962
<i>Whangamata Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	17,117
Member	8,558
Timaru District Council	
	Annual remuneration (\$)
Office	
Mayor	124,688
Deputy Mayor	52,377
Committee Chairperson (4)	46,767
Deputy Committee Chairperson (4)	39,285
Councillor	37,414
<i>Geraldine Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504
<i>Pleasant Point Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	8,633
Member	4,317
<i>Temuka Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,224
Member	5,612
Upper Hutt City Council	
	Annual remuneration (\$)
Office	
Mayor	119,587
Deputy Mayor	46,985
Chairperson, Policy Committee	41,951
Chairperson, City Services Committee	40,274
Chairperson, Audit and Finance Committee	40,274
Chairperson, Hutt Valley Services Committee	36,917
Councillor	33,561

**Local Government Members (2019/20) Determination
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Waikato District Council

Office	Annual remuneration (\$)
Mayor	138,695
Deputy Mayor	61,909
Committee Chairperson (2)	55,276
Discretionary and Funding Committee Chairperson	53,066
Councillor	44,221

Huntly Community Board

Office	Annual remuneration (\$)
Chairperson	10,524
Member	5,262

Ngaruawahia Community Board

Office	Annual remuneration (\$)
Chairperson	10,524
Member	5,262

Onewhero–Tuakau Community Board

Office	Annual remuneration (\$)
Chairperson	10,955
Member	5,477

Raglan Community Board

Office	Annual remuneration (\$)
Chairperson	8,807
Member	4,403

Taupiri Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Waimakariri District Council

Office	Annual remuneration (\$)
Mayor	127,879
Deputy Mayor	47,945
Portfolio Holder (9)	42,935
Councillor	39,024

Kaiapoi–Tuahiwi Community Board

Office	Annual remuneration (\$)
Chairperson	17,480
Member	8,740

Schedule 1	Local Government Members (2019/20) Determination 2019	
	<i>Oxford–Ohoka Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		16,468
Member		8,234
	<i>Rangiora–Ashley Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		22,547
Member		11,274
	<i>Woodend–Sefton Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		14,441
Member		7,221
	Waimate District Council	
Office		Annual remuneration (\$)
Mayor		76,456
Deputy Mayor		28,036
Councillor		20,025
	Waipa District Council	
Office		Annual remuneration (\$)
Mayor		126,804
Deputy Mayor		54,770
Committee Chairperson (4)		41,493
Councillor		33,194
	<i>Cambridge Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		18,778
Member		9,389
	<i>Te Awamutu Community Board</i>	
Office		Annual remuneration (\$)
Chairperson		18,132
Member		9,006
	Wairoa District Council	
Office		Annual remuneration (\$)
Mayor		87,054
Deputy Mayor		35,310
Committee Chairperson (3)		27,623
Councillor		25,222

**Local Government Members (2019/20) Determination
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Waitaki District Council

Office	Annual remuneration (\$)
Mayor	106,060
Deputy Mayor	36,444
Core Committee Chairperson (3)	32,020
Other Committee Chairperson (5)	28,881
Councillor with other responsibilities	27,834
Councillor	25,395

Ahuriri Community Board

Office	Annual remuneration (\$)
Chairperson	11,639
Member	5,820

Waihemo Community Board

Office	Annual remuneration (\$)
Chairperson	12,087
Member	6,044

Waitomo District Council

Office	Annual remuneration (\$)
Mayor	86,486
Deputy Mayor	33,722
Councillor	24,980

Wellington City Council

Office	Annual remuneration (\$)
Mayor	177,632
Deputy Mayor	121,388
Chairperson City Strategy Committee	107,573
Portfolio Leader (12)	99,914
Councillor	91,446

Makara–Ohariu Community Board

Office	Annual remuneration (\$)
Chairperson	9,429
Member	4,716

Tawa Community Board

Office	Annual remuneration (\$)
Chairperson	18,810
Member	9,405

Schedule 1	Local Government Members (2019/20) Determination 2019
Western Bay of Plenty District Council	
Office	Annual remuneration (\$)
Mayor	127,637
Deputy Mayor	48,807
Committee Chairperson (4)	43,579
Councillor	34,694
<i>Katikati Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504
<i>Maketu Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	5,827
Member	2,914
<i>Omokoroa Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,987
Member	3,993
<i>Te Puke Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504
<i>Waihi Beach Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	9,065
Member	4,532
Westland District Council	
Office	Annual remuneration (\$)
Mayor	81,913
Deputy Mayor, Committee Chairperson and Portfolio Holder (2)	30,972
Portfolio Holder (6)	22,527
Councillor	19,711
Whakatāne District Council	
Office	Annual remuneration (\$)
Mayor	121,899
Deputy Mayor	60,353
Committee Chairperson (2)	50,296

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Office	Annual remuneration (\$)
Councillor	33,529

Murupara Community Board

Office	Annual remuneration (\$)
Chairperson	7,987
Member	3,993

Rangitāiki Community Board

Office	Annual remuneration (\$)
Chairperson	10,360
Member	5,180

Tāneatua Community Board

Office	Annual remuneration (\$)
Chairperson	7,987
Member	3,993

Whakatāne–Ōhope Community Board

Office	Annual remuneration (\$)
Chairperson	17,321
Member	8,660

Whanganui District Council

Office	Annual remuneration (\$)
Mayor	128,913
Deputy Mayor	44,933
Chairperson, Strategy and Finance Committee	41,034
Chairperson, Property and Community Services Committee	41,034
Chairperson, Infrastructure and Special Projects Committee	41,034
Deputy Chairperson, Strategy and Finance Committee	36,271
Deputy Chairperson, Property and Community Services Committee	36,271
Deputy Chairperson, Infrastructure and Special Projects Committee	36,271
Councillor	34,642

Whanganui Rural Community Board

Office	Annual remuneration (\$)
Chairperson	11,224
Member	5,612

Whangarei District Council

Office	Annual remuneration (\$)
Mayor	148,351

Local Government Members (2019/20) Determination	
2019	
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Office	Annual remuneration (\$)
Deputy Mayor	64,303
Committee Chairperson of Standing Committee (4)	64,303
Councillor	51,443

**Local Government Members (2019/20) Determination
2019**

Schedule 2

**Schedule 2
Remuneration from 2019 election of members**

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**Part 1
Remuneration of members of regional councils**

Bay of Plenty Regional Council

Office	Annual remuneration (\$)
Chairperson	146,500
Councillor (Minimum Allowable Remuneration)	54,525

Canterbury Regional Council

Office	Annual remuneration (\$)
Chairperson	180,000
Councillor (Minimum Allowable Remuneration)	63,570

Hawke's Bay Regional Council

Office	Annual remuneration (\$)
Chairperson	136,000
Councillor (Minimum Allowable Remuneration)	50,378

Manawatu–Wanganui Regional Council

Office	Annual remuneration (\$)
Chairperson	143,000
Councillor (Minimum Allowable Remuneration)	45,373

Northland Regional Council

Office	Annual remuneration (\$)
Chairperson	126,500
Councillor (Minimum Allowable Remuneration)	53,710

Otago Regional Council

Office	Annual remuneration (\$)
Chairperson	147,000
Councillor (Minimum Allowable Remuneration)	48,670

Southland Regional Council

Office	Annual remuneration (\$)
Chairperson	122,500

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Schedule 2	Local Government Members (2019/20) Determination 2019
Office	Annual remuneration (\$)
Councillor (Minimum Allowable Remuneration)	37,788
Taranaki Regional Council	
Office	Annual remuneration (\$)
Chairperson	102,550
Councillor (Minimum Allowable Remuneration)	36,939
Waikato Regional Council	
Office	Annual remuneration (\$)
Chairperson	161,000
Councillor (Minimum Allowable Remuneration)	58,640
Wellington Regional Council	
Office	Annual remuneration (\$)
Chairperson	174,000
Councillor (Minimum Allowable Remuneration)	61,517
West Coast Regional Council	
Office	Annual remuneration (\$)
Chairperson	83,500
Councillor (Minimum Allowable Remuneration)	35,733
Part 2	
Remuneration of members of territorial authorities and their community or local boards	
Ashburton District Council	
Office	Annual remuneration (\$)
Mayor	121,500
Councillor (Minimum Allowable Remuneration)	25,047
<i>Methven Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	5,396
Member	2,698
Auckland Council	
Office	Annual remuneration (\$)
Mayor	296,000
Councillor (Minimum Allowable Remuneration)	106,306

**Local Government Members (2019/20) Determination
2019**

Schedule 2

Albert–Eden Local Board

Office	Annual remuneration (\$)
Chairperson	91,700
Deputy Chairperson	55,000
Member	45,900

Devonport–Takapuna Local Board

Office	Annual remuneration (\$)
Chairperson	85,100
Deputy Chairperson	51,100
Member	43,149

Franklin Local Board

Office	Annual remuneration (\$)
Chairperson	90,000
Deputy Chairperson	54,000
Member	45,000

Great Barrier Local Board

Office	Annual remuneration (\$)
Chairperson	57,000
Deputy Chairperson	34,200
Member	28,500

Henderson–Massey Local Board

Office	Annual remuneration (\$)
Chairperson	98,800
Deputy Chairperson	59,300
Member	49,400

Hibiscus and Bays Local Board

Office	Annual remuneration (\$)
Chairperson	90,600
Deputy Chairperson	54,400
Member	45,300

Howick Local Board

Office	Annual remuneration (\$)
Chairperson	98,477
Deputy Chairperson	59,100
Member	49,200

Schedule 2	Local Government Members (2019/20) Determination 2019
<i>Kaipātiki Local Board</i>	
Office	Annual remuneration (\$)
Chairperson	89,800
Deputy Chairperson	53,900
Member	44,900
<i>Māngere-Ōtahuhu Local Board</i>	
Office	Annual remuneration (\$)
Chairperson	99,000
Deputy Chairperson	59,400
Member	49,500
<i>Manurewa Local Board</i>	
Office	Annual remuneration (\$)
Chairperson	98,200
Deputy Chairperson	58,900
Member	49,100
<i>Maungakiekie-Tāmaki Local Board</i>	
Office	Annual remuneration (\$)
Chairperson	93,900
Deputy Chairperson	56,300
Member	47,000
<i>Ōrakei Local Board</i>	
Office	Annual remuneration (\$)
Chairperson	88,200
Deputy Chairperson	52,900
Member	44,100
<i>Ōtara-Papatoetoe Local Board</i>	
Office	Annual remuneration (\$)
Chairperson	98,300
Deputy Chairperson	59,000
Member	49,200
<i>Papakura Local Board</i>	
Office	Annual remuneration (\$)
Chairperson	91,800
Deputy Chairperson	55,100
Member	45,900

**Local Government Members (2019/20) Determination
2019**

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Puketāpapa Local Board

Office	Annual remuneration (\$)
Chairperson	89,100
Deputy Chairperson	53,500
Member	44,600

Rodney Local Board

Office	Annual remuneration (\$)
Chairperson	87,000
Deputy Chairperson	52,200
Member	43,500

Upper Harbour Local Board

Office	Annual remuneration (\$)
Chairperson	85,500
Deputy Chairperson	51,300
Member	42,839

Waiheke Local Board

Office	Annual remuneration (\$)
Chairperson	68,700
Deputy Chairperson	41,200
Member	34,400

Waitākere Ranges Local Board

Office	Annual remuneration (\$)
Chairperson	86,600
Deputy Chairperson	52,000
Member	43,300

Waitematā Local Board

Office	Annual remuneration (\$)
Chairperson	96,600
Deputy Chairperson	58,000
Member	48,300

Whau Local Board

Office	Annual remuneration (\$)
Chairperson	91,000
Deputy Chairperson	54,600
Member	45,500

Schedule 2	Local Government Members (2019/20) Determination 2019
Buller District Council	
Office	Annual remuneration (\$)
Mayor	94,500
Councillor (Minimum Allowable Remuneration)	19,273
<i>Inangahua Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,158
Member	3,579
Carterton District Council	
Office	Annual remuneration (\$)
Mayor	83,500
Councillor (Minimum Allowable Remuneration)	18,825
Central Hawke's Bay District Council	
Office	Annual remuneration (\$)
Mayor	105,000
Councillor (Minimum Allowable Remuneration)	23,940
Central Otago District Council	
Office	Annual remuneration (\$)
Mayor	107,000
Councillor (Minimum Allowable Remuneration)	20,748
<i>Cromwell Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,245
Member	7,123
<i>Maniototo Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,907
Member	3,454
<i>Teviot Valley Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,907
Member	3,454

**Local Government Members (2019/20) Determination
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Schedule 2

Vincent Community Board

Office	Annual remuneration (\$)
Chairperson	15,326
Member	7,663

Chatham Islands Council

Office	Annual remuneration (\$)
Mayor	53,500
Councillor (Minimum Allowable Remuneration)	13,374

Christchurch City Council

Office	Annual remuneration (\$)
Mayor	195,000
Councillor (Minimum Allowable Remuneration)	97,280

Banks Peninsula Community Board

Office	Annual remuneration (\$)
Chairperson	19,729
Member	9,864

Coastal–Burwood Community Board

Office	Annual remuneration (\$)
Chairperson	47,236
Member	23,618

Fendalton–Waimairi–Harewood Community Board

Office	Annual remuneration (\$)
Chairperson	46,595
Member	23,297

Halswell–Hornby–Riccarton Community Board

Office	Annual remuneration (\$)
Chairperson	49,160
Member	24,580

Linwood–Central–Heathcote Community Board

Office	Annual remuneration (\$)
Chairperson	49,160
Member	24,580

Papanui–Innes Community Board

Office	Annual remuneration (\$)
Chairperson	47,236
Member	23,618

Local Government Members (2019/20) Determination	
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<i>Spreydon–Cashmere Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	47,236
Member	23,618
Clutha District Council	
Office	Annual remuneration (\$)
Mayor	110,000
Councillor (Minimum Allowable Remuneration)	19,675
<i>Lawrence–Tuapeka Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	5,828
Member	2,914
<i>West Otago Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,907
Member	3,454
Dunedin City Council	
Office	Annual remuneration (\$)
Mayor	166,500
Councillor (Minimum Allowable Remuneration)	59,555
<i>Mosgiel–Taieri Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	19,237
Member	9,619
<i>Otago Peninsula Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,244
Member	8,122
<i>Saddle Hill Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,458
Member	8,229
<i>Strath Taieri Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,669
Member	7,334

**Local Government Members (2019/20) Determination
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Waikouaiti Coast Community Board

Office	Annual remuneration (\$)
Chairperson	16,030
Member	8,015

West Harbour Community Board

Office	Annual remuneration (\$)
Chairperson	16,458
Member	8,229

Far North District Council

Office	Annual remuneration (\$)
Mayor	155,000
Councillor (Minimum Allowable Remuneration)	51,370

Bay of Islands–Whangaroa Community Board

Office	Annual remuneration (\$)
Chairperson	31,273
Member	15,637

Kaikohe–Hokianga Community Board

Office	Annual remuneration (\$)
Chairperson	26,806
Member	13,403

Te Hiku Community Board

Office	Annual remuneration (\$)
Chairperson	27,365
Member	13,682

Gisborne District Council

Office	Annual remuneration (\$)
Mayor	155,000
Councillor (Minimum Allowable Remuneration)	37,540

Gore District Council

Office	Annual remuneration (\$)
Mayor	98,500
Councillor (Minimum Allowable Remuneration)	18,477

Mataura Community Board

Office	Annual remuneration (\$)
Chairperson	4,122

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Schedule 2	Local Government Members (2019/20) Determination 2019
Office	Annual remuneration (\$)
Member	2,061
Grey District Council	
Office	Annual remuneration (\$)
Mayor	102,000
Councillor (Minimum Allowable Remuneration)	22,219
Hamilton City Council	
Office	Annual remuneration (\$)
Mayor	174,500
Councillor (Minimum Allowable Remuneration)	74,552
Hastings District Council	
Office	Annual remuneration (\$)
Mayor	153,500
Councillor (Minimum Allowable Remuneration)	43,332
<i>Hastings District Rural Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	15,036
Member	7,518
Hauraki District Council	
Office	Annual remuneration (\$)
Mayor	118,000
Councillor (Minimum Allowable Remuneration)	21,389
Horowhenua District Council	
Office	Annual remuneration (\$)
Mayor	129,000
Councillor (Minimum Allowable Remuneration)	28,156
<i>Foxton Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	12,518
Member	6,259
Hurunui District Council	
Office	Annual remuneration (\$)
Mayor	102,500

**Local Government Members (2019/20) Determination
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Office	Annual remuneration (\$)
Councillor (Minimum Allowable Remuneration)	20,231

Hanmer Springs Community Board

Office	Annual remuneration (\$)
Chairperson	8,025
Member	4,013

Hutt City Council

Office	Annual remuneration (\$)
Mayor	158,000
Councillor (Minimum Allowable Remuneration)	53,097

Eastbourne Community Board

Office	Annual remuneration (\$)
Chairperson	13,531
Member	6,766

Petone Community Board

Office	Annual remuneration (\$)
Chairperson	16,109
Member	8,054

Wainuiomata Community Board

Office	Annual remuneration (\$)
Chairperson	16,969
Member	8,484

Invercargill City Council

Office	Annual remuneration (\$)
Mayor	140,000
Councillor (Minimum Allowable Remuneration)	34,155

Bluff Community Board

Office	Annual remuneration (\$)
Chairperson	8,591
Member	4,296

Kaikōura District Council

Office	Annual remuneration (\$)
Mayor	83,500
Councillor (Minimum Allowable Remuneration)	19,024

Schedule 2	Local Government Members (2019/20) Determination 2019
Kaipara District Council	
Office	Annual remuneration (\$)
Mayor	119,000
Councillor (Minimum Allowable Remuneration)	30,046
Kāpiti Coast District Council	
Office	Annual remuneration (\$)
Mayor	138,500
Councillor (Minimum Allowable Remuneration)	35,517
<i>Ōtaki Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	15,250
Member	7,625
<i>Paekākāriki Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,947
Member	3,973
<i>Paraparaumu–Raumati Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	19,976
Member	9,988
<i>Waikanae Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,325
Member	8,163
Kawerau District Council	
Office	Annual remuneration (\$)
Mayor	92,500
Councillor (Minimum Allowable Remuneration)	17,680
Mackenzie District Council	
Office	Annual remuneration (\$)
Mayor	83,500
Councillor (Minimum Allowable Remuneration)	18,676

**Local Government Members (2019/20) Determination
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Fairlie Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Tekapo Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Twizel Community Board

Office	Annual remuneration (\$)
Chairperson	4,989
Member	2,494

Manawatu District Council

Office	Annual remuneration (\$)
Mayor	121,000
Councillor (Minimum Allowable Remuneration)	28,326

Marlborough District Council

Office	Annual remuneration (\$)
Mayor	141,000
Councillor (Minimum Allowable Remuneration)	36,680

Masterton District Council

Office	Annual remuneration (\$)
Mayor	122,000
Councillor (Minimum Allowable Remuneration)	28,073

Matamata–Piako District Council

Office	Annual remuneration (\$)
Mayor	123,000
Councillor (Minimum Allowable Remuneration)	27,066

Napier City Council

Office	Annual remuneration (\$)
Mayor	145,500
Councillor (Minimum Allowable Remuneration)	43,142

Schedule 2	Local Government Members (2019/20) Determination 2019
Nelson City Council	
Office	Annual remuneration (\$)
Mayor	144,500
Councillor (Minimum Allowable Remuneration)	39,686
New Plymouth District Council	
Office	Annual remuneration (\$)
Mayor	152,000
Councillor (Minimum Allowable Remuneration)	43,463
<i>Clifton Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	12,457
Member	6,229
<i>Inglewood Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,821
Member	7,410
<i>Kaitake Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	13,317
Member	6,659
<i>Waitara Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,821
Member	7,410
Ōpōtiki District Council	
Office	Annual remuneration (\$)
Mayor	98,000
Councillor (Minimum Allowable Remuneration)	21,393
<i>Coast Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	9,978
Member	4,989

**Local Government Members (2019/20) Determination
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Schedule 2

Otorohanga District Council

Office	Annual remuneration (\$)
Mayor	91,500
Councillor (Minimum Allowable Remuneration)	18,626

Kawhia Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Otorohanga Community Board

Office	Annual remuneration (\$)
Chairperson	14,315
Member	7,157

Palmerston North City Council

Office	Annual remuneration (\$)
Mayor	152,500
Councillor (Minimum Allowable Remuneration)	43,067

Porirua City Council

Office	Annual remuneration (\$)
Mayor	145,000
Councillor (Minimum Allowable Remuneration)	38,621

Queenstown–Lakes District Council

Office	Annual remuneration (\$)
Mayor	128,000
Councillor (Minimum Allowable Remuneration)	32,428

Wanaka Community Board

Office	Annual remuneration (\$)
Chairperson	23,959
Member	11,979

Rangitikei District Council

Office	Annual remuneration (\$)
Mayor	107,000
Councillor (Minimum Allowable Remuneration)	20,268

Schedule 2	Local Government Members (2019/20) Determination 2019
<i>Ratana Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	4,253
Member	2,126
<i>Taihape Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	8,676
Member	4,338
Rotorua District Council	
Office	Annual remuneration (\$)
Mayor	152,000
Councillor (Minimum Allowable Remuneration)	49,426
<i>Rotorua Lakes Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,797
Member	8,399
<i>Rotorua Rural Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	18,773
Member	9,387
Ruapehu District Council	
Office	Annual remuneration (\$)
Mayor	109,500
Councillor (Minimum Allowable Remuneration)	19,637
<i>National Park Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	5,857
Member	2,928
<i>Waimarino–Waiouru Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	8,676
Member	4,338

**Local Government Members (2019/20) Determination
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Selwyn District Council

Office	Annual remuneration (\$)
Mayor	136,500
Councillor (Minimum Allowable Remuneration)	34,613

Malvern Community Board

Office	Annual remuneration (\$)
Chairperson	17,720
Member	8,860

South Taranaki District Council

Office	Annual remuneration (\$)
Mayor	126,000
Councillor (Minimum Allowable Remuneration)	25,410

Eltham-Kaponga Community Board

Office	Annual remuneration (\$)
Chairperson	11,400
Member	5,700

Pātea Community Board

Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504

Taranaki Coastal Community Board

Office	Annual remuneration (\$)
Chairperson	12,485
Member	6,243

Te Hāwera Community Board

Office	Annual remuneration (\$)
Chairperson	14,030
Member	7,015

South Waikato District Council

Office	Annual remuneration (\$)
Mayor	120,500
Councillor (Minimum Allowable Remuneration)	25,289

Schedule 2	Local Government Members (2019/20) Determination 2019
<i>Tirau Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,691
Member	3,346
South Wairarapa District Council	
Office	Annual remuneration (\$)
Mayor	92,000
Councillor (Minimum Allowable Remuneration)	18,576
<i>Featherston Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,507
Member	3,253
<i>Greytown Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,507
Member	3,253
<i>Martinborough Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	6,507
Member	3,253
Southland District Council	
Office	Annual remuneration (\$)
Mayor	124,000
Councillor (Minimum Allowable Remuneration)	25,874
<i>Ardlussa Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,483
Member	3,742
<i>Fiordland Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	9,200
Member	4,600
<i>Northern Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,235

**Local Government Members (2019/20) Determination
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Office	Annual remuneration (\$)
Member	3,618

Oraka-Aparima Community Board

Office	Annual remuneration (\$)
Chairperson	8,083
Member	4,042

Oreti Community Board

Office	Annual remuneration (\$)
Chairperson	10,415
Member	5,208

Stewart Island/Rakiura Community Board

Office	Annual remuneration (\$)
Chairperson	4,000
Member	2,000

Tuatapere Te Waewae Community Board

Office	Annual remuneration (\$)
Chairperson	7,059
Member	3,530

Waihopai Toetoe Community Board

Office	Annual remuneration (\$)
Chairperson	9,805
Member	4,903

Wallace Takitimu Community Board

Office	Annual remuneration (\$)
Chairperson	8,594
Member	4,297

Stratford District Council

Office	Annual remuneration (\$)
Mayor	89,500
Councillor (Minimum Allowable Remuneration)	18,626

Tararua District Council

Office	Annual remuneration (\$)
Mayor	112,500
Councillor (Minimum Allowable Remuneration)	26,718

Local Government Members (2019/20) Determination	
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<i>Dannevirke Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,656
Member	5,828
<i>Eketahuna Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,554
Member	3,777
Tasman District Council	
Office	Annual remuneration (\$)
Mayor	154,000
Councillor (Minimum Allowable Remuneration)	37,417
<i>Golden Bay Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	13,103
Member	6,551
<i>Motueka Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,606
Member	7,303
Taupō District Council	
Office	Annual remuneration (\$)
Mayor	134,000
Councillor (Minimum Allowable Remuneration)	34,747
<i>Turangi–Tongariro Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,836
Member	8,418
Tauranga City Council	
Office	Annual remuneration (\$)
Mayor	166,500
Councillor (Minimum Allowable Remuneration)	78,050

**Local Government Members (2019/20) Determination
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Thames–Coromandel District Council

Office	Annual remuneration (\$)
Mayor	130,000
Councillor (Minimum Allowable Remuneration)	35,226

Coromandel–Colville Community Board

Office	Annual remuneration (\$)
Chairperson	15,714
Member	7,857

Mercury Bay Community Board

Office	Annual remuneration (\$)
Chairperson	18,801
Member	9,400

Tairua–Pauanui Community Board

Office	Annual remuneration (\$)
Chairperson	15,714
Member	7,857

Thames Community Board

Office	Annual remuneration (\$)
Chairperson	19,924
Member	9,962

Whangamata Community Board

Office	Annual remuneration (\$)
Chairperson	17,117
Member	8,558

Timaru District Council

Office	Annual remuneration (\$)
Mayor	132,500
Councillor (Minimum Allowable Remuneration)	35,543

Geraldine Community Board

Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504

Schedule 2	Local Government Members (2019/20) Determination 2019
<i>Pleasant Point Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	8,633
Member	4,317
<i>Temuka Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,224
Member	5,612
Upper Hutt City Council	
Office	Annual remuneration (\$)
Mayor	128,000
Councillor (Minimum Allowable Remuneration)	31,883
Waikato District Council	
Office	Annual remuneration (\$)
Mayor	148,500
Councillor (Minimum Allowable Remuneration)	42,010
<i>Huntly Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	10,524
Member	5,262
<i>Ngaruawahia Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	10,524
Member	5,262
<i>Onewhero–Tuakau Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	10,955
Member	5,477
<i>Raglan Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	8,807
Member	4,403
<i>Taupiri Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	4,000

**Local Government Members (2019/20) Determination
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Office	Annual remuneration (\$)
Member	2,000

Waimakariri District Council

Office	Annual remuneration (\$)
Mayor	137,500
Councillor (Minimum Allowable Remuneration)	37,073

Kaiapoi–Tuahiwi Community Board

Office	Annual remuneration (\$)
Chairperson	17,480
Member	8,740

Oxford–Ohoka Community Board

Office	Annual remuneration (\$)
Chairperson	16,468
Member	8,234

Rangiora–Ashley Community Board

Office	Annual remuneration (\$)
Chairperson	22,547
Member	11,274

Woodend–Sefton Community Board

Office	Annual remuneration (\$)
Chairperson	14,441
Member	7,221

Waimate District Council

Office	Annual remuneration (\$)
Mayor	86,500
Councillor (Minimum Allowable Remuneration)	19,024

Waipa District Council

Office	Annual remuneration (\$)
Mayor	135,500
Councillor (Minimum Allowable Remuneration)	31,534

Cambridge Community Board

Office	Annual remuneration (\$)
Chairperson	18,778
Member	9,389

Schedule 2	Local Government Members (2019/20) Determination 2019
<i>Te Awamutu Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	18,132
Member	9,006
Wairoa District Council	
Office	Annual remuneration (\$)
Mayor	101,000
Councillor (Minimum Allowable Remuneration)	23,961
Waitaki District Council	
Office	Annual remuneration (\$)
Mayor	114,500
Councillor (Minimum Allowable Remuneration)	24,125
<i>Ahuriri Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,639
Member	5,820
<i>Waihemo Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	12,087
Member	6,044
Waitomo District Council	
Office	Annual remuneration (\$)
Mayor	97,500
Councillor (Minimum Allowable Remuneration)	23,731
Wellington City Council	
Office	Annual remuneration (\$)
Mayor	180,500
Councillor (Minimum Allowable Remuneration)	86,874
<i>Makara–Ohariu Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	9,429
Member	4,716
<i>Tawa Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	18,810

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Schedule 2

Office	Annual remuneration (\$)
Member	9,405

Western Bay of Plenty District Council

Office	Annual remuneration (\$)
Mayor	136,500
Councillor (Minimum Allowable Remuneration)	32,959

Katikati Community Board

Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504

Maketu Community Board

Office	Annual remuneration (\$)
Chairperson	5,827
Member	2,914

Omokoroa Community Board

Office	Annual remuneration (\$)
Chairperson	7,987
Member	3,993

Te Puke Community Board

Office	Annual remuneration (\$)
Chairperson	11,008
Member	5,504

Waihi Beach Community Board

Office	Annual remuneration (\$)
Chairperson	9,065
Member	4,532

Westland District Council

Office	Annual remuneration (\$)
Mayor	90,500
Councillor (Minimum Allowable Remuneration)	18,725

Whakatāne District Council

Office	Annual remuneration (\$)
Mayor	134,000
Councillor (Minimum Allowable Remuneration)	31,853

Schedule 2	Local Government Members (2019/20) Determination 2019
<i>Murupara Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,987
Member	3,993
<i>Rangitāiki Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	10,360
Member	5,180
<i>Tāneatua Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	7,987
Member	3,993
<i>Whakatāne–Ōhope Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	17,321
Member	8,660
Whanganui District Council	
Office	Annual remuneration (\$)
Mayor	141,000
Councillor (Minimum Allowable Remuneration)	32,910
<i>Whanganui Rural Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	11,224
Member	5,612
Whangarei District Council	
Office	Annual remuneration (\$)
Mayor	156,000
Councillor (Minimum Allowable Remuneration)	48,871

Local Government Members (2019/20) Determination
2019

Explanatory
memorandum

Dated at Wellington this 14th day of June 2019.

Chairperson.

Member.

Member.

Explanatory memorandum

This memorandum is not part of the determination, but is intended to indicate its general effect.

This determination comes into force on 1 July 2019 and expires on the close of 30 June 2020.

Over the past 2 years, the Remuneration Authority (the **Authority**) has conducted a major review of the local government sector remuneration, which included extensive consultation. As a result of the review, the Authority decided to make 2 changes to the way in which local government remuneration is set. First, it adopted a set of revised and updated council size indices (one each for territorial authorities, unitary authorities, and regional councils); and, secondly, it decided to introduce a more locally responsive way of setting members' remuneration. It should be noted that the remuneration of mayors, regional council chairpersons, and community board and Auckland local board members is not included in the second change.

First change: revised and updated council size indices

The first alteration, revised and updated council size indices, resulted in changes to council rankings on their relevant index. The new sizes relate to the size of the governance role of each council, based on a number of indicators. The size rankings are not related to the number of councillors on any council and will not be affected if councillor numbers increase or decrease in future. As well as changes to the size indices, the Authority has created a local government pay scale, generally using parliamentary remuneration as a comparator. Christchurch City Council (the largest council aside from Auckland) sits at the top of the council pay scale. For smaller councils, the bottom of the pay scale is set by a pro rata proportion of the average annual wage. Because of their extreme sizes, Auckland and Chatham Islands councils will sit outside the range of the pay scale.

The Authority began introducing the changes to the index rankings in the Local Government Members (2018/19) (Local Authorities) Determination 2018 (the **2018 Determination**), which are continued in this determination. The changes will be fully

completed following the 2019 local election, when the second part of the new approach will also be applied. These changes involve a major reassessment of the existing rates paid to councillors. Implementation of the new approach over a period means that, between 1 July 2018 and October 2019, changes to remuneration for elected local government members will have varied to a considerable degree between councils, rather than being an overall consistent percentage increase. For some, there will be no movement over this time, whereas for others there will be a substantial increase, reflecting the Authority's new assessment of the size of councils' responsibilities.

Second change: how the Authority sets councillor remuneration

The second alteration is in the way that the Authority sets councillor remuneration.

Under the system used for the past several years, the Authority has set a base councillor rate for each council, then for each council a sum equivalent to the base pay of 2 councillors has been set aside to pay extra remuneration to those undertaking positions of responsibility, such as deputy mayors or chairpersons of committees. In each case, the councils themselves make recommendations to the Authority on how the pool should be allocated, and those recommendations are then considered by the Authority before making its determination. This is how remuneration has been determined in *Schedule 1* of this determination, which applies from 1 July 2019 until the end of the day on which the official result is declared for each new council following the local government election on 12 October 2019.

Under the new approach, the Authority has created a total "governance remuneration pool" for each council, reflecting the ranking of that council on the index (*see* the table at the foot of this explanatory memorandum). The size of each pool does not correspond to the number of councillors on each council, which ranges from 6 to 16 (excluding Auckland). The governance pool is the total amount of money that the Authority has determined is available to pay councillor remuneration per annum. When each new council takes office following the 2019 local election, the council will be invited to give the Authority recommendations for how its pool should be distributed among the council members. The recommendations will include a rate for base councillor remuneration and rates for all positions of responsibility. The Authority will then consider the councils' recommendations before determining the remuneration payable to members.

Mayors, regional council chairpersons, Auckland local board members, and community board members

The second change to local government remuneration (ie, the introduction of the governance remuneration pool) does not apply to mayors, regional council chairpersons, Auckland local board members, or community board members. Remuneration for mayors and regional council chairpersons will continue to be set individually by the Authority and will reflect each council's ranking on the relevant size index. The largest role in local government (the Mayor of Auckland) has been generally benchmarked around the remuneration of a Cabinet minister and will not exceed that level.

**Local Government Members (2019/20) Determination
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The Authority has developed a separate size index for Auckland local boards that is not the same as the indices for territorial, unitary, or regional authorities. It takes into account the singular characteristics and accountabilities of Auckland local boards, including their representational responsibilities for (in many cases) large populations. The Authority contemplated a pool system for Auckland local boards, but ultimately did not implement this because the Auckland local boards have no formal positions of responsibility aside from their deputy chairpersons. For that reason, the Authority will continue to set remuneration for Auckland local board chairpersons, deputy chairpersons, and members. Based on the new local board size index, there are some differences between boards in the level of remuneration increases of local board members in this determination as the new system is phased in.

The Authority reviewed the position of community board members as one of the final parts of its overall review of local government remuneration. The Authority's original thesis was that, because community boards are part of the governance apparatus of councils, their costs should be included in the governance pool for each council, which would be the same size pool regardless of whether or not a council had any community boards.

However, the data the Authority examined indicated such massive variances in roles and powers, in per capita representation, and in cost that it was unable to rank community boards in any sensible order. As a result, the Authority decided that, for the time being, it would have significant difficulty creating a robust index that could be incorporated into the overall approach to the remuneration of councillors. In this determination, the Authority has applied an across-the-board increase of 2% to most community board members, reflecting the Labour Cost Index for the public sector for the year ended 30 March 2019. A small number of community boards have received no increase because their remuneration costs per capita are significantly higher than those of most other community boards.

Despite the above approaches, the Authority has applied a minimum level of remuneration even for smaller community boards representing tiny populations. Members of those boards need fair payment, even if it were just considered a meeting attendance fee, so the Authority has increased their remuneration to the minimum level of \$2,000 before tax.

For the time being, if a council delegates significant powers and functions to 1 or more community boards and, as a consequence, recommends that the Authority increases the remuneration of their community board members, the additional funds will come out of the council's governance remuneration pool.

Where the numbers and relative size of community boards within a territorial authority have changed as a result of a representation review that will apply from the date of the 2019 local elections, the remuneration of community board members has been specifically assessed to reflect the changes.

Motor vehicles

The annual remuneration for a mayor or regional chairperson, shown in *Schedule 1* and *Schedule 2*, is their total remuneration and it includes the annual value of their motor vehicle entitlement. If a council provides its mayor or regional chairperson with a motor vehicle, there is a consequent salary reduction. The rules for the calculation of the benefit are in *clause 9* of this determination and also on the Authority's website.

Upper limits on the purchase prices of petrol/diesel and electric/hybrid motor vehicles (including on-road costs and goods and services tax paid) were set by the Authority in the 2018 Determination and have not been changed. These upper limits take account of the vehicle being fit for purpose, the safety of the driver, and fairness to the rate-payers. For this determination, the Authority reviewed the maximum purchase rate for motor vehicles and decided to retain the current levels. However, it recommends that all councils utilise the All of Government procurement process to optimise the value of their purchases. The new purchase price limits do not apply to existing motor vehicles currently provided to mayors and regional chairpersons. In those cases, the actual purchase prices are grandparented until the existing vehicles are replaced.

Allowances

The vehicle mileage allowance rates (*clause 11*) have been updated to reflect the new kilometre rates for self-employed people and employees published by the Inland Revenue Department on its website as at 7 June 2019.

The communications and travel time allowances for members have not been changed this year and the details are in *clauses 12 and 13* and on the Authority's website.

This year, for the first time, the Authority has introduced a childcare allowance for members who have responsibility for caring for children under the age of 14 years. The allowance is a contribution towards expenses incurred by the member for the provision of childcare while the member is engaged on local authority business. The allowance is capped and is subject to certain conditions outlined in *clause 14* of this determination.

Payment of any or all of the allowances is at the discretion of each council. All the allowances included in this determination are reviewed annually.

Governance remuneration pool table

The table below sets out the local government governance remuneration pools for councillors that will apply on and after the day after the date on which the official result of the 2019 local election of members for an individual council is declared, for the purpose described above.

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Part 1

Remuneration pools for councillors of regional councils

Council	Governance remuneration pool (\$)
Bay of Plenty Regional Council	869,154
Canterbury Regional Council	964,061
Hawke's Bay Regional Council	557,483
Manawatu-Wanganui Regional Council	638,974
Northland Regional Council	580,951
Otago Regional Council	703,598
Southland Regional Council	555,828
Taranaki Regional Council	466,596
Waikato Regional Council	933,748
Wellington Regional Council	921,454
West Coast Regional Council	317,737

Part 2

Remuneration pools for councillors of territorial authorities

Territorial authority	Governance remuneration pool (\$)
Auckland Council	2,556,478
Ashburton District Council	377,856
Buller District Council	264,396
Carterton District Council	220,330
Central Hawke's Bay District Council	267,264
Central Otago District Council	276,480
Chatham Islands Council	147,488
Christchurch City Council	1,843,200
Clutha District Council	352,528
Dunedin City Council	1,105,920
Far North District Council	707,201
Gisborne District Council	631,530
Gore District Council	286,429
Grey District Council	248,832
Hamilton City Council	1,194,394
Hastings District Council	790,733
Hauraki District Council	350,208
Horowhenua District Council	433,152
Hurunui District Council	248,832
Hutt City Council	827,228
Invercargill City Council	506,880
Kaikōura District Council	198,297
Kaipara District Council	359,424
Kāpiti Coast District Council	497,664

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	Governance remuneration pool (\$)
Territorial authority	
Kawerau District Council	220,330
Mackenzie District Council	176,264
Manawatu District Council	377,856
Marlborough District Council	583,467
Masterton District Council	372,130
Matamata–Piako District Council	387,072
Napier City Council	705,096
Nelson City Council	603,300
New Plymouth District Council	778,568
Ōpōtiki District Council	211,968
Otorohanga District Council	198,297
Palmerston North City Council	778,568
Porirua City Council	543,744
Queenstown–Lakes District Council	423,936
Rangitikei District Council	286,429
Rotorua District Council	714,084
Ruapehu District Council	294,912
Selwyn District Council	479,232
South Taranaki District Council	414,720
South Waikato District Council	354,912
South Wairarapa District Council	242,363
Southland District Council	396,288
Stratford District Council	264,396
Tararua District Council	313,344
Tasman District Council	624,528
Taupō District Council	470,016
Tauranga City Council	1,105,920
Thames–Coromandel District Council	427,180
Timaru District Council	451,584
Upper Hutt City Council	423,936
Waikato District Council	729,480
Waimakariri District Council	488,448
Waimate District Council	220,330
Waipa District Council	470,016
Wairoa District Council	223,592
Waitaki District Council	331,776
Waitomo District Council	211,968
Wellington City Council	1,585,152
Western Bay of Plenty District Council	479,232
Westland District Council	220,330
Whakatāne District Council	446,388
Whanganui District Council	516,096
Whangarei District Council	815,063

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Note: The above remuneration pools do not apply to mayors, regional chairpersons, Auckland local board members, or community board members.

However, if a council has delegated significant powers and functions to its community board(s) and as a consequence proposes an increase to the remuneration of community board members, the additional funds will come out of the council's governance remuneration pool.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

9.3. Adoption of Standing Orders and Code of Conduct

Prepared for: Council
Report No. GOV1863
Activity: Governance Report
Author: Amanda Vercoe, Executive Advisor
Endorsed by: Sarah Gardner, Chief Executive
Date: 4 November 2019

PURPOSE

- [1] To introduce for consideration and adoption, the updated Local Government New Zealand (LGNZ) version of Standing Orders and Code of Conduct.

EXECUTIVE SUMMARY

- [2] Local Authorities are required to adopt Standing Orders for the orderly conduct of its meetings under Clause 27(1) of Schedule 7 of the Local Government Act and a Code of Conduct under Clause 15(1) of Schedule 7 of the Local Government Act.
- [3] This report provides guidance on the proposed changes to current Standing Orders and the Code of Conduct for consideration by Council. The changes reflect best practice guidance from Local Government New Zealand.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the requirement for Local Authorities to adopt Standing Orders and a Code of Conduct for the orderly conduct of its meetings.
- 3) **Notes** the requirement to achieve the agreement of at least 75% of members present at a meeting to adopt (and amend) the Standing Orders and the Code of Conduct.
- 4) **Approves** the adoption of Otago Regional Council Standing Orders, 13 November 2019 (Attachment A marked up, Attachment B unmarked with changes approved), with or without the following amendments:
 - I) approves the amendment to Otago Regional Council's Standing Orders with updates to Section 2, Definitions;
 - II) approves the amendment to Otago Regional Council's Standing Orders, Section 4.2 Meeting duration, that no meeting can sit for more than two hours continuously without a break;
 - III) approves the amendment to Otago Regional Council's Standing Orders to include additional wording of clarification to Sections 3.5 Temporary suspension of standing orders; 9.6 Chair's report, 13.7 Right to attend by audio or audio visual link, 19.6 Request to have votes recorded, 20.2 Behaviour consistent with Code of Conduct, 21.5 Members may speak only once, 25.1

Procedural motions must be taken immediately, 25.2 Procedural motions to close or adjourn a debate (d), 28.1 Minutes to be evidence of proceedings;

- IV) approves the amendment to Otago Regional Council's Standing Orders to include new Sections 8.5 Emergency meetings may be called, 8.6 Process for calling an emergency meeting, 8.7 Public notice – emergency and extraordinary meetings, 29 Keeping a record (29.1 to 29.3);
 - V) approves the amendment to Otago Regional Council's Standing Orders, to delete the following Sections: Emergency meetings may be called, Public notice – extraordinary meetings, Chief Executive may make other arrangements, Minute books – Inspection;
 - VI) approves the amendment to Otago Regional Council's Standing Orders to include a new section, Section 23.6 Chair may recommend amendment.
 - VII) Decides under Section 22.1, either Option A (formal), B (medium), or C (informal) as the default for speaking and moving motions.
- 5) **Approves** the adoption of the Otago Regional Council Code of Conduct at 13 November 2019.

BACKGROUND

- [4] Under Schedule 7 of the Local Government Act (LGA) 2002, Council must adopt:
 - a set of standing orders for the conduct of its meetings and those of committees, and
 - a code of conduct which sets out Councils agreed standards of behaviour that applies to elected members in their dealings with each other, the public and staff.
- [5] Under the LGA, once adopted, both Standing Orders and the Code of Conduct remain in force until they are amended or replaced. They may be reviewed and amended at any time. An amendment or adoption of new standing orders or a code of conduct requires support of not less than 75% of the members present.
- [6] Standing orders and the code of conduct should be formally reviewed as soon as practicable after each triennial election.

ISSUE

- [7] Local Government New Zealand has updated its Standing Order template for 2019. We provide an outline of the key updates in this paper and identify one Standing Order where members can choose which option they would prefer.
- [8] Local Government New Zealand has also updated its Code of Conduct template for 2019. We provide a brief outline of the updates in this paper.

DISCUSSION

- [9] Changes introduced by Local Government New Zealand to Standing Orders.
- [10] The following additions/amendments have been added to Section 2, Definitions to explain the terminology used in the document:
1. Emergency meeting...
 2. Internet site...
 3. Meeting...
 4. Open Voting...
 5. Present at the meeting...
 6. Public notice...
- [11] To reflect changes to employment law, no meeting can sit for more than two hours continuously without a break (Section 4.2 Meeting duration).
- [12] The following sections contain various wording amendments to strengthen their intent and understanding:
1. 3.5 Temporary suspension of standing orders
 2. 9.6 Chair's report
 3. 13.7 Right to attend by audio- or audio-visual link
 4. 19.6 Request to have votes recorded
 5. 20.2 Behaviour consistent with Code of Conduct
 6. 21.5 Members may speak only once
 7. 25.1 Procedural motions must be taken immediately
 8. 25.2 Procedural motions to close or adjourn a debate
 9. 28.1 Minutes to be evidence of proceedings
- [13] The following sections have been reworded and strengthened to provide clarity around interpretation and supersede previous sections:
1. 8.5 Emergency meetings may be called
 2. 8.6 Process for calling an emergency meeting
 3. 8.7 Public notice – emergency and extraordinary meetings
 4. 23.6 Chair may recommend amendment
 5. 29 Keeping a record (29.1 - 29.3)
- [14] The following sections have been superseded and can therefore be deleted:
1. Emergency meetings may be called
 2. Public notice – extraordinary meetings
 3. Chief Executive may make other arrangements
- [15] Section 22.1 offers Councils a choice of default options for speaking and moving motions. The choice of a default option for speaking and moving motions includes:
1. A - formal, (Section 22.2); or
 2. B - medium, (Section 22.3); or
 3. C - informal, (Section 22.4).
- [16] Option A is the most formal of the three and limits the number of times members can speak and move amendments, for example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it. Option B is less formal than Option A. While limiting the ability of

movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment. Option C provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.

- [17] The council is asked to agree on a default option which will apply to all meetings unless a chairperson, or meeting, agree to apply one of the other two options at specific meeting. This option would then be marked in Standing Orders as “default option”. Practice of the Otago Regional Council suggests that Option C in the past has been the default.

CHANGES INTRODUCED BY LGNZ TO THE CODE OF CONDUCT

- [18] The key changes to the Code of Conduct include an amendment to the complaints process, whereby the Chief Executive will forward, in the first instance, complaints to the Chair (except where they may be party to the complaint) in order to make it easier to address trivial and frivolous complaints; and the addition of a section on social media and a streamlining of the media and social media section.

- [19] Other new features include:

- Simplification of the roles and responsibilities section;
- Encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council;
- A new process for investigating and assessing complaints, including a ‘materiality’ test;
- Additional guidance on penalties or sanctions;
- Clarification that complaints can only be made by members and chief executives; and
- A more empowering and less prescriptive approach.

OPTIONS

- 1) Choose to keep the current Standing Orders in force.
- 2) Adopt updated Standing Orders, that reflect the most up-to-date, best practice guidance from Local Government New Zealand.
- 3) Choose to keep the current Code of Conduct in force.
- 4) Adopt an updated Code of Conduct, that reflects the most up to date best practice guidance from Local Government New Zealand.

CONSIDERATIONS

Policy Considerations

- [20] Not applicable.

Financial Considerations

- [21] Not applicable.

Significance and Engagement

- [22] Not applicable.

Legislative Considerations

[23] Standing Orders and the Code of Conduct are based on Local Government New Zealand guidance which reflects statutory requirements for local government meetings.

Risk Considerations

[24] Not applicable.

NEXT STEPS

[25] If adopted, the updated Standing Orders and Code of Conduct would apply to all meetings of council, its committees and subcommittees.

ATTACHMENTS

1. Standing Orders 20191030 tracked changes [9.3.1 - 91 pages]
2. Draft final Standing Orders 20191030 [9.3.2 - 78 pages]
3. Draft final Code of Conduct 2019 [9.3.3 - 21 pages]

Council Logo and Name

Regional Council

Standing Orders

Template

Date standing orders adopted

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

~~Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.~~

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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TRACKED CHANGES VERSION

1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

~~Following~~The Appendix, which follows Part 3 ~~the Appendices provide, provides~~ templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice ~~for Chairpersons and staff on implementation~~on the application of the standing orders and are also not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular, decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that ~~during a meeting any~~ statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the ~~local authority chief executive~~.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

~~**Community board** means a community board established under s.49 of the LGA 2002.~~

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio- and audio-visual link.

~~**Emergency meeting** has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.~~

~~**Extraordinary meeting** has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.~~

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

~~**Internet site** means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.~~

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a ~~regional council~~local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a regional council, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a ~~regional council~~local authority, committee, subcommittee or subordinate decision-making bodies of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period ~~of time~~ set aside, usually at the start of a meeting, for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region of the local authority, or one or more other newspapers that have a combined circulation in that region which is at least equivalent to that of a daily newspaper circulating in that region

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the ~~district~~region of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to ~~sum up the debate and~~ reply to those who have spoken ~~against~~to the motion. (The right ~~can also~~does not apply to an amendment~~.)~~).

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a ~~regional council~~local authority that have decision-making authority, ~~excluding joint committees.~~

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a ~~regional~~ council, or a committee of a ~~regional~~ council. See definition of "Committee".

TRACKED CHANGES VERSION

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with ~~the 25th day of 20~~ December in any year and ending with ~~the 15th day of 10~~ January in the following year.

Should a local authority wish to meet between the ~~25th~~20th of December and the ~~15th day~~10th of January ~~in~~of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

TRACKED CHANGES

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75-% of the members present.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the ~~regional council~~ local authority, its committees, subcommittees and subordinate decision-making bodies. ~~This includes, including~~ meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate ~~body~~ may move a motion to suspend specified 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.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of ~~the regional council~~ a local authority must give to the chief executive a physical residential or business address within the ~~district or~~ region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

TRACKED CHANGES VERSION

4. Meetings

4.1 Legal requirement to hold meetings

The ~~regional council~~ local authority must hold meetings for the good government of its region. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than ~~three~~two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the Chairperson (if any) and members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002);
- (c) A general explanation, given or arranged by the Chief Executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always ~~required~~necessary as, if not amended, standing orders will remain in force after each triennial election.

5. Appointments and elections

5.1 Elections of ~~a Chairperson~~ regional Chairpersons, and deputy ~~Chairperson~~ Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.53) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a regional council;
- The Chairperson and deputy Chairperson of a committee; and
- A representative of ~~the regional council~~, a local authority.

cl. 25 Schedule 7, LGA 2002.

5.2 Removal of a Chairperson or deputy Chairperson

A Chairperson or deputy Chairperson can only be removed in accordance with the process set out in cl. 18, Schedule 7, of the LGA 2002. See Appendix 9.

cl. 18, Schedule 7, LGA 2002.

~~5.25.3~~ Voting system for Chairpersons, deputy Chairpersons and committee chairs

When electing a ~~Chairperson~~ regional council chair, a deputy chair or a committee chair the ~~regional council~~ local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

|

TRACKED CHANGES VERSION

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;
- (b) The power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) The power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee or subordinate decision-making body, member, or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, ~~community board~~, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

TRACKED CHANGES VERSION

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and subcommittees subject to the direction of the council local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the council local authority and must carry out all general and special directions of the local authority given to them ~~by the council~~.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

TRACKED CHANGES VERSION

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

TRACKED CHANGES VERSION

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) ~~the council~~ A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002.

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If ~~the council~~ a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, ~~or~~ committee, ~~or~~ subcommittee is not invalidated if:

1. There is a vacancy in the membership of the local authority or committee ~~or~~ subcommittee at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.7 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the Chairperson and deputy Chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.8 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.9 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of ~~every~~the current month, together with the dates ~~on which~~ and, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification ~~must~~may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information).

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council: or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Chairperson; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

~~Notice~~The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3 ~~and of, as well as~~ the general nature of business to be considered ~~must be given by the chief executive~~ to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 ~~Public notice—extraordinary~~Emergency meetings may be called

~~Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:~~

- ~~(a) the meeting has occurred;~~
- ~~(b) the general nature of business transacted; and~~
- ~~(c) the reasons why it was not correctly notified.~~

~~s. 46 (3) & (4), LGOIMA.~~

8.6 ~~Process for calling an extraordinary meeting at an earlier time~~

~~If the nature of business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified in standing order 8.4, afor holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by the:~~

- ~~(a) The Chairperson; or if~~
- ~~(a)(b) If the Chairperson is not availableunavailable, the chief executiveChief Executive.~~

~~cl. 22 (2) Schedule 7, 22A(1), Schedule 7 LGA 2002.~~

8.7 ~~Notification of extraordinary meetings held at an earlier time~~

8.6 ~~Notice~~Process for calling an emergency meeting

~~The notice of the time, and place of an emergency meeting, and of the matters to be considered in respect of which the emergency meeting is being called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice~~

~~The notice must be given to each member of the council and the chief executive, by whatever means is reasonable in the circumstances and, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.~~

~~cl. 22 (4) 22A (2), Schedule 7 LGA 2002.~~

8.8 ~~Chief executive may make other arrangements~~

8.7 ~~The chief executive is to make any other arrangement for the notification of meetings, including~~Public notice – emergency and extraordinary meetings, as the

~~Where an emergency or extraordinary meeting of a local authority may, from time is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to time, determine be transacted at that meeting:~~

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46~~(5)~~(3) LGOIMA.

8.98.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.108.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless—:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.118.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.128.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority ~~or board~~ unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.138.12 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

TRACKED CHANGES VERSION

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix [1012](#).

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix [1012](#).

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

9.7 Public availability of the agenda

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority ~~and local and community boards~~ relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website; and
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances, an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing ~~Order~~Orders 8.4 and 8.10).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

10. Opening and closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 ~~Councils~~Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

11.2 ~~Committees and subcommittees~~subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. [\(See also 7.4\).](#)

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council.

cl. 23 (3)(b) Schedule 7, LGA 2002.

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order ~~1011.1.~~ Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting, and this is notified by the chief executive.

11.12. Public access and recording

11.12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority ~~and~~ its committees and subcommittees must be open to the public.

s.47 & 49(a), LGOIMA.

11.212.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

11.312.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.412.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

12.13. Attendance

12.113.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.213.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Chairperson may approve a members' application, and the Council may approve an application from the Chairperson. The Chairperson will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record ~~that a member has~~ leave of absence for a member as an apology for that meeting.

12.413.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that specific meeting-(s).

12.513.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.613.6 Absent without leave

Where a member is absent from ~~the council for~~ four consecutive meetings of the council without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

13.7 Right to attend by audio- or audio-visual link

Provided the conditions in ~~these~~ standing orders 13.11 and 13.12 are met members of the local authority ~~or~~ and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

cl. 25A (4), Schedule 7, LGA 2002.

12.913.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

12.1013.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio- or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio- or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.1113.11 Conditions for attending by audio- or audio-visual link

~~The~~Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

12.1213.12 Request to attend by audio- or audio-visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio- or audio-visual link. Should, due to illness or emergency, this not be possible, the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

12.1313.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

12.1413.14 Giving or showing a document

A person attending a meeting by audio- or audio-visual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audio-visual link; or
- (c) Any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.1513.15 Link failure

Where an audio- or audio-visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.1613.16 Confidentiality

A member who is attending a meeting by audio- or audio-visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13.14. Chairperson's role in meetings

13.14.1 Council meetings

The Chairperson ~~of the council~~ must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as ~~Chairperson~~ chairperson. If the deputy Chairperson is also absent the local authority members who are present must elect a member to be ~~the~~ Chairperson at that

meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting. ~~This provision also applies to committees and subcommittees.~~

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.214.2 Committee ~~Other~~ meetings

~~The~~In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson ~~of a committee~~ must preside at ~~all committee meetings, each meeting~~ unless they vacate the chair for ~~a particular meeting all~~ or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson ~~at that meeting who~~. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

~~This standing order also applies to subcommittees and subordinate decision-making bodies.~~

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.314.3 Mode of Address Addressing the Chairperson

Members will address the Chairperson ~~as "Mr Chairman" or "Madam Chair" as appropriate or in such other a~~ manner that the Chairperson has determined. ~~Any other elected member shall be addressed as Councillor. Any other member shall be addressed as Mr, Mrs, Miss or Ms or any other title such as Dr or Sir.~~

13.414.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

13.514.5 Chairperson standing

Whenever the Chairperson stands during a debate, members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

13.614.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.714.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

14.15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee or subcommittee, any issue, idea or matter raised in a public forum must ~~also~~ fall within the terms of reference of that ~~meeting~~body.

14.1415.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the ~~meeting secretary~~chief executive (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.1515.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.1615.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.1715.4 No resolutions

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

15.16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

15.16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

15.216.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.316.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.416.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

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17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a present their petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting chief executive in time to enable the petition allow translation services to be translated and reprinted, if necessary arranged.

~~16.2~~ **17.2** Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

~~16.3~~ **17.3** Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

17.18. Exclusion of public

~~17.1~~ **18.1** Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.

If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.218.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.318.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.418.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

~~17.5~~18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition, the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

~~18.19.~~18.19.1 Voting

~~18.1~~19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

~~18.2~~19.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

~~18.3~~19.3 Chairperson has a casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

18.419.4 Method of voting

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

18.519.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.619.6 Request to have votes recorded

If requested by a member immediately after a vote, the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

18.719.7 Members may abstain

Any member may abstain from voting.

19.20 Conduct

19.120.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

~~20.2~~ Disrespect

20.2 Behaviour consistent with Code of Conduct

No member ~~may, at any meeting, may act inconsistently with their Code of Conduct or~~ speak or act in a manner which is disrespectful of other members, staff or ~~inconsistent with the local authority's Code of Conduct at any meeting~~public.

~~19.3~~20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

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19.420.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance, the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.520.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

19.620.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

19.720.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case, they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.820.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

19.920.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.1020.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

19.1120.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General rules of debate

20.121.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

20.221.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.321.3 Questions to staff

During a debate, members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

20.421.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

20.521.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of ~~a local authority~~ the council, except with permission of the Chairperson. ~~This restriction does not apply~~ Members can speak more than once to meetings of Committees a motion at a committee or Subcommittees subcommittee meeting with the chairperson's permission.

20.621.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

20.721.7 Seconder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

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20.821.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.921.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.1021.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

20.1121.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

20.1221.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.1421.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee ~~or subcommittee~~, is to be considered at the next ordinary meeting of that committee ~~or board~~, unless otherwise specified.

20.1521.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

21.122.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

21.222.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.

- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.322.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any member, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment ~~and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.~~
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.422.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.522.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

22.23. Motions and amendments

22.123.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not ~~in order~~ valid and are not entered in the minutes.

22.223.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.323.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.423.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.523.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. ~~Any~~An amendment ~~which, if carried, would have the effect of defeating a previous motion that was carried is~~ cannot be a direct negative ~~and is therefore not allowed to the motion or the amended motion.~~

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

23.6 Chairperson may recommend amendment

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

22.623.7 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

22.723.8 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

22.823.9 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

22.923.10 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.1023.11 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

22.1123.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The Chairperson has started putting the motion.

23.24. Revocation or alteration of resolutions

23.124.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council or committee ~~or subcommittee.~~ The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

23.224.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a ~~committee, subcommittee or~~ subordinate body.

cl. ~~32(2)~~430(6) Schedule 7, LGA 2002.

23.324.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

23.424.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. ~~Exceptions apply where, in the opinion of the Chairperson:~~

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked; and
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

23.524.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.624.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24.25. Procedural motions

24.25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

24.25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) That the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.525.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.625.6 Business referred to the ~~relevant~~ council or a committee

Where an item of business is referred (or referred back) to a committee, the committee will consider the item at its next meeting unless the meeting resolves otherwise.

24.725.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25.26 Points of order

25.126.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.226.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member ~~or by~~ an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

25.326.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.426.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.526.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of motion

26.127.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.227.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee ~~or board~~.

26.327.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

26.427.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.527.5 When notices of motion lapse

Notices of motion that are not ~~put~~moved when called ~~for~~ by the Chairperson must lapse.

26.627.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee ~~or subcommittee~~ of the local authority must be referred to that committee ~~or board~~ by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

26.727.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27.28. Minutes

27.128.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, signed and included in the council's minute book and, when authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting ~~and signed by. Once authorised the minutes are~~ the ~~Chairperson, will be~~ *prima facie* evidence of the proceedings they relate to.

cl. 28, Schedule 7, LGA 2002.

27.228.2 Matters recorded in minutes

The ~~chief executive~~Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;
- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) The names of any members requesting that ~~votes~~their vote or ~~abstentions~~abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

27.328.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.428.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority, its committees and subcommittees before the next election of members.

~~29.~~ **Minute books**

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

~~28.129.3~~ **Inspection**

~~A-Whether held in hard copy of the local authority's minute books or in electronic form minutes must be kept by the chief executive and be open available for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.~~

~~s. 51 LGOIMA.~~

~~28.229.4~~ **Inspection of public excluded matters**

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

TRACKED CHANGES VERSION

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

~~Provided that where~~ See s.7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. ~~Any proceedings~~ Proceedings of a ~~Council~~ local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

~~THAT~~ In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public ~~be~~is excluded from ~~the~~:

- The whole of the proceedings of this meeting; (deleted if not applicable)
- The following parts of the proceedings of this meeting, namely: (delete if not applicable)
~~Name of report(s)~~

The general subject of ~~each matter~~the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds ~~under section~~for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987 ~~for the passing of this resolution~~, are ~~as follows~~set out below:

<u>Meeting Item No. and subject of each matter to be considered</u>	<u>Reason for passing this resolution in relation to each matter excluding the public</u>	<u>Ground(s) under section 48(1)Grounds for excluding the passing of this resolutionpublic</u>
<u>1</u>	<u>Put in name of report</u>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in <u>To prevent</u> the disclosure of information for which good reason for withholding exists. <u>Section would —</u> i. <u>be contrary to the provisions of a specified enactment; or</u> i. ii. <u>constitute contempt of court or of the House of Representatives (s.48(1)(a)b)).</u>
		<u>To consider a recommendation made by an Ombudsman (s. 48(1)(c)).</u>

Meeting Item No. and subject of each matter to be considered	Reason for passing this resolution in relation to each matter excluding the public	Ground(s) under section 48(1) Grounds for excluding the passing of this resolution public
2		<p>That To deliberate on matters relating to proceedings where:</p> <ul style="list-style-type: none"> i. i. a right of appeal lies to a court or tribunal against the public conduct final decision of the relevant part of councils in those proceedings; or ii. ii. the proceedings council is required, by an enactment, to make a recommendation in respect of the meeting would be likely to result in matter that is the disclosure subject of information for which good reason for withholding exists. Section those proceedings (s.48(1)(a)d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(i)).

<p><u>Meeting Item No. and subject of each matter to be considered</u></p>	<p><u>Reason for passing this resolution in relation to each matter excluding the public</u></p>	<p><u>Ground(s) under section 48(1)Grounds for excluding the passing of this resolutionpublic</u></p>
<p>3</p>		<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. <u>Section 48(1)(a)To protect information which if public would;</u> i. <u>disclose a trade secret; or</u> ii. <u>unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).</u></p>
		<p><u>To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for;</u></p> <ul style="list-style-type: none"> • <u>a resource consent, or</u> • <u>a water conservation order, or</u> • <u>a requirement for a designation or</u> • <u>an heritage order,</u> <p><u>(s 7(2)(ba)).</u></p>

TRACKED CHANGES

Meeting Item No. and subject of each matter to be considered	Reason for passing this resolution in relation to each matter excluding the public	Ground(s) under section 48(1) Grounds for excluding the passing of this resolution public
4	<i>Hearings Committee</i>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <ul style="list-style-type: none"> i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act</p> <p><u>s. 48(1)(d). To protect information which is subject to an obligation of confidence where the making available of the information would be likely to:</u></p> <ul style="list-style-type: none"> i. <u>prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or</u> ii. <u>would be likely otherwise to damage the public interest (s 7(2)(c)).</u>
		<p>To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).</p>

<u>Meeting Item No. and subject of each matter to be considered</u>	<u>Reason for passing this resolution in relation to each matter excluding the public</u>	<u>Ground(s) under section 48(1)Grounds for excluding the passing of this resolutionpublic</u>
		<u>To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).</u>
		<u>To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).</u>
		<u>To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).</u>

This resolution

That (name of person(s)) is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

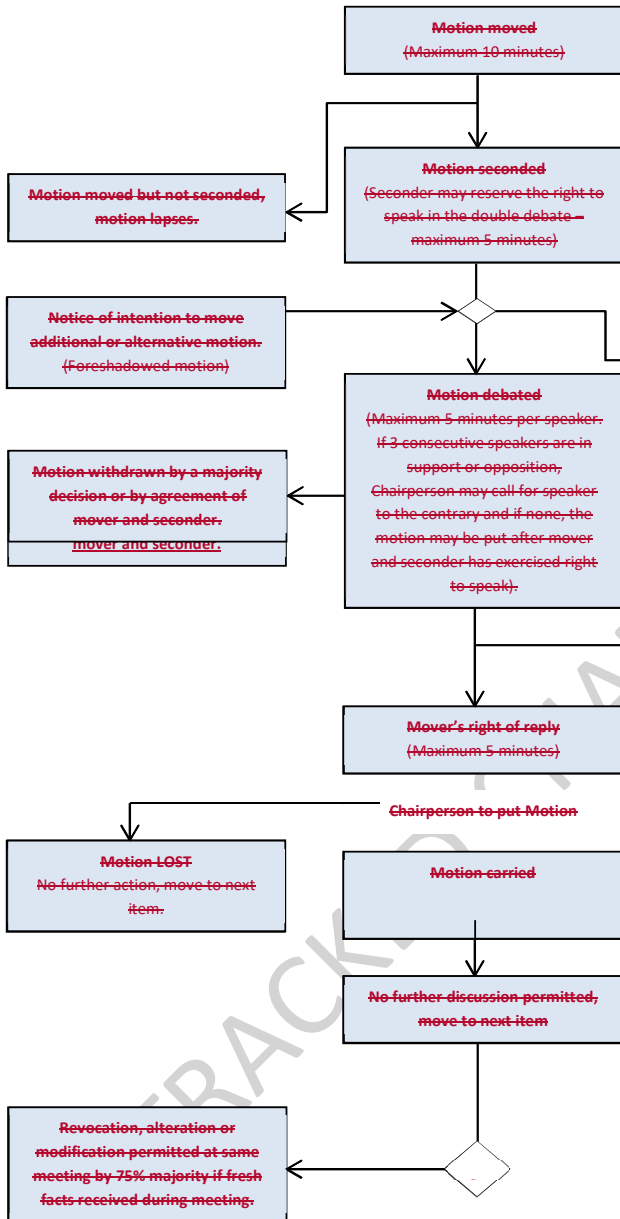
<u>Item No</u>	<u>Interest</u>
	<u>Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))</u>
	<u>Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))</u>
	<u>Maintain legal professional privilege (Schedule 7(2)(g))</u>
	<u>Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))</u>
	<u>Protect information where the making available of the information</u> <u>(i) — would disclose a trade secret; or</u> <u>(ii) — would be likely unreasonably to prejudice the commercial position of the — person who supplied or who is the subject of the information — (Schedule 7(2)(b))</u>

Item No	Interest
	<p>In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba))</p>
	<p>Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—</p> <p>(i) — would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or</p> <p>(ii) — would be likely otherwise to damage the public interest (Schedule 7(2)(c))</p>
	<p>Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))</p>
	<p>Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))</p>
	<p>Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).</p>
	<p>Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))</p>

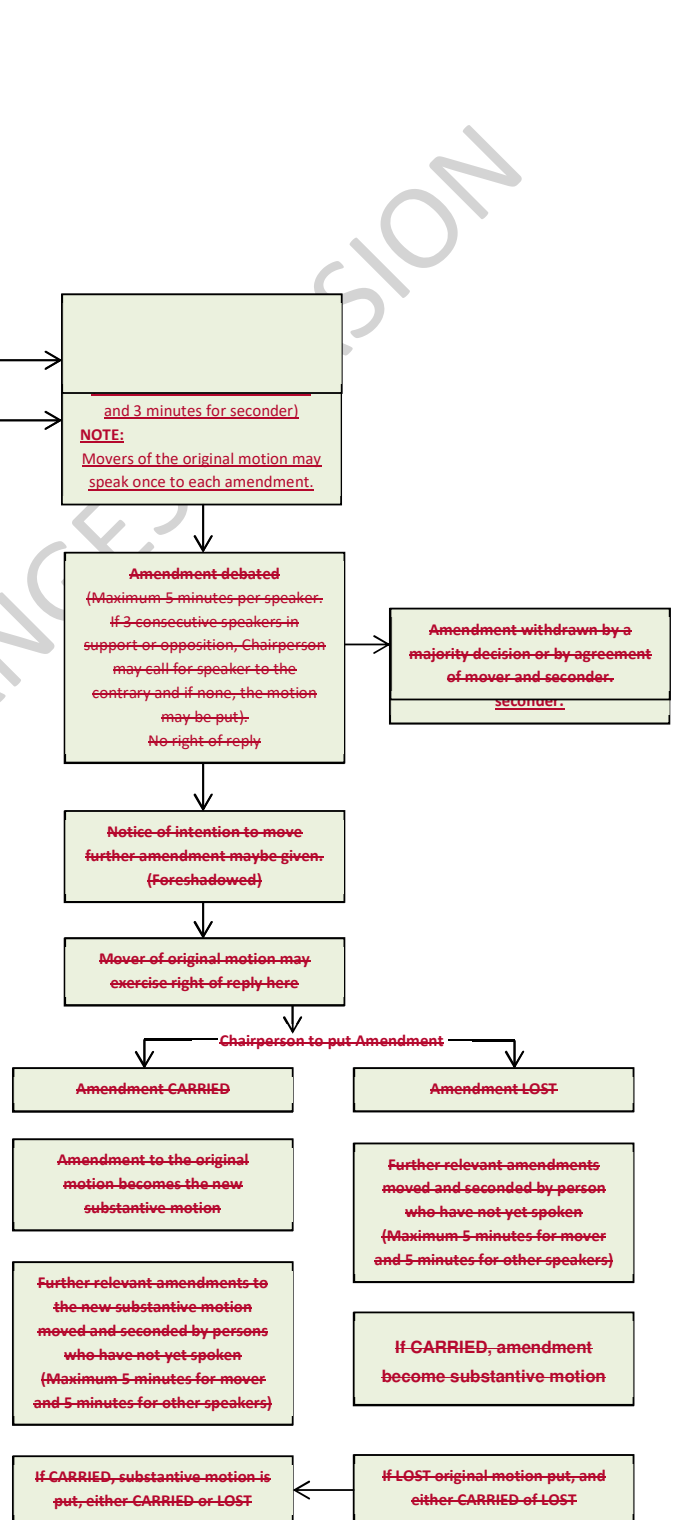
2. ~~THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX.(specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.(specify). (Delete if inapplicable.)~~

Appendix 3: Motions and amendments (Option A)

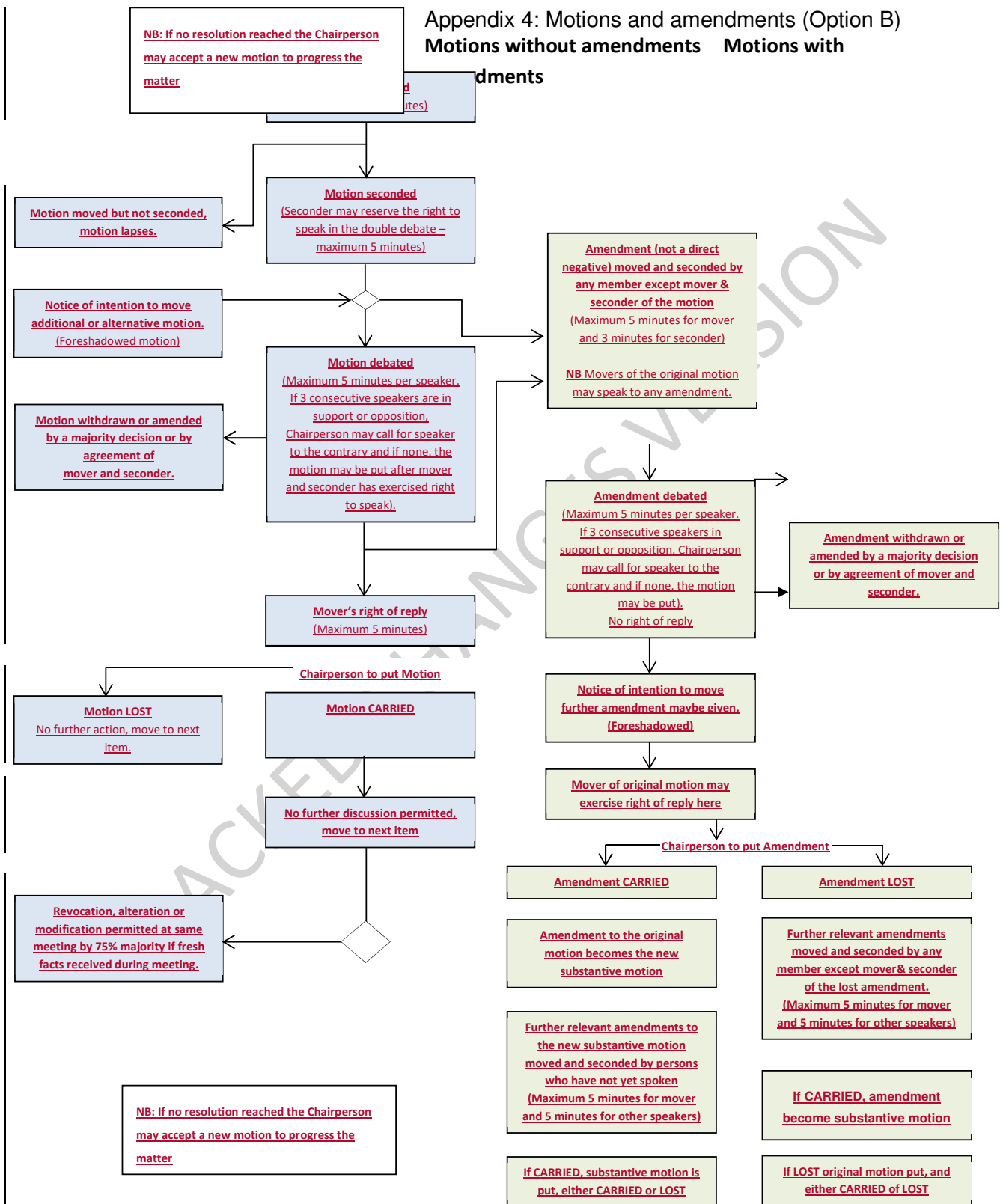
Motions without amendments



Motions with amendments

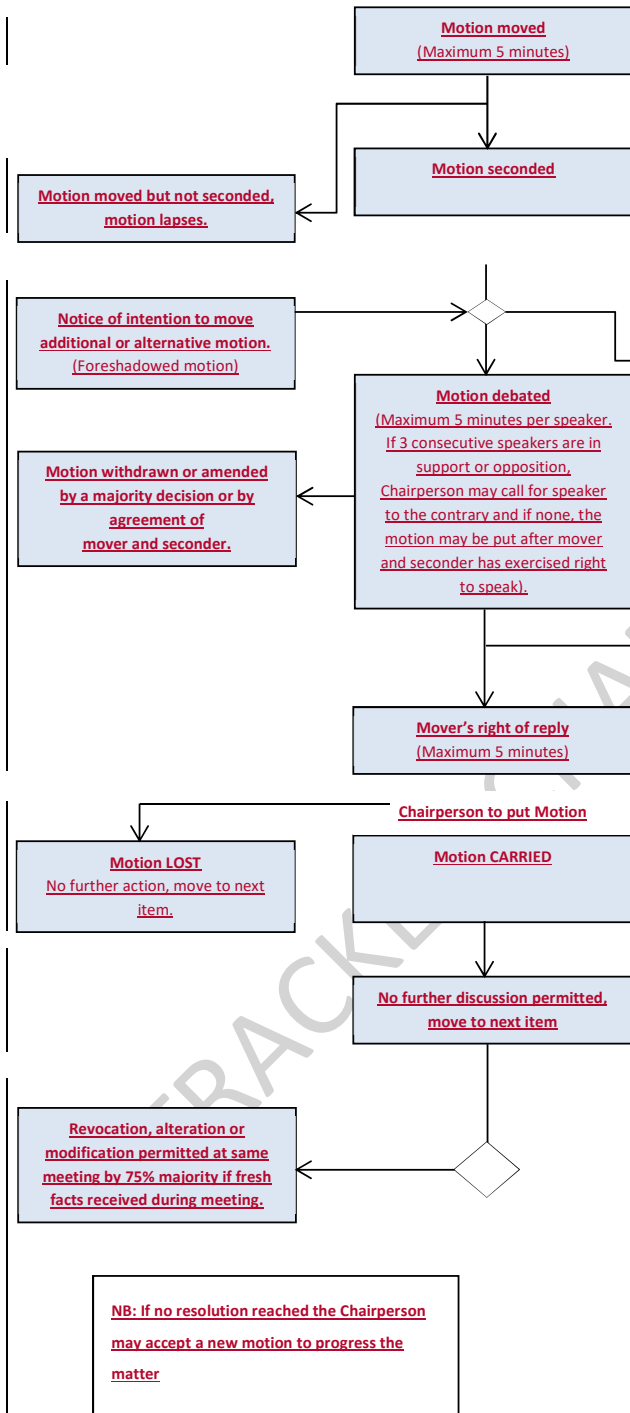


Appendix 4: Motions and amendments (Option B)
Motions without amendments **Motions with amendments**

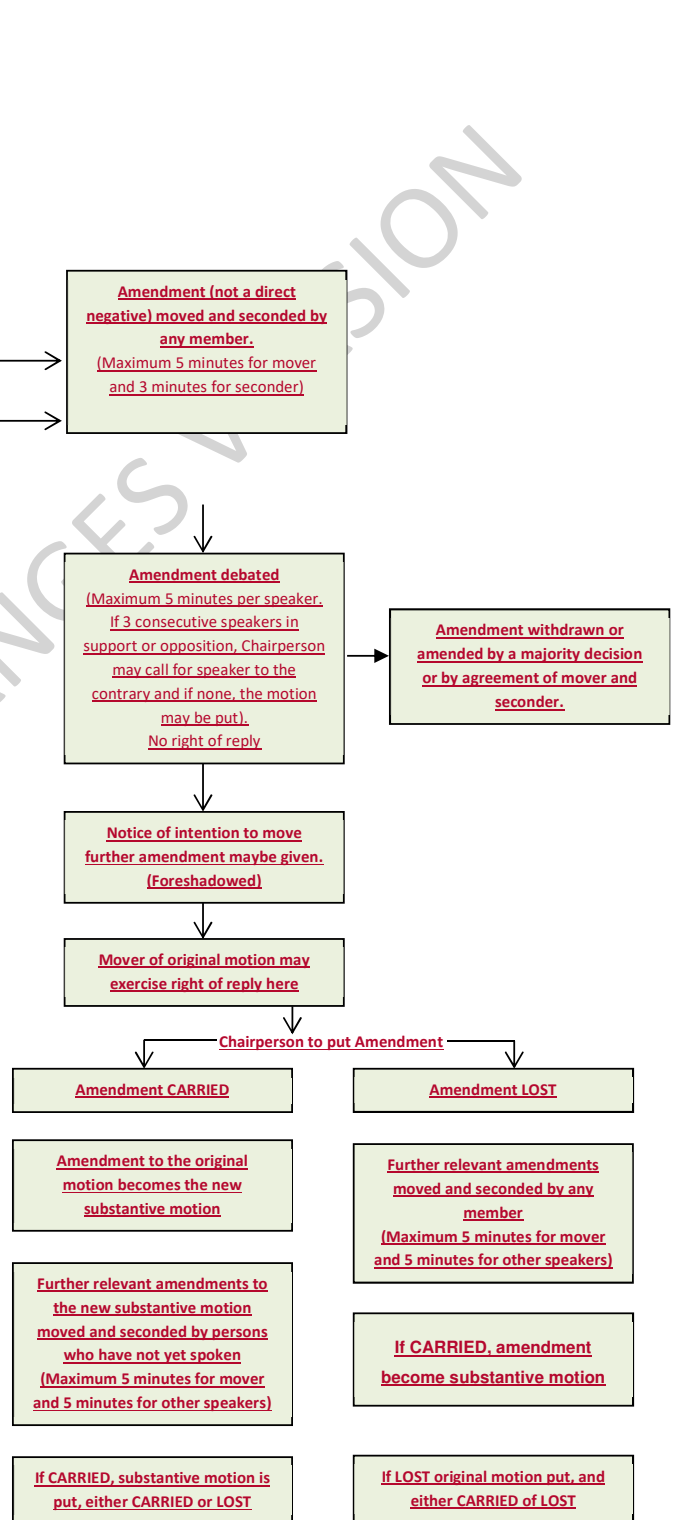


Appendix 5: Motions and amendments (Option C)

Motions without amendments



Motions with amendments



Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 57: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally, interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

TRACKED CHANGES VERSION

Appendix 68: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; or
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio- or audio-visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

TRACKED CHANGES VERSION

Appendix 79: Process for removing a Chairperson or deputy Chairperson from office

1. At a meeting that is in accordance with this clause, a regional council may remove its Chairperson or deputy Chairperson from office.
2. If a Chairperson or deputy Chairperson is removed from office at that meeting, the regional council may elect a new Chairperson or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson or deputy Chairperson may be called by:
 - (a) A resolution of the regional council; or
 - (b) A requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the Chairperson or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting ~~should~~ if a majority of the total membership of the regional council (excluding vacancies) so ~~resolveresolves~~.
5. A resolution may not be made, and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson or deputy Chairperson carries if a majority of the total membership of the regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 810: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees;
- ~~(b) the Chairperson,~~
- ~~(b) The Chair;~~
- (c) A committee Chairperson; or
- (d) The Chief Executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required, and workshops can be either open to the public or public excluded.

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

Appendix 911: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Extraordinary business
- (i) Notices of motion
- (j) Reports of committees
- (k) Reports of the Chief Executive and staff
- (l) Chairperson, deputy Chairperson and elected members' reports (information)

Public excluded section

- (m) Reports of committees
- (n) Reports of the chief executive and staff
- (o) Chairperson, deputy Chairperson and elected members' reports (information)

TRACKED CHANGES VERSION

Appendix ~~10~~12: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee; and
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

TRACKED CHANGES VERSION



OTAGO REGIONAL COUNCIL

STANDING ORDERS

Adopted by Council **day month 2019**

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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DRAFT

1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular, decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio- and audio-visual link.

Emergency meeting has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a regional council, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, committee, subcommittee or subordinate decision-making bodies of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region of the local authority, or one or more other newspapers that have a combined circulation in that region which is at least equivalent to that of a daily newspaper circulating in that region

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the region of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council. See definition of "Committee".

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies, including meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate may move a motion to suspend specified 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.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority must give to the chief executive a physical residential or business address within the region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its region. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the Chairperson (if any) and members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002);
- (c) A general explanation, given or arranged by the Chief Executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

5. Appointments and elections

5.1 Elections of regional Chairpersons, and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.3) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a regional council;
- The Chairperson and deputy Chairperson of a committee; and
- A representative of a local authority.

cl. 25 Schedule 7, LGA 2002.

5.2 Removal of a Chairperson or deputy Chairperson

A Chairperson or deputy Chairperson can only be removed in accordance with the process set out in cl. 18, Schedule 7, of the LGA 2002. See Appendix 9.

cl. 18, Schedule 7, LGA 2002.

5.3 Voting system for Chairpersons, deputy Chairpersons and committee chairs

When electing a regional council chair, a deputy chair or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;
- (b) The power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) The power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee or subordinate decision-making body, member, or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and subcommittees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Officer's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002.

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority or committee is not invalidated if:

1. There is a vacancy in the membership of the local authority or committee at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.7 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the Chairperson and deputy Chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.8 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.9 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information).

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council: or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Chairperson; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3, as well as the general nature of business to be considered to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

cl. 22A(1), Schedule 7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule 7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.12 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 12.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

9.7 Public availability of the agenda

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website; and
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances, an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

10. Opening and closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council.

cl. 23 (3)(b) Schedule 7, LGA 2002.

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting, and this is notified by the chief executive.

12. Public access and recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees and subcommittees must be open to the public.

s.47 & 49(a), LGOIMA.

12.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

12.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Chairperson may approve a members' application, and the Council may approve an application from the Chairperson. The Chairperson will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record a leave of absence for a member as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that specific meeting(s).

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the council without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

13.7 Right to attend by audio- or audio-visual link

Provided the conditions in standing orders 13.11 and 13.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

cl. 25A (4), Schedule 7, LGA 2002.

13.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio- or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio- or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

13.11 Conditions for attending by audio- or audio-visual link

Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio- or audio-visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio- or audio-visual link. Should, due to illness or emergency, this not be possible, the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

13.14 Giving or showing a document

A person attending a meeting by audio- or audio-visual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audio-visual link; or
- (c) Any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

13.15 Link failure

Where an audio- or audio-visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio- or audio-visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

14. Chairperson's role in meetings

14.1 Council meetings

The Chairperson must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as chairperson. If the deputy Chairperson is also absent the local authority members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

14.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

14.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

14.5 Chairperson standing

Whenever the Chairperson stands during a debate, members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee or subcommittee any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.

If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

18.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

18.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition, the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

19.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

19.3 Chairperson has a casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

19.4 Method of voting

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

19.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member immediately after a vote, the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the Chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

20.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance, the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

20.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

20.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case, they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

During a debate, members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

21.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Seconder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

21.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

21.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any member, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not valid and are not entered in the minutes.

23.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

23.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

23.6 Chairperson may recommend amendment

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

23.7 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

23.8 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it and may move or second a further amendment.

23.9 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion and may move or second a further amendment to it.

23.10 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.11 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The Chairperson has started putting the motion.

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council or committee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

cl. 30 (6) Schedule 7, LGA 2002.

24.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked; and
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

25. Procedural motions

25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) That the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.6 Business referred to the council or a committee

Where an item of business is referred (or referred back) to a committee, the committee will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

26. Points of order

26.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

26.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of motion

27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

27.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Notices of motion that are not moved when called for by the Chairperson must lapse.

27.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority must be referred to that committee by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

28.2 Matters recorded in minutes

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;
- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) The names of any members requesting that their vote or abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority, its committees and subcommittees before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

29.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

s. 51 LGOIMA.

29.4 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

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Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

- 1 that the public is excluded from:
- The whole of the proceedings of this meeting; *(deleted if not applicable)*
 - The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

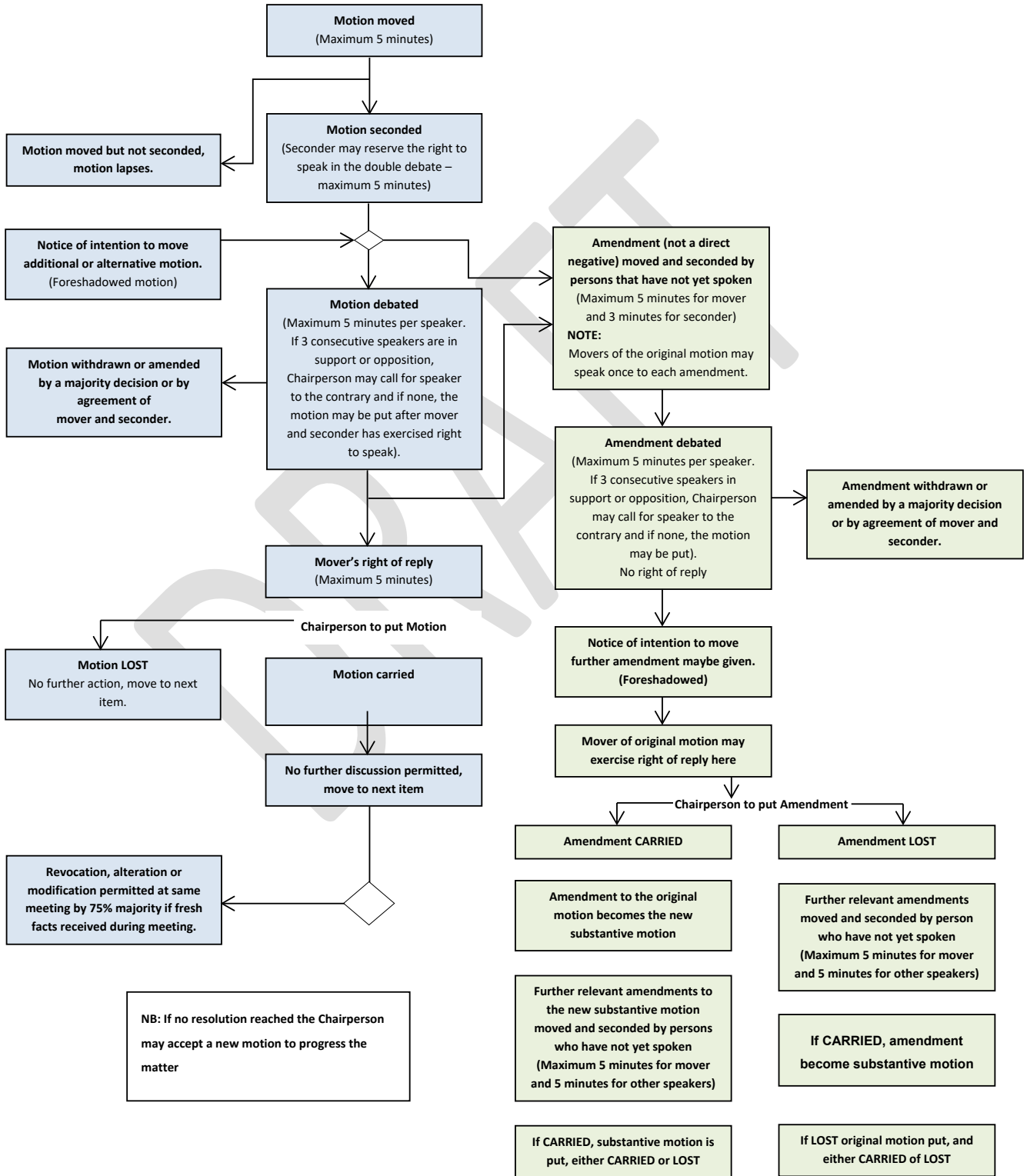
2. That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*). (*Delete if inapplicable.*)

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Appendix 3: Motions and amendments (Option A)

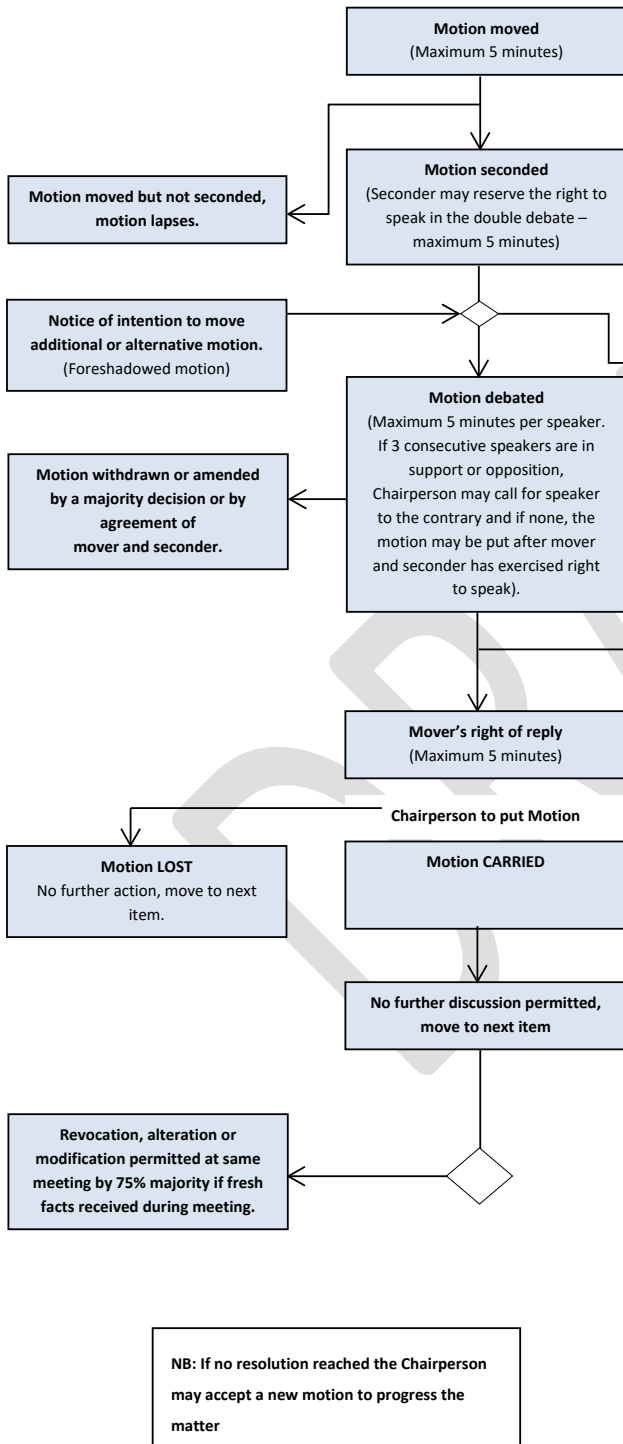
Motions without amendments

Motions with amendments

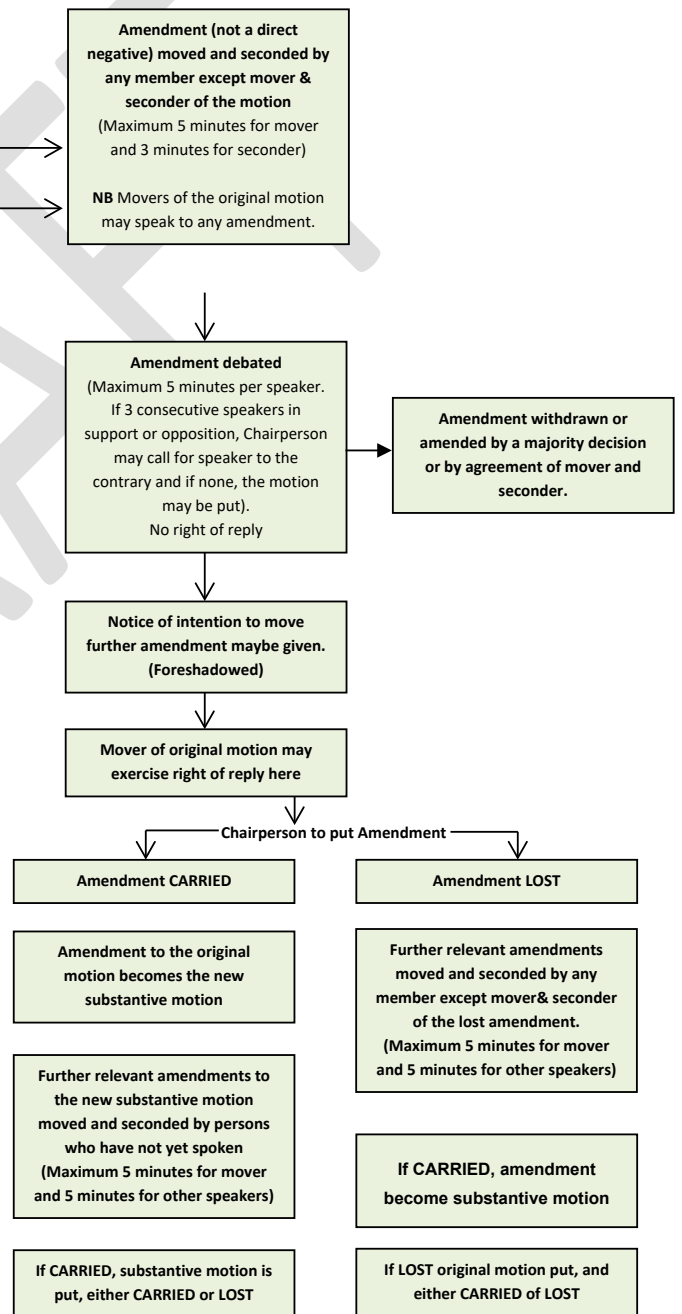


Appendix 4: Motions and amendments (Option B)

Motions without amendments



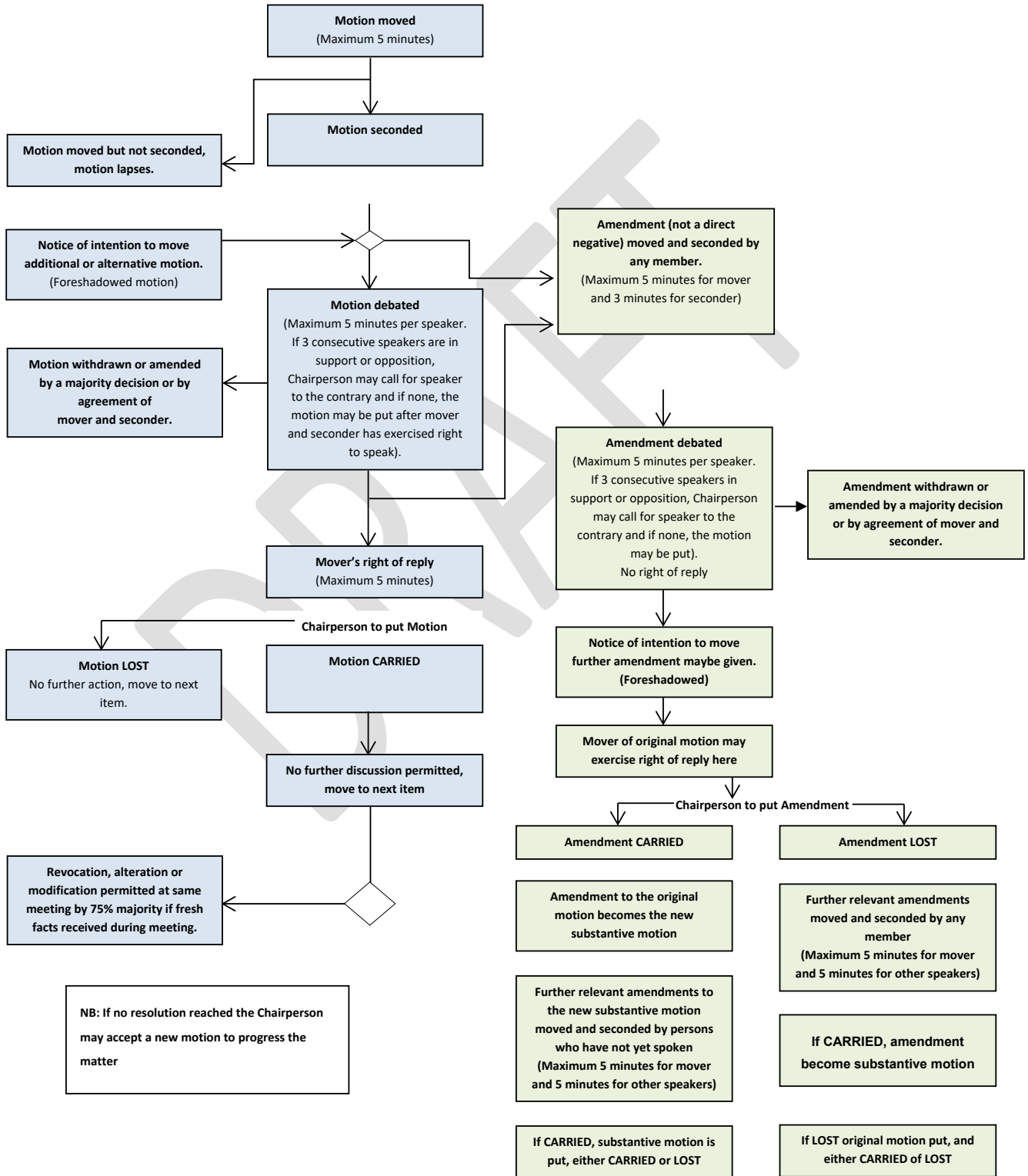
Motions with amendments



Appendix 5: Motions and amendments (Option C)

Motions without amendments

Motions with amendments



Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally, interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; or
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio- or audio-visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

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Appendix 9: Process for removing a Chairperson or deputy Chairperson from office

1. At a meeting that is in accordance with this clause, a regional council may remove its Chairperson or deputy Chairperson from office.
2. If a Chairperson or deputy Chairperson is removed from office at that meeting, the regional council may elect a new Chairperson or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson or deputy Chairperson may be called by:
 - (a) A resolution of the regional council; or
 - (b) A requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the Chairperson or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting if a majority of the total membership of the regional council (excluding vacancies) so resolves.
5. A resolution may not be made, and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson or deputy Chairperson carries if a majority of the total membership of the regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 10: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees;
- (b) The Chair;
- (c) A committee Chairperson; or
- (d) The Chief Executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required, and workshops can be either open to the public or public excluded.

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

Appendix 11: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Extraordinary business
- (i) Notices of motion
- (j) Reports of committees
- (k) Reports of the Chief Executive and staff
- (l) Chairperson, deputy Chairperson and elected members' reports (information)

Public excluded section

- (m) Reports of committees
- (n) Reports of the chief executive and staff
- (o) Chairperson, deputy Chairperson and elected members' reports (information)

Appendix 12: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee; and
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

DRAFT

OTAGO REGIONAL COUNCIL

Code of Conduct

Adopted on the XX day of xxx 2019

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1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.¹

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

4. Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of your city, district or region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the city, district or region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;

¹ See Code of Conduct Guide for examples.

- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the Council; and
- Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s.42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

5.3 Relationship with the public

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - Comments shall be consistent with the Code;
 - Comments must not purposefully misrepresent the views of the Council or the views of other members;
 - Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
 - Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with the Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix B**). In the event of a conviction elected members can be ousted from office.

9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the members' spouse/partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) A description of any land owned by the local authority in which the member or their spouse/partner is:
 - A tenant; or
 - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.

- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the code.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium.²
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

² A self-assessment template is provided in the Guidance to the code.

12. Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
 - Have a right to know that an investigation process is underway;
 - Are given due notice and are provided with an opportunity to be heard;
 - Have confidence that any hearing will be impartial;
 - Have a right to seek appropriate advice and be represented; and
 - Have their privacy respected.

12.2 Complaints

All complaints made under the code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Mayor/Chair or, where the Mayor/Chair is a party to the complaint, an independent investigator, drawn from a pool of names or agency agreed in advance.

Please note, only members and the Chief Executive may make a complaint under the code.

Complaint referred to Mayor/Chair

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Mayor/Chair will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint.
- Interview the member(s) subject to the complaint.
- Assess the complaint to determine materiality.

- Where a complaint is assessed by the Mayor/Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor/Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor/Chair, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.³

If the Mayor/Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the Chief Executive.

Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Mayor/Chair, or from the Mayor/Chair after initial consideration, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.⁴ The process, following receipt of a complaint, will follow the steps outlined in **Appendix C**.

12.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Mayor/Chair or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Mayor/Chair or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

13. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);

³ Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

⁴ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A: Guidelines on the personal use of social media⁵

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

⁵ Based on the Ruapehu District Council Code of Conduct.

Appendix B: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?

- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/Chair or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or
- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.⁸⁹⁰

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; and
- d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

Appendix C: Process where a complaint is referred to an independent investigator

The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.

Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor/Chair) or from the Mayor/Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Mayor/Chair for guidance; and/or
- That the respondent attends appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 5: Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

DRAFT

9.4. ECO Fund - Terms of Reference

Prepared for:	Council
Report No.	SHE1848
Activity:	Governance Report
Author:	Lisa Gloag, Manager Communications and Engagement
Endorsed by:	Sally Giddens, General Manager People, Culture and Communications
Date:	6 November 2019

PURPOSE

- [1] For Council to adopt the *ECO Fund Decision Panel Terms of Reference*, which were updated following an annual review of the ECO Fund in July 2019.

EXECUTIVE SUMMARY

- [2] Amendments were made to the ECO Fund Decision Panel Terms of Reference following an annual review of the ECO Fund in July 2019 (refer to attached changes). The updated Terms of Reference need to be adopted by the new Council before the Decision Panel for the October funding round meets.

Attachment 1: sets out the changes to the ECO Fund Terms of Reference
Attachment 2: updated ECO Fund Terms of Reference

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Adopts** the updated *ECO Fund Decision Panel Terms of Reference*.
- 3) **Notes** the *ECO Fund Decision Panel Chair* is being considered as part of the *Decision Making Structure 2019-2022 Triennium agenda item*.
- 4) **Notes** the *Chief Executive*, as delegated by Council, has appointed the *ECO Fund Panel* for the 1-20 October round as *Cr Michael Deaker, Cr Marian Hobbs, Cr Alexa Forbes and Cr Kate Wilson*.

BACKGROUND

- [3] The ECO Fund is Otago Regional Council's community environmental fund that has \$250,000 allocated annually to support community-driven projects that protect, enhance and promote Otago's environment. There are two funding rounds each year, from 1-20 October and 1-20 March, where applications are accepted. There is \$125,000 available to allocate to applicants for each funding round.
- [4] The process for making decisions on the applications is as follows: a staff panel reviews applications and provides recommendations to the Councillor Decision Panel. The

Councillor Decision Panel then reviews applications, giving consideration to staff recommendations, and allocates funding accordingly. Recommendations are then made to full Council for final approval.

- [5] Due to the current ECO Fund application round (1-20 October 2019) falling during the election period, the previous Council gave delegation to select the Decision Panel to Chief Executive Sarah Gardner.
- [6] The Chief Executive has appointed the ECO Fund Decision Panel for the 1-20 October 2019 funding round as:
Cr Michael Deaker
Cr Marian Hobbs
Cr Alexa Forbes
Cr Kate Wilson
- [7] Note that the Decision Panel comprises four Councillors: The Chair, plus three other Councillors who rotate each funding round in order to give other Councillors the opportunity to be on the Decision Panel.

NEXT STEPS

- [8] The next steps are: Dianne Railton (Executive Assistant for People, Culture and Communications) will be in touch with the Councillors on the October 2019 Decision Panel to arrange a meeting day and send applications through for review.
- [9] Recommendations for successful ECO Fund applicants will be brought to the December 2019 Council meeting.

ATTACHMENTS

Nil

**Attachment 1****Changes to the ECO Fund Terms of Reference:**

Current Terms of Reference	Updated Terms of Reference
Stakeholder Engagement team	Communications and Engagement team
ECO Fund reviewed in July 2019 <i>note: ECO Fund was launched in July 2018, with the first funding round 1-20 September 2018</i>	ECO Fund reviewed yearly
Chair (Cr Deaker) and Deputy Chair (Cr Hope)	Councillor names removed
Three funding rounds in September, January, May	Two funding rounds in October and March
Two hours should be put aside for Decision Panel meetings	Four Two hours should be put aside for Decision Panel meetings
ECO Fund amount of \$250,000 per year is split into three funding rounds of \$83,333	Funding split into two funding rounds, \$125,000 each round
Definition of the fund as advertised "Otago Regional Council's (ORC ECO Fund supports <i>community-driven projects that support or enhance Otago's environment</i> "	Change ' <i>support or enhance</i> ' to ' <i>protect, enhance and promote</i> '

Attachment 2



TERMS OF REFERENCE

ECO Fund Decision Panel

Purpose and function of the decision panel

- Assess all ECO Fund applications and give them a score according to the assessment checklist
- Provide recommendations to full Council on which applications should receive funding (recommendations made by the panel are not final and must be agreed upon by the full Council)
- Maintain a relationship with Communications and Engagement team
- Provide feedback on this process when the ECO Fund is reviewed yearly

The decision panel will comprise four members of Council, with a permanent Chair and three other Councillors who will rotate each funding round so Councillors are given the opportunity to be on the decision panel. A Deputy Chair will take over the Chair's duties if they are unable to fulfil them for any reason.

Communications and Engagement staff will manage the administration of the applications and do an initial check of applications against the criteria and terms & conditions. Staff will work with the Chair to coordinate a meeting for the ECO Fund decision panel and will also attend the meeting.

How the decision panel operates

The ECO Fund decision panel will meet after each funding round has concluded but prior to the following Council meeting.

- Funding round one: 1-20 October
- Funding round two: 1-20 March

The length of meetings will depend on the amount of applications received. Four hours should be put aside and the date, time and location of meetings will be managed through the Chair in collaboration with the Communications and Engagement team.

As the ECO Fund amount of \$250,000 per year is split into two funding rounds there is \$125,000 available in each round. Panel members should seek to make decisions according to this number.

Reporting

The ECO Fund Decision Panel will report to Council at the next meeting following each application round.



Timeframe

The ECO Fund will be reviewed yearly. This review will determine whether the decision panel as agreed in this document will still stand or amendments are made.

Please remember the following principles as you assess applications to the ECO Fund:

Definition of the fund as advertised: “Otago Regional Council’s (ORC) ECO Fund supports *community-driven* projects that *protect, enhance and promote Otago’s environment*”

- The applications must remain confidential. They may have commercial sensitivity and are the intellectual property of the organisation making the proposal.
- The work of the selection panel will be subject to both the Privacy Act 1993, and the Local Government Official Information and Meetings Act 1987. Proposers can request information about the process and about any information pertaining to them. Individual panel members’ names will not be made available and will be blanked out of any papers provided in response to an OIA request. However, members should be aware that comments on score sheets and in meeting minutes are discoverable.
- Full and proper consideration against ECO Fund criteria be given to each and every proposal.
- A record of our rankings and comments will be kept, and collective discussions and decisions regarding the ranking of each proposal will be recorded.
- Should an application be unsuccessful but re-considered in a subsequent funding round, rankings will be amended according to any further information provided.
- Declare any conflicts of interest i.e. any involvement or relationship that may reduce your objectivity about any proposal. If you are not sure, declare and your concern can be considered.
- Do not accept hearsay as a basis for decision making. Your judgement is to be based on what you find in the written proposal, not on any other information.
- Personal knowledge should also be excluded from the panel’s deliberations. It is expected that selection will be based only on what’s in the proposal.
- It is important for you to bear in mind that you are making recommendations for expenditure of public funds, and you should consider best value.
- It is important that the panel arrives at a consensus or common understanding on each assessed item, by the end of the selection meeting. You can, however, agree to disagree and this bringing together of disparate views will be recorded.

Conflicts of Interest

Decision panel members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members’ Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have pecuniary interest, other than interest in common with the general public. This rule also applies where the member’s spouse/partner/family member contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.



If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chair immediately. Member may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution. In the event of a conviction, elected members can be ousted from office.

- Declaration of conflict
 - Members and observers are responsible for declaring any real or potential conflict of interest to the Chairperson, as soon as the conflict arises.
- Management of conflict of interest
 - Conflicts of interest will be enforced by the Chair or if a conflict of interest arises involving the Chair, the Deputy Chair will step in. In the case of a conflict of interest arising, the affected Councillor will be asked to step aside from conversation within the decision panel.

10.1. Plan Change 5A High Court Appeal

Prepared for:	Council
Report No.	P&S1807
Activity:	Governance Report
Author:	Tom De Pelsemaeker, Team Leader Freshwater and Land
Endorsed by:	Gwyneth Elsum, General Manager Strategy, Policy and Science
Date:	5 November 2019

PURPOSE

- [1] To inform Council that the Environment Court decision released in October on Proposed Plan Change 5A (Lindis: Integrated water management) has been appealed to the High Court by Otago Fish and Game Council (F&G).

EXECUTIVE SUMMARY

- [2] ORC notified Proposed Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water for Otago (Water Plan) in August 2015. The notified plan change proposed to set a primary allocation limit and associated minimum flow for primary allocation takes from within the Lindis catchment and Lindis Alluvial Ribbon Aquifer.
- [3] ORC released its decision on Plan Change 5A in 2016 and that was subsequently appealed by the Lindis Catchment Group (LCG), with a further 18 parties joining the appeal under s274 of the Resource Management Act 1991 (RMA).
- [4] The Environment Court decision on Proposed Plan Change 5A was released on 7 October 2019. A second Environment Court decision on the applications to replace permits with new consents is likely to be issued in the near future (November 2019).
- [5] The Environment Court decision on Plan Change 5A has been appealed to the High Court on points of law by F&G, pursuant to s299 and s300 of the RMA.
- [6] ORC has filed a Notice of Intention to Appear on the High Court appeal, making itself available to assist the High Court if required.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Notes** that
 - The Environment Court released its decision on Proposed Plan Change 5A (Lindis: Integrated water management) on 7 October 2019;

- The Environment Court's decision on Plan Change 5A has been appealed to the High Court by Otago Fish and Game Council (F&G); and
- The Otago Regional Council (ORC) has filed a Notice of Intention to Appear on the High Court Appeal.

BACKGROUND

Notification of the Plan Change and Council's Decision

- [7] In August 2015 ORC notified Proposed Plan Change 5A to the Water Plan. The notified plan change proposed to set:
- A primary allocation limit of 1,000 L/s for the Lindis catchment and connected Lindis Alluvial Ribbon Aquifer;
 - A minimum flow for primary allocation takes from within the Lindis catchment and connected Lindis Alluvial Ribbon Aquifer of 750 L/s during the irrigation season, to be measured at the Ardgour Road flow monitoring site (5km upstream from the Clutha Confluence);
 - A minimum flow for primary allocation takes from within the Lindis catchment and connected Lindis Alluvial Ribbon Aquifer of 1,600 L/s during the non-irrigation season, to be measured at the same site;
 - Supplementary minimum flows and supplementary allocation blocks for the Lindis River and connected Lindis Alluvial Ribbon Aquifer; and
 - Maximum allocation limits for three other aquifers in the nearby Bendigo-Tarras Basin (Lower Tarras, Bendigo and Ardgour Valley Aquifers).

A brief description of the Lindis catchment is attached to this report as Appendix 1.

- [8] Following the hearing of submissions in March and April 2016, ORC released its decision on Plan Change 5A in August 2016. The decision sought to increase the minimum flow for the irrigation period to 900 L/s, while increasing the primary allocation limit to 1,200 L/s.
- [9] Council's decision on the primary allocation limit for the catchment and on the irrigation season minimum flow was appealed to the Environment Court by the Lindis Catchment Group (LCG), an incorporated society representing the majority of the water users in the Lindis catchment. A further 18 parties joined the appeal under s274 of the RMA, including Federated Farmers, the Department of Conservation, Central Otago Environmental Society, F&G, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, and Te Rūnanga o Ōtākou.

Environment Court Mediation and Hearings

- [10] Environment Court-assisted mediation took place between December 2017 and July 2018, and concluded with a signed agreement between ORC & LCG to set the minimum flow at 550 L/s subject to LCG committing to the following:
- Applying for new consents to replace deemed permits; and
 - Closing the current races and replacing them with gallery intakes located further downstream; and

- Reducing the existing primary allocation (3,777 L/s) and actual water take (2,250 L/s) for the catchment to no more than 1,640 L/s.¹ ; and
- Providing “flushing” flows of 1,000 L/s if the recorded flow at Ardgour Road flow monitoring site is less than 700 L/s for 14 consecutive days.

[11] The mediation agreement was supported by some but not all s247 parties. Other parties withdrew their appeal, including Federated Farmers, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, and Te Rūnanga o Ōtākou.

[12] In November 2018 LCG lodged its resource consent application to replace all remaining deemed permits with new RMA consents. This application was directly referred to the Environment Court, where it could be heard concurrently with the PC5A appeal.

Environment Court Decision

[13] On 7 October 2019 the Environment Court released its decision on Proposed Plan Change 5A. In it the Court concluded that the minimum flow at the Ardgour Road flow monitoring site should be fixed at 550L/s and that the primary allocation limit for the Lindis catchment should be fixed at 1,640 L/s.

[14] The Court found that the 550 L/s minimum flow option combined with downstream galleries achieves the purpose of the RMA and is preferable to the 900 L/s minimum flow option (with ongoing use of the current race system) for the following reasons:

- The 550 L/s minimum flow + galleries scenario is:
 - i. as effective in achieving the relevant NPS-FM objectives, as the 900 L/s minimum flow + races scenario;
 - ii. nearly as effective in achieving the relevant Water Plan objectives, as the 900 L/s minimum flow + races scenario; and
 - iii. better provides for the efficient use of water and the community’s wellbeing, than the 900 L/s minimum flow + races scenario.
- The 900 L/s minimum flow option + races is likely to leave:
 - i. more water in the river during low flow conditions in the last 3.7 km upstream from the Confluence with the Clutha/Mata-Au,
 - ii. less water in reaches upstream of 3.7 km point for large proportion of the time during the irrigation season.

Therefore, the 900 L/s minimum flow option + races is likely to have more ecological adverse effects than the 550 L/s minimum flow.

- The 900 L/s minimum flow option would result in better outcomes on the Lindis River ecosystem if the irrigation races were to be replaced with downstream galleries. However, the Court concluded that it would be economically unviable for irrigators to replace the current water race

¹ The S87F report that makes recommendations on the LCG application to replace the remaining 19 deemed permits with new resource consents also recommended reducing the annual water take volume from 40 million m³ to 19 million m³. This recommendation has been accepted by LCG)

infrastructure with downstream galleries under the reduced reliability offered by a 900 L/s minimum flow.

- [15] The Environment Court is likely to issue a second decision on the resource consent applications to replace 19 deemed permits (and a few other water permits) with new resource consents in November 2019.

High Court Appeal

- [16] The Environment Court's decision on Plan Change 5A has been appealed to the High Court by F&G pursuant to Sections 299 and 300 of the RMA on the grounds that it is erroneous in law. F&G stated in its appeal notice that:

- Some of the Environment Court's findings are contrary to the express provisions of the RMA and the Conservation Act 1987.
- The Environment Court applied the wrong legal test in relation to its interpretation and application of Section 7(h) of the RMA (*'To have particular regard to the protection of the habitat of trout and salmon.'*) and erred in its interpretation and application of s5(2)(b) of the RMA (*'Safeguarding the life-supporting capacity of water and ecosystems'*), by failing to recognise that protection of the habitat of trout and salmon, is inherent in the sustainable management purpose of the RMA.
- The Environment Court erred in its interpretation of Objective B1 of the National Policy Statement on Freshwater Management 2014 (amended 2017) (NPSFM) when it stated that Objective B1 prioritises the safeguarding of the life supporting capacity and ecosystem processes as they relate to indigenous species above and the same in respect of trout.
- The Environment Court applied the wrong legal test in finding that the current state of the river (status quo) was the relevant environmental baseline to assess effects on trout and not the river's natural flow, which it found was the relevant baseline for assessment of effects on indigenous species.
- The Environment Court reached a conclusion in respect of the habitat requirements for invertebrates and indigenous fish to which it could not have reasonably come.
- The Environment Court discounted the higher flow requirements required to safeguard the habitat of trout; and disregarded the higher minimum flow option because this would create a better habitat for trout.
- The Environment Court erred in failing to have regard to the "maximum take" or "worst case scenario" of the minimum flow and primary allocation limits to be set in the Regional Plan.
- The Environment Court erred in finding that the primary allocation set in the Regional Plan for the Lindis River is a "limit" in the context of the NPSFM definition, and that accordingly the Lindis River is not "over-allocated" in the context of the NPSFM.

ISSUE

- [17] The Notice of Appeal on behalf of F&G was filed in the Dunedin High Court on 29 October 2019 and was served on ORC on the same date, in accordance with s300 of the RMA.
- [18] Under s301 of the RMA, parties to the proceedings or any person who appeared before the Environment Court who wishes to appear on an appeal to High Court must give a Notice of Intention to Appear within 10 working days after being served with a notice of the appeal to the proceedings by the appellant. Hence, the period for parties to give a Notice of Intention to appear on the High Court appeal lapsed on Tuesday 12 November 2019.

OPTIONS

- [19] Three options were considered by staff with regard to ORC’s involvement with the High Court appeal:
 - **OPTION 1: Forgo the right to appear and be heard on the High Court appeal.**
Under this option ORC would decide not to take part in the High Court proceedings and would not file a Notice of Intention to Appear on the High Court appeal under s301 of the RMA.
 - **OPTION 2: Actively participate in the High Court appeal.**
Under this option ORC would decide to actively take part in the High Court proceedings and would give a Notice of Intention to Appear on the High Court appeal to the appellant (F&G), the Registrar of the High Court and the Registrar of the court. This option would require submissions to be filed by ORC as a party to the appeal.
 - **OPTION 3: Join the High Court appeal for the purpose of assisting the High Court.**
Under this option ORC would give Notice of Intention to Appear but would stay silent on filing submissions on the appeal matters (questions of law) that are being considered by the High Court. ORC would file a supporting memo that would outline its availability to the Court for any questions it may have.

DISCUSSION

- [20] An assessment of the costs/risks and benefits of each of the three options described in paragraph 20 above was undertaken by staff. A summary of this assessment is shown in the table below.

	Benefits	Cost/Risks
OPTION 1:	<p><u>Financial Benefit:</u></p> <ul style="list-style-type: none"> • No appeal costs 	<p><u>Reputational Risk</u></p> <ul style="list-style-type: none"> • High risk of an adverse comment from the High Court around the issue of not having the benefit of hearing from ORC. • Negative reactions from some community groups/stakeholders. <p><u>Loss of right to be heard</u></p>

		<ul style="list-style-type: none"> • ORC loses its right to file submissions or the opportunity to assist the High Court. • If F & G are successful, there is a risk that they may seek costs from ORC.
OPTION 2:	<p><u>Retain the right to be heard</u></p> <ul style="list-style-type: none"> • ORC retains its right to file submissions or be heard. • If F & G are successful, this option reduces the risks of ORC having to pay costs. 	<p><u>Reputational Risk</u></p> <ul style="list-style-type: none"> • Negative reactions from some community groups/stakeholders. <p><u>Financial cost</u></p> <ul style="list-style-type: none"> • Significant appeal costs.
OPTION 3:	<p><u>Retain the right to be heard</u></p> <ul style="list-style-type: none"> • ORC recognises that the High Court may wish to have the opportunity to be assisted by the ORC. • ORC can join as a party without particular intent to file submissions, but reserves the right to do so (if required or appropriate). • If F & G are successful, this option reduces the risks of ORC having to pay costs. 	<p><u>Financial cost</u></p> <ul style="list-style-type: none"> • Some appeal costs (but likely to be substantially less than the cost of option 2, in particular if not filing submissions)

- [21] Following the above assessment, staff considered that **OPTION 3: Join the High Court appeal for the purpose of assisting the High Court** was the preferred option. This option preserves our full rights and reduces the potential for costs awards but minimises the financial implications for ORC. It also minimises the reputational risk for ORC.
- [22] A Notice of Intention to Appear on the High Court appeal (accompanied by a memorandum of counsel as to the Council’s position), was filed by ORC in accordance with the timeframes outlined above.

CONSIDERATIONS

Policy Considerations

- [23] Proposed Plan Change 5A is the most recent in a series of plan changes (i.e. PC1B: Waianakarua River, Trotters Creek, Luggate Creek; PC3A: Taieri at Tiroiti; PC3B: Pomahaka and PC3C: Waiwera) proposing to set limits, including minimum flows and allocation limits, for rivers in Otago. These plan changes were intended to achieve the objectives of the operative Water Plan, Operative Regional Policy Statement and National Policy Statement 2014 (amended 2017).
- [24] Further changes to the policy framework and process for setting minimum flows and allocation limits are likely for the following reasons:

- On 31 October 2018, ORC adopted a Progressive Implementation Plan (PIP), which outlines the staged implementation of actions that the ORC will undertake to implement the NPSFM. As part of this implementation process ORC will also undertake a full review of the Water Plan under s79 of the RMA.
- The National Objectives Framework set out in the NPSFM now prescribes a different process for limit setting whereby regional councils are required to work with local communities to develop Freshwater Objectives for individual Freshwater Management Units (FMUs) (or parts thereof).
- In October 2019 the New Zealand Government announced a comprehensive suite of freshwater reforms under the Action for Healthy Waterways package. These reforms include a proposed new NPSFM, a proposed NES, and RMA reform.

Financial Considerations

[25] The Policy Team administers existing budgets for setting minimum flows and general Water Planning. Joining the appeal and filing submissions comes with significant expense, as already seen as part of the RPS appeals. These appeals are unbudgeted expenditure and likely to result in projects being over budget at the end of the financial year.

Significance and Engagement

[26] The High Court appeal on Plan Change 5A is unlikely to trigger ORC's Significance and Engagement Policy (SEP).

Legislative Considerations

[27] The key legislative considerations in relation to the High Court appeal are set out in Sections 299 to 308 of the RMA.

Risk Considerations

[28] By joining the High Court appeal for the purpose of assisting the High Court ORC limits the financial cost associated with High Court proceedings, while also minimising any reputational risk.

NEXT STEPS

[29] The High Court will generally schedule a teleconference and direct parties to undertake particular matters. A hearing on the appeal is likely to be some months away, and well into 2020.

ATTACHMENTS

1. Appendix 1 to Council paper on P C 5 A High Court appeal [**10.1.1** - 2 pages]

Appendix 1: Brief description of the Lindis Catchment

Hydrology

The 55 km long Lindis River is a tributary of the Clutha/Mata-Au (Clutha). The Lindis is a single channel river in its upper and middle reaches but becomes braided downstream of the State Highway 8 Bridge (Lindis Crossing) some 3 km upstream of the confluence with the Clutha. The river's hydrology is complex and interlinked with the groundwater of the Lindis Alluvial Ribbon Aquifer. These interactions between surface water and groundwater result in the river having both gaining (surface flow is recharged by groundwater) and losing reaches (surface flow is lost to groundwater).

Climate and land use

The Lindis catchment (984 km²) is characterised by cold and wet winters and a semi-arid summer climate. The catchment is home to a small rural community (approx. 300 people) and 23 farms (predominantly high-country stations and sheep & beef). In recent years the catchment has seen some population growth (25% since 2000) as well as land use intensification and diversification (i.e. horticulture, viticulture, intensive sheep & beef and dairy wintering).

Water use in the Lindis catchment

There are currently 33 water permits (including 19 deemed permits) in the catchment, with a combined consented primary allocation of 3,777 L/s (80% of which is being allocated through deemed permits). Actual water use is significantly less than the consented allocation. Review of historic water take data shows that:

- the maximum instantaneous rate of take from the catchment at any point in time is currently around 2,250 L/s; and
- the total volume of water taken from the catchment on an annual basis is approximately 40 million m³.

Most of the water taken from the Lindis River is currently being diverted into 4 races. An overview of these races, their location and the volumes of water taken via these races is shown in Table 1 below.

Table 1: Overview

Race	Consented take	Max. actual take (approx.)	Distance of intake point from the Clutha Confluence
Tarras Race	1,247 L/s	1,000 L/s	23 km
Argdour Race	708 L/s	500 L/s	20.5 km
The Point Race	333 L/s	300 L/s	17 km
Begg Stackpoole Race	100 L/s	100 L/s	5 km

The combination of low flows and abstraction currently results in the drying of the river main stem upstream and downstream of the Lindis Crossing (State Highway 8) Bridge most summers. The drying reaches are shown in Figure 1.

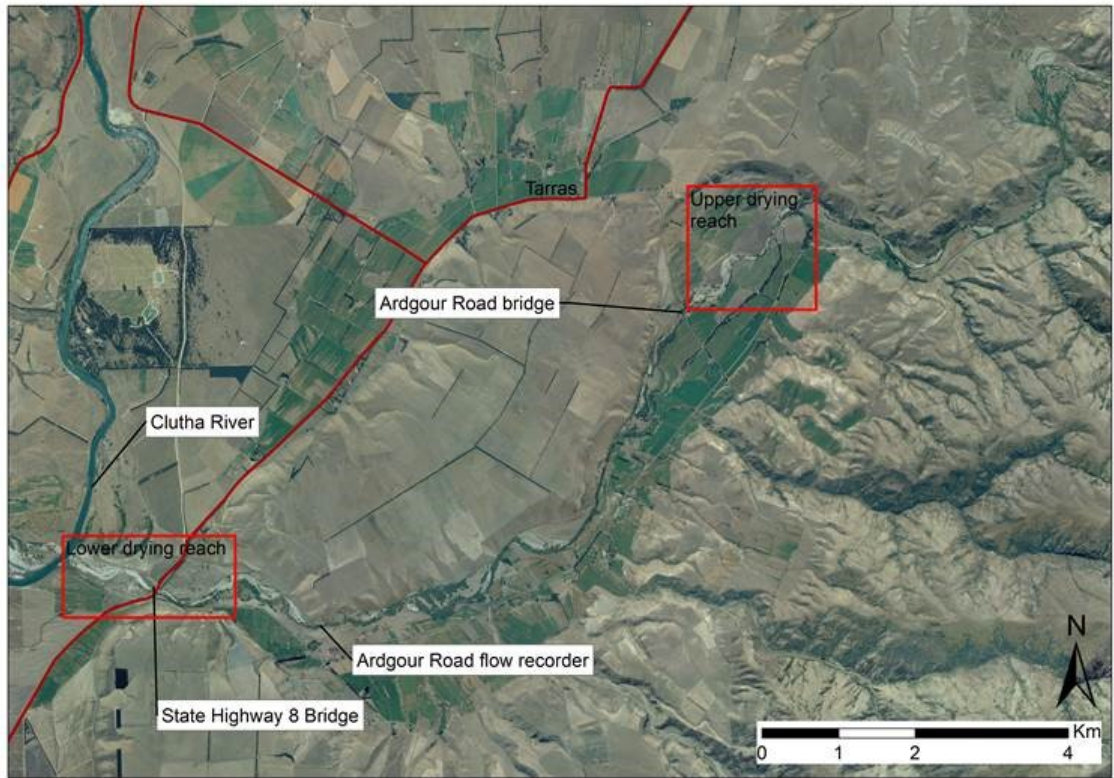


Figure 1: Drying reaches of the Lindis River