

Notice is given that an ordinary meeting of the Tasman District Council will be held on:

Date: Thursday 3 November 2022
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond
Zoom conference link: <https://us02web.zoom.us/j/87156998201?pwd=SHlyMnBDNI V5MTFZNnIzQjhXenBJUT09>
Meeting ID: 5699 8201
Meeting Passcode: 461295

Tasman District Council

Kaunihera Katoa

AGENDA

MEMBERSHIP

Mayor	Mayor T King	
Councillors	Councillor S Bryant	
	Councillor C Butler	Councillor M Kininmonth
	Councillor G Daikee	Councillor C Mackenzie
	Councillor B Dowler	Councillor K Maling
	Councillor J Ellis	Councillor B Maru
	Councillor M Greening	Councillor D Shallcrass
	Councillor C Hill	Councillor T Walker

(Quorum 7 members)

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Email: robyn.scherer@tasman.govt.nz
Website: www.tasman.govt.nz

AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

Nil

7 PRESENTATIONS

Nil

8 REPORTS

- 8.1 Establishment of Committee Structure for the 2022 - 2025 Term 4
- 8.2 Appointment of Committee Chairs, Deputy Chairs, Membership and Other
Council Appointments 79
- 8.3 Remuneration Authority Governance Pool Distribution 2022/23 and Adoption of
Elected Members' Allowances and Recovery of Expenses Policy 109
- 8.4 Adoption of Tasman District Council Standing Orders 197
- 8.5 Elected Members Pecuniary Interests Register and appointment of Registrar . 320
- 8.6 Appointment of a hearing panel to consider submissions on proposals relating to
Best Island Recreation Reserve 343

9 CONFIDENTIAL SESSION

Nil

10 CLOSING KARAKIA

8 REPORTS

8.1 ESTABLISHMENT OF COMMITTEE STRUCTURE FOR THE 2022 - 2025 TERM

Decision Required

Report To:	Tasman District Council
Meeting Date:	3 November 2022
Report Author:	Elaine Stephenson, Democracy Services Advisor
Report Number:	RCN22-11-1

1 Summary

- 1.1 The Council can establish its committees, subcommittees, joint committees, and other subordinate decision-making bodies in order to assist with the governance functions of the Council.
- 1.2 A proposed committee, subcommittee, and joint committee structure is attached (**Attachment 1**), and the functions and delegations, as shown in tracked changes in the excerpt from Council's current Delegations Register (**Attachment 2**), are attached for the Council to consider, and approve by resolution.
- 1.3 The current Delegations Register has been amended to include:
 - 1.3.1 The Chief Executive Review Subcommittee does not have a public forum and its power to set the Chief Executive's remuneration has been clarified.
 - 1.3.2 The inclusion of the Animal Control Subcommittee delegations (previously omitted).
 - 1.3.3 Tasman District Council membership of the Joint Shareholders Committee will be amended to reflect the 2022 – 2025 structure and appointments.
 - 1.3.4 The inclusion of the Regional Pest Management Joint Committee (this joint committee is being re-established).
 - 1.3.5 The inclusion of the Nelson Tasman Joint Waste Review Working Party (agreed at the 29 September 2022 Strategy and Policy Committee meeting).
 - 1.3.6 The deletion of the Joint Committee Subcommittee to oversee the Special Consultative Procedure for the Nelson Tasman Future Development Strategy 2022, as this subcommittee is now disestablished.
- 1.4 The full Delegations Register is currently undergoing a review and will be presented for adoption in early 2023.

That the Tasman District Council

- 1. receives the Establishment of Committee Structure for the 2022 - 2025 Term report RCN22-11-1; and**
- 2. approves the amendments to the current Tasman District Council Delegations Register in Attachment 2 to the agenda report; and**
- 3. pursuant to Clause 30, Schedule 7 of the Local Government Act 2002, appoints the following committees, subcommittees and joint committees and delegates to them the powers, functions and responsibilities as set out in Attachment 2 to the report:**

Tasman District Council Standing Committees (Whole Council)

Operations Committee

Regulatory Committee

Strategy and Policy Committee

Tasman District Council Committees

Audit and Risk (reporting to Council)

District Licensing Committee (operating under the Sale and Supply of Alcohol Act 2013)

Enterprise (reporting to Council)

Tasman Regional Transport Committee (operating under the Land Transport Management Act 2003)

Tasman District Council Subcommittees

Animal Control Subcommittee (reporting to Regulatory Committee)

Chief Executive Officer Review (reporting to Council)

Community Awards (reporting to Operations Committee)

Community Grants (reporting to Operations Committee)

Creative Communities (reporting to Operations Committee)

Golden Bay Recreation Park Management Committee (reporting to Operations Committee)

Joint Committees of Nelson and Tasman Councils

Civil Defence and Emergency Management Group (CDEM)

Joint Committee

Joint Shareholders

Nelson Regional Sewerage Business Unit Joint Committee

Nelson Tasman Regional Landfill Business Unit Joint Committee

Regional Pest Management Joint Committee

Saxton Field Committee

Nelson Tasman Joint Waste Review Working Party

3 Purpose of the Report

- 3.1 To establish a structure of committees, subcommittees, and joint committees in order for the Council to carry out its decision-making governance functions.

4 Background and Discussion

- 4.1 The power of the Council to establish committees, subcommittees, other subordinate decision-making bodies and joint committees is outlined in clause 30, Schedule 7 of the Local Government Act 2002 (LGA).
- 4.2 Under section 41A(3) of the LGA, the Mayor may exercise his power to establish committees of the Council and may appoint the Chairperson to those committees. The Mayor will not be exercising his power to establish the committees of Council or to appoint the Chairpersons to those committees but is making a recommendation for a committee structure to the Council. The proposed structure is outlined in Attachment 1.
- 4.3 In the 2019 – 2022 term, the Council established three standing (parent) committees of Council which were ‘committees of the whole’; that is, all councillors were members of those committees. It is proposed to establish the same structure for the 2022 – 2025 term.
- 4.4 Under the parent committees sit subcommittees, with specific delegations in relation to particular legislation or Council functions. The subcommittees report to their parent committees.
- 4.5 Nelson City and Tasman District councils also operated joint committees of the two councils in relation to the joint assets owned by the two councils and cross-boundary functions.
- 4.6 Subordinate decision-making bodies are established for a particular matter before the Council. These are ordinarily formed for the purposes of the Resource Management Act, Reserves Act or to consider the establishment or review of Council bylaws and policies. These are not included in this decision as they are established on an ‘as needed’ basis or otherwise dealt with in the Council’s Delegations Register.
- 4.7 This report requests approval of amendments to the current Delegations Register as listed in 1.3, above. The full Delegations Register is currently undergoing a review and will be presented for adoption in early 2023.
- 4.8 The election/appointment of chairpersons, deputy chairpersons and membership of the committees, subcommittees and joint committees of the Council is subject to a separate report to this meeting.
- 4.9 Elected members remuneration, which is the also the subject of a separate report to this meeting, reflects the chairpersonship of the standing committees in the proposed structure.

5 Options

- 5.1 Option 1: Establish a structure of committees, subcommittees, and joint committees as proposed.
- The proposed structure fulfils the statutory and functional requirements of the Council. It enables councillors to consider all policy, regulatory or operational matters. The proposed structure is familiar and is recommended by the Mayor and senior Council staff. This is the recommended option.

- 5.2 Option 2: Establish a different structure of committees, subcommittees, and joint committees of the Council.
- This option would require consideration and to be reported back to the Council at a later date to ensure all of the legislated roles and functions of the Council are fitted into an alternate structure. This option is not recommended.

6 Strategy and Risks

- 6.1 The establishment of the committees, subcommittees and joint committees is considered to be essential for the efficient function of Council but otherwise of low risk.

7 Policy / Legal Requirements / Plan

- 7.1 The Council may appoint the committees, subcommittees, joint committees or other subordinate decision-making bodies it considers appropriate under clause 30, Schedule 7 of the LGA.
- 7.2 The Mayor may establish the Committees of Council under section 41A(3) of the LGA. The Mayor is not exercising his power to establish the committees of Council or to appoint the Chairpersons to those committees but is making a recommendation for a committee structure to the Council. The proposed structure is outlined in Attachment 1.
- 7.3 The proposed committee structure meets Council's obligations under the LGA.

8 Consideration of Financial or Budgetary Implications

- 8.1 The proposed structure has no financial or budgetary implications other than already budgeted.

9 Significance and Engagement

- 9.1 The establishment of the committees, subcommittees and joint committees is considered to be of low significance as it has no financial implications beyond existing budgets and has no level of service implications. If needed, it can be amended at a later date. No consultation with the community is required for the establishment of committees, subcommittees, and joint committees.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does this activity contribute or detract from one of the goals in the Tasman Climate Action Plan 2019 ?	N/A	

	Issue	Level of Significance	Explanation of Assessment
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11.	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	No	

10 Conclusion

10.1 It is recommended that the Council adopts the committee structure as proposed.

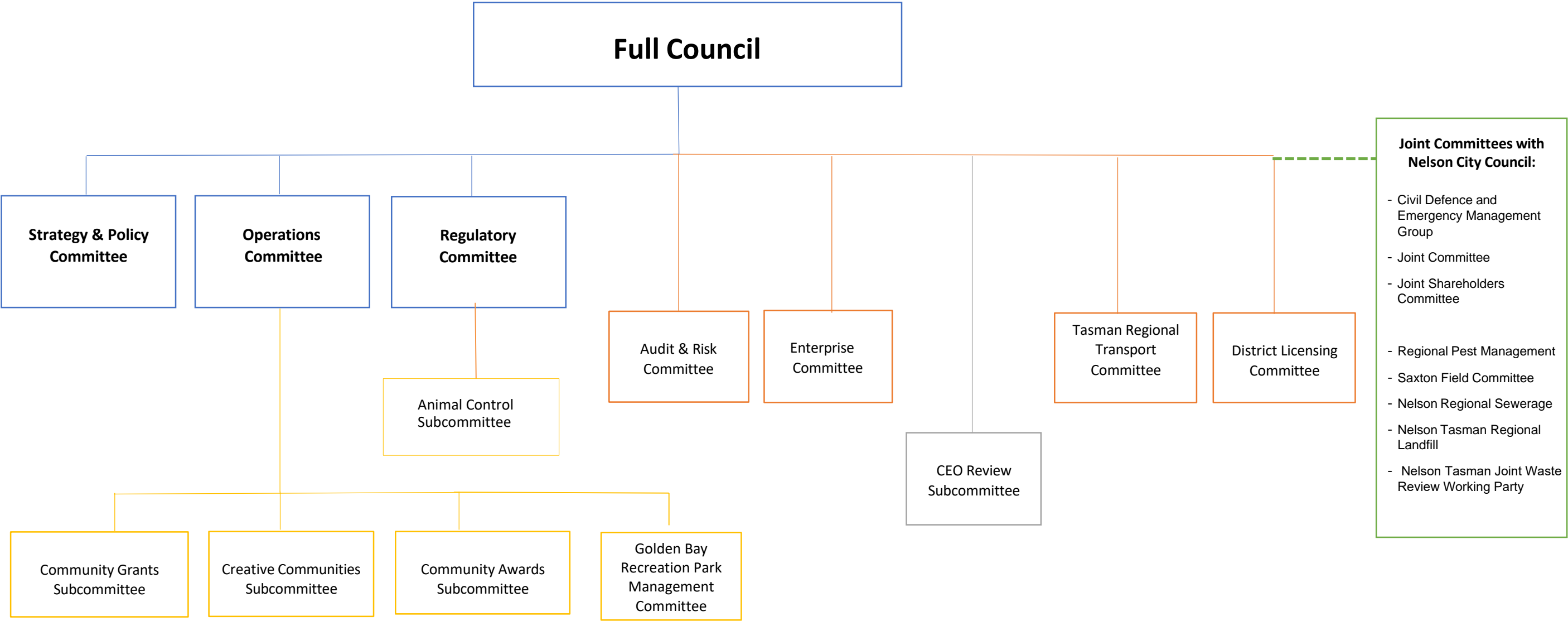
11 Next Steps / Timeline

11.1 Once the structure is established, the membership of those committees, subcommittees and joint committees may be determined. This is the subject of a separate report on today's agenda.

11.2 A meetings calendar (schedule of meetings) for the committees, subcommittees and joint committees of Council will be developed by staff and reported to the next meeting of Council.

12 Attachments

- | | | |
|----------------------|---|----|
| 1. ↓ | Proposed Committee Structure 2022 - 2025 term | 9 |
| 2. ↓ | Tracked changed extract from the Tasman District Council Delegations Register | 11 |



Extract from Tasman District Council Delegations Register – Part Five Terms of Reference



Part Five - Terms of Reference for Committees,
Subcommittees, Joint Committees, and
Advisory Groups

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

1.0 Standing Committees

Terms of Reference for each committee are available on the Tasman District website www.tasman.govt.nz/my-council/meetings/committee-terms-of-reference/.

Strategy and Policy Committee (SPC)

Approved by Council resolution CN19-11-12

1.0 Purpose and Areas of Responsibility

The Strategy and Policy Committee's purposes are to provide governance oversight of, guidance on and approval of:

- Council's strategy and policy programmes, services, activities and their associated projects, including the processes to prepare them and public consultation processes; and
- the physical development and growth of the Tasman District through a focus on land and resource use and the appropriate provision of infrastructure; and
- any policies and plans required under the Resource Management Act 1991 (RMA).

The primary areas of responsibility of the Committee are:

- electoral and democratic functions of local government in the Tasman District; and
- Long Term Plans, Annual Plans, Activity Management Plans, Statutory Policies, Annual Report; and
- Resource Management Act Policies and Plans.

Responsibilities include strategies, policies and decisions relating to:	
Arts, Culture and Heritage	Land Development Manual
Activity Management Plans and Infrastructure related strategies and plan	Libraries
Biosecurity	Long Term Plan (and associated policies and strategies), Annual Plans, Annual Reports and Schedule of Fees and Charges (this allows for policy and plan making processes up to but not including adoption for these documents).
Camping Grounds (excluding commercial campgrounds and holiday parks)	Museums, including Tasman Bays Heritage Trust
Climate Change and Coastal Protection Policies	Public Health Policies (e-g-e.g. , Gambling Venues Policy, Psychoactive Substances Policy)

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

Responsibilities include strategies, policies and decisions relating to:	
Community Housing	Reserve Financial Contributions
Community Engagement and Community Relations	Reserves Management Plans and Policies and related Reserves, Trees and Cemetery Policies
Community Facilities and Community Halls	
Community Grants	Friendly Towns
Community Recreation and Events	Growth Strategy and Model
Digital Services	Resource Management Policies and Plans
Economic Development	Strategic Policies excluding the matters which must be finally approved by Full Council (e-g-e.g. , under clause 32, Schedule 7, Local Government Act 2002 (LGA); section 41, Reserves Act 1977)
Electoral activities	Transport, including walkways/cycleways
Environmental Policies	Waste Minimisation and Management
Financial Policies (except that adoption of many of these is the responsibility of Full Council)	Water Safety Plans

2.0 Responsibilities

- 2.1 Govern, develop, approve, review, ensure the implementation of and monitoring of policies, plans and strategies in relation to the areas of responsibility, including the adoption of draft documents for consultation, appoint hearings panels and adopt final documents where within the remit of the Committee or to make recommendations to the Council on the final documents where Council approval is required (~~e-g-e.g.~~, clause 32, Schedule 7, LGA; section 41 Reserves Act 1977).
- 2.2 Monitor policy processes and performance (including budget and performance targets) for their areas of responsibility. (NB – Council's full financial reporting will be presented to Full Council)
- 2.3 Plan, review, implement and monitor functions, duties, and powers in respect of its areas of responsibility.
- 2.4 Ensure the Council meets all its legislative responsibilities relating to the areas of responsibility.
- 2.5 Consider reports relating to annual residents' surveys and monitoring.

3.0 General Powers

- 3.1 Approve expenditure consistent with overall budgets and the Council's Annual and Long Term Plans within the Committee's areas of responsibility.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

- 3.2 Act in all strategy and policy matters concerning the areas of responsibility listed, provided they do not conflict with stated policy of the Council.
- 3.3 Delegate its powers to an officer of the Council in defined areas.
- 3.4 Delegate any of its powers to any joint committee established for any relevant purpose in accordance with clause 32, Schedule 7 of the LGA.
- 3.5 Utilise the decision making and consultation provisions of sections 76 – 87 of the LGA.
- 3.6 Appoint Subcommittees, Hearing Panels or Working Groups and to give those Subcommittees power to act, in defined areas, including the decision making powers of the parent committee.
- 3.7 Consider and monitor health and safety matters relating to the functions of the Committee.

These delegations enlarge on the scope of the Strategy and Policy Committee but do not limit conferred legislative powers or those given under Council policy.

4.0 Statutory Powers

To act on behalf of the Council in relation to the following statutory provisions:

4.1 Local Government Act 2002 (LGA)

- 4.1.1 Has all the Council's powers, duties and functions conferred or imposed upon it under the LGA, in relation to the functions of the Committee ([e.g.](#) Part 6 provisions relating to planning and consultation).

4.2 Reserves Act 1977:

- 4.2.1 Section 14 – Local authority may declare land vested in it to be a reserve.
- 4.2.2 Section 24A – Change of purpose of reserve by territorial authority or regional council.
- 4.2.3 Section 40 – Functions of administering body.
- 4.2.4 Section 41 – Management Plans – To initiate reserve management plan reviews and appoint hearings panels, and to recommend to Council the adoption of a draft plan for consultation or to approve a final plan.
- 4.2.5 To act on behalf and in lieu of the Council in regard to exercising the relevant delegations issued to local authorities by the Minister of Conservation on 8 July 2013 noting that some of these powers have been sub-delegated to staff.
- 4.2.6 The power to exercise the delegations in relation to reserves issued to local authorities by the Minister of Conservation on 8 July 2013.

4.3 Resource Management Act 1991 (RMA)

- 4.3.1 Has all the Council's powers, duties and functions conferred or imposed upon it under the RMA but **excluding** the following powers:
 - 4.3.1.1 Section 86 - The power to acquire land.
 - 4.3.1.2 Section 166 - The powers of a Requiring Authority, except when the Council itself is the Requiring Authority, the Strategy and Policy Committee will exercise the powers under sections 168A and 184A.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

4.3.1.3 Section 187 - The powers of a Heritage Protection Authority.

4.4 Biosecurity Act 1993

4.4.1 Make recommendations to Council to approve and amend a pest management plan or to declare a small-scale management programme in accordance with section 82 of this Act.

4.5 Psychoactive Substances Act 2013

4.5.1 Section 66 - Power to have a policy relating to the sale of approved products within Tasman District.

4.6 Sale and Supply of Alcohol Act 2012

4.6.1 Sections 75-80 - Preparation and adoption of local alcohol policy.

4.7 Waste Minimisation Act 2008

4.7.1 Has all the Council's powers, duties and functions conferred or imposed upon it under the Waste Minimisation Act 2008, in relation to the functions of the Committee.

4.8 Land Transport Management Act 2003 and associated regulations and rules

4.8.1 Has all the Council's powers, duties and functions conferred or imposed upon it under the Land Transport Management Act and associated regulations rules, in relation to the functions of the Committee.

4.9 Gambling Act 2003 and associated regulations

4.9.1 Power to have a policy relating to gambling venues within Tasman District.

4.10 Local Electoral Act 2001

4.10.1 Has all the Council's powers, duties and functions conferred or imposed upon it under Parts 1A and 2 of the Local Electoral Act 2002, in relation to the functions of the Committee.

5.0 Limitations

5.1 In respect of matters requiring financial input the Strategy and Policy Committee's power is limited to the extent that provision has been made in the annual budgets or in the Long Term Plan.

5.2 The Strategy and Policy Committee can make recommendations only to Council in respect of the following matters (clause 32(1) of Schedule 7, LGA and section 41, Reserves Act):

5.2.1 make a rate; or

5.2.3 borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or

5.2.4 adopt a Long Term Plan, Annual Plan, or Annual Report; or

5.2.6 adopt policies required to be adopted and consulted on under the LGA, and/or in association with the Long Term Plan, and/or developed for the purpose of the Local Governance Statement; or

5.2.7 adopt a remuneration and employment policy; or

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

5.2.8 adopt a reserves management plan.

6.0 Administration

- 6.1 Membership comprises all elected members of the Council.
- 6.2 For the time being the quorum is 7.
- 6.3 Meetings are generally held six weekly.
- 6.4 The Strategy and Policy Committee has no reporting responsibility to the Council for matters within its delegation.
- 6.5 The Strategy and Policy Committee is empowered to do anything within its jurisdiction prior to making a recommendation to the Council.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

Regulatory Committee (RC)

Approved by Council resolution CN19-11-12

1.0 Purpose and Areas of Responsibility

The Regulatory Committee's purpose is to provide governance oversight of Council's regulatory programmes, services, and activities, including bylaw development and implementation (noting Full Council only has the power to adopt bylaws) in relation to the Committee's areas of responsibility.

The primary areas of responsibility of the Committee are:

- monitoring and enforcing Council's Resource Management Act functions; and
- enforcing Council's other regulatory functions; and
- undertaking bylaw preparation processes.

Responsibilities include regulatory functions relating to:	
Animal control	Hazardous Substances and New Organisms
Biosecurity	Maritime Administration and Navigation Safety
Building Assurance	Parking and Traffic Control
Bylaws (This allows for bylaw making processes up to but not including adoption).	Public Health
Compliance and Enforcement	Reserve leases, licences and easements
Development Contributions	Resource Consents
Drinking Water Standards and Emergency Response Planning	Sale and Supply of Alcohol Administration
Food Safety	

2.0 Responsibilities

- 2.1 Govern, develop, approve, review, ensure the implementation of and monitoring of bylaws and regulatory tools in relation to the areas of responsibility, including the adoption of draft documents for consultation, appoint hearings panels and adopt final documents where within the remit of the Committee or to make recommendations to the Council on the final documents where Council approval is required (~~e-g-e.g.~~, all bylaws must be adopted by Full Council under clause 32, Schedule 7, LGA).
- 2.2 Monitor regulatory processes and performance (including budget and performance targets) for their areas of responsibility. (NB – Council's full financial reporting will be presented to Full Council)
- 2.3 Plan, review, implement and monitor functions, duties, and powers in respect of its areas of responsibility.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

- 2.4 Ensure the Council meets all legislative and compliance responsibilities relating to the areas of responsibility.

3.0 General Powers

- 3.1 Approve expenditure consistent with the Council's Annual or Long Term Plans within the Committee's areas of responsibility.
- 3.2 Act in all regulatory matters concerning the areas of responsibility listed, provided they do not conflict with stated policy of the Council.
- 3.3 Delegate its powers to an officer of the Council in defined areas.
- 3.4 Delegate any of its powers to any joint committee established for any relevant purpose in accordance with clause 32, Schedule 7 of the LGA.
- 3.5 Utilise the decision making and consultation provisions of sections 76 – 87 of the LGA.
- 3.6 Appoint Subcommittees, Hearing Panels or Working Groups and to give those Subcommittees power to act, in defined areas, including the decision making powers of the parent committee.
- 3.7 Consider and monitor health and safety matters relating to the functions of the Committee.

These delegations enlarge on the scope of the Regulatory Committee but do not limit those conferred powers.

4.0 Statutory Powers

To act on behalf of the Tasman District Council in relation to the following statutory provisions:

4.1 Reserves Act 1977

- 4.1.1 Section 48 – Grants of rights of way and other easements.
- 4.1.2 Section 48A – Use of reserve for communications station.
- 4.1.3 Sections 55 - 58A – Powers and leasing powers for recreation, scenic, nature and historic reserves (noting that some of these powers have been sub-delegated to staff).
- 4.1.4 Section 61 – Powers (including leasing) in respect of local purpose reserves (noting that some of these powers have been sub-delegated to staff).
- 4.1.5 Section 64 – Administering body may purchase land on deferred payments (noting that some of these powers have been sub-delegated to staff).
- 4.1.6 Section 73 – Leasing of recreation reserves for farming, grazing, afforestation, or other purposes (noting that some of these powers have been sub-delegated to staff).
- 4.1.7 Section 74 – Licences to occupy reserves temporarily (noting that some of these powers have been sub-delegated to staff).
- 4.1.8 Sections 106 - 108 Bylaws – To initiate a bylaw and appoint hearings panels and adopt a draft bylaw for consultation, and to recommend to the Council that it adopt a final bylaw.
- 4.1.9 To act on behalf and in lieu of the Council in regard to exercising the relevant delegations issued to local authorities by the Minister of Conservation on 8 July 2013 noting that some of these powers have been sub-delegated to staff.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

4.2 Camping-Grounds Regulations 1985

- 4.2.1 Regulation 11 – The grant of consent to erect or place a relocatable home on a relocatable home park site.

4.3 Dog Control Act 1996

- 4.3.1 Section 22 - Hear and determine objections to classification as a probationary owner.
- 4.3.2 Section 26 - Hear and determine objections to disqualification.
- 4.3.3 Section 31(3) - Hear and determine objections to classification of a dog as dangerous.
- 4.3.4 Section 33B - Hear and determine objections to classification of a dog as menacing.
- 4.3.5 Section 33D - Hear and determine objections to classification of a dog as belonging to a breed listed in Schedule 4 and classified as menacing.

4.4 Food Act 2014

- 4.4.1 All the Council's powers, duties and functions conferred or imposed upon Council under the Food Act 2014.

4.5 Health Act 1956

- 4.5.1 Section 45 - The determination of a closing order.
- 4.5.2 Section 48 - The issue of a demolition order.
- 4.5.3 Section 54 - The restriction and control of the carrying on of offensive trades.
- 4.5.4 Section 58 - The restriction and control over the establishment or alteration of stock yards.

4.6 Health (Registration of Premises) Regulations 1966

- 4.6.1 Regulation 9 - The service of notice and the hearing of submissions made by the recipient of any such notice.

4.7 Litter Act 1979

- 4.7.1 Section 10 - To serve or cause to be served a notice to clear litter pursuant to sub-section (1) of this Section and to hear any objections to the requirements of such notice made pursuant to sub-section (3) of this section.

4.8 Local Government Act 1974:

- 4.8.1 Section 339 relating to transport shelters.
- 4.8.2 Tenth Schedule relating to road stopping.

4.9 Transport (Vehicular Traffic Road Closure) Regulations 1965

- 4.9.1 Section 6 - The power to act in the case of applications for road closures where objections to a proposed road closure are received.

4.10 Heavy Vehicle Regulations 1974:

- 4.10.1 Section 10(5) relating to prohibiting heavy vehicles on specific roads.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

4.11 Sale and Supply of Alcohol Act 2012

4.11.1 Section 192 and 193 - Power to appoint and discharge licensing committee members and commissioners.

4.12 Local Government Act 2002

4.12.1 Has all the Council's powers, duties and functions conferred or imposed upon it under the LGA, in relation to the functions of the Committee ([e.g.](#), Part 8 provisions relating to Bylaws and Development Contribution appeals).

4.13 Resource Management Act 1991

4.13.1 Section 36 – power to fix administrative charges; and

4.13.2 All Council's powers, functions and duties under Part 6 to Part 8, Part 10, and Part 12 of the Act; and

4.13.3 Section 357 – 357D – power to hear objections against certain decisions.

5.0 Limitations

5.1 In respect of matters requiring financial input the Regulatory Committee's power is limited to the extent that provision has been made in the annual budgets and in the Long Term Plan.

5.2 The Regulatory Committee can make recommendations only to the Council in respect of the following matters:

5.2.1 make a rate; or

5.2.2 make a bylaw; or

5.2.3 borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.

6.0 Administration

6.1 Membership comprises all elected members of the Council.

6.2 For the time being the quorum is 7.

6.3 Meetings are generally held six weekly

6.4 The Regulatory Committee has no reporting obligation to the Council for matters within its delegation.

6.5 The Regulatory Committee is empowered to do anything within its jurisdiction prior to making a recommendation to the Council.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

Operations Committee (OC)

Approved by Council resolution CN19-11-12, CN20-04-17

1.0 Purpose and Areas of Responsibility

The Operations Committee's purpose is to provide governance oversight of Council's operational programmes, services, activities and projects relating to Council's environmental monitoring programmes and to Council's community facilities and infrastructural assets (excluding commercial enterprises covered by the Enterprise Committee) in relation to the Committee's areas of responsibility.

The primary areas of responsibility of the Committee are:

- overseeing and monitoring and Council's operational functions; and
- overseeing and monitoring Council's capital works programme.

Responsibilities include operational activities relating to:	
Animal Control Services	Parks and Recreation Assets and Facilities
Biosecurity	Passenger Transport
Camping Grounds (excluding commercial campgrounds and holiday parks)	Ports, Wharves, Boat Ramps and Coastal Structures (excludes Port Tarakohe)
Civil Defence and Emergency Management	Property (non-commercial)
Customer Services	Refuse Collection, Disposal and Waste Minimisation
Coastal Structures	Reserve Financial Contribution disbursement
Community Housing	Rivers Management
Community Facilities and Community Halls	Roads, Walkways, Cycleways
Community Grants, Creative Communities, Community Awards and general grants matters	Special Purpose Committees (Halls and Reserves)
Digital Services	State of the Environment Monitoring and Other Monitoring Reports
Environmental Education	Stormwater Collection and Disposal Services
Landfill management and refuse collection	Sewerage Treatment and Disposal Services
Libraries	Water Supply Services
Land Drainage	

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

2.0 Responsibilities

- 2.1 Govern, develop, approve, ensure the implementation of and monitoring of operational activities in relation to the areas of responsibility, including making recommendations to the Council on any budget overruns.
- 2.2 Monitor regulatory processes and performance (including budget and performance targets) for their areas of responsibility. (NB – Council's full financial reporting will be presented to Full Council)
- 2.3 Plan, review, implement and monitor functions, duties, and powers in respect of its areas of responsibility.
- 2.4 Ensure the Council meets all legislative and compliance responsibilities relating to the areas of responsibility.

3.0 General Powers

- 3.1 Approve expenditure consistent with the overall budgets and the Council's Annual and Long Term Plans within the Committee's areas of responsibility.
- 3.2 Act in all operational matters concerning the areas of responsibility listed, provided they do not conflict with stated policy of the Council.
- 3.3 Delegate its powers to an officer of the Council in defined areas.
- 3.4 Delegate any of its powers to any joint committee established for any relevant purpose in accordance with clause 32, Schedule 7 of the LGA.
- 3.5 Utilise the decision making and consultation provisions of sections 76 – 87 of the LGA.
- 3.6 Appoint Subcommittees, Hearing Panels or Working Groups and to give those Subcommittees power to act, in defined areas, including the decision making powers of the parent committee.
- 3.7 Consider and monitor health and safety matters relating to the functions of the Committee.

These delegations enlarge on the scope of the Operations Committee but do not limit those conferred powers.

4.0 Statutory Powers

To act on behalf of the Council in relation to the following statutory provisions:

~~4.1 Soil Conservation and Rivers Control Act 1944~~

~~4.1.1 Part 7 being the powers and duties of a Catchment Board. Repealed~~

4.2 Resource Management Act 1991

4.2.1 Sections 168A – The powers of a Requiring Authority as provided for in Part 8 (designations for Public Works).

4.2.2 Section 187 - 189A – The powers of a Heritage Protection Authority.

4.3 Land Drainage Act 1908

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

4.3.1 Part 3 being the powers and duties of a Local Authority.

4.4 Local Government Act 2002

4.4.1 Has all the Council's powers, duties and functions conferred or imposed upon it under the LGA, in relation to the functions of the Committee (e.g., Part 9 provisions relating to offences, penalties, infringement offences and legal proceedings in relation to water metering).

4.5 Local Government Act 1974

4.5.1 Has all the Council's powers, duties and functions conferred or imposed upon it under the Local Government Act, in relation to the operational functions of the Committee (e.g., roading, public transport and land drainage).

5.0 Limitations

5.1 In respect of matters requiring financial input the Operations Committee's power is limited to the extent that provision has been made in the annual budgets and in the Long Term Plan.

5.2 The Operations can make recommendations only to Council in respect of the following matters:

5.2.1 make a rate; or

5.2.3 borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.

6.0 Administration

6.1 Membership consists of all elected members of the Council.

6.2 The quorum is 7.

6.3 Meetings are generally held six weekly.

6.4 The Operations Committee has no reporting responsibility to the Council for matters within its delegation.

6.5 The Operations Committee is empowered to do anything within its jurisdiction prior to making a recommendation to the Council.

7.0 Subcommittees of the Operations Committee

7.1 Community Grants Subcommittee.

7.2 Creative Communities Subcommittee.

7.3 Community Awards Subcommittee

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

2.0 Council Committees

Terms of Reference for each committee are available on the Tasman District website www.tasman.govt.nz/my-council/meetings/committee-terms-of-reference/.

Audit and Risk Committee (ARC)

Approved by Council resolution CN20-02-13

1.0 Purpose and Areas of Responsibility

The purpose of the Audit and Risk Committee is to assist the Council and the Chief Executive to discharge their responsibilities for audit and risk management. This includes the active oversight of all areas of Council's control and accountability in an integrated and systematic way.

In carrying out its responsibilities, the Audit and Risk Committee must at all times recognise that primary responsibility for management of Council rests with the Chief Executive.

2.0 Responsibilities

- 2.1 The Audit and Risk Committee Chair is responsible for submitting an annual report to the Council covering the Committee's operations and activities during the preceding year.
- 2.2 The Audit and Risk Committee's responsibilities are to provide oversight of:
 - 2.2.1 the robustness of the internal control framework and financial management practices;
 - 2.2.2 the integrity and appropriateness of internal and external reporting and accountability arrangements;
 - 2.2.3 the robustness of risk management systems, processes, and practices;
 - 2.2.4 the internal and external audit functions;
 - 2.2.5 compliance with applicable laws, regulations, standards and best practice guidelines;
 - 2.2.6 the establishment, maintenance and effectiveness of controls to safeguard the Council's financial and non-financial assets.
- 2.3 In carrying out its oversight responsibilities the Audit and Risk Committee will have particular regard to:
 - 2.3.1 financial reporting;
 - 2.3.2 external audit process;
 - 2.3.3 internal audit;
 - 2.3.4 risk management;
 - 2.3.5 the oversight and risk management responsibilities of other Council Committees.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

3.0 Powers

The Audit and Risk Committee, within the scope of its role and responsibilities is authorised to:

- 3.1 obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- 3.2 discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- 3.3 request the attendance of any employee, including the Chief Executive, at committee meetings;
- 3.4 obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense;
- 3.5 the exercise of the powers in 3.3 and 3.4 above is limited to situations where the performance of the Committee's functions would be constrained if the resources of the organisation were not available
- 3.6 Recommend to the Council action on any matter in relation to Audit and Risk activities.

4.0 Limitations

The Audit and Risk Committee has no executive powers and is directly responsible to Council.

5.0 Administration

- 5.1 The expectation is that members of the public wanting to speak to a matter on the Agenda should be given that opportunity.
- 5.2 Membership - membership of the committee shall comprise:
 - 5.2.1 5 elected members appointed by Council.
 - 5.2.2 Up to 2 external members appointed in accordance with Councils Policy on the Appointment of Directors and Trustees to Council Organisations. The independent member is appointed for a term of 3 years from the date of appointment or such other terms as Council resolves.
 - 5.2.3 The Chair shall be appointed by Council and may be the independent member.
 - 5.2.4 Any member of the committee, either elected or independent, may be considered for reappointment in the next triennium provided they have not already served two terms on the committee.
 - 5.2.5 The Chief Executive or any Council staff member may not be a member of the committee.
 - 5.2.6 The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one member of the committee should have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector environment.
- 5.3 A quorum comprises 3 members, 2 of whom must be elected members.
- 5.4 Meetings are quarterly.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

- 5.5 The Audit and Risk Committee may meet between the quarterly meetings at the discretion of the chair to attend to urgent business.
- 5.6 A special meeting may be held to review Council's annual report and long term plan audits.
- 5.7 The Audit and Risk Committee will meet separately with the external auditors at least once a year.
- 5.8 Reports to the Council.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

Enterprise Committee (EC)

Amended by Council resolution CN22-04-01

1.0 Purpose and Areas of Responsibility

The Enterprise Committee's function is to monitor and improve the performance of the Council's commercial and semi-commercial activities. It also reviews new commercial investments including those within the commercial portfolio. This includes recommendations on investments and resourcing to manage the financial and nonfinancial risks associated with these activities.

The Committee is expected to identify opportunities that will increase the portfolio and may also recommend to Council disposal of poor performing assets and investments.

The Enterprise Committee's areas of responsibility are:

Forestry including forestry activities on reserve land.	Commercial campgrounds (Motueka, Murchison, Pohara, Collingwood)
Aerodromes (Motueka, Takaka)	Property managed on a commercial basis including the Mapua Wharf precinct
The Motueka Harbour and Coastal Works Reserve Fund	Port Motueka and Port Tarakohe
Council Controlled Organisations and Council Controlled Trading Organisations, excluding Waimea Water Limited and Tasman Bays Heritage Trust	

2.0 Responsibilities

- 2.1 Ensure that operational strategies, capital works programmes and activity management plans for the activities within the commercial portfolio as a whole support appropriate returns on investment after balancing risks, commercial and community outcomes.
- 2.2 Ensure quick flexible decision making to support taking advantage of commercial opportunities as they arise.
- 2.3 Recommend to the Council an overall financial strategy, performance measures and resourcing for the portfolio, for inclusion in the Annual and Long Term Plans.
- 2.4 Monitor and improve the performance of Council's commercial portfolio including identifying further opportunities to increase the portfolio.
- 2.5 Receive and monitor quarterly financial reports in relation to the commercial portfolio and ensure where possible that the best medium to long term rates of return are being achieved.
- 2.6 Review on a regular basis the overall governance and investment structure for the portfolio and consider whether other governance or investment structures would deliver enhanced returns.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

2.7 Receive and consider reports from both staff and the Council's legal advisors on strategies, and investments along with the identification and mitigation of financial and operational risk.

2.8 Make recommendations to the Council on new investments, disposals, business opportunities and other matters in relation to the commercial portfolio.

3.0 Powers

3.1 Authorise any transactions in relation to the commercial portfolio that comply with the Council's LTP, Annual Plan, Treasury Policy or authorised contracts which are outside the delegated authority of Council staff.

3.2 Authorise any transactions in relation to The Motueka Harbour and Coastal Works Reserve that comply with the reserve funds policy.

3.3 Obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense.

3.4 Recommend to the Council action on any matter in relation to the commercial portfolio.

3.5 Approve business cases for projects or works that are within the Council's Long Term Plan or Annual Plan and which fall within the approved fiscal envelope.

4.0 Limitations

The Committee may not:

4.1 Authorise legal action.

4.2 Authorise expenditure that falls outside the approved budgets in the Annual Plan, Long Term Plan or Financial Reforecasts.

5.0 Administration

5.1 The expectation is that members of the public wanting to speak to a matter on the Agenda should be given that opportunity.

5.2 Meets quarterly and may meet between the quarterly meetings at the discretion of the chair to attend to urgent business.

5.3 A quorum comprises 4 members, 3 of whom must be elected members.

5.4 Membership shall comprise:

5.4.1 5 Elected members appointed by Council

5.4.2 3 independent members appointed in accordance with Council's Policy on the Appointment and Remuneration of Independent Members on Council Committees and Business Units. The independent members are appointed for a term of 5 years from the date of appointment or such other terms as Council resolves and are eligible for reappointment in accordance with Councils Policy on the Appointment of Directors and Trustees.

5.4.3 The Chair shall be appointed by Council

5.5 Reports to the Council.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

3.0 Subcommittees

For full Terms of Reference for each committee, please go to the Tasman District website www.tasman.govt.nz/my-council/meetings/committee-terms-of-reference/.

Animal Control Subcommittee

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1. Purpose

This is a subcommittee of the Regulatory Committee; its purpose is to conduct hearings and make determinations on the following matters under the Dog Control Act 1996:

- 1.1 Section 22 - objections to classification as a probationary owner
- 1.2 Section 26 - objections to disqualification
- 1.3 Section 31(3) - objections to classification of a dog as dangerous
- 1.4 Section 33B - objections to classification of a dog as menacing
- 1.5 Section 33D - objections to classification of a dog as belonging to a breed listed in Schedule 4 and classified as menacing.

2. Responsibilities

The role of the Subcommittee is to objectively consider objections to Animal Control officers' decisions, take the required matters into account, and to make a determination.

This is a quasi-judicial process in which the subcommittee receives an officer report, which sets out:

- what action has been taken,
- The statutory background/authority for the action,
- The evidential basis for the decision, and
- Any other matters that the Subcommittee is required to have regard to under the Dog Control Act 1996.

The owner also needs to be provided with a reasonable opportunity to present their case and provide any evidence to the Subcommittee.

When making a determination, the Subcommittee must have regard to the evidence and matters as required by the Dog Control Act 1996 and its decisions need to be in accordance with the principles of natural justice.

These matters or evidence for each section are set out below.

Section 22(3) – the Subcommittee must have regard to:

- (a) the circumstances and nature of the offence or offences in respect of which the classification was made; and
- (b) the competency of the person objecting in terms of responsible dog ownership; and

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

(c) any steps taken by the owner to prevent further offences including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept; and

(d) the matters advanced in support of the objection; and

(e) any other relevant matters.

Section 26(3) the Subcommittee must have regard to:

(a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and

(b) the competency of the person objecting in terms of responsible dog ownership; and

(c) any steps taken by the owner to prevent further offences; and

(d) the matters advanced in support of the objection; and

(e) any other relevant matters.

Section 31(4) - the Subcommittee must have regard to:

(a) the evidence which formed the basis for the original classification; and

(b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and

(c) the matters advanced in support of the objection; and

(d) any other relevant matters—

Section 33B(2) - the Subcommittee must have regard to:

(a) the evidence which formed the basis for the classification; and

(b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and

(c) the matters relied on in support of the objection; and

(d) any other relevant matters.

Section 33D – the Subcommittee must have regard to:

(a) the evidence which formed the basis for the classification; and

(b) the matters relied on in support of the objection; and

(c) any other relevant matters.

The Subcommittee must make its determination by majority decision. The Subcommittee may seek further information from the officer or the objector to assist it to reach a decision.

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The decision of the Subcommittee will be recorded in the minutes of the meeting, with a formal decision being released as soon as practicable. The formal decision must contain the information required by the relevant sections of the Dog Control Act 1996.

3. Membership

The Subcommittee shall consist of three elected members. The Chairperson will be the Chairperson of the parent Regulatory Committee.

4. Quorum

The quorum is two.

5. Powers

The Subcommittee has the power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996. The Subcommittee can decide to uphold or rescind classifications or disqualifications. It should be noted that, if a majority decision to uphold the classification or disqualification cannot be reached, then the objection is deemed to be upheld.

CEO Review (CEOR)

Approved by Council resolution CN20-02-13

1. Purpose

To oversee matters associated with the employment of the Chief Executive Officer (CEO).

2. Responsibilities and Powers

- a) Make recommendations to the Council on the initial employment, reemployment, remuneration, resignation or dismissal of the Chief Executive Officer.
- b) Negotiate, set objectives, review the performance and to set the remuneration for the CEO each year.
- c) Handle all routine CEO contract/employment matters not dealt with by the Mayor.

3. Administration

- a) The Mayor is Chairperson of the Subcommittee.
- b) A total of 3 elected members including the Mayor.
- c) A quorum comprises 2 members.

d) This subcommittee does not have a public forum session.

c)e)

Meets as required to set and review objectives, performance and remuneration.

e)f) Reports to the Council

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Community Awards Subcommittee (CAS)

Approved by Council resolution CN20-02-13

1. Purpose

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

The Community Awards Subcommittee considers applications and decides on the recipients of Outstanding Community Service Awards.

2. Responsibilities and Powers

- a) Calls for nominations for the Outstanding Community Service Awards, annually in May.
- b) Reports to the Operations Committee.
- c) Decides who the successful recipients of the Outstanding Community Service Awards will be.

3. Administration

- a) There are 5 elected members
- b) The Chairperson is appointed by Council.
- c) A quorum comprises 3 members.
- d) Meets in early July each year.
- e) The Awards Ceremony is in August each year.
- f) There is no Public Forum at these meetings.

Community Grants Subcommittee (CG)

Approved by Council resolution CN20-02-13

1. Purpose

The Community Grants Subcommittee administers Council's community grants and other funding schemes, and funding schemes that the Council administers on behalf of other organisations.

2. Responsibilities

- a) Invites applications under the grants and funding schemes administered by this Subcommittee.
- b) Collate and assesses applications received.
- c) Makes decisions on the allocation of grant funding.
- d) Reports to the Operations Committee.

3. Administration

- a) Chairperson is appointed by Council.
- b) 5 elected members.
- c) A quorum comprises 3 members.
- d) Meets periodically throughout the year following the closure of the various grants rounds (e.g., community grants, Sport New Zealand Rural Travel Fund), Special Grants Funding).
- e) There is no Public Forum at these meetings.

Creative Communities Subcommittee (CCS)

Approved by Council resolution CN20-02-13

1. Purpose

The Creative Communities Subcommittee considers local community arts applications to the Creative Communities Scheme and make grants in terms of the criteria specified by the scheme's funders, Creative New Zealand.

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2. Responsibilities

- a) Invite applications from the community three times a year
- b) Collate and assessment of applications received.
- c) Prepare recommendations as to the allocation of grant funding.
- d) Report to the Operations Committee who will consider the recommendations and decide the funding allocations.

3. Administration

- a) 3 elected members, plus community representatives.
- b) The Chairperson is appointed by the Council.
- c) A quorum comprises 3 members, two of which must be Councillors.
- d) Meets three times a year – late March, late July and early December (in Motueka).
- e) There is no public forum at these meetings.

Golden Bay Recreation Park Management Committee

Approved by Council resolution CN21-02-11

1.0 Purpose

The Golden Bay Recreation Park Management Committee (the Committee) is to oversee management of the land (including buildings) detailed in s. 18(7) of the Reserves and Other Lands Disposal Act 1959 ("ROLDA Act") on behalf of Tasman District Council (the Council).

2.0 Membership

Membership of the Committee shall comprise:

- a) two members appointed by the Tasman District Council;
- b) one person appointed by the Tasman District Council on recommendation of the Golden Bay Agricultural and Pastoral Association; and
- c) other persons, not exceeding four in number as the Tasman District Council may from time to time appoint as nominees of other sporting bodies in the Takaka Ward.

The Chairperson of the Committee will be decided by the Tasman District Council Mayor and be from one of the two members appointed by the Council in a) above.

If the Chair is unavailable, the other Council member appointed by the Council in a) above will chair the meeting.

3.0 Iwi and Stakeholders

Representatives from iwi, Youth Council, relevant sporting codes and relevant community groups, may be invited to attend Committee meetings as iwi representatives or as key stakeholders when required. However, these representatives will only have speaking rights with the agreement of the Committee Chair. The representatives will not have voting rights.

Extract from Tasman District Council Delegations Register – Part Five Terms of Reference

4.0 Role of the Committee

To act as a governance group by:

- i. providing recommendations to the Council on the matters set out in section 6 of these terms of reference; and
- ii. making the decisions on the matters set out in section 7 of these terms of reference; and
- iii. communicating and engaging with community organisations and user groups to determine their views as to the use and development of the Golden Bay Recreation Park; and
- iv. overseeing and monitoring progress on Council's capital works programme for the Golden Bay Recreation Park; and
- v. undertaking such other functions as may from time to time be delegated to the Committee by the Council or other Operations Committee.

5.0 Functioning of the Committee

The Committee is directly responsible and accountable to the Council via the Operations Committee for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must recognise that the primary responsibility for governance of the Council rests with the elected members of the Tasman District Council and that the primary responsibility for Council operational activities rests with the Council's Chief Executive.

Quorum for the Committee is three members, including a minimum of one member appointed by the Council in 2 a) above.

Ordinary Committee meetings will be held twice per year.

Tasman District Council Standing Orders apply to Committee meetings.

Committee meetings will comply with the Local Government Official Information and Meetings Act 1987 requirements.

Minutes of Committee meetings will be referred to the Council's Operations Committee, at which point any recommendations will be considered.

6.0 Powers to Recommend

The Committee has the powers to recommend and to provide advice to Council or the Operations Committee (as appropriate) on the following matters relating to the Golden Bay Recreation Park on:

- i. the Committee's priorities and preferences for input into the relevant reserve management plan processes and other Council policy processes in so far as how they relate to the Golden Bay Recreation Park;
- ii. the priorities for expenditure, capital works projects and other proposals for reserve developments relating to the Golden Bay Recreation Park for Council to consider including in its Annual Plans and Long Term Plans;
- iii. the granting of leases or licences on the Golden Bay Recreation Park; and
- iv. the granting of a new contract for management of the Rec Park Centre, but only where there is a change to the service provider for the management contract;

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- v. matters related to the reinstatement of the Grandstand to public use, including final design, community engagement processes and fundraising;
- vi. opportunities for Council to apply for funding from external agencies which can be held by Council for application to projects to be undertaken at the Golden Bay Recreation Park;
- vii. the setting of fees for use of the Golden Bay Recreation Park for inclusion in the Council's Long Term Plan and Annual Plan; and
- viii. any permanent or major development at the Golden Bay Recreation Park that may change the use of the Park's land or buildings (this power does not apply to short term or temporary uses e.g. events which are approved by staff).

7.0 Powers to decide

The Committee has the powers to decide the following matters relating to the Golden Bay Recreation Park to:

- i. approve the design and location of playground equipment, park furniture,, fencing and landscape design plans at the Golden Bay Recreation Park.
- ii. grant consent for the removal of trees from the Golden Bay Recreation Park; and
- iii. write letters of support for funding applications (funds to be held by the Council) to external organisations which can be applied to projects at the Golden Bay Recreation Park.

8.0 Notes for clarification to sections 6 and 7:

- i. In relation to the decision making powers above, the Committee must comply with relevant legislation and Council policies.
- ii. The Committee has no powers, other than those listed section 7, to decide or to act on any matters relating to the Golden Bay Recreation Park.
- iii. The Rec Park Centre is managed under contract by a separate organisation. The Committee does not have any direct decision making powers or powers to make recommendations relating to the renewal of the existing management contract for the Rec Park Centre. The renewal of the existing management contract is considered annually by Council officers in the ordinary course of events.
- iv. The Council also has general management contracts in place for upkeep and maintenance of the Golden Bay Recreation Park and these contracts will remain the prerogative of the Operations Committee and staff under delegation.
- v. There will be occasions when the Committee needs to liaise and work collaboratively with the Golden Bay Community Board on matters relating to the Golden Bay Recreation Park.

9.0 Role of the Chair

The role of the Committee Chair is to:

- i. review the agenda with staff prior to Committee meetings;
- ii. chair meetings according to Council's Standing Orders and the agreed agenda, and to assist the Committee to reach consensus on issues, options, recommendations to Council and on decisions which are within its power to make; and
- iii. undertake such other responsibilities as are outlined in Standing Orders.

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10.0 Role of staff

Council staff will provide technical expertise, project management and administrative support to the Committee. Their role is to:

- i. procure, manage and provide oversight of maintenance and project works at the Golden Bay Recreation Park;
- ii. provide advice and reports to enable full consideration of the options by the Committee;
- iii. provide advice to the Committee on legal and statutory issues and obligations;
- iv. lead technical discussions on options under consideration;
- v. manage project resources (budget and staff time);
- vi. manage project issues, risks, changes and advise the Committee of issues as they arise;
- vii. provide staff reports to meetings at decision making points;
- viii. organise and manage engagement with iwi and key stakeholders and the wider community and keep the Committee briefed on key matters arising through engagement activities;
- ix. manage leases, licences and management contracts (including annual renewal of management contracts) at the Golden Bay Recreation Park;
- x. prepare and distribute agendas for Committee meetings;
- xi. maintain records of meetings, key decisions made by the Committee and reasons for decisions, so that the decision making process can be clearly understood; and
- xii. manage bookings of the land and buildings, other than for the Rec Park Centre, and advise the Management Committee of bookings as part of the staff briefing for each Committee meeting.

11.0 Varying Terms of Reference

These terms of reference may be varied by resolution of the Council.

12.0 Review of Terms of Reference

These Terms of Reference will be reviewed after each triennial election.

13.0 Remuneration

The Committee members will not receive any remuneration for their role on this Committee.

Dated: 11 February 2021

Tasman District Council Delegations Register – Part Five

4.0 Joint Committees

Terms of Reference for each committee can also be found on the Tasman District website www.tasman.govt.nz/my-council/meetings/committee-terms-of-reference/.

Joint Shareholders Committee (JSC)

Approved by Council resolution CN20-02-13

1. Membership:

The Mayor, Deputy Mayor, Standing Committee Chairs (2 not including the Deputy Mayor), and two other Councillors of Tasman District Council and the Mayor, Deputy Mayor and Committee Chairs (4) of Nelson City Council (Total of 12 Members).

2. Quorum:

The quorum at a meeting of the Joint Shareholders Committee is set at six, being half of the membership. Of that quorum of six members, at least three must be from each local authority.

3. Areas of Responsibility:

All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees.

4. Powers to Decide:

All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees.

5. Procedure:

- a. The Standing Orders of the Council providing administration to the committee will be applied at each meeting.
- b. The Chairperson will alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson will be appointed.
- c. The Chairperson will not have a casting vote.
- d. These delegations/terms of reference may be varied by resolution of both Councils and any such resolution will carry the rider that it will be subject to adoption by the other Council.
- e. The power to discharge any individual member and appoint another in his or her stead must be exercised by the local authority that made the appointment.

Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes.

Tasman District Council Delegations Register – Part Five

Joint Committee of Tasman District and Nelson City (Joint Councils Committee)*Approved by Council resolution CN20-02-13, CN20-10-23***1. Membership:**

The Mayor, Deputy Mayor and 12 Councillors of Tasman District Council and the Mayor, Deputy Mayor and 11 Councillors of Nelson City Council (Total of 27 Members)

2. Quorum:

- a. The quorum at a meeting of the Joint Committee is set at 14, being a majority of members as the membership is an odd number.
- b. Of that quorum of 14 members, at least five must be from each local authority.

3. Areas of Responsibility:

- a. Matters relating to Statements of Expectation for all jointly owned Council Controlled Organisations and Council Controlled Trading Organisations.
- b. Receipt of six monthly presentations from Port Nelson Limited, Nelson Airport Limited and Tasman Bays Heritage Trust and from Nelson Tasman Tourism and the Nelson Regional Economic Development Agency (owned solely by Nelson City Council).
- c. Discussion of policies, initiatives or directives stemming from central Government or external agencies that involve cross-boundary issues.
- d. Implementation of the Nelson Tasman Future Development Strategy.

4. Powers to Decide:

- a. To determine the strategic direction to be given to jointly owned CCOs and CCTOs through Statements of Expectation.
- b. To adopt, approve, review and amend the Nelson Tasman Future Development Strategy and Implementation Plan
- c. In matters relating to the Nelson Tasman Future Development Strategy, to undertake community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes.

5. Powers to Recommend:

- a. All other matters requiring decision will be recommended to Nelson City and Tasman District Council subject to an equivalent resolution being adopted by the other Council.

6. Procedure:

- a. The Standing Orders of the Council providing administration to the committee will be applied at each meeting.
- b. The Chairperson will alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson will be appointed.
- c. The Chairperson will not have a casting vote.

Tasman District Council Delegations Register – Part Five

- d. These delegations/terms of reference may be varied by resolution of both Councils and any such resolution will carry the rider that it will be subject to adoption by the other Council.
- e. Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes.

Nelson Regional Sewerage Business Unit

Approved by Council resolution CN20-02-13

The Nelson Regional Sewerage Business Unit (NRSBU) is a joint committee of Nelson City Council and Tasman District Council. The NRSBU is governed by a memorandum of understanding which terminates on 30 June 2025 unless terminated earlier by resolution of both Councils.

1. Areas of Responsibility:

To manage and operate the wastewater treatment facilities at Bells Island and the associated reticulation network efficiently and in accordance with resource consent conditions to meet the needs of its customers.

2. Quorum:

The Memorandum of Understanding governing the NRSBU allows for either six or seven members to be appointed. The quorum at a meeting is either three (if six members are appointed), or four (if seven members are appointed), including at least one from each local authority.

3. Powers to decide

The Councils are agreed that the responsibility for all management and administrative matters associated with the NRSBU operation shall be with the Board, and in particular the Board shall without the need to seek any further authority from the Councils:

- a. Operate a bank account for the Business Unit.
- b. Comply with the Procurement Policy of the administering Council.
- c. Enter into all contracts necessary for the operation and management of the Business Unit in accordance with the approved budgets and intent of the Business Plan.
- d. Authorise all payments necessary for the operation and management of the Business Unit within the approved budgets and intent of the Business Plan.
- e. Do all other things, other than those things explicitly prohibited by this Memorandum of Understanding or relevant statutes, that are necessary to achieve the objectives as stated in the Strategic Plan, Asset Management Plan or Business Plan approved by the Councils.
- f. Comply with the Health and Safety Policy and requirements of the administering Council.
- g. Contribute to the sanitary services assessment process of the Councils.

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- h. Contribute to and comply with the waste management plans of the Councils.
- i. Contribute to the development of the Councils' Development and Financial Contribution policies.
- j. Contribute to the Councils' Regional Policy Statement and Regional Plan Reviews.
- k. Develop and keep under review an appropriate contract for the delivery of waste collection and disposal services with each of its customers.
- l. Follow generally accepted accounting practices.
- m. Follow good employment practices.

4. Powers to Recommend:

- a. Any other matters under the areas of responsibility of the Business Unit.

5. Procedure:

- a. The Standing Orders of the Council providing administration to the committee will be applied at each meeting.
- b. The Chairperson will not have a casting vote.
- c. Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes.

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Saxton Field Committee*Approved by Council resolution CN20-02-13***1. Purpose**

The Saxton Field Committee (the Committee) is to oversee the development and management of Saxton Field on behalf of Nelson City Council and Tasman District Council (the councils).

2. Membership

- a. Each council must appoint two elected members to the Committee.
- b. An independent member will be appointed in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'
- c. At the inaugural meeting a Chairperson will be elected for the purposes of the inaugural meeting only, and will not have a casting vote at that meeting.
- d. The independent member will be the Chair of the Committee and will have voting rights.
- e. If the Chair is unavailable, a Chairperson will be elected from among members attending on the day.

3. Iwi and Stakeholders

Representatives from iwi, relevant sporting codes, relevant community groups, and Sport Tasman may be invited to attend Committee meetings when required. However, these representatives will only have speaking rights with the agreement of the Committee Chair. The representatives will not have voting rights.

4. Quorum

Quorum for the Committee is three members, including a minimum of one councillor each from Nelson City Council and Tasman District Council.

5. Meeting Frequency

Ordinary Committee meetings will be held at least three times per year, or as needed.

6. Areas of Responsibility

The Committee is responsible for:

- a. Considering proposals for reserve development
- b. Promotion and marketing of Saxton Field as a regional venue
- c. Capital development of Saxton Field
- d. Developing a naming and signage policy and considering requests under this policy
- e. Considering applications for leases and licenses
- f. Activities, developments and management actions provided for in the adopted Saxton Field Reserve Management Plan and associated policies
- g. Developing a work programme including any community consultation required.

7. Powers to decide

- a. Matters relating to items provided for in the approved operations, capital expenditure and maintenance budgets for Saxton Field
- b. Matters relating to marketing of Saxton Field, within approved budgets and policies
- c. Approval of applications for concessions

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- d. Approval of the draft Saxton Field Reserve Management Plan for public consultation, to undertake the public consultation process and to be the Hearing Panel to hear and deliberate on the submissions for the draft Saxton Field Reserve Management Plan.

8. Powers to recommend

The Committee has powers to recommend to the Nelson City Council, and the Tasman District Council:

- a. Future capital works programmes
- b. Financial contributions for the operations, maintenance and capital development of the reserve
- c. Reserve policies for approval including the Saxton Field Reserve Management Plan and any Development Plan
- d. Leases, licenses and easements (to the relevant Council)
- e. Any other matters within the areas of responsibility noted above

All recommendations will carry the rider that it shall be subject to adoption by the other Council, unless for a matter specific to one Council.

9. Role of the Committee

- a. To act as a governance group for matters relating to Saxton Field
- b. To request, receive and consider any information relevant to the areas of responsibility
- c. To be an interface between community groups and the two councils
- d. To report to Nelson City Council, and Tasman District Council when required

10. Role of the Chair

- a. To review the agenda with staff prior to Committee meetings
- b. To chair meetings according to the agreed agenda and to assist the Committee to reach consensus on issues and options

11. Role of staff

Staff provide technical expertise, project management and administrative support to the Committee. Their role is to:

- a. Provide advice and reports to enable full consideration of the options before the Committee
- b. Provide advice to the Committee on legal and statutory issues and obligations
- c. Lead technical discussions on options under consideration
- d. Manage project resources (budget and staff time)
- e. Manage project issues, risks, changes and advise the Committee of issues as they arise
- f. Provide staff reports to meetings at decision making points
- g. Organise and manage engagement with key stakeholders and the wider community
- h. Keep Committee members briefed on key communications with key stakeholders and the public
- i. Prepare and distribute agendas for Committee meetings
- j. Maintain records of processes used, options considered, key decisions made by the Committee and reasons for decisions, so that the decision making process can be clearly understood

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12. Independent member

The independent member will be appointed in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.

13. Remuneration

The independent Chair will be remunerated in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.

Reimbursement of the independent Chair's expenses relating to vehicle mileage and travel time will be done in accordance with the Tasman District Council Expenses Policy for Elected Members. To claim expenses the independent chair is required to fill out and submit a claim form to seek reimbursement. Any such claim must be made within the relevant financial year.

14. Interests

Interests should be declared at the start of Committee meetings.

15. Reporting

- a. Agendas and minutes of Committee meetings will be prepared by the council providing administration services.
- b. Minutes of Committee meetings will be received by each Council, at which point any recommendations to the Council/s will be considered.
- c. Committee meetings will comply with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)).
- d. The Standing Orders of the council providing administration to the Committee shall be applied at each meeting.

16. Varying Terms of Reference

These terms of reference may be varied by resolution of both councils and any such resolution shall carry the rider that it shall be subject to adoption by the other council.

17. Review of Terms of Reference

These Terms of Reference will be reviewed after one year of Committee operations, and no later than the third year of the 2016-19 triennium.

18. Dissolution of the Committee

The councils may dissolve the committee at any time. Any such dissolution is completed once both councils have separately confirmed the decision by resolution.

Amendment approved 20-04-32; 21-06-17

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Nelson Tasman Regional Landfill Business Unit*Approved by Council resolution CN20-02-13***I Parties**

- (1) **NELSON CITY COUNCIL**, Civic House, 110 Trafalgar Street, Nelson
- (2) **TASMAN DISTRICT COUNCIL**, 189 Queen Street, Richmond

II Background

- A. Nelson City Council (**Nelson**) and Tasman District Council (**Tasman**) are unitary authorities (jointly **the Councils**) under the Local Government Act 2002 (**the LGA**) with territorial responsibilities for promoting effective and efficient waste management and minimisation within their respective territorial boundaries (jointly **the Nelson Tasman region**) under Part 4 of the Waste Minimisation Act 2008 (**the WMA**).
- B. Nelson owns and operates the York Valley landfill at 34 Market Road, Bishopdale, Nelson. The site includes the current operational area (Gully 1) and two other areas potentially suitable for landfill operations (Gully 3 and Gully 4) (**York Valley landfill**). The legal description of the land and the location and extent of these areas are shown in [Attachment 1].
- C. Tasman owns and operates the Eves Valley landfill at 214 Eves Valley Road, Waimea West, Tasman. The site includes a closed landfill (Stage 1), the current operational area (Stage 2) and a further area potentially suitable for landfill operations (Stage 3) (**Eves Valley landfill**). The legal description of the land and the location and extent of these areas are shown in [Attachment 2].
- D. The Councils acknowledge their respective roles and responsibilities under the LGA and the WMA.
- E. Nelson and Tasman have prepared and adopted a Joint Waste Management and Minimisation Plan dated April 2012 (**the Joint Waste Plan**) pursuant to sections 43 and 45 of the WMA.
- F. The Councils have agreed to jointly make the most effective and efficient use of York Valley and Eves Valley landfill space.
- G. The Councils have reviewed options for the provision of landfill capacity in the Nelson Tasman region. They intend to jointly share in the management of the two landfills, through a Joint Committee of the Councils appointed pursuant to schedule 7 of the LGA (**the Joint Committee**).
- H. The Councils intend to enable the joint governance, management and use of York Valley Gully 1 and Eves Valley Stages 1, 2 and 3 as regional landfill facilities to accept all municipal solid waste (**waste**) generated in the Nelson Tasman region.
- I. The Councils also intend the following:
 - (i) That the York Valley landfill will be the primary regional landfill facility from 1 July 2017, to accept all waste generated within the Nelson Tasman region until Gully 1 is at capacity (anticipated to be in approximately 2031), or until expiry of the existing resource consents for the York Valley landfill (being 31 December 2034), whichever occurs first.
 - (ii) That Stage 2 of the Eves Valley landfill to have all necessary consents and approvals to accept up to one years' waste from the Nelson Tasman region in

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case of unforeseen temporary closure of the York Valley landfill, and that Stage 3 be retained for future use as a regional landfill facility.

- (iii) Once the Joint Committee is established, it shall have responsibility for making decisions as per Part 3 clause 10 of these terms of reference.

- J. These terms of reference accompany a deed of agreement between the Councils and set out the membership, responsibilities, operating parameters and reporting requirements of the Joint Committee, to be known as the Nelson Tasman Regional Landfill Business Unit (**NTRLBU**).

III Terms of Reference

Purpose

1. The purpose of the NTRLBU is to manage and operate a regional landfill facility or facilities efficiently and in accordance with:
 - the Joint Waste Plan;
 - the Long Term Plans and Annual Plans of each Council;
 - the NTRLBU Activity [Asset] Management Plan;
 - the NTRLBU Business Plan;
 - resource consent conditions for each landfill; and
 - and the Councils' Solid Waste Activity Management Plans.
2. The NTRLBU shall plan for the future needs of the community in a cost efficient and environmentally sustainable manner in accordance with the objectives of the Joint Waste Plan.
3. The NTRLBU will designate itself as a public benefit entity (PBE) for financial reporting purposes.
4. The NTRLBU is intended to be a self-funding body which provides a service to its customers, (which include the Councils under a contractual relationship independent of its establishment as a Joint Committee of the Councils) and provides income to the Councils to implement the Joint Waste Plan.

Structure of NTRLBU

5. The NTRLBU will be established as a Joint Committee of Nelson and Tasman pursuant to schedule 7 to the LGA.
6. The NTRLBU shall comprise four or five members appointed as follows:
 - (i) Two members appointed by Tasman (at least one of whom will be an elected member of the Council);
 - (ii) Two members appointed by the Nelson (at least one of whom will be an elected member of the Council);
 - (iii) May include one jointly appointed/independent member, who is not involved in any business related to the NTRLBU activities. This member would only be appointed if mutually agreed to by both Councils and in accordance with the Councils 'Procedure for Joint Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations' (2012 version, or its replacement). This member shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the Councils' joint policy for the appointment of independent persons to joint committees.

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7. The NTRLBU will include one iwi advisor, nominated by, local iwi with mana whenua at either landfill site, and appointed by both Councils. This iwi advisor shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. For clarity, the advisor shall not hold voting rights in the NTRLBU. Remuneration will be in accordance with the administering Council's protocol on meeting fees.
8. In appointing members to the NTRLBU, the Councils will have regard to the criteria, skills and experience ~~required~~ required so that an appropriate mix of skills is maintained.
9. The NTRLBU will elect a Chair and Deputy Chair from its voting members at its first meeting of the triennium.

Powers and responsibilities delegated to the NTRLBU

10. The NTRLBU may without the need to seek any further authority from the Councils:
 - (i) Set fees and charges for waste disposal at the regional landfill facilities by 30 June each year; including the power to apply discounted fees and charges for the disposal of waste in bulk; and may determine other circumstances where discounted fees and charges may be applied. For clarity, the fees and charges shall be included in the draft annual Business Plan that is submitted for Council approval each year.
 - (ii) Make decisions to accept (or not accept) waste that is generated outside the Nelson Tasman region.
11. The NTRLBU may recommend the purchase of additional land for landfill facilities to the Councils.
12. The NTRLBU shall contribute to the Long Term Plan planning processes of the Councils in a timely manner, including activity management plans and infrastructure strategies. Information is to be provided in sufficient time to enable the Councils to carry out and complete their statutory planning and reporting.
13. The NTRLBU shall contribute to and comply with the Joint Waste Plan of the Councils.
14. The NTRLBU shall contribute to the development of the Councils' Development Contribution and Financial Contribution policies, where these relate to solid waste activities or planning.
15. The NTRLBU shall contribute to the Councils' Regional Policy Statement and Regional Plan reviews, where these may relate to solid waste activities or planning.
16. The NTRLBU shall contribute to Solid Waste Service Delivery reviews in accordance with section 17A of the LGA, as necessary.
17. The NTRLBU shall follow generally accepted accounting practices and comply with the accounting policies of the Administering Council.

Meetings

18. For the avoidance of doubt, the NTRLBU shall comply with the provisions of the Local Government Official Information and Meetings Act 1987 and the standing orders of the administering Council in respect of its meetings.
19. The quorum for a meeting of the NTRLBU shall be three of the members (including vacancies). There shall also be at least one member from each Council represented in the quorum.
20. The NTRLBU should aim to meet at least 4 times per year at intervals decided by it in order to meet its obligations under these terms of reference.

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Planning and reporting

21. The NTRLBU will produce the following plans in respect of its operations.

1. Business Plan

The Business Plan should state the activities and intentions of the NTRLBU. It shall outline how those activities relate to the objectives of the NTRLBU as documented in the current strategic plan, the financial forecasts for the following three years, the performance targets for the coming year and any variations to fees and charges proposed for that financial year.

A draft of the Business Plan for the coming year shall be presented to the Councils annually by 31 October.

After the Councils have had an opportunity to discuss and comment on the draft Business Plan the NTRLBU shall finalise the Business Plan, incorporating any changes agreed between the Councils and the NTRLBU and present the final Business Plan to the Councils by 31 May for inclusion in each Council's draft Annual Plan.

Any changes to the draft Business Plan arising out of consultation on the draft Annual Plan shall require joint agreement of the two Councils.

2. Activity Management Plan

The NTRLBU Activity Management Plan shall provide an analysis of the assets controlled and services delivered by the NTRLBU in relation to the current levels of service required by its customers, and their likely future demands. It will also provide a financial analysis of the NTRLBU operations and indicate how the assets should be managed to ensure the most cost effective and efficient service. It will also outline the manner in which the NTRLBU will provide for appropriate risk management.

The NTRLBU Activity Management Plan shall be reviewed annually and revised at least every three years in time to meet the timeframes for each Councils Long Term Plan development and Solid Waste Activity Management Plan preparation.

The NTRLBU Activity Management Plan will be submitted to the Councils for approval.

3. Annual Report

The NTRLBU shall prepare an Annual Report at the end of each financial year which shall include reporting against the performance targets and financial forecasts in the approved Business Plan.

The annual accounts and financial statements, included in the Annual Report, shall be in a manner and form approved by the NTRLBU's auditor, fairly showing the operating and financial position of the NTRLBU for the financial year, including a statement of financial performance, a statement of financial position, a statement of cash flows, and all information necessary to enable an informed assessment of the operation of the NTRLBU. The audited financial statements must be prepared in accordance with generally accepted accounting practice and in compliance with the accounting policies of the administering Council.

The draft Annual Report will be presented to the Councils by 15 September in each year.

4. Agendas for all meetings of the NTRLBU will be forwarded to the Chief Executives of the Councils.
5. Minutes of all meetings of the NTRLBU will be forwarded to the Chief Executives of the Councils and to all NTRLBU members as draft minutes once

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they have been reviewed for accuracy by the General Manager and/or the Chairperson.

Management and support services

22. Management and support services will be provided as follows:

- (i) The administering Council shall carry out operational, financial, secretarial and administrative activities as necessary for the NTRLBU to fulfil its purpose and responsibilities under these terms of reference and shall report to the NTRLBU. The administering Council will be Nelson.
- (ii) A General Manager of the NTRLBU will be appointed by joint agreement of the Chief Executives of the Councils and may or may not be on the recommendation of the NTRLBU. The Councils may choose to appoint an independent General Manager instead of appointing an independent member as outlined in clause 6 (iii). The General Manager shall be employed or contracted by the administering Council.
- (iii) The Chief Executives of each Council will establish and maintain a Management Group, comprising the General Manager, and at least one staff member (or representative) with either engineering and/or financial expertise. The Management Group will meet as necessary and report four times a year to the NTRLBU on the matters referred to it under this agreement, or on any other relevant matter requested by the NTRLBU.
- (iv) The Management Group shall receive all operational and financial information concerning operation of the landfills and the operating account and shall have the following tasks:
 - (a) reporting the financial position of the NTRLBU on a monthly basis to the Chief Executive of each Council, and quarterly to the NTRLBU;
 - (b) reporting operational performance;
 - (c) reporting compliance with resource consent conditions;
 - (d) making recommendations concerning the setting of fees and charges for the disposal of waste at the regional landfill facilities;
 - (e) making recommendations concerning the setting of discounted fees and charges for disposal of waste in bulk and other circumstances where discounted fees and charges may be applied;
 - (f) making recommendations on the awarding of operational contracts;
 - (g) making recommendations concerning any proposal to accept out-of-district waste for disposal at the regional landfill facilities, and the setting of fees and charges for the disposal of such waste;
 - (h) making recommendations concerning the setting of the waste management rebate for any operating year and carrying out a review of the operating account and waste management rebate during the year;
 - (i) the review of financial modelling information concerning operation of the York Valley landfill and Eves Valley landfill over the life of this agreement and any future agreement;
 - (j) making recommendations concerning any dispute that may be referred to it;
 - (k) making recommendations for waste acceptance criteria;

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- (l) the carrying out of and reporting on any other tasks identified in the Joint Waste Plan concerning regional waste management and minimisation referred to it jointly by the Councils; and
- (m) providing advice or recommendations on any other matters relevant to the NTRLBU.

Discharge of members

- 23. Subject to clause 24, the members of the NTRLBU will be discharged on the coming into office of the members of the Councils elected at the triennial local body elections. The new NTRLBU members shall be appointed by resolution of the Councils at the earliest opportunity after each election.
- 24. Prior to the election, the NTRLBU may recommend to the Councils that they approve a transitional arrangement through the triennial election process for representation on the NTRLBU. For clarity, this provision only applies where both Councils have approved a transitional arrangement.
- 25. The Councils may at any time replace their appointed members, or by joint agreement remove/replace the independent member of the NTRLBU. No action to replace any member will be taken without the Councils first consulting with the NTRLBU, except where the replacement is part of a triennial election process referred to in clause 23.
- 26. Iwi may nominate at any time a replacement for the appointed iwi advisor. The replacement iwi advisor shall be appointed jointly by the Councils.

Variations

- 27. These terms of reference may be varied by joint agreement of the two Councils to enable the NTRLBU to perform in such a manner as to give effect to its purpose, and to carry out its functions and duties effectively, provided that such variation is in accordance with the accompanying agreement and meets the requirements of the LGA.

Limitations

- 28. The NTRLBU may not borrow money or undertake major financial transactions other than with the approval of both Councils.

Media

- 29. The Councils shall endeavour to agree all public or media statements concerning the activities of the NTRLBU prior to release. However this clause shall not be construed as restricting the right of each Council to discuss any aspect of the accompanying agreement or these terms of reference in open Council meetings, and to have such deliberations reported in the media, or to make statements in relation to them as each Council reasonably considers is necessary or desirable in the performance of its role as a territorial authority, or in the interests of full public debate of all issues relevant to a territorial authority, its community and its ratepayers.

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Civil Defence Emergency Management Group*Adopted by Council CN22-08-11***1.0 Overview**

- 1.1** The Civil Defence Emergency Management Group (CDEM Group) is a joint committee of the Nelson City and Tasman District Councils, established in accordance with section 12(1)(c) Civil Defence Emergency Management Act 2002 and Schedule 7 clause 30(1)(b) Local Government Act 2002.
- 1.2** This joint committee cannot be discharged under clause 30(5) or (7) of Schedule 7 of the Local Government Act 2002 during a term of local government, or as a consequence of local government election.
- 1.3** The CDEM Group sets the vision, goals and high level arrangements for the Civil Defence Emergency Management Group Plan.

2.0 Functions

- 2.1** Under section 17, Civil Defence Emergency Management Act 2002, the functions of a Civil Defence Emergency Management Group, and of each member, are to:
 - 2.1.1** *in relation to relevant hazards and risks:*
 - 2.1.1.1** *identify, assess, and manage those hazards and risks*
 - 2.1.1.2** *consult and communicate about risks*
 - 2.1.1.3** *identify and implement cost-effective risk reduction*
 - 2.1.2** *take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area*
 - 2.1.3** *take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in its area*
 - 2.1.4** *respond to and manage the adverse effects of emergencies in its area*
 - 2.1.5** *plan and carry out recovery activities*
 - 2.1.6** *when requested, assist other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups)*

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- 2.1.7 *within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of the Act*
- 2.1.8 *monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of the Act*
- 2.1.9 *develop, approve, implement, and monitor a civil defence emergency management group plan and regularly review the plan*
- 2.1.10 *participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan*
- 2.1.11 *promote civil defence emergency management in its area that is consistent with the purpose of the Act.*
- 2.2 The Civil Defence Emergency Management Group also has any other functions that are conferred or imposed by or under the CDEM or other Acts.
- 2.3 A number of legislative provisions apply in relation to points 2.1.7 and 2.1.8 above, including but not limited to provisions outlined in the following Acts:
 - 2.3.1 *Biosecurity Act 1993*
 - 2.3.2 *Building Act 2004*
 - 2.3.3 *Fire and Emergency New Zealand Act 2017*
 - 2.3.4 *Hazardous Substances and New Organisms Act 1996*
 - 2.3.5 *Health Act 1956*
 - 2.3.6 *Health and Safety at Work Act 2015*
 - 2.3.7 *Local Government Act 1974*
 - 2.3.8 *Local Government Act 2002*
 - 2.3.9 *Maritime Transport Act 1994*
 - 2.3.10 *Resource Management Act 1991*

3.0 General Powers

- 3.1 Under section 18, Civil Defence Emergency Management Act 2002, CDEM Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, a Group Controller, or other people as necessary.
- 3.2 Under section 18, Civil Defence Emergency Management Act 2002, CDEM Group may
 - 3.2.1 *recruit and train volunteers for civil defence emergency management tasks;*
 - 3.2.2 *conduct civil defence emergency management training exercises, practices, and rehearsals;*
 - 3.2.3 *issue and control the use of signs, badges, insignia, and identification*

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passes authorised under the Civil Defence Emergency Management Act 2002, regulations made under this Act, or any civil defence emergency management plan;

- 3.2.4 *provide, maintain, control, and operate warning systems;*
- 3.2.5 *provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency;*
- 3.2.6 *exercise any other powers that are necessary to give effect to any civil defence emergency management plan or in response to a civil defence emergency.*

3.3 Under section 20, Civil Defence Emergency Management Act 2002, CDEM Group must establish and maintain a Civil Defence Emergency Management Co-ordinating Executive Group (CEG).

3.3.1 *The CEG must consist of*

- 3.3.1.1 *the chief executive officer of each member local authority or a person acting on the chief executive officer's behalf*
- 3.3.1.2 *a senior Police employee who is assigned for the purpose by the Commissioner of Police*
- 3.3.1.3 *a senior employee, volunteer, or contractor of Fire and Emergency New Zealand who is assigned for the purpose by the board of Fire and Emergency New Zealand*
- 3.3.1.4 *the chief executive or a senior member of a provider of health and disability services operating in the area*
- 3.3.1.5 *any other persons that may be co-opted by the Civil Defence Emergency Management Group, which may include a senior ambulance service officer.*

4.0 Membership

4.1 The CDEM Group will consist of the following Council Representatives (CDEM Act s13(4):

- 4.1.1 *The Mayor of Nelson City*
- 4.1.2 *The Mayor of Tasman District*

4.2 The Deputy Mayors of each member Council will be in attendance of CDEM Group meetings.

4.3 In the event that a Mayor cannot attend, the relevant Deputy Mayor will have voting rights as their alternate.

4.4 The power to discharge any individual member and appoint another member in their place must be exercised by the local authority that made the appointment.

4.5 The Chief Executives of each member Council or their alternate will be in attendance of

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CDEM Group meetings.

- 4.6 An iwi representative, nominated by iwi, will be invited to attend all CDEM Group meetings.
- 4.7 Representatives from partner organisations or relevant community groups may be invited to attend CDEM Group meetings as key stakeholders when required.
- 4.8 Attendees may have speaking rights with the agreement of the CDEM Group Chair. Attendees will not have voting rights.

5.0 Quorum and Attendance

- 5.1 The quorum is set at two members being physically present.
 - 5.1.1 As the total membership and required number attending for quorum are the same, attendance by audio-visual link is not possible for members unless legislative modifications allow for quorum to be met through virtual attendance.
- 5.2 Attendees have the right to attend meetings by means of audio visual link, as per the Local Government Act 2002 Schedule 7 clauses 25A and 25B.

6.0 Meeting Procedures

- 6.1 Meetings will be held three times a year, with additional meetings called as required.
- 6.2 The Standing Orders of the Council providing administration to the CDEM Group will be applied at each meeting.
- 6.3 Agendas will be prepared in accordance with the Local Government Official Information and Meetings Act 1987, and the relevant Standing Orders.

7.0 Chair

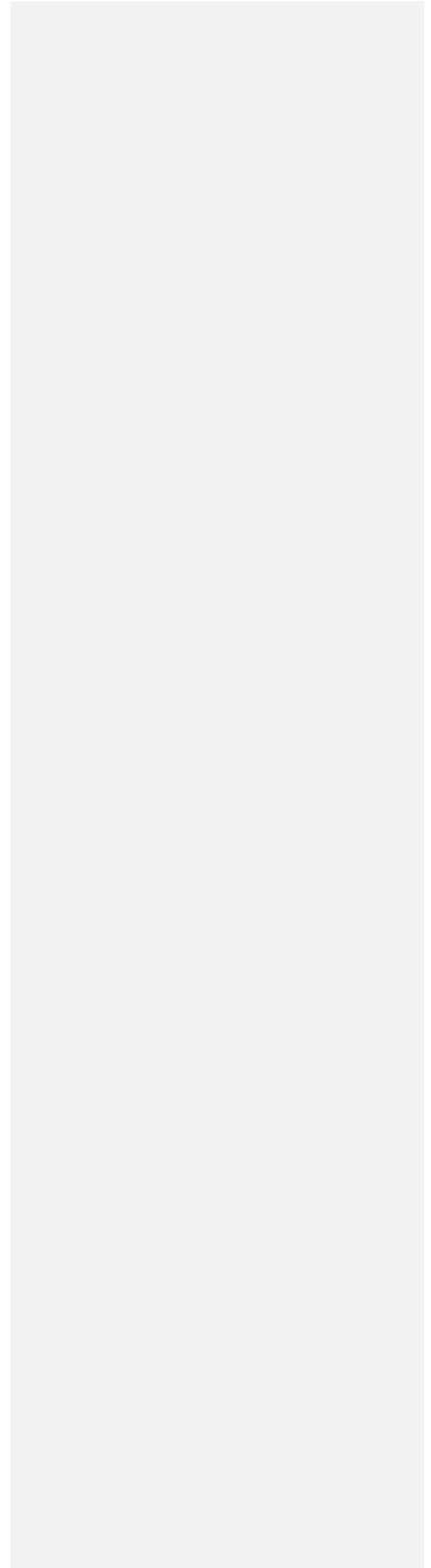
- 7.1 The Chairperson will alternate annually between the Mayor of Nelson City and Tasman District Council.
- 7.2 In the absence of the Mayor currently acting as Chairperson, the Deputy Mayor/Alternate will act in their stead.
- 7.3 No Deputy Chair will be appointed.
- 7.4 The Chairperson will not have a casting vote.
- 7.5 Copies of minutes will be retained by each Council for record keeping purposes.

8.0 Administration and Media

- 8.1 At the start of each triennium, members will reach an agreement appointing one of the unitary authorities as the administering authority for formal meetings of the CDEM Group (s23(3), CDEM Act)

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- 8.2** Administration will include ensuring appropriate records management for meetings of the CDEM Group to meet the requirements of the Public Records Act.
- 8.3** Other administrative duties will be undertaken as deemed appropriate.
- 8.4** Media contact and announcements will be made by either the Chair or CDEM Group, subject to approval by both.
- 8.5** These terms of reference may be varied by resolution of both Councils.



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Regional Pest Management Joint Committee**1. Membership**

Six members, being three elected members from each of Nelson City Council and Tasman District Council. The Chairperson and Deputy Chairperson will be appointed by the Committee.

2. Quorum

Three members and must include at least one member from each Council.

3. Areas of Responsibility

- a) Considering recommendations for amendments (limited review) to Tasman-Nelson Regional Pest Management Plan 2019 – 2029;
- b) Hearing and deliberating on the public submissions related to amendments (limited review) of the Tasman-Nelson Regional Pest Management Plan 2019 - 2029; and
- c) Making recommendations to the Tasman District and Nelson City Councils to adopt any changes (limited review) of the Tasman-Nelson Regional Pest Management Plan 2019 – 2029.

4. Powers to Decide

None

5. Powers to recommend

- a) To recommend to each Council notification of changes to the Tasman-Nelson Regional Pest Management Plan 2019-2029 under the Biosecurity Act 1993;
- b) To recommend to each Council the adoption of the final changes (limited review) of the Tasman-Nelson Regional Pest Management Plan 2019-2029 and the process to make the limited review operative in accordance with sections 70-75 of the Biosecurity Act 1993.

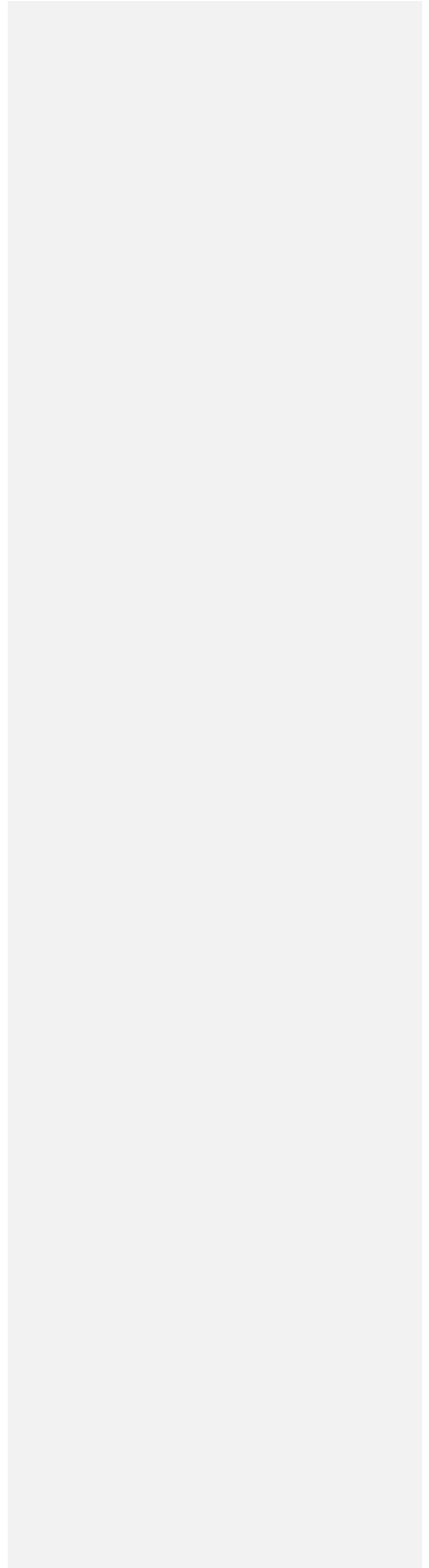
6. Procedure

- a) Standing Orders to be applied at each meeting shall be the Standing Orders of the administering Council.
- b) For the purposes of complying with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)) Committee meetings will be treated as public meetings as the Committee is delegated to perform duties as outlined in the Biosecurity Act 1993 in relation to reviewing regional pest management

Tasman District Council Delegations Register – Part Five

plans.

- c) Each Council retains the power to discharge and re-appoint its respective members of the Committee.
- d) The Chairperson shall not have a casting vote.
- b)e) These delegations/terms of reference may be varied by resolution of both councils on the recommendation of the Regional Pest Management Committee or both Chief Executives of the two Councils; and any resolution shall carry the rider that it shall be subject to adoption by the other Council.
- c)f) The meetings of the Committee do not have a public forum session.
- d)g) Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes.
- e)h) The Committee would be considered to be disbanded following the adoption by both councils of the changes (limited review) of the Regional Pest Management Plan 2019-2029.



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Nelson Tasman Joint Waste Review Working Party**1. Purpose**

1.1. The purpose of the Nelson Tasman Joint Waste Review Working Party (JWRWP) is to develop a work programme for reviewing and amending the Joint Waste Management and Minimisation Plan (the Waste Plan) through the following activities:

- Review the Nelson Tasman Waste Assessment 2022.
- Review progress against performance indicators in the Waste Plan 2019.
- Review the objectives, policies and methods in the Waste Plan 2019.
- Consider community input and any need to meet with interested parties or co-opt additional members to assist in the process.
- Prepare a new or amended Waste Plan in accordance with section 44 of the Waste Minimisation Act 2008.
- Submit the draft Waste Plan to both Nelson and Tasman Councils to consider for public consultation.
- Oversee the consultation process, using the special consultative procedure set out in section 83 of the Local Government Act 2002.
- Receive public submissions, hold hearings and consider submissions.
- Finalise the Waste Plan and submit it to both Nelson and Tasman Councils for consideration and adoption by September 2023.
- Reconvene to review the implementation of the adopted Waste Plan as required.

The formation of the Working Party was agreed by Nelson City Council's (NCC) Infrastructure Committee on 1 September 2022 and Tasman District Council's (TDC) Strategy and Policy Committee on 29 September 2022.

2. Powers to recommend

- 2.1. The Working Party will have powers to make recommendations to both Councils regarding consultation on, and adoption of, a new or amended Waste Plan.
- 2.2. The Working Party can also make recommendations when reviewing the Waste Plan and subsequent implementation of a new or amended Waste Plan.
- 2.3. The respective Councils have the power to agree to amend or replace the Waste Plan, undertake public consultation and adopt the final Waste Plan.

3. Membership

- 3.1. The Working Party will comprise three elected and/or appointed members from each Council, each nominated by their respective Council.
- 3.2. Te Taihira Iwi Chairs will be invited to nominate up to three representatives to the Working Party.
- 3.3. The Working Party will meet as often as needed to deliver the work programme.
- 3.4. The Chair and Deputy Chair will be selected by the Working Party members at their first meeting.

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4. Meetings

- 4.1. A quorum for any meeting will be five, including two elected and/or appointed members from each Council.
- 4.2. Conflicts of interest shall be declared at the start of meetings.
- 4.3. Standing orders will not apply to the Working Party's preparation of a new or amended Waste Plan. The meetings will not be formally advertised and will not have a public forum.
- 4.4. Standing orders will apply to public hearings and deliberations of submissions.

5. Areas of responsibility

- 5.1. The Working Party must ensure that all work and consultation is undertaken for the purpose of making recommendations to the two Councils.
- 5.2. Any media releases will be made by the Chair through the Councils' Communications teams as required.

6. Role of staff and advisors/experts

- 6.1. Staff will project manage the work programme, including facilitating pre-engagement activities and consultation processes.
- 6.2. Staff will provide professional advice and/or bring in advisors from time to time including:
 - The Medical Officer of Health (or delegate)
 - The General Manager of the Nelson Tasman Regional Landfill Business Unit
 - A climate change specialist
 - Other experts or stakeholders as needed.

7. Progress reviews

- 7.1. Staff will provide an annual report on the implementation of the Waste Plan to the Working Party for review and to make recommendations, if any, to both Councils.

The Working Party will meet as needed to review the implementation of the Waste Plan.

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5.0 Other Committees

Terms of Reference for each committee can also be found on the Tasman District website www.tasman.govt.nz/my-council/meetings/committee-terms-of-reference/.

Community Boards

Approved by Council resolution CN21-06-17

1.0 Purpose

The purpose of the community board is to be an effective, authoritative, informed and respected voice of the community with influence over matters of local significance.

2.0 Objective

To carry out its role as set out in section 52 of the Local Government Act 2002, to give effect to the purpose of local government in section 10 of the Local Government Act 2002.

3.0 Responsibilities

- 3.1 represent, and act as an advocate for, the interests of its community; and
- 3.2 consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- 3.3 maintain an overview of services provided by the Tasman District Council within the community; and
- 3.4 prepare an annual submission to the Tasman District Council for expenditure within the community; and
- 3.5 communicate with community organisations and special interest groups within the community; and
- 3.6 undertake any other responsibilities that are delegated to it by the territorial authority.

4.0 Delegated Authority

The Community Board has authority to:

- 4.1 facilitate engagement of their community in relation to policies, plans and projects proposed for their community as requested by the Council;
- 4.2 advise the Council on the priorities and preferences of their community in respect of the level and nature of local services to be provided by the Council in their community;
- 4.3 undertake activities for which a budget has been allocated by the Council to the Board;
- 4.4 seek funding (to be held by the Council) from external organisations which can be applied to community projects within their community;
- 4.5 make submissions and objections in relation to Council statutory processes and which affect interests within their community.

5.0 Powers to Act

Community boards shall have delegated authority, in accordance with any statutory powers and the policies, plans and bylaws of the Council, to:

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- 5.1 allocate, within Council Policy guidelines, funding and operational grants to local community groups in their community from the Grants from Rates Programme within the budget allocated by Council;
- 5.2 manage and approve usage of any market place in their community with power to disburse any surplus, after costs, for purposes within the ward;
- 5.3 approve traffic control signs on streets (e.g., stop and give way signs etc), the design and location of bus stops and shelters in their community, within budget limits and relevant engineering standards;
- 5.4 approve the design and location of playground equipment, landscape and amenity works with a value of more than \$10,000, street furniture and street planting in their community;
- 5.5 approve names of streets and parks in their community;
- 5.6 grant consent for the removal of trees from parks, reserves, streets or other Council land in their community;
- 5.7 authorise, within approved budgets, board member attendance at appropriate conferences and training courses.

6.0 Power to Recommend

- 6.1 To the Council where preferred service levels in their community are higher than Council Annual Plan, the funding mechanism;
- 6.2 to the Council granting of leases or licences on reserves and public spaces in their community;
- 6.3 to the Council, proposed developments or activities on local parks, reserves and waterways in their community;
- 6.4 to the Council on the use and allocation of the Special Purpose Committee funding, and the use and allocation of Reserve Financial Contributions received from subdivisions and developments in their wards, for inclusion in the Annual Plan and Long Term Plan processes;
- 6.5 to Council any changes the Board would like made to the performance of Council activities within the Ward;
- 6.6 to the Operations Committee annual work programme priorities for new and renewal footpaths within their wards, for consideration and potential inclusion in the District-wide annual work programme;
- 6.7 to the Strategy and Policy Committee on proposals to declare land within their wards as reserve and/or to classify reserves under the Reserves Act 1977;
- 6.8 to the Strategy and Policy Committee on draft content for inclusion in the draft reserve management plans for the parks and reserves within their wards;
- 6.9 to the Strategy and Policy Committee on preparing resource management plan changes affecting land and other resources within the Ward.

7.0 Administration

- 7.1 The Chairperson shall be voted in by resolution of the Board at its inaugural meeting of the triennium.
- 7.2 4 members are elected as members of the Community Board. The Council may resolve for the relevant ward Councillors to be members of the Community Board.
- 7.3 A quorum for the Motueka Community Board comprises 4 members and a quorum for the Golden Bay Community Board comprises 3 members for the time being.

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- 7.4 The Community Boards will operate under Standing Orders, adopted at their first meeting of the triennium. This may be the Tasman District Council Standing Orders, with or without amendments.
- 7.5 Community Boards meeting:
 - 7.5.1 Golden Bay Community Board: monthly, ordinarily on the second Tuesday of the month.
 - 7.5.2 Motueka Community Board: monthly, ordinarily on a Tuesday. The Motueka Community Board may also hold 'public forum' sessions, which are not meetings under Standing Orders or LGOIMA.
- 8.0 Exclusion to Golden Bay Community Board's Delegations**
 - 8.1 All matters relating to the Golden Bay Recreation park are excluded from the Golden Bay Community Board's delegations with respect to clauses 5.0 and 6.0 of this Delegations Register

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District Licensing Committee (DLC)*Approved by Council resolution CN20-02-13*

The District Licensing Committee operates under the **Sale and Supply of Alcohol Act 2012** (SSAA). Each territorial authority must appoint one or more licensing committees as, in its opinion, are required to deal with licensing matters for its district (s.186 SSAA).

1.0 Responsibilities and Powers

- 1.1 Consider and determine applications for licences and manager's certificates.
- 1.2 Consider and determine applications for renewal of licences and manager's certificates.
- 1.3 Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136.
- 1.4 Consider and determine applications for the variation, suspension, or cancellation of special licences.
- 1.5 Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280.
- 1.6 Refer applications to the licensing authority with the leave of the chairperson for the licensing authority.
- 1.7 Conduct inquiries and to make reports as may be required of it by the licensing authority under section 175.
- 1.8 Carry out any other functions conferred on licensing committees by or under the SSAA or any other enactment. (s.187).

2.0 Administration

- 2.1 In the absence of the Chairperson, the Deputy Chairperson will preside.
- 2.2 A quorum comprises 3 members except when the Chairperson is sitting alone.
- 2.3 Meets ordinarily weekly on a Wednesday, or as required.
- 2.4 The provisions of the Local Government Official Information and Meetings Act 1987 apply other than Part 7 and section 200 of SSAA applies.

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Tasman Regional Transport Committee (TRTC)*Approved by Council resolution CN20-02-13*

The Tasman Regional Transport Committee operates under the **Land Transport Management Act 2003**. Under this Act the Council must:

- establish a regional transport committee; and
- as a unitary authority must have 4 persons to represent the unitary authority and 1 person to represent [Waka Kotahi](#).

1.0 Responsibilities

The Tasman Regional Transport Committee is tasked with preparation of the following, for approval by the Council:

- 1.1 A regional land transport plan for Tasman District, or any variations to the plan;
- 1.2 A regional fuel tax scheme for Tasman District if the regional transport committee decides to recommend a scheme; and
- 1.3 Any advice and assistance the Council may request in relation to its transport responsibilities.

2.0 Powers

The Tasman Regional Transport Committee may make recommendations only to the Council.

3.0 Limitations

- 3.1 The power to discharge or appoint members is by resolution of Council only.
- 3.2 The Tasman Regional Transport Committee has no financial responsibilities or budgets.

4.0 Administration

- 4.1 The Chair and Deputy Chair are appointed by Council resolution
- 4.2 Membership:

5 elected members appointed
1 x NZTA Waka Kotahi representative (full membership including voting rights)
Non-voting members by appointment (ordinarily 6) who act in an advisory capacity only. This ordinarily includes representatives from the Police, the Regional Economic Development Agency, Iwi, Public Health, and for Access/Mobility and Environment/Sustainability.
Nelson City Council and Marlborough District Council are ordinarily invited to nominate a non-voting representative.

- 4.3 ~~For the time being, a~~ Quorum comprises 2 members.
- 4.4 In the absence of the Chair the Deputy Chairperson will preside.
- 4.5 The Tasman District Council Standing Orders apply to the meeting procedures with the following exceptions:
The Chairperson (or any other person presiding at the meeting):
 - 4.5.1 has ~~the a~~ deliberative vote; and
 - 4.5.2 in the case of an equality of votes does not have ~~the a~~ casting vote (and therefore the motion is not passed and the status quo is preserved).
- 4.6 Meets quarterly, ordinarily on a Friday.

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6.0 Advisory Groups

Terms of Reference for each advisory group can also be found on the Tasman District website www.tasman.govt.nz/my-council/meetings/committee-terms-of-reference/

Port Tarakohe Advisory Group (PTAG)

Approved by Council resolution CN20-05-5

1.0 Overview

The Port Tarakohe Advisory Group (PTAG) function is an advisory role. The PTAG will be the conduit for users to provide advice/recommendations on the Port to Council, which has a vested interest in direct feedback from various stakeholders.

2.0 Membership and Quorum

- 2.1 The PTAG will consist of the following Council and Community Board Representatives:
 - 2.1.1 Up to two Councillors from Golden Bay Ward
 - 2.1.2 A member of the Council's Enterprise Committee, appointed by the Committee
 - 2.1.3 A member of the Golden Bay Community Board, appointed by the Community Board
- 2.2 Plus elected representatives from each of the following interested groups:
 - 2.2.1 Marine Farming Association
 - 2.2.2 Fishing Industry
 - 2.2.3 Commercial Port users
 - 2.2.4 Marina Association
 - 2.2.5 Pohara Boating Club
 - 2.2.6 Adjoining ~~land owners~~ landowners
 - 2.2.7 Manawhenua ki Mohua
- 2.3 A total of 14 members maximum
- 2.4 Invited guests at the Chair's discretion
- 2.5 Involvement from any other guest speakers, as and when required
- 2.6 Members may provide a deputy from their organisation to attend if they are unable to be present
- 2.7 Six members must be in attendance for quorum

3.0 Purpose and Objectives

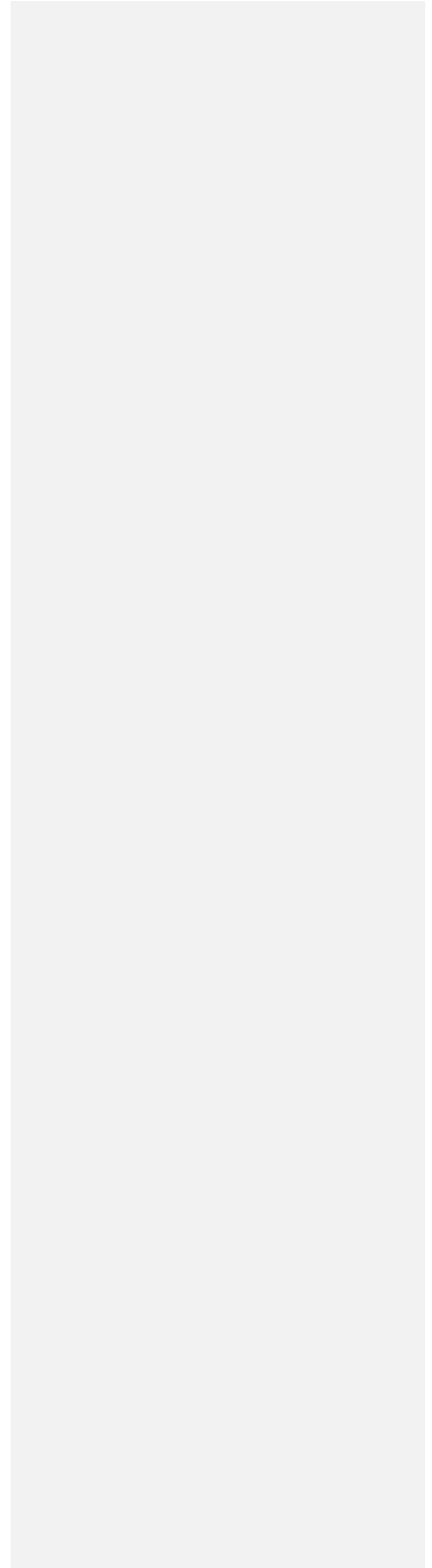
- 3.1 Act in an advisory role to allow Council to seek input from the wider Community and all Port users, in a structured and positive environment, recognising the challenges Council has in ensuring the Port Facility is financially sustainable
- 3.2 The objectives include:
 - 3.2.1 To provide a conduit for all community and Port users interests through to Council

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- 3.2.2 To ensure community, stakeholders and all users are informed, have the opportunity for input, and are involved in the work of the group
- 3.2.3 To provide updates to Council and any recommendations for improvements to the operational issues of the Port, whilst respecting the financial sustainability framework Council has set
- 3.3 At all times the Council retains the right to autonomous strategic and operational management of the Port and is not bound by any Broad process outcome
- 4.0 Meetings**
- 4.1 Meetings will be on a quarterly basis with special meetings called as required, and will aim to be no more than two hours long
- 4.2 The members of the Advisory group will meet their own costs
- 4.3 Written reports are to go out with the agenda wherever possible, but verbal agenda items will be accepted. All agendas are to be circulated at least 7 days prior to meetings
- 4.4 All communications will be in electronic form
- 4.5 Any advice or recommendations to Council by the PTAG will require a majority decision by members
- 4.6 The PTAG will at all times operate in accordance with the requirements of the Local Government Official Information and Meetings Act 1987
- 4.7 Work in a collaborative and cooperative manner using the best endeavours to reach solutions that take account of the interests of all sectors of the community
- 4.8 Council will extend a best endeavours basis to provide full and frank discussions around all the issues facing the Port, however all parties must recognise:
 - 4.8.1 The sensitivity and confidentiality of operational matters
 - 4.8.2 Members are expected to take an active part in meetings and to report on relevant issues from their respective organisations/interests
 - 4.8.3 Communication channels with other groups and networks will be nurtured to ensure exchange of information between Council, users and the community
- 5.0 Chair and Agenda**
- 5.1 The Chair of the PTAG will be a Councillor appointed by the Council to the group. The term of office will coincide with the Local Government election cycle
- 5.2 The Chair will liaise with Council staff to consider and set agenda
- 5.3 The Chair will ensure the meetings runs to time and keeps to the agenda
- 5.4 Agenda will include some of the following items:
 - 5.4.1 Confirmation of minutes
 - 5.4.2 Matters arising
 - 5.4.3 Reports for discussion and action
 - 5.4.4 Relevant trends and issues facing the Port
- 6.0 Administration and Media**
- 6.1 The Council will provide support that includes:
 - 6.1.1 Sending out meeting invitations and agendas

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- 6.1.2 Collate attendance and apology lists
- 6.1.3 Provide minuted records
- 6.1.4 Undertake other administrative duties as deemed appropriate
- 6.2 Media contact and announcements will be made by either the Chair or Council, subject to the approval by both. Any media release will be circulated to the PTAG within 2 days for their information
- 7.0 Review**
- 7.1 The Terms of Reference will be reviewed every 3 years, aligned to 31 January, immediately post local government elections, or sooner if significant issues arise as determined by Council



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Motueka Aerodrome Advisory Group (MAAG)*Approved by Council resolution CN20-05-5***1.0 Overview**

To help the Council ensure better involvement by the community and stakeholders in developing the aerodrome and in the management of its operations. The scope of the MAAG does not include matters covered by the Terms of Reference for the Motueka Aerodrome Operations and Safety Committee.

The MAAG is not a decision making group, but a community and stakeholder group that provides feedback and makes recommendations to the Council on Motueka aerodrome related matters.

2.0 Membership and Quorum

2.1 The Committee will consist of the following Representatives:

- 2.1.1 One appointed Tasman District Council Motueka Ward Councillor (Chair)
- 2.1.2 One appointed Motueka Community Board member
- 2.1.3 One Motueka Aerodrome recreational user representative
- 2.1.4 Two Motueka Aerodrome commercial user representatives
- 2.1.5 Two independent members of the public – to be appointed by the Motueka Community Board
- 2.1.6 Invited guests at the Chair's discretion

2.2 Four members must be in attendance for quorum

3.0 Purpose and Objectives

3.1 The function of the MAAG is a feedback and advocacy role. Council are seeking input from the wider Community and all Aerodrome users, in a structured and positive environment, while recognising the challenges Council has in ensuring the Aerodrome is financially sustainable.

3.2 The MAAG will be the conduit for users to provide advice, recommendations and feedback on the Aerodrome to Council, which has a vested interest in direct feedback from various stakeholder groups.

3.3 At all times Council retains the right to autonomous strategic and operational management of the aerodrome. It will however take into consideration, but will not be bound by any Advisory Group process outcome, feedback or recommendation.

3.4 The objects are to:

- 3.4.1 To review and provide opinion on development applications or requests at Motueka Aerodrome
- 3.4.2 To review the Motueka Aerodrome Development plan and recommend any changes to Council
- 3.4.3 To be consulted prior to any changes to aerodrome landing or parking charges
- 3.4.4 To receive quarterly aerodrome financial reports
- 3.4.5 To be consulted prior to the Motueka Aerodrome component of the Long Term Plan being recommended for adoption by Council

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- 3.4.6 To provide feedback on any requests to change the permitted or discretionary uses at Motueka Aerodrome
- 3.4.7 To review issues relating to noise at Motueka Aerodrome and recommend appropriate actions
- 3.4.8 To receive condition reports on the aerodrome infrastructure and provide a link between users and the Aerodrome Operator.

4.0 Meetings

- 4.1 Meetings will be on a quarterly basis with special meetings called as required, and will aim to be no more than 90 minutes in duration
- 4.2 The members of the group will meet their own costs
- 4.3 Written reports are to go out with the agenda wherever possible, but verbal agenda items will be accepted. All Agendas are to be circulated at least 5 working days prior to meetings
- 4.4 All communications will generally be in electronic form
- 4.5 Any advice, recommendations or feedback to Council will require a majority decision by members
- 4.6 The group members will at all times operate in a respectful, collaborative and cooperative manner, using their best endeavours to reach solutions that consider the interests of the aerodrome and the community as a whole
- 4.7 The Aerodrome Operator or their delegate is the Council advisory representative for the Group
- 4.8 Members are expected to take an active part in meetings and to report on relevant issues from their respective organisations/interests

5.0 Chair and Agenda

- 5.1 The Chair of the MAAG will be the Motueka Ward Councillor who is appointed by the Council to the Group. The term of office will coincide with the Local Government election cycle
- 5.2 The Chair will liaise with the Aerodrome Operator to consider and set agendas
- 5.3 The Chair will ensure the meeting runs to time and keeps to the agenda
- 5.4 Agenda will include some of the following items:
 - 5.4.1 Confirmation of minutes
 - 5.4.2 Matters arising
 - 5.4.3 Reports for discussion and action (including feedback from the Enterprise Committee)
 - 5.4.4 Financial reports
 - 5.4.5 Permitted and discretionary uses
 - 5.4.6 Noise issues
 - 5.4.7 Development requests
 - 5.4.8 Development plan review
 - 5.4.9 Charges review
 - 5.4.10 Long term planning
 - 5.4.11 Infrastructure condition reports

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5.4.12 Next meeting date

5.4.13 Complaints

6.0 Administration and Media

6.1 The Council will provide support that includes:

6.1.1 Sending out meeting invitations and agendas

6.1.2 Collate attendance and apology lists

6.1.3 Provide minuted records to the MAAG and the Enterprise Committee of Council

6.1.4 Undertake other administrative duties as deemed appropriate

6.2 Communication channels will be nurtured to ensure exchange of information between Council, users and the Community

6.3 Any media communications will be undertaken by the Aerodrome Operator or by authorised Council staff

7.0 Review

7.1 This Terms of Reference will be reviewed by Council every three years following the Local Government elections.

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Māpua Waterfront Area Masterplan Working Group

Approved by Council resolution CN19-09-17

Toitū te marae a Tāne-Mahuta, toitū te marae a Tangaroa, toitū te tangata.

If the land is well, and the sea is well, the people will thrive.

1.0 Purpose and Function

To provide community direction and oversight to the implementation of the Māpua Masterplan and associated action plans in a way that gives balanced consideration to the social, cultural, environmental and economic priorities of the community Māpua.

2.0 Objectives of the Working Group

Through guiding and shaping the implementation of the action plans set out in the Māpua Waterfront Area Masterplan the Working Group will:

- 2.1 Ensure that the ecological and cultural wellbeing of the area is embedded at the heart of any development discussion.
- 2.2 Maintain and enhance the village spirit of the Māpua through any proposed development.
- 2.3 Ensure the unique history of the rohe (including pre-colonial and post-colonial settlement) is expressed in a common narrative.
- 2.4 Ensure the local community and stakeholders are kept informed of progress and have the opportunity for input into the proposed changes and solutions for the rohe.
- 2.5 To provide regular six-monthly updates to Council of progress, outcomes and outputs.

3.0 Limitations of Power

The Working Group does not have the authority to commit Council to any path or expenditure and shall operate in a manner that does not compromise Council's ability to make decisions as appropriate.

4.0 Membership

The Working Group is made up as follows:

- Council Reserves and Facilities Manager.
- Council Property Services Manager.
- Māpua and Districts Community Association – one representative.
- Māpua and Districts Business Association – one representative.
- Māpua Boat Club – one representative.
- Tamaha Sea Scouts – one representative.
- Friends of Māpua Waterfront – one representative.
- Mana Whenua - one representative for each iwi entity.

5. Selection of Members

- 5.1 Each group, as listed above, shall be responsible for nominating one member to join the Working Group. If that member is unable to attend, an alternate is able to attend to provide continuity.
- 5.2 If neither the principal representative nor the delegate can attend, they may give their proxy to the secretary.

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6. Voting

6.1 Each independent entity shall have one vote:

▪ Tasman District Council	1 vote
▪ Māpua and Districts Community Association	1 vote
▪ Māpua and Districts Business Association	1 vote
▪ Māpua Boat Club	1 vote
▪ Tamaha Sea Scouts	1 vote
▪ Friends of Māpua Waterfront	1 vote
▪ Ngāti Tama	1 vote
▪ Ngāti Rārua	1 vote
▪ Te Atiawa Iwi Trust	1 vote

Total: 9 votes

6.2 The Chairperson shall not have a vote or casting vote.

7. Scope

Selected members will be responsible for:

- 7.1 Representing the social, cultural, environmental, and economic priorities and views of the community with a focus on the benefit of the whole area to the local community, Māori, and visitors.
- 7.2 Ensuring consistency and cohesion between each of the identified Action Plan areas to recognise the interconnectivity of the waterfront area and surrounds.
- 7.3 Liaising and providing feedback from the various groups and organisations on the proposed implementation actions.
- 7.4 Liaising with Council departments on the preferred proposals for implementation.

8. Role of Chairperson

8.1 The Chairperson shall be appointed by consensus provided that a vote will occur if consensus cannot be reached.

8.2 The Chairperson shall be:

- 8.2.1 An impartial person who is not a member of, or aligned to, any of the participating groups.
- 8.2.2 Have an interest in the enhancement of the Māpua area, its history and culture, and its community.
- 8.2.3 The appointment of the Chairperson shall be for two years and the incumbent shall be eligible for reappointment.

9. Role of Secretary

9.1 Secretarial functions will be provided by the Tasman District Council including:

- The recording of minutes and actions.
- Organisation of meetings.
- Distribution of information as required.

10. Term

The term of the Group will be for the duration of the time it takes to action the deliverables from the Māpua Waterfront Area Masterplan. The Working Group will be responsible for determining the priority of actions.

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11. Operating Philosophy

The Working Group will, at all times, operate in accordance with the requirements of the Local Government Official Information and Meetings Act, and will observe the following principles at all times:

- 11.1 Promote a philosophy of integrated decision-making to achieve the diverse outcomes relevant to the broad range of interests in the waterfront area.
- 11.2 Be culturally sensitive, valuing a Te Ao Māori world-view and observing tikanga Māori principles where appropriate.
- 11.3 Recognise the interconnectivity of the waterfront area.
- 11.4 Work in a collaborative and cooperative manner using best endeavours to reach solutions that take account of the interests of all sectors of the community.
- 11.5 Members of the Group will contribute their knowledge and perspective, as well as the views or positions of the stakeholder groups that they have been chosen to represent as well as the position of Mana Whenua and act in the interests of the whole community; and
- 11.6 The Working Group will seek consensus in its decision-making where possible.
- 11.7 Give effect to the Māpua Waterfront Area Masterplan.

12. General:

The Working Group shall advise the Council on the prioritisation of actions within the Masterplan so Council Officers will submit funding requests through the Council's Annual Plan/Long Term Plan process for the Council's consideration.

13. Meeting Schedule

The Working Group shall determine the frequency of the meetings but they shall be a minimum of bi-monthly (every two months).

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Takaka Aerodrome User Group*Approved by Council resolution CN20-05-5***1.0 Overview**

The Takaka Aerodrome is vested into the Tasman District Council (Council). It is not a certificated aerodrome. Council's intention is that the aerodrome is maintained to a standard which satisfies aerodrome users and Civil Aviation Authority (CAA) requirements and functions with a minimum of ratepayer subsidy. CAA Advisory Circular AC139-17 entitled "Aerodrome User Groups" sets out the guidelines for the establishment of such groups and has been used as the basis for this terms of reference. Prior to the establishment of this User Group, the aerodrome has been managed by a local Management Committee which has had responsibility for aerodrome maintenance, collection of fees and rentals, plus financial management. The formation of this User Group effective from 1 July 2017 will transfer those functions to Council.

2.0 Membership and Quorum

2.1 The User Group will consist of the following:

- 2.1.1 Golden Bay Ward Councillors
- 2.1.2 Golden Bay Community Board member
- 2.1.3 Aerodrome Operator or their delegate
- 2.1.4 "Golden Bay Air" representative
- 2.1.5 Commercial aerodrome users
- 2.1.6 Recreational aerodrome users
- 2.1.7 Aerodrome maintenance contractor(s)
- 2.1.8 Unmanned Aerial Vehicle operators which are registered with Takaka Aerodrome
- 2.1.9 Persons occupying or leasing property at Takaka Aerodrome
- 2.1.10 Adjoining land owners
- 2.1.11 Invited guests and representatives of CAA when required
- 2.1.12 Invited guests at the Chair's discretion

2.2 Four members must be in attendance for quorum

3.0 Purpose and Objectives

3.1 The purpose of the Takaka Aerodrome User Group (TAUG) is to facilitate the development and coordination of procedures for the safe use of the aerodrome and associated airspace, and to provide advice and support to the Aerodrome Manager on issues pertaining to Takaka Aerodrome

3.2 The objectives include:

- 3.2.1 To encourage best practice for the health and safety of all users of Takaka Aerodrome and the associated airspace
- 3.2.2 To act as a forum for aerodrome users to discuss any operational or safety issues at Takaka Aerodrome, or to the type of operations conducted at the aerodrome and suggest ways to address / resolve / improve
- 3.2.3 To review and provide opinion on development applications or requests at Takaka Aerodrome
- 3.2.4 To be consulted prior to any changes to aerodrome landing or parking charges

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- 3.2.5 To receive quarterly aerodrome financial reports
- 3.2.6 To be consulted prior to the Takaka Aerodrome Long Term Plan being recommended for adoption
- 3.2.7 To consider any requests to change the permitted or discretionary uses at Takaka Aerodrome
- 3.2.8 To review issues relating to noise at Takaka Aerodrome and recommend appropriate actions
- 3.2.9 To receive condition reports on the aerodrome infrastructure and provide a link between users and the Aerodrome Manager
- 3.3 Specific tasks include:
 - 3.3.1 Administer tests and review the Takaka Aerodrome Emergency Plan
 - 3.3.2 Establish, administer and review a Takaka Aerodrome Memorandum of Understanding
- 4.0 Meetings**
 - 4.1 Meetings will be on a quarterly basis with special meetings called as required, and will aim to be no more than one hour in duration
 - 4.2 The members of the Committee will meet their own expenses
 - 4.3 Written reports are to go out with the agenda wherever possible, but verbal agenda items will be accepted. Agendas are to be circulated at least seven days prior to the meeting
 - 4.4 All communications will generally be in electronic form
 - 4.5 Any advice or recommendations to Council will require a majority decision by members. The facilitator shall have a casting vote
 - 4.6 If there is concern over the implications of any follow up action, the Aerodrome Manager should consult with CAA before carrying out the proposed action
 - 4.7 Members are expected to take an active part in meetings and to report on relevant issues from their respective organisations/ interests
 - 4.8 Where there is concern over the implications of any follow up action the Aerodrome Manager should consult with CAA before carrying out the proposed action
- 5.0 Chairperson and Agenda**
 - 5.1 The Chair will be elected by the members of the TUAG
 - 5.2 The term of office will coincide with the Local Government election cycle
 - 5.3 Should the Chairperson be absent from any meeting, either a Councillor or the Golden Bay Community Board representative will deputise as Chairperson for that meeting
 - 5.4 The Chair will liaise with the Aerodrome Manager prior to setting the agenda
 - 5.5 The Chair will provide good meeting practice and lead the Group to obtain consensus and meet the Group's objectives
 - 5.6 Agenda will include some or all of the following items:
 - 5.6.1 Confirmation of minutes
 - 5.6.2 Actions from previous meeting
 - 5.6.3 Matters arising
 - 5.6.4 Reports for discussion and action
 - 5.6.5 Airport Operational issues
 - 5.6.6 Airspace issues
 - 5.6.7 Review of any safety incidents or accidents
 - 5.6.8 Aerodrome security and safety issues

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- 5.6.9 Proposed amendments to aerodrome layout or proposed works on the aerodrome
- 5.6.10 Review of published aerodrome data and operational procedures contained in the AIPNZ
- 5.6.11 Review and coordinate feedback on any airspace amendment proposals
- 5.6.12 Requirements for any rules to accommodate an organisation with special needs such as helicopters and helicopter training etc
- 5.6.13 Any type of activity commencing on or off the aerodrome which may have an impact on aerodrome operations
- 5.6.14 An activity which previously had special procedures developed for it and is no longer operating
- 5.6.15 Financial reports
- 5.6.16 Infrastructure condition
- 5.6.17 Charges review
- 5.6.18 Noise issues
- 5.6.19 Long Term planning
- 5.6.20 Development requests
- 5.6.21 Permitted and discretionary uses
- 5.6.22 Memorandum of understanding review
- 5.6.23 Emergency plan test or review
- 5.6.24 Next meeting date

6.0 Administration and Media

- 6.1 The Council will provide support that includes:
 - 6.1.1 Sending out meeting invitations and agendas
 - 6.1.2 Collate attendance and apology lists
 - 6.1.3 Provide minuted records
 - 6.1.4 Undertake other administrative duties as deemed appropriate
- 6.2 Communication channels will be nurtured to ensure exchange of information between Council, users and the community. Communication on behalf of the group will be made by the Aerodrome Manager or Council staff.
- 6.3 Any media communication will be undertaken by the Aerodrome Manager or by authorised Council staff.

7.0 Review

- 7.1 The Terms of Reference will be reviewed in alignment with the Local Government election cycle.

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Motueka Aerodrome Operations and Safety Committee

Approved by Council resolution CN20-05-5

1.0 Overview

The Motueka Operations and Safety Committee was established at the request of the Civil Aviation Authority (CAA) to address operational and safety issues at and in the vicinity of Motueka Aerodrome. The aerodrome is owned and operated by Tasman District Council. It is not a certificated aerodrome but the Tasman District Council intention is that the aerodrome be maintained to a similar standard as Civil Aviation Authority certification, as a quality assurance system. CAA advisory circular AC139-17 entitled “Aerodrome User Groups” contains guidelines which are applicable for this committee.

2.0 Membership and Quorum

- 2.1 The Committee will consist of the following Representatives:
 - 2.1.1 Aerodrome Operator or their delegate
 - 2.1.2 Nelson Drag Racing Association representative
 - 2.1.3 Commercial aerodrome user
 - 2.1.4 Recreational aerodrome user
 - 2.1.5 Council's aerodrome maintenance contractor(s)
 - 2.1.6 Unmanned Aerial Vehicle operators which are registers with Motueka Aerodrome
 - 2.1.7 Persons occupying or leasing property at Motueka Aerodrome
 - 2.1.8 Invited guests and representatives of CAA when required
 - 2.1.9 Invited guests at the Chair's discretion
- 2.2 Four members must be in attendance for quorum

3.0 Purpose and Objectives

- 3.1 Purpose is to facilitate the development, implementation, monitoring, review and coordination of procedures for the safe use of the aerodrome and associated airspace.
- 3.2 The objectives are to:
 - 3.2.1 Encourage best practice for the health and safety of all users of Motueka Aerodrome and associated airspace
 - 3.2.2 Act as forum for aerodrome users to discuss any operational or safety issues at Motueka Aerodrome, and suggest ways to address/resolve/improve or mitigate
- 3.3 Specific tasks include:
 - 3.3.1 To review and recommend to the Aerodrome Manager, any changes for the shared use of the aerodrome with the Nelson Drag Racing Association events at Motueka Aerodrome, and to conduct the annual debrief with the Nelson Drag Racing Association
 - 3.3.2 Administer, test and review the Motueka Aerodrome Emergency Plan, in conjunction with the Aerodrome Manager who has responsibility for its implementation

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- 3.3.3 Administer and review the Motueka Aerodrome Memorandum of Understanding which covers best practice for aircraft use at and in the vicinity of Motueka Aerodrome
- 3.3.4 Conduct the annual debrief after the Nelson Drag Racing Association calendar of events has been completed

4.0 Meetings

- 4.1 Meetings will be on a quarterly basis and will aim to be no more than one hour in duration
- 4.2 Special meetings will be called as required, including for the following:
 - 4.2.1 Following an incident or accident or where a serious issue is raised
 - 4.2.2 When a new operator or new type of operation is proposed for the aerodrome
 - 4.2.3 When major works are proposed for the aerodrome
- 4.2 The members of the Committee will meet their own costs
- 4.3 Written reports are to go out with the agenda wherever possible, but verbal agenda items will be accepted. All agendas are to be circulated at least 5 working days prior to meetings
- 4.4 All communications will generally be in electronic form
- 4.5 Any advice, recommendations or feedback to Council will require a majority decision by members. The Chair shall have a casting vote
- 4.6 The Committee members will at all times operate in a collaborative and cooperative manner, using their best endeavours to reach solutions that consider the interests of the aerodrome and the community as a whole
- 4.7 Members are expected to take an active part in meetings and report on relevant issues from their respective organisations/interests
- 4.8 Communication channels will be nurtured to ensure the timely exchange of information between Council, users and the community

5.0 Chair and Agenda

- 5.1 The Committee shall elect the meeting Chair from its membership. Re-election will occur every two years
- 5.2 Should the Chair be absent from any meeting, the Aerodrome Operator will deputise as Chair for that meeting
- 5.3 The Chair will liaise with the Aerodrome Operator prior to the setting of the agenda
- 5.4 The Chair will provide good meeting practices and lead the Committee to obtain consensus and meet the Committee's objectives
- 5.4 Agenda will include some of the following items:
 - 5.4.1 Confirmation of Minutes
 - 5.4.2 Actions from previous meeting
 - 5.4.3 Matters arising
 - 5.4.4 Reports for discussion and action
 - 5.4.5 Airport Operational issues
 - 5.4.6 Airspace issues

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- 5.4.7 Review of any safety incidents or accidents
- 5.4.8 Aerodrome security and safety issues
- 5.4.9 Proposed amendments to aerodrome layout or proposed works on the aerodrome
- 5.4.10 Review of published aerodrome data and operational procedures contained in the AIPNZ
- 5.4.11 Review and coordinate feedback on any airspace amendments proposals
- 5.4.12 Requirements for any rules to accommodate an organisation with special needs such as helicopters and helicopter training etc.
- 5.4.13 Any type of activity commencing on or off the aerodrome which may have an impact on aerodrome operations
- 5.4.14 An activity which previously had special procedures developed for it and is no longer operating
- 5.4.15 Nelson Drag Racing Association event report or debrief
- 5.4.16 Memorandum of understanding review
- 5.4.17 Emergency plan text or review
- 5.4.18 Next meeting date

6.0 Administration and Media

- 6.1 The Council will provide support that includes:
 - 6.1.1 Sending out meeting invitations and agendas
 - 6.1.2 Collating attendance and apology lists
 - 6.1.3 Providing minuted records
 - 6.1.4 Undertaking other administrative duties as deemed appropriate
- 6.2 Communications on behalf of the group will be issued by the Aerodrome Operator or Council staff

7.0 Review

- 7.1 This Terms of Reference will be reviewed by Council at least every three years following the Local Government elections.

8.2 APPOINTMENT OF COMMITTEE CHAIRS, DEPUTY CHAIRS, MEMBERSHIP AND OTHER COUNCIL APPOINTMENTS

Decision Required

Report To: Full Council

Meeting Date: 3 November 2022

Report Author: Elaine Stephenson, Democracy Services Advisor

Report Number: RCN22-11-2

1 Summary

- 1.1 Once Council's Committee structure has been established, (subject to a separate report on today's agenda) the Council is required to elect the chairpersons and deputy chairpersons and decide the membership of those committees, subcommittees and joint committees. The Council will also need to appoint representatives from the Council to a number of external organisations.
- 1.2 Council is also asked to appoint the Golden Bay and Motueka Ward Councillors to their respective Community Boards.
- 1.3 The Local Government Act 2002 provides the Mayor with the power to establish committees and appoint the chairperson of each committee. The Mayor has provided recommendations for the Council to vote on, rather than exercising this power. Attachment 1 lists all of the committees, subcommittees and other entities that require Council representation and the Mayor's recommendations for appointments.
- 1.4 The Local Government Act 2002 requires all local authorities to determine by resolution which voting system they will use for the election of the chairperson and deputy chairperson of a committee; and for the election or appointment of a representative of a local authority. The Council resolved on 1 November 2022 to use System B, which is a majority voting system akin to 'first past the post' and requires the successful candidate to get more votes than any other candidate during a single voting round, and if two or more candidates tie for the most votes, the tie is resolved by lot (e.g., drawing names from a hat).
- 1.5 The Mayor has provided his recommendations and the Council will be asked to vote on those recommendations.
- 1.6 Under legislation, the Mayor is a member of every committee of Council. This includes any standing committee, joint committee or subcommittee established by the Council under the Local Government Act. The Mayor is specifically listed as a member where it is expected he will be active and as an ex-officio member when it is not.
- 1.7 This report also proposes to establish one iwi representative role with voting rights to each of Council's three standing committees (Operations, Strategy and Policy and Regulatory) and one advisory iwi representative role, without voting rights on Council.
- 1.8 At this stage, the roles will remain vacant, and the iwi chairs will be asked to assist with the recruitment process, and they will then nominate representatives for the Council to appoint. A further report will be presented to Council to appoint the iwi representatives to the

vacancies once the iwi representative nominations are received. That report will also set the remuneration for the roles.

- 1.9 It is proposed that each of the three iwi representatives on the standing committees will rotate as the non-voting advisory member at Council meetings for one year of the three-year term.
- 1.10 Recommendation 2. below, assumes that the recommend voting System B will be adopted at the reconvened inaugural meeting on 1 November 2022. If this is not the case, this will be corrected at the 3 November 2022 meeting.

2 Draft Resolution

That the Full Council

1. **receives the Appointment of Committee Chairs, Deputy Chairs, Membership and Other Council Appointments report RCN22-11-2; and**
2. **notes that, at its reconvened inaugural meeting on 1 November 2022, Council adopted System B, contained in schedule 7, clause 25(4) of the Local Government Act 2002 for the election or appointment of a chairperson and deputy chairperson of a committee and a representative of a local authority, which requires that a person is elected or appointed if he or she receives more votes than any other candidate during a single round of voting; and**
3. **in accordance with Section 19F of the Local Electoral Act 2001, appoints the two Golden Bay councillors – Councillor Celia Butler and Councillor Chris Hill to the Golden Bay Community Board; and appoints the three Motueka Ward councillors – Councillor Barry Dowler, Councillor Brent Maru and Councillor Trindi Walker to the Motueka Community Board; and**
4. **agrees that a (vacant) iwi representative role with voting rights be created for each of Council's three standing committees, Operations, Regulatory and Strategy and Policy committees; and**
5. **agrees that a (vacant) non-voting, advisory iwi representative role be created to participate in Council meetings; and**
6. **notes that each of the three iwi representatives on Council's standing committees, will rotate and be appointed as the non-voting, advisory iwi representative on Council for one year of the three-year term; and**
7. **notes that iwi chairs will nominate iwi representatives for the roles, and a further report will be provided to Council to make the appointments.**
8. **elects the chairpersons and deputy chairpersons and appoints the membership of the various committees, subcommittees, joint committees and the representatives of the Council as detailed below:**

MEMBERSHIP	
TASMAN DISTRICT COUNCIL	<p>Mayor</p> <p>Deputy Mayor Stuart Bryant</p> <p>all other Councillors</p> <p>1 x non-voting, advisory appointed iwi representative (the three standing committee iwi representatives will rotate and each be appointed for one year of the three year term)</p> <ul style="list-style-type: none"> • vacancy
STANDING COMMITTEES	
	<p>Mayor</p> <p>Chair – Councillor Kit Maling</p>
STRATEGY AND POLICY COMMITTEE	<p>Deputy Chair – Councillor Celia Butler</p> <p>all other Councillors</p>
	<p>1 x appointed iwi representative</p> <ul style="list-style-type: none"> • vacancy

REGULATORY COMMITTEE	<p>Mayor</p> <p>Chair – Councillor Chris Hill</p> <p>Deputy Chair – Councillor Brent Maru</p> <p>all other Councillors</p> <p>1 x appointed iwi representative</p> <ul style="list-style-type: none"> • vacancy
OPERATIONS COMMITTEE	<p>Mayor</p> <p>Chair – Councillor Christeen Mackenzie</p> <p>Deputy Chair – Councillor Trindi Walker</p> <p>all other Councillors</p> <p>1 x appointed iwi representative</p> <ul style="list-style-type: none"> • vacancy
OTHER COUNCIL COMMITTEES	
AUDIT AND RISK	<p>Mayor</p> <p>Chair – appointed independent member - Graham Naylor</p> <p>4 x Councillors:</p> <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Celia Butler • Councillor Christeen Mackenzie • Councillor Trindi Walker <p>1 x appointed independent member:</p> <ul style="list-style-type: none"> • Graeme McGlinn
(Reporting to Council)	
ENTERPRISE (Reporting to Council)	<p>Mayor</p> <p>Chair – Councillor Barry Dowler</p> <p>4 x Councillors:</p> <ul style="list-style-type: none"> • Councillor Christeen Mackenzie • Councillor Chris Hill • Councillor Kit Maling • Councillor Mike Kininmonth <p>3 x appointed independent members:</p> <ul style="list-style-type: none"> • Kevin Armstrong • Roger Taylor • vacancy

GOLDEN BAY RECREATION PARK MANAGEMENT (Reporting to Operations Committee)	<i>Mayor (ex-officio)</i> Chair – Councillor Chris Hill Deputy Chair – Councillor Celia Butler 4 x external representatives <ul style="list-style-type: none"> • Duncan McKenzie • Wayne Packard • Lorna Pomeroy • Phil Smith
SUBCOMMITTEES	
CEO REVIEW (Reporting to Council)	Mayor (Chair) 2 x Councillors <ul style="list-style-type: none"> • Councillor Christeen Mackenzie • Deputy Mayor Stuart Bryant
COMMUNITY AWARDS (Reporting to Operations)	<i>Mayor (ex-officio)</i> Chair Councillor Celia Butler 3 x Councillors <ul style="list-style-type: none"> • Councillor Brent Maru • Councillor Jo Ellis • Councillor Mike Kininmonth
COMMUNITY GRANTS (Reporting to Operations)	<i>Mayor (ex-officio)</i> Chair Councillor Trindi Walker 4 x Councillors <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Glen Daikee • Councillor Chris Hill • Councillor Dan Shallcrass
CREATIVE COMMUNITIES (Reporting to Operations)	<i>Mayor (ex-officio)</i> Councillor Celia Butler Councillor Trindi Walker Plus community representatives
ANIMAL CONTROL SUBCOMMITTEE (Reporting to Regulatory)	<i>Mayor (ex-officio)</i> Chair – Councillor Chris Hill 2 x Councillors <ul style="list-style-type: none"> • Councillor Kit Maling • Deputy Mayor Stuart Bryant
JOINT COMMITTEES OF NELSON AND TASMAN COUNCILS	

Joint Committee	Mayor Deputy Mayor Stuart Bryant all other Councillors
Joint Shareholders	Mayor Deputy Mayor Stuart Bryant <ul style="list-style-type: none"> • Strategy and Policy Committee Chair – Councillor Kit Maling • Operations Committee Chair – Councillor Christeen Mackenzie • Regulatory Committee Chair – Councillor Chris Hill 1 x Councillor <ul style="list-style-type: none"> • Councillor Barry Dowler
Nelson Regional Sewerage Business Unit (NRSBU)	<i>Mayor (ex-officio)</i> 2 x Councillors <ul style="list-style-type: none"> • Councillor Kit Maling • Councillor Barry Dowler
Nelson Tasman Regional Landfill Business Unit (NTRLBU)	<i>Mayor (ex-officio)</i> 2 x Councillors <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Trindi Walker
Saxton Field Committee	<i>Mayor (ex-officio)</i> 2 x Councillors <div>Councillor Brent Maru Councillor Jo Ellis</div>
Civil Defence and Emergency Management Group	Mayor King Deputy Mayor Stuart Bryant (non-voting unless Mayor is absent)
<p><i>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. This Committee is included for completeness.</i></p>	

Regional Pest Management Joint Committee	<p><i>Mayor (ex-officio)</i></p> <p>3 x Councillors</p> <ul style="list-style-type: none"> • Councillor Celia Butler • Deputy Mayor Stuart Bryant • Councillor Mike Kininmonth
Nelson Tasman Joint Waste Review Working Party	<p><i>Mayor (ex-officio)</i></p> <p>3 x members</p> <ul style="list-style-type: none"> • Councillor Christeen Mackenzie • Councillor Brent Maru • Councillor Glen Daikee <p>3 x appointed iwi representatives</p> <ul style="list-style-type: none"> • vacancy • vacancy • vacancy
OTHER COMMITTEES	
<p>Tasman Regional Transport</p> <p>(Reporting to Council)</p> <p>Operates under Land Transport Management Act 2003 and its Amendments</p>	<p><i>Mayor (ex-officio)</i></p> <p>Chair – Deputy Mayor Stuart Bryant</p> <p>Deputy Chair – Councillor Barry Dowler</p> <p>3 x Councillors:</p> <ul style="list-style-type: none"> • Councillor Celia Butler • Councillor Jo Ellis <p>1 x Waka Kōtahi representative – Emma Speight (with voting rights)</p> <p>Plus non-voting agency representatives</p>

District Licensing Operates under the Sale and Supply of Alcohol Act 2013	<i>Mayor (ex-officio)</i> Chair – Councillor Brent Maru Deputy Chair – Councillor Jo Ellis 3 x appointed members: <ul style="list-style-type: none"> • David Lewis • Laurence Gabites • Mike Fitzsimons
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REPRESENTATIVES AND APPOINTMENTS	
<u>Local Government New Zealand</u> Zone 5	Mayor (Chair) Chief Executive
Regional Sector Group	Mayor Chief Executive
Rural and Provincial Sector	Group Manager Strategy and Services Mayor / Deputy Mayor (alternate)
Project Kōkiri Leadership Group	Mayor
Nelson Tasman Climate Forum	1 x member <ul style="list-style-type: none"> • Councillor Trindi Walker 1 x alternate <ul style="list-style-type: none"> • Councillor Celia Butler
Friendly Towns	Motueka appointment Councillor Trindi Walker - Kiyosato Richmond appointment <ul style="list-style-type: none"> • Councillor Jo Ellis – Fujimi Machi
Iwi Liaison	Mayor Chief Executive
Māpua Waterfront Area Masterplan Working Group	1 x appointment (Moutere/Waimea Ward councillor) <ul style="list-style-type: none"> • Councillor Mike Kininmonth

Motueka Aerodrome Advisory Group	<p>1 x Chairperson (Motueka Ward councillor)</p> <ul style="list-style-type: none"> • Councillor Barry Dowler <p>1 x alternate</p> <ul style="list-style-type: none"> • Councillor Trindi Walker <p>1 x Motueka Community Board member (appointed by the Motueka Community Board)</p> <p>Plus 1 x recreational user representative, 2 x commercial user representatives and 2 x independent members of the public (to be appointed by the Motueka Community Board)</p>
Native Habitats Tasman	<p>2 x appointments</p> <ul style="list-style-type: none"> • Councillor Celia Butler • Councillor Glen Daikee
Nelson Tasman Business Trust	Cr Kit Maling is a Trustee in a personal capacity
Positive Ageing	<p>1 x appointment</p> <ul style="list-style-type: none"> • Councillor Mike Kininmonth
Port Tarakohe Advisory Group	<p>Up to 2 councillors from the Golden Bay Ward</p> <ul style="list-style-type: none"> • Councillor Celia Butler (Chair) • Councillor Chris Hill <p>1 x member of the Enterprise Committee, appointed by the Enterprise Committee</p> <p>1 x Golden Bay Community Board member, appointed by the Community Board</p>
Regional TB Free	<p>1 x appointment</p> <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant
Richmond Bridge and Croquet	<p>1 x appointment</p> <ul style="list-style-type: none"> • Councillor Jo Ellis
Streets for People	<p>5 x appointments</p> <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Barry Dowler • Councillor Jo Ellis • Councillor Christeen Mackenzie • Councillor Trindi Walker
Tākaka Aerodrome User Group	<p>1 x Chairperson</p> <ul style="list-style-type: none"> • Councillor Chris Hill
Tasman Bays Heritage Trust Appointments Committee	<p>Mayor</p> <p>Chief Executive</p>

Tasman Bio-Strategy Governance Group	3 x appointments <ul style="list-style-type: none"> • Councillor Celia Butler • Councillor Jo Ellis • Councillor Brent Maru
Tasman Environmental Trust	1 x appointment <ul style="list-style-type: none"> • Councillor Christeen Mackenzie
Tasman Youth Council	1 x appointment <ul style="list-style-type: none"> • Councillor Trindi Walker • Councillor Dan Shallcrass
Tenders/Procurement Panel	3 x appointments <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Kit Maling • Councillor Mike Kininmonth
Waimea Inlet Coordinating Group	1 x appointment <ul style="list-style-type: none"> • Councillor Jo Ellis 1 x alternate <ul style="list-style-type: none"> • Councillor Mike Kininmonth
Waimea South Community Facility Charitable Trust	Councillor Christeen Mackenzie Councillor Dan Shallcrass

Association/Community Group	Liaison Appointee
Moutere/Waimea Ward	
Brightwater Recreation Reserve Committee	Councillor Dan Shallcrass
Dovedale Recreation Reserve Committee	Councillor Christeen Mackenzie
Equestrian Trust Board	Councillor Glen Daikee/Jo Ellis
Māpua Health Centre Board	Councillor Mike Kininmonth
Moutere Hills Recreation Reserve/Community Centre Committee	Councillor Mike Kininmonth
Ngātimoti Hall Management Committee	Councillor Mike Kininmonth
Ngātimoti Recreation Reserve Committee	Councillor Mike Kininmonth
Spring Grove Recreation Reserve Committee	Councillor Dan Shallcrass
Waimea West Recreation Reserve Committee	Councillor Dan Shallcrass
Wakefield Recreation Reserve Management Committee	Councillor Dan Shallcrass
Wakefield Health Centre Board	Councillor Christeen Mackenzie
Richmond Ward	
Hope Recreation Reserve Committee	Councillor Jo Ellis
Keep Richmond Beautiful Committee	Councillor Glen Daikee
Richmond Bridge and Croquet Club Committee	Councillor Jo Ellis
Richmond Unlimited Committee	Councillor Jo Ellis
Lakes/Murchison Ward	
Murchison Recreation Reserve Committee	Deputy Mayor Stuart Bryant
Stanley Brook Recreation Reserve Committee	Deputy Mayor Stuart Bryant
Tapawera Recreation Reserve Committee	Deputy Mayor Stuart Bryant
Lake Rotoiti Community Facility Committee	Deputy Mayor Stuart Bryant

3 Purpose of the Report

- 3.1 To elect the chairpersons and deputy chairpersons and to appoint the membership of Tasman Council's committees, subcommittees, and joint committees, and to appoint representatives of Council to various external organisations.
- 3.2 To appoint the Golden Bay and Motueka Ward Councillors to their respective Community Boards.
- 3.3 To advise the Council that the Mayor has elected to make recommendations for chairpersons of each committee for councillors to vote on instead of exercising the powers conferred on the Mayor under Section 41A of the Local Government Act 2002.
- 3.4 The Mayor has also made recommendations for the deputy chairpersons and members of the committees, subcommittees, joint committees of Council, and representatives of Council to various external organisations.
- 3.5 To create iwi representative roles, with voting rights, on the Council's three standing committees, Operations, Regulatory and Strategy and Policy and for the three representatives to rotate and be appointed as a non-voting, advisory representative at Council meetings, for one year of the three-year term.

4 Background and Discussion

Deputy Mayor, Chairpersons and Deputy Chairpersons of Committees

- 4.1 Clause 25, Schedule 7 of the Local Government Act 2002 stipulates that local authorities must determine by resolution which voting system they will use for the election or appointment of Deputy Mayor, Chairperson or Deputy Chairperson of committees and the election or appointment of representatives of a local authority.
- 4.2 At its reconvened meeting on 1 November 2022, the Council selected voting System B which:
 - a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
 - b) has the following characteristics:
 - i. there is only one round of voting; and
 - ii. if two or more candidates tie for the most votes, the tie is resolved by drawing lots (e.g., names from a hat).
- 4.3 The Mayor has the option of either exercising his powers under Section 41A of the Local Government Act 2002 for the appointment of the chairs of the committees of the Council or may ask the Council to elect these positions. He has not exercised these powers under this legislation and instead he has made recommendations for the Council to vote on.
- 4.4 The Mayor has also made recommendations for the deputy chairpersons and members of the committees, subcommittees, joint committees of Council; and representatives of Council to various external organisations.

Community Boards and Associations

- 4.5 It is also proposed to appoint the Golden Bay and Motueka Ward councillors to their respective community boards.

- 4.6 Section 19F of the Local Electoral Act provides that membership of community boards may include the appointment of councillors. The appointed councillors must be members of the territorial authority representing a ward in which the community is situated. The appointed members have speaking and voting rights.
- 4.7 The number of appointed community board members is to be less than half the total number of members, this equates to two appointed councillors out of the total of six members for the Golden Bay Community Board and three appointed councillors out of the total of seven members for the Motueka Community Board.
- 4.8 In the previous two trienniums, the Council resolved to appoint the local ward councillors as members of their respective community boards. These appointments were seen as very successful by both the councillors and the community board members. It has enabled better communication and information flows between Council and the community boards.
- 4.9 The proposed appointments also include Council liaison representatives for relevant external organisations. Appointments for liaison persons for Motueka and Golden Bay wards are being made by the Community Boards. Council is being asked to make liaison appointments for Richmond, Moutere/Waimea, and Lakes Murchison wards as there are no community boards in those wards.

Iwi Representation

- 4.10 The Council is also being asked to create one iwi representative position with voting rights on each standing committee – Operations, Regulatory and Strategy and Policy.
- 4.11 Each of the three standing committee iwi representatives will rotate and be appointed as a non-voting, advisory representative at Council meetings, for one year of the three-year term.
- 4.12 The Te Taihū Iwi Chairs have recommended and support the above arrangements.
- 4.13 Noting that 4.10 above only relates to the establishment of the positions, recruitment of the positions would be undertaken in partnership with the Te Taihū Iwi Chairs and appointment of the roles would sit with the Council. There is potential for one individual to fill one, some, or all the positions, or different individuals could fill one position each.
- 4.14 The appointments to the standing committees would be made under the Local Government Act 2002 Schedule 7, clause 31(3):
- (3) *The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.*
- 4.15 Job descriptions for the iwi representative roles will be prepared. It is proposed that job descriptions should also highlight the obligations of the appointees regarding attendance, compliance with Council's Code of Conduct and, for the voting roles, the need to make decisions in the interests of the whole community, in line with councillors' oath of office.
- 4.16 It is envisaged that the creation of these roles will strengthen the partnership between the Council and iwi/Māori.

Other Appointments

- 4.17 Council is being asked to appoint members to joint committees, subcommittees, and various other working groups and external organisations.
- 4.18 Attachment 1 lists the positions and the Mayor's recommendations for appointments.

5 Options

- 5.1 The Council may vote to make these appointments as per the Mayor's recommendations or may vote on any other nomination that is made by a councillor at the meeting.
- 5.2 The Local Electoral Act 2001 requires that if the territorial authority is divided into wards, the appointed members on its community boards must represent the ward in which the community board is situated, therefore the options are to either appoint the ward councillors or choose not to appoint councillors to the community board. No other councillors can be appointed.
- 5.3 The Council may agree to create iwi representative roles with voting rights on the three Standing Committees, and a yearly rotation of these representatives appointed to a non-voting advisory role on Council, or it may decide not to create these roles.
- 5.4 Staff recommend the creation of the iwi representative roles to enable better inclusion of Māori in Council's decision making, as required by the Local Government Act. This will also enhance relationships between the Council and iwi/Māori.

6 Strategy and Risks

- 6.1 The risks associated with committee appointments are minimal.
- 6.2 In relation to liaison representatives, there are advantages with the Council maintaining links with many of the organisations involved. Such representation assists with community engagement, communication and enabling common objectives and outcomes to be achieved. Councillors, however, need to be aware of their responsibilities and obligations to the Council when accepting appointments.
- 6.3 Councillors who are also Community Board members may from time to time choose to abstain from voting on a decision at a Community Board meeting, where the matter may become the subject of debate at a Council or committee meeting. This is because a conflict of interest may arise due to the differing obligations that community board members and councillors have. This conflict arises because community board members swear an oath to faithfully and impartially act in the best interests of their community (specifically), however councillors swear an oath to faithfully and impartially act in the best interests of the district as a whole. Where these two duties are in conflict, the councillor will normally abstain from voting at the Community Board as their primary role is that of councillor.
- 6.4 There are no material risks associated with creating positions for iwi representatives. However, there is a risk that should the Council decide against this proposal, that it would be damaging to the relationship with iwi/Māori in Tasman. The Council will also need to consider other ways of effectively engaging with iwi/Māori, as required by section 81 of the Local Government Act.

7 Policy / Legal Requirements / Plan

- 7.1 The adoption of a voting system fulfils the requirements of Clause 25, Schedule 7 of the Local Government Act 2002 and the appointment of Chairs, Deputies and members to Council committees and other bodies satisfies the Council's obligations under the legislation.

- 7.2 Under the Local Electoral Act 2001, voting members on Council must be elected, therefore the recommendation is to create an iwi advisory, non-voting role on Council.
- 7.3 Under Section 19F of the Local Electoral Act 2001, ward councillors may be appointed to community boards, however, the number of appointed members is to be less than half the total number of members.
- 7.4 The Local Government Act Schedule 7, clause 31(3) allows for external appointments to Council committees.
- 7.5 The creation of the iwi representative roles helps the Council fulfil its Te Tiriti o Waitangi obligations and comply with section 81 of the Local Government Act.

8 Consideration of Financial or Budgetary Implications

- 8.1 The suggested elected member appointments have no financial or budgetary implications other than already budgeted for.
- 8.2 The iwi representative roles would require remuneration, and budget exists for this in the 2022 – 2023 financial year. This will be addressed in the iwi representative appointment report. For information, Council's Policy on the appointment and remuneration of Independent Members on Council Committees and Business Units is appended as Attachment 2.

9 Significance and Engagement

- 9.1 The appointment of these positions is of low significance. No public consultation is required. It is a decision solely for the Council.
- 9.2 The Council has previously sought feedback from the Te Tauihu Iwi Chairs' forum who supported the iwi representative recommendations in this report.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low to high	Generally, these appointments are likely to be of low interest to the general public. However, appointment of iwi representatives is likely to be of medium to high interest to some, especially Māori in our community.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	

	Issue	Level of Significance	Explanation of Assessment
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does this activity contribute or detract from one of the goals in the Tasman Climate Action Plan 2019 ?	No	
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11.	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	Yes	The iwi chairs will nominate representatives and having iwi involvement on Council and Committees is providing opportunities to contribute to decision making processes of Council in line with s81(a) of the LGA.

10 Conclusion

10.1 The Council is asked to make these appointments, either based on the Mayor's recommendations, or through majority voting for other nominations made on the day.

11 Next Steps / Timeline

- 11.1 Once the appointments are made, they will be publicly notified and the relevant external organisations advised.
- 11.2 Staff will complete the administration required to populate the membership of Council's committees, subcommittees and joint committees and Council's website will be updated accordingly.
- 11.3 Staff will also liaise with the Te Taihu Iwi Chairs forum regarding recruitment and nomination of the iwi representatives.

12 Attachments

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|----------------------|--|-----|
| 1. ↓ | Committee Structure and Appointments | 96 |
| 2. ↓ | Policy on the Appointment and Remuneration of Independent Members on Council Committees and Business Units | 103 |

MEMBERSHIP	
TASMAN DISTRICT COUNCIL	<p>Mayor</p> <p>Deputy Mayor Stuart Bryant</p> <p>all other Councillors</p> <p>1 x non-voting, advisory appointed iwi representative – the three standing committee iwi representatives will rotate and each be appointed for one year of the three year term</p> <ul style="list-style-type: none"> • vacancy
STANDING COMMITTEES	
STRATEGY AND POLICY COMMITTEE	<p>Mayor</p> <p>Chair – Councillor Kit Maling</p> <p>Deputy Chair – Councillor Celia Butler</p> <p>all other Councillors</p> <p>1 x appointed iwi representative</p> <ul style="list-style-type: none"> • vacancy
REGULATORY COMMITTEE	<p>Mayor</p> <p>Chair – Councillor Chris Hill</p> <p>Deputy Chair – Councillor Brent Maru</p> <p>all other Councillors</p> <p>1 x appointed iwi representative</p> <ul style="list-style-type: none"> • vacancy
OPERATIONS COMMITTEE	<p>Mayor</p> <p>Chair – Councillor Christeen Mackenzie</p> <p>Deputy Chair – Councillor Trindi Walker</p> <p>all other Councillors</p> <p>1 x appointed iwi representative</p> <ul style="list-style-type: none"> • vacancy

OTHER COUNCIL COMMITTEES	
AUDIT AND RISK (Reporting to Council)	Mayor Chair – appointed independent member - Graham Naylor 4 x Councillors: <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Celia Butler • Councillor Christeen Mackenzie • Councillor Trindi Walker 1 x appointed independent member: <ul style="list-style-type: none"> • Graeme McGlenn
ENTERPRISE (Reporting to Council)	Mayor Chair – Councillor Barry Dowler 4 x Councillors: <ul style="list-style-type: none"> • Councillor Christeen Mackenzie • Councillor Chris Hill • Councillor Kit Maling • Councillor Mike Kininmonth 3 x appointed independent members: <ul style="list-style-type: none"> • Kevin Armstrong • Roger Taylor • vacancy
GOLDEN BAY RECREATION PARK MANAGEMENT (Reporting to Operations Committee)	<i>Mayor (ex-officio)</i> Chair – Councillor Chris Hill Deputy Chair – Councillor Celia Butler 4 x external representatives <ul style="list-style-type: none"> • Duncan McKenzie • Wayne Packard • Lorna Pomeroy • Phil Smith
SUBCOMMITTEES	
CEO REVIEW (Reporting to Council)	Mayor (Chair) 2 x Councillors <ul style="list-style-type: none"> • Councillor Christeen Mackenzie • Deputy Mayor Stuart Bryant
COMMUNITY AWARDS (Reporting to Operations)	<i>Mayor (ex-officio)</i> Chair Councillor Celia Butler 3 x Councillors <ul style="list-style-type: none"> • Councillor Brent Maru • Councillor Jo Ellis • Councillor Mike Kininmonth

COMMUNITY GRANTS (Reporting to Operations)	<i>Mayor (ex-officio)</i> Chair Councillor Trindi Walker 4 x Councillors <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Glen Daikee • Councillor Chris Hill • Councillor Dan Shallcrass
CREATIVE COMMUNITIES (Reporting to Operations)	<i>Mayor (ex-officio)</i> Councillor Celia Butler Councillor Trindi Walker Plus community representatives
ANIMAL CONTROL SUBCOMMITTEE (Reporting to Regulatory)	<i>Mayor (ex-officio)</i> Chair – Councillor Chris Hill 2 x Councillors <ul style="list-style-type: none"> • Councillor Kit Maling • Deputy Mayor Stuart Bryant
JOINT COMMITTEES OF NELSON AND TASMAN COUNCILS	
Joint Committee	Mayor Deputy Mayor Stuart Bryant all other Councillors
Joint Shareholders	Mayor Deputy Mayor Stuart Bryant <ul style="list-style-type: none"> • Strategy and Policy Committee Chair – Councillor Kit Maling • Operations Committee Chair – Councillor Christeen Mackenzie • Regulatory Committee Chair – Councillor Chris Hill 1 x Councillor <ul style="list-style-type: none"> • Councillor Barry Dowler
Nelson Regional Sewerage Business Unit (NRSBU)	<i>Mayor (ex-officio)</i> 2 x Councillors <ul style="list-style-type: none"> • Councillor Kit Maling • Councillor Barry Dowler
Nelson Tasman Regional Landfill Business Unit (NTRLBU)	<i>Mayor (ex-officio)</i> 2 x Councillors <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Trindi Walker
Saxton Field Committee	<i>Mayor (ex-officio)</i> 2 x Councillors <ul style="list-style-type: none"> • Councillor Brent Maru • Councillor Jo Ellis

Civil Defence and Emergency Management Group <i>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. This Committee is included for completeness.</i>	Mayor King Deputy Mayor Stuart Bryant (non-voting unless Mayor is absent)
Regional Pest Management Joint Committee	<i>Mayor (ex-officio)</i> 3 x Councillors <ul style="list-style-type: none"> • Councillor Celia Butler • Deputy Mayor Stuart Bryant • Councillor Mike Kininmonth
Nelson Tasman Joint Waste Review Working Party	<i>Mayor (ex-officio)</i> 3 x members <ul style="list-style-type: none"> • Councillor Christeen Mackenzie • Councillor Brent Maru • Councillor Glen Daikee 3 x appointed iwi representatives <ul style="list-style-type: none"> • vacancy • vacancy • vacancy
OTHER COMMITTEES	
Tasman Regional Transport (Reporting to Council) Operates under Land Transport Management Act 2003 and its Amendments	<i>Mayor (ex-officio)</i> Chair – Deputy Mayor Stuart Bryant Deputy Chair – Councillor Barry Dowler 3 x Councillors: <ul style="list-style-type: none"> • Councillor Celia Butler • Councillor Jo Ellis 1 x Waka Kōtahi representative – Emma Speight (with voting rights) Plus non-voting agency representatives
District Licensing Operates under the Sale and Supply of Alcohol Act 2013	<i>Mayor (ex-officio)</i> Chair – Councillor Brent Maru Deputy Chair – Councillor Jo Ellis 3 x appointed members: <ul style="list-style-type: none"> • David Lewis • Laurence Gabites • Mike Fitzsimons

REPRESENTATIVES AND APPOINTMENTS

<u>Local Government New Zealand</u> Zone 5	Mayor (Chair) Chief Executive
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Regional Sector Group	Mayor Chief Executive
Rural and Provincial Sector	Group Manager Strategy and Services Mayor / Deputy Mayor (alternate)
Project Kōkiri Leadership Group	Mayor
Nelson Tasman Climate Forum	1 x member <ul style="list-style-type: none"> • Councillor Trindi Walker 1 x alternate <ul style="list-style-type: none"> • Councillor Celia Butler
Friendly Towns	Motueka appointment Councillor Trindi Walker - Kiyosato Richmond appointment <ul style="list-style-type: none"> • Councillor Jo Ellis – Fujimi Machi
Iwi Liaison	Mayor Chief Executive
Māpua Waterfront Area Masterplan Working Group	1 x appointment (Moutere/Waimea Ward councillor) <ul style="list-style-type: none"> • Councillor Mike Kininmonth
Motueka Aerodrome Advisory Group	1 x Chairperson (Motueka Ward councillor) <ul style="list-style-type: none"> • Councillor Barry Dowler 1 x alternate <ul style="list-style-type: none"> • Councillor Trindi Walker 1 x Motueka Community Board member (appointed by the Motueka Community Board) Plus 1 x recreational user representative, 2 x commercial user representatives and 2 x independent members of the public (to be appointed by the Motueka Community Board)
Native Habitats Tasman	2 x appointments <ul style="list-style-type: none"> • Councillor Celia Butler • Councillor Glen Daikee
Nelson Tasman Business Trust	Cr Kit Maling is a Trustee in a personal capacity
Positive Ageing	1 x appointment <ul style="list-style-type: none"> • Councillor Mike Kininmonth

Port Tarakohe Advisory Group	<p>Up to 2 councillors from the Golden Bay Ward</p> <ul style="list-style-type: none"> • Councillor Celia Butler (Chair) • Councillor Chris Hill <p>1 x member of the Enterprise Committee, appointed by the Enterprise Committee</p> <p>1 x Golden Bay Community Board member, appointed by the Community Board</p>
Regional TB Free	<p>1 x appointment</p> <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant
Richmond Bridge and Croquet	<p>1 x appointment</p> <ul style="list-style-type: none"> • Councillor Jo Ellis
Streets for People	<p>5 x appointments</p> <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Barry Dowler • Councillor Jo Ellis • Councillor Christeen Mackenzie • Councillor Trindi Walker
Tākaka Aerodrome User Group	<p>1 x Chairperson</p> <ul style="list-style-type: none"> • Councillor Chris Hill
Tasman Bays Heritage Trust Appointments Committee	<p>Mayor</p> <p>Chief Executive</p>
Tasman Bio-Strategy Governance Group	<p>3 x appointments</p> <ul style="list-style-type: none"> • Councillor Celia Butler • Councillor Jo Ellis • Councillor Brent Maru
Tasman Environmental Trust	<p>1 x appointment</p> <ul style="list-style-type: none"> • Councillor Christeen Mackenzie
Tasman Youth Council	<p>1 x appointment</p> <ul style="list-style-type: none"> • Councillor Trindi Walker • Councillor Dan Shallcrass
Tenders/Procurement Panel	<p>3 x appointments</p> <ul style="list-style-type: none"> • Deputy Mayor Stuart Bryant • Councillor Kit Maling • Councillor Mike Kininmonth
Waimea Inlet Coordinating Group	<p>1 x appointment</p> <ul style="list-style-type: none"> • Councillor Jo Ellis <p>1 x alternate</p> <ul style="list-style-type: none"> • Councillor Mike Kininmonth
Waimea South Community Facility Charitable Trust	<p>Councillor Christeen Mackenzie</p> <p>Councillor Dan Shallcrass</p>

Association/Community Group	Liaison Appointee
Moutere/Waimea Ward	
Brightwater Recreation Reserve Committee	Cr Dan Shallcrass
Dovedale Recreation Reserve Committee	Cr Christeen Mackenzie
Equestrian Trust Board	Cr Glen Daikee/Jo Ellis
Māpua Health Centre Board	Cr Mike Kininmonth
Moutere Hills Recreation Reserve/Community Centre Committee	Cr Mike Kininmonth
Ngātimoti Hall Management Committee	Cr Mike Kininmonth
Ngātimoti Recreation Reserve Committee	Cr Mike Kininmonth
Spring Grove Recreation Reserve Committee	Cr Dan Shallcrass
Waimea West Recreation Reserve Committee	Cr Dan Shallcrass
Wakefield Recreation Reserve Management Committee	Cr Dan Shallcrass
Wakefield Health Centre Board	Cr Christeen Mackenzie
Richmond Ward	
Hope Recreation Reserve Committee	Cr Jo Ellis
Keep Richmond Beautiful Committee	Cr Glen Daikee
Richmond Bridge and Croquet Club Committee	Cr Jo Ellis
Richmond Unlimited Committee	Cr Jo Ellis
Lakes/Murchison Ward	
Murchison Recreation Reserve Committee	Deputy Mayor Stuart Bryant
Stanley Brook Recreation Reserve Committee	Deputy Mayor Stuart Bryant
Tapawera Recreation Reserve Committee	Deputy Mayor Stuart Bryant
Lake Rotoiti Community Facility Committee	Deputy Mayor Stuart Bryant



2018 Policy on the Appointment and Remuneration of Independent Members on Council Committees and Business Units

ORGANISATIONAL POLICY

POLICY REFERENCES	
• Sponsor:	Mike Drummond – Corporate Services Manager
• Effective date:	25 May 2018
• Internal review due:	May 2021
• Legal compliance:	<ul style="list-style-type: none"> • TDC/NCC Policy on the Joint Appointment of Directors and Trustees
• Associated Documents/References	<ul style="list-style-type: none"> • Council's 'Procedure for Joint Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations' • Council's policy on the 'Procedure for Appointment of Directors and Trustees' • Joint NCC/TDC Procedure on 'Jointly Setting Remuneration for Directors of Council Controlled Trading Organisations' • Strategic Pay New Zealand Directors fees reports • Delegations Register • Terms of Reference for each Committee or Business Unit
• Policy Number	CS16
• Approved by Chief Executive	Yes
• Approved by Council (If Applicable)	Approved Full Council 9 August 2018 Report RCN18-08-07 Resolution CN18-08-10

1. Purpose

- 1.1 The purpose of this policy is to set down an objective and transparent process for the selection, appointment and review of independent members appointed to Council Business Units and Committees. It also outlines the recommended methodology to be used to determine the appropriate remuneration for the independent member/s.



2. Definitions

- 2.1 **Independent Member** – This describes an individual appointed to a Council Committee or Business Unit who is 'independent' of Council. Their appointment provides balance around the table, by bringing external business knowledge, acumen, viewpoints and expertise to the Committee or Business Unit.

3. Application

- 3.1 This policy applies specifically to:

Independent members appointed to the following:

- Audit and Risk Committee (1 x Independent Member)
- Enterprise (formerly Commercial) Committee (3 x Independent Members)

Tasman District Council independent members (if any) appointed to the following Business Units:

- Nelson Regional Sewerage Business Unit
- Nelson Tasman Regional Landfill Business Unit

- 3.2 This policy does not apply to:

- Council Controlled Organisations or Council Controlled Trading Organisations. These are covered under a joint Nelson City and Tasman District Council Policy.
- Joint appointments to the Nelson Regional Sewerage Business Unit and the Nelson Tasman Regional Landfill Business Unit.
- Other joint Nelson City Council and Tasman District Council Committees, such as the Saxton Field Committee. A separate joint council policy will be developed for these.

4. Policy Contents:

5. Policy on Appointment

6. Policy on Remuneration

5. Policy on Appointment

- 5.1 Appointment of independent members to Council Committees and Business Units will be consistent with the Council's Policy on the Appointment of Directors and Trustees to Council Organisations. This is confirmed in the Delegations Register.

5.2 Criteria for Selection of Independent Members

- 5.2.1 All appointees must have in the opinion of Council, the skills, knowledge or experience to:



- guide the Committee or Business Unit, given the nature and scope of its activities, and
- contribute to the achievement of the objectives of the Committee or Business Unit.

5.2.2 For all appointments, the following qualities of candidates for appointment as Independent Members must be considered:

- Demonstrated ability to think commercially and financially about strategies, projects and the intelligent deployment of resources;
- Articulate, and able to communicate in a concise and clear manner;
- Demonstrated leadership skills, and prepared to be counted on important matters;
- Commitment to, and understanding of, the responsibilities of Directorships;
- Relevant business experience and/or the ability to gain an in-depth understanding of the company/trust and its activities;
- Objectivity in decision making;
- Respect for colleagues and staff;
- High ethical standards;
- Proven commercial experience;
- Positive attitude to public ownership and the principles of good corporate citizenship;
- Financial acumen;
- Commitment to regional needs and priorities;
- Any other special considerations/requirements in respect of the specific Committee or Business Unit.

5.3 Process for Appointment of Independent Members

5.3.1 The Chief Executive, and/or delegate of the Chief Executive and the Mayor will:

- notify elected members of the vacancy in a timely manner; and
- meet with the Chairperson of the Committee or Business Unit to discuss specific requirements (including whether the appointment is necessary) and to consider whether there is any need for any variation of procedure, under Section 5.6 of this policy; and
- retain a recruitment consultant to advertise the vacancy and develop a list of candidates; and
- decide on the composition of the interview panel, to include the relevant Committee or Business Unit Chairperson or representative.

5.3.2 The Chief Executive or the Mayor will include any persons recommended by Council on the list of candidates.

5.3.3 The Recruitment Consultant shall, in consultation with the interview panel, prepare a short list of candidates, assist with any interview process and carry



out reference checks of persons on the list of candidates, having regard to the criteria listed in Section 5.3 above.

- 5.3.4 The interview panel will conduct interviews on the short list of candidates and recommend a preferred candidate (or in the case of multiple vacancies, candidates) to the Council through the Chief Executive.
- 5.3.5 Council will make the final decision to appoint Independent Members, on the recommendation of the interview panel.

5.4 Reappointment of Independent Members

- 5.4.1 No Independent Member may be reappointed for a fourth successive term unless there are special circumstances, including:
 - Succession planning
 - Provision of continuity for redevelopment projects
 - Provision of specific areas of expertise
- 5.4.2 Subject to the Terms of Reference of the Committee or Business Unit concerned, where an Independent Member's term of appointment has expired and they are offering themselves for reappointment, the Chief Executive and the Mayor:
 - May make confidential enquiries from the Chairperson and other members of the Committee or Business Unit as necessary, including:
 - whether the skills of the incumbent add value to the work of the Committee or Business Unit;
 - whether there are other skills which the Committee or Business Unit needs;
 - whether a change to the existing Independent Members would compromise the Committee or Business Unit's ability to pursue a desired vision and long term strategy, or whether there is a need for new skills and ideas on the Committee or Business Unit; and
 - whether an appointment is necessary.
 - Must consider any information obtained and form a view on the appropriateness of reappointment or making a replacement appointment; and
 - Must recommend to Council whether reappointment is appropriate.
- 5.4.3 If reappointment is not appropriate, the appointment process outlined in Section 5.2 will be followed.



5.5 Term of Appointment

- 5.5.1 The term of the appointment will be as per the Terms of Reference for the Committee or Business Unit, and/or the Delegations Register.

5.6 Variation of Procedure

- 5.6.1 Council may decide, by resolution, to vary the procedures outlined in this policy as necessary, provided that such variation meets the requirements of the Local Government Act 2002 and provides an objective and transparent process for the appointment of the Independent Member.

6. Policy on Remuneration

6.1 Methodology

- 6.1.1 The methodology to be used to calculate remuneration of Independent Members was approved at the Full Council meeting 24 May 2018 (Report RCN18-05-12). This applies to any new appointments post this date, and does not apply to anyone incumbent in the role.

6.2 Business Units and Enterprise (formerly Commercial) Committee

- 6.2.1 The process for CCTOs, based on the Strategic Pay New Zealand Directors' fees data, is applied to calculating remuneration for Independent Members of Business Units and the Enterprise (formerly Commercial) Committee, *with adjustments made for the varying workloads, risk and responsibilities associated with the role.*
- 6.2.2 The formula is as outlined in the joint Nelson City and Tasman District Council procedure 'Jointly Setting Remuneration for Directors of Council Controlled Trading Organisations', which is focused on recruiting professional directors, and as follows:
- 6.2.2.1 Remuneration is based on the previous two years' data from the Strategic Pay New Zealand Directors' fees report for the appropriate organisation type.
- 6.2.2.2 Other relevant factors from the surveys, such as annual turnover, assets, number of respondents and number of employees are also taken into consideration.
- 6.2.2.3 An average for the two years' results is taken, with recommended remuneration per annum set between the lower and median quartile results.
- 6.2.2.4 Remuneration is normally set for a three year period aligning with the Long Term Plan cycle.
- 6.2.2.5 In the intervening two years the remuneration pool may be adjusted by the annual consumer price index (CPI) movement at the previous December.

- 6.2.3 Based on this, the remuneration range for Independent Members of Business Units and the Enterprise (formerly Commercial) Committee would be between

2018 Policy for the Appointment and Remuneration of Independent Members of Council Committees and Business Units – updated April 2022 to reflect Commercial Committee name change to Enterprise Committee



\$6,692 and \$10,420 per annum, as a starting range, as at the time of this policy being written. A review of this indicative range will be made when the Policy is next reviewed.

- 6.2.4 Consideration of additional factors, such as the skills required to carry out the role and the ability to attract necessary expertise, allow for some flexibility around the actual fees paid.

6.3 Audit and Risk Committee

- 6.3.1 Remuneration of the Independent Member of the Audit and Risk Committee will be negotiated as part of the recruitment process and based on an hourly rate under a professional services agreement. This reflects the technical nature of the appointment, and market rates.

6.4 Other Joint Committees

- 6.4.1 Independent members appointed to joint committees such as the Saxton Field Committee will continue to be remunerated as currently, pending the development of a Joint Policy by Nelson City Council and Tasman District Council.

Authorised by the Chief Executive following approval at Full Council 9 August 2018

Date of approval:

8.3 REMUNERATION AUTHORITY GOVERNANCE POOL DISTRIBUTION 2022/23 AND ADOPTION OF ELECTED MEMBERS' ALLOWANCES AND RECOVERY OF EXPENSES POLICY

Decision Required

Report To: Tasman District Council

Meeting Date: 3 November 2022

Report Author: Elaine Stephenson, Democracy Services Advisor

Report Number: RCN22-11-3

1 Summary

Remuneration

- 1.1 The Remuneration Authority (Authority) determines elected members' remuneration prior to each triennial election via the Local Government Members Determination.
- 1.2 Remuneration for elected members is determined within a local government pay scale which takes three factors into account:
 - the size of the governance role of each council;
 - the average time required by an elected member on a council of a particular size; and
 - a general comparison with parliamentary salaries.
- 1.3 Remuneration for community board members is not determined according to the local government pay scale because of the distinctive structure and responsibilities of these boards.
- 1.4 In its principal determination (Local Government Members (2022/2023) Determination 2022) the Authority determined the mayors' and community board members' remuneration, the minimum allowable councillor remuneration and the total governance remuneration pool for each council. It also determined elected member allowances payable from 1 July 2022. See **Attachment 1**.
- 1.5 The total governance remuneration pool for Tasman District Council is \$666,580. The difference between the councillor minimum allowable remuneration and the total of the allocated pool is then available for the remuneration of councillors who take on extra responsibilities and/or to increase the base payment for all councillors with no additional responsibilities.
- 1.6 Following gazettal of the amending determination on 22 December 2022, approved remuneration rates will be backdated as shown in Table 1 below.

Table 1: Proposed Payments to Deputy Mayor and Councillors

Role	Remuneration after official election results declared	Following gazettal of the Amendment determination	Backdated to
All Councillors	\$39,936	Additional allowance of \$7,006, totalling \$46,942	14 October 2022 (the day after the final result was declared)
Standing Committee Chair (x 3)	\$39,936	Additional allowance as above for all Councillors \$46,942	14 October 2022
		Further allowance of \$14,083, totalling \$61,025	4 November 2022
Deputy Mayor	\$39,936	Additional allowance as above for all Councillors \$46,942	14 October 2022
		Further allowance of \$14,083, totalling \$61,025	4 November 2022

- 1.7 The above payments are based on an increase in the number of senior elected member positions to four, with three standing committee chairpersons and the Deputy Mayor, who will not chair a standing committee.
- 1.8 This approach provides for additional remuneration for the chairpersons of the three standing committees and the Deputy Mayor and an increase in the base remuneration over and above the minimum allowable remuneration for all councillors.
- 1.9 There are no proposed additional payments for chairpersons of other committees or subcommittees or for deputy chairpersons. This has been the approach taken in the last three Council terms. Likewise, there is no proposed additional remuneration for community boards as there have been no additional delegations from Council to be recognised. This proposal fully allocates the Council's governance remuneration pool.
- 1.10 Following the Council's formal decision-making on the distribution of the remuneration governance pool at this first ordinary meeting, staff will forward Council's proposal to the Authority by 16 November 2022 for consideration and inclusion in its amending determination.

Elected Members' Allowances and Recovery of Expenses Policy

- 1.11 Council's Elected Members' Allowances and Recovery of Expenses Policy has been updated to reflect the allowances in the Authority's 2022/23 Determination.
- 1.12 Several other minor editorial amendments have been made and are indicated via tracked changes. The Policy is appended as **Attachment 3**.
- 1.13 The Policy remains within the limits of the current Determination, therefore, does not require the approval of the Authority.

1.14 The Council is being asked to adopt the updated policy.

2 Draft Resolution

That the Tasman District Council

- 1. receives the Remuneration Authority Governance Pool Distribution 2022/23 and Adoption of Elected Members' Allowances and Recovery of Expenses Policy report RCN22-11-3; and**
- 2. in accordance with the Remuneration Authority Act 1977 and clause 6 of Schedule 7 of the Local Government Act 2002, approves the allocation of the full Tasman District Council governance remuneration pool, on the following basis:**
 - additional remuneration of \$7,006, meaning a total annual remuneration of \$46,942 to councillors with no additional responsibilities (total for nine people is \$422,480); and**
 - additional remuneration of \$21,089 (\$7,006 plus \$14,083), meaning a total annual remuneration of \$61,025 to the three standing committee chairpersons (total for three people is \$183,075). Responsible for overseeing the operations of the standing committee, ensuring committee meetings are well organised, well attended and that the committee's work is accomplished; and**
 - additional remuneration of \$21,089 (\$7,006 plus \$14,083), meaning a total annual remuneration of \$61,025 to the Deputy Mayor, who is responsible for supporting the Mayor and assumes responsibility should the Mayor be unavailable; and**
- 3. notes that the proposal for distribution of the Tasman District Council governance remuneration pool is subject to approval by the Remuneration Authority and gazetting of the Remuneration Authority's resulting amending determination; and**
- 4. notes that once the Remuneration Authority's Amending Determination is gazetted, councillors' remuneration will be backdated as follows:**
 - the approved additional remuneration for all councillors of \$7,006 will be backdated to the day after the date on which the official results for the Council were declared (14 October 2022)**
 - the approved additional remuneration for the positions with additional responsibilities (\$14,083 for the three standing committee chairs and the Deputy Mayor) will be backdated to the day after the Council makes its formal governance remuneration pool distribution decision (4 November 2022); and**
- 5. adopts the updated Elected Members' Allowances and Recovery of Expenses Policy (EM05, Attachment 3 to the agenda report), which has been updated to reflect the current Remuneration Authority's Local Government Members Determination, effective 3 November 2022.**

3 Purpose of the Report

- 3.1 To agree on the recommendations to be forwarded to the Authority in Council's amendment determination proposal for the distribution of Council's governance remuneration pool.
- 3.2 To adopt the Elected Members Allowances and Recovery of Expenses Policy that has been updated to reflect the Authority's current Local Government Members Determination.

4 Background and Discussion

Remuneration Governance Pool

- 4.1 The Remuneration Authority is the statutory body that sets elected members' remuneration and allowances under the Remuneration Authority Act 1977 and clause 6 of Schedule 7 of the Local Government Act 2002 (LGA) via the Local Government Members Determination.
- 4.2 Schedule 1 of the Determination (**Attachment 1**) applies from 1 July 2022 until the local authority elections. However, Tasman District Council proposed a remuneration amendment because of the extraordinary vacancy left after the resignation of Councillor Wensley and the Authority's requirement to reallocate that remuneration between councillors. The amendment determination is appended as **Attachment 2**, this was backdated to 1 July 2022 and was payable until midnight on the day that the official result was declared (13 October 2022).
- 4.3 The minimum allowable remuneration rate for councillors, and the mayor and community board remuneration, as shown in schedule 2 of the principal determination (**Attachment 1**), took effect from the day after the date on which the official results for the council were declared (14 October 2022). This is the pay that all elected members will receive at this stage.
- 4.4 Council is required to allocate the governance pool in schedule 2 of the Determination and provide its recommendations to the Authority in a proposal.
- 4.5 The governance remuneration pools do not apply to mayors or to community board members. Their remuneration must be paid according to the provisions set out in the principal determination, on and from the day after the date on which the official result is declared for their Council.
- 4.6 However, if a council decided to delegate significant other responsibilities than they currently hold to its community boards, and as a consequence, proposed an increase to the remuneration of its community board members, the additional funds would need to come out of the governance remuneration pool for the council.
- 4.7 For inclusion in the first amending determination, Council's proposal must be received by the Authority by 16 November 2022. The first amending determination is due to be gazetted on Thursday 22 December 2022.
- 4.8 Councils cannot pay the proposed new remuneration rates for positions of responsibility or for councillors with no additional responsibilities until the Authority has gazetted its Amending Determination which contains the new remuneration rates. However, it is important to note that councillors' remuneration will be backdated.

4.9 Approved remuneration rates:

- for councillor positions **with** additional responsibilities - will be backdated to the day after the Council formally makes its governance pool allocation decision (4 November 2022).
- for councillor positions **with no** additional responsibilities - will be backdated to the day after the date on which the official results for Council were declared (14 October 2022).

4.10 The proposed additional payments (over the minimum councillor rate) for additional responsibility comprise:

- Deputy Mayor (will not chair a standing committee): total annual remuneration of \$61,025.
- Chairpersons of Standing Committees (three): total annual remuneration of \$61,025.
- Councillors with no additional responsibilities (nine): total annual remuneration of \$46,942.
- There are no proposed additional payments for chairpersons of other committees or subcommittees or for deputy chairpersons. This has been the approach taken in the last three Council terms. Likewise, there has been no additional remuneration for community boards as there have been no additional delegations from Council to be recognised.

4.11 Council's standing committees are committees of the whole of council (all councillors are members) and have large areas of responsibility. At the end of the 2019/22 triennium Council had three standing committees and it is not proposed to change that number:

- **Operations Committee** - The Operations Committee's purpose is to provide governance oversight of Council's operational programmes, services, activities, and projects relating to Council's environmental monitoring programmes and to Council's community facilities and infrastructural assets (excluding commercial enterprises covered by the Enterprise Committee) in relation to the Committee's areas of responsibility. Its primary areas of responsibility are overseeing and monitoring and Council's operational functions and overseeing and monitoring Council's capital works programme
- **Strategy and Policy Committee** - The Strategy and Policy Committee's purpose is to provide governance oversight of, guidance on and approval of Council's strategy and policy programmes, services, activities and their associated projects, including the processes to prepare them and public consultation processes; and the physical development and growth of the Tasman District through a focus on land and resource use and the appropriate provision of infrastructure; and any policies and plans required under the Resource Management Act 1991 (RMA). Its primary areas of responsibility are electoral and democratic functions of local government in the Tasman District; Long Term Plans, Annual Plans, Activity Management Plans, Statutory Policies, Annual Report; and Resource Management Act Policies and Plans.
- **Regulatory Committee** - The Regulatory Committee's purpose is to provide governance oversight of Council's regulatory programmes, services, and activities, including bylaw development and implementation (noting Full Council only has the power to adopt bylaws) in relation to the Committee's areas of responsibility. The primary areas of responsibility of the Committee are monitoring and enforcing Council's

Resource Management Act functions; enforcing Council's other regulatory functions; and undertaking bylaw preparation processes.

- 4.12 The recommendations in this report are based on Council continuing to have three standing committees. The incoming Council will appoint new committees for the triennium and if there are any subsequent changes to the committees or number of standing committees, or a proposed change to the distribution of the pool in this triennium, the Council will need to provide a new proposal and apply to the Authority for a new amendment determination.

Elected Member Allowances and Recovery of Expenses

- 4.13 The Authority determined elected members allowances in its 2022/23 Determination. The Elected Member Allowances and Recovery of Expenses has been updated (via tracked changes) to reflect this. Changes include:

- Mileage allowance changed from 79c to 83c per kilometre
- Electric vehicles have been added to the general conditions
- Travel time changed from \$37.50 to \$40.00 per hour
- Elected members will now be issued with laptops (Councillors and Community Board Members)
- Minor editorial edits (title changes, section numbering)
- Removal of the inclusion of one alcoholic beverage in the meal allowance (in line with Council's Sensitive Expenditure Policy Guidelines)
- Reference has been added to note the allowances that are set by the Authority.

- 4.14 The Council is being asked to adopt the updated policy.

5 Options

- 5.1 The options are outlined below.

Remuneration

- 5.2 **Option 1** – subject to Council continuing with three standing committees and the Deputy Mayor not being a chair of one of these committees, accept the current loadings for positions of responsibility as set out in the table below. To date, there are no additional delegations given to the community boards over and above their role as set out in the Local Government Act 2002. This approach is low risk and is the recommended option.

Table 3: Proposed Payments to Deputy Mayor and Councillors

Role	Ratio to base %	Min allowance payable (\$)	Additional allowance (\$)	Councillor base (\$)	Further allowance (\$)	Role Total (\$)	Total (\$)
Councillor - no additional responsibilities (9)	1.0	39,936	7,006	46,942	n/a	46,942	422,480
Standing Committee	1.3	39,936	7,006	46,942	14,083	61,025	183,075

Chairperson (3)							
Deputy Mayor (1)	1.3	39,936	7,006	46,942	14,083	61,025	61,025
Total pool							

- 5.3 **Option 2** - change either the ratios and/or roles for which additional remuneration will be paid or increase the community board remuneration because of additional delegations. This will require further Council consideration of the additional duties and the roles involved. If additional roles are included and/or the ratios are increased/reduced, then the base councillor payment will reduce/increase. There are limits on this as no proposal can reduce the base councillor payment below \$39,936 per annum. If the additional payments for standing committee chairpersons are reduced, that may impact on those councillors prepared to take on the roles and the additional work involved.

Elected Members' Allowances and Recovery of Expenses Policy

- 5.4 The Council can either adopt the updated policy as attached to the agenda report (**Attachment 3**) or propose changes to the policy. It must be noted that the figures set by the Authority cannot be changed. It is recommended that the policy, as attached, be adopted.

6 Strategy and Risks

- 6.1 The recommended option is of relatively low risk as it involves agreeing a proposal to take to the Authority on the allocation of the pool of funds for councillor remuneration that is consistent with the approach taken in the last three terms.
- 6.2 There is an increase in risk if an alternative proposal is developed which does not meet with the approval or timelines of the Authority.

7 Policy / Legal Requirements / Plan

- 7.1 Remuneration is set, and elected members' allowance and expenses recovery is determined by the Authority. All payments to elected members must comply with the Authority's determinations.
- 7.2 The Local Government Act 2002, Schedule 7, Part 1, clause 6 sets out the role of the Remuneration Authority in determining the remuneration, allowances and expenses payable to elected members.
- 7.3 The Remuneration Authority Act 1977 (sections 18 and 18A) sets out additional criteria to which the Authority must have regard in determining the pay for elected members.
- 7.4 The Local Government Members (2022/23) Determination 2022:
- Clause 7(2) sets out the timing from which elected members remuneration is effective
 - Schedule 2, Part 2 – specifies the base remuneration for elected members of territorial authorities and their community or local boards.

8 Consideration of Financial or Budgetary Implications

- 8.1 Remuneration for elected members is provided for within existing budgets. The Council has no discretion over the setting of the Mayor and community boards' remuneration, the minimum councillor allowable remuneration, nor the size of the governance remuneration pool.

9 Significance and Engagement

- 9.1 This decision is of low significance to the public as elected members' remuneration is set by the Authority, which the Council has no influence over, therefore no public engagement is necessary.
- 9.2 It is noted that councillor remuneration will be of interest to some members of the public. Councillor remuneration, along with other payments to councillors, is disclosed in the Council's Annual Report.

10 Conclusion

- 10.1 The Council is required to fully distribute the governance remuneration pool and this report recommends additional remuneration to fulfil this requirement.

11 Next Steps / Timeline

- 11.1 Council's decision on the proposal to the Authority is required to be delivered to the Authority by Wednesday 16 November 2022 to meet the deadline for the first amending determination (Round 1).
- 11.2 If councils miss the 16 November 2022 deadline, there will be a further amending determination (Round 2), however, it is important to note that approved remuneration rates for the positions of responsibility will only be backdated to the day after the Council formally makes its governance pool allocation decision.
- 11.3 Table 4 shows the timeline provided by the Authority:

Table 4: Authority Timeline

Action	By Whom	Date
Incoming councils formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (Round 1)	Councils	Proposals submitted by Wednesday 16 November 2022 to meet deadline for the first amending determination
Remuneration Authority consider councils' proposals	Remuneration Authority	From 10 October to 19 November 2022
Drafting of first amending determination	Parliamentary Counsel Office	From 21 November to 15 December 2022
First amending determination is gazetted	Remuneration Authority	Thursday 2 December 2022

Incoming councils formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (Round 2)	Councils	Proposals submitted by <u>Friday 27 January 2023</u> to meet deadline for second amending determination
Remuneration Authority consider councils' proposals	Remuneration Authority	From 16 January to 31 January 2023
Drafting of second amending determination	Parliamentary Counsel Office	From 3 February to 17 February 2023
Second amending determination is gazetted	Remuneration Authority	Late February/early March 2023

12 Attachments

- | | | |
|----------------------|--|-----|
| 1. ↓ | Local Government Members (2022/23) Determination 2022 | 118 |
| 2. ↓ | Local Government Members (2022/23) Amendment Determination 2022 | 180 |
| 3. ↓ | Elected Members' Allowances and Recovery of Expenses Policy (EM05) - tracked changes version | 184 |

03/06/2022
PCO 24743/8.0

Local Government Members (2022/23) Determination 2022

This determination is made by the Remuneration Authority under the Remuneration Authority Act 1977 and clauses 6 and 7A of Schedule 7 of the Local Government Act 2002, after having regard to the matters specified in clause 7 of that schedule.

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2022

Determination

1 Title

This determination is the Local Government Members (2022/23) Determination 2022.

2 Commencement

This determination comes into force on 1 July 2022.

3 Expiry

This determination expires at the close of 30 June 2023.

Interpretation

4 Interpretation

In this determination, unless the context otherwise requires,—

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

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, in relation to a local authority 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)

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—

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- (a) a hearing arising from a resource consent application made under section 88 of the RMA; or
- (b) a meeting for determining a resource consent application without a formal hearing; or
- (c) a hearing arising from a notice of requirement (including one initiated by the local authority); or
- (d) a pre-hearing meeting held under section 99 of the RMA in relation to a hearing referred to in paragraph (b) or (d); or
- (e) 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
- (f) a mediation hearing in the Environment Court as part of an appeal from a decision of a local authority; or
- (g) 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;
- (d) determining a resource consent application where a formal hearing does not take place;
- (e) 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 2022 and ending on the close of the day on which the official result of the 2022 local 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 member of 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 2022 election is declared under section 86 of the Local Electoral Act 2001 in relation to

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a local authority, a member of that local authority or a member of a board of that local authority is entitled to the applicable remuneration set out in Schedule 2 (adjusted under 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 member of a board is also entitled to—
- (a) the applicable allowances payable under clauses 11 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 local authority is not paying the remuneration or allowances that it would usually pay to the mayor or chairperson.
- (2) While the member is acting as mayor or chairperson, the local authority must pay the member the remuneration and allowances usually payable to the mayor or chairperson, instead of the member's usual remuneration, allowances, and hearing fees.

9 Motor vehicles for mayors and regional council chairpersons

- (1) A local authority may provide to the mayor or regional council chairperson of the local authority—
- (a) a motor vehicle (which may be provided for restricted private use, partial private use, or full private use); or
 - (b) a vehicle-kilometre allowance under clause 11.
- (2) If a local authority provides a motor vehicle to a mayor or regional council chairperson during the determination term, the maximum purchase price that the local authority may pay for the motor vehicle is,—
- (a) in the case of a petrol or diesel vehicle, \$55,000; and
 - (b) in the case of an electric or a hybrid vehicle, \$68,500.
- (3) If a local authority provides a motor vehicle to a mayor or regional council chairperson for restricted private use, the local authority must not make a deduction from the annual remuneration payable to the mayor or regional council chairperson under Schedule 1 or 2 (as applicable) for the provision of that motor vehicle.
- (4) If a local authority provides a motor vehicle to a mayor or regional council chairperson for partial private use or full private use,—

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- (a) the local authority must adjust the annual remuneration payable to the mayor or regional council chairperson under Schedule 1 or 2 (as applicable) 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 local authority provides a motor vehicle to a mayor or regional council chairperson for partial private use, the local authority must deduct the amount calculated in accordance with the following formula from the remuneration payable to that person:

$$v \times 41\% \times 10\%$$

where v means the purchase price of the vehicle.

- (6) If a local authority provides a motor vehicle to a mayor or regional council chairperson for full private use, the local authority must deduct the amount calculated in accordance with the following formula from the remuneration payable to that person:

$$v \times 41\% \times 20\%$$

where v means the purchase price of the vehicle.

- (7) In this clause,—

full private use means—

- (a) the vehicle is usually driven home and securely parked by the mayor or regional council chairperson; and
- (b) the vehicle is available for the mayor's or regional council chairperson's unrestricted private use; and
- (c) the vehicle is used by the mayor or regional council 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 council chairperson

partial private use means—

- (a) the vehicle is usually driven home and securely parked by the mayor or regional council chairperson; and
- (b) the vehicle is used by the mayor or regional council 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 council chairperson; and

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- (d) all travel in the vehicle is recorded in a logbook; and
- (e) the use of the vehicle for private purposes accounts for no more than 10% of the distance travelled in the vehicle in a year

purchase price means the amount paid for the vehicle,—

- (a) including goods and services tax and any on-road costs; and
- (b) after deducting the amount of any rebate that applies under the clean car discount scheme in respect of the purchase of the vehicle

restricted private use means—

- (a) the vehicle is usually driven home and securely parked by the mayor or regional council 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 logbook.

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.

11 Vehicle-kilometre allowance

- (1) A local authority may pay to a member a vehicle-kilometre allowance to reimburse that member for costs incurred in relation to eligible travel.
- (2) A member's travel is eligible for the allowance if—
 - (a) it occurs at a time 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) 83 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
 - (ii) 31 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term;
 - (b) for a petrol hybrid vehicle,—

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- (i) 83 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
 - (ii) 18 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term:
- (c) for an electric vehicle,—
 - (i) 83 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
 - (ii) 10 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term.
- (4) However, if a member of a local authority travels from a place where the member permanently or temporarily resides that is outside the local authority area, to the local authority area on local authority business, the member is only eligible for a vehicle-kilometre allowance for eligible travel after the member crosses the boundary of the local authority area.

12 Travel-time allowance

- (1) A local authority may pay a member (other than a mayor or a regional council 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 \$40.00 for each hour of eligible travel time after the first hour of eligible travel time travelled in a day.
- (4) However, if a member of a local authority permanently or temporarily 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 for eligible travel time—
 - (a) after the member crosses the boundary of the local authority area; and
 - (b) after the first hour of eligible travel time 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.

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13 ICT allowances*Member uses local authority's ICT*

- (1) If a local authority supplies ICT 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.

Member uses own equipment and consumables

- (2) If a local authority determines that a member requires particular ICT equipment to perform their functions and requests that the member use their own equipment for those purposes, the local authority may pay an allowance.
- (3) The matters for which the local authority may pay an allowance, and the amounts that the local authority may pay for the determination term, are as follows:
- (a) for the use of a personal computer, tablet, or laptop, including any related docking station, \$400;
 - (b) for the use of a multi-functional or other printer, \$50;
 - (c) for the use of a mobile telephone, \$200;
 - (d) for the use of ICT consumables, up to \$200.

Member uses own services

- (4) 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 up to \$800 for the determination term.
- (5) 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 up to \$500 for the determination term; or
 - (b) reimbursement of actual costs of telephone calls made on local authority business on production of the relevant telephone records and receipts.

Pro-rating

- (6) If the member is not a member for the whole of the determination term, subclauses (3) 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 (3) to (5).

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cl 15

- (7) The Remuneration Authority may approve rules proposed by a local authority to meet the costs of installing and running special ICT where, because of distance or restricted access, normal communications connections are not available.
- (8) In this clause, **ICT** means information or communication technology, including—
 - (a) ICT equipment (for example, a mobile telephone and a laptop computer); and
 - (b) ICT services (for example, a mobile telephone service and an Internet service); and
 - (c) ICT consumables (for example, printer or photocopy paper and ink cartridges).

14 Childcare allowance

- (1) A local authority may pay a childcare allowance 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 for 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 under 14 years of age; and
 - (c) the childcare is provided by a person who—
 - (i) is not a parent of the child or a spouse, civil union partner, or de facto partner 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.

Hearing fees

15 Fees related to hearings

- (1) A member of a local authority or member of a board who acts as the chairperson of a hearing is entitled to be paid a fee of up to \$116 per hour of hearing time related to the hearing.
- (2) A member of a local authority or member of a board who is not the chairperson of a hearing is entitled to be paid a fee of up to \$93 per hour of hearing time related to the hearing.

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- (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 (2021/22) Determination 2021 (LI 2021/173) is revoked.

**Local Government Members (2022/23) Determination
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Schedule 1

**Schedule 1
Remuneration before 2022 election of members**

cl 7(1)

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

Bay of Plenty Regional Council

Office	Annual remuneration (\$)
Chairperson	148,551
Deputy Chairperson of Regional Council	80,004
Committee Chairperson (6)	70,000
Councillor with no additional responsibilities (6)	61,525
Councillor (Minimum Allowable Remuneration)	54,525

Canterbury Regional Council

Office	Annual remuneration (\$)
Chairperson	180,000
Deputy Chairperson	106,341
Councillor (with no additional responsibilities) (12)	72,601
Councillor (Minimum Allowable Remuneration)	64,460

Hawke's Bay Regional Council

Office	Annual remuneration (\$)
Chairperson	137,904
Deputy Chairperson of Regional Council	73,258
Chairperson Corporate and Strategic Committee	73,258
Chairperson Regional Transport Committee and Hearings Committee	73,258
Chairperson Finance, Audit and Risk Sub-committee	73,258
Chairperson, Clifton to Tangoio Coastal Hazards Strategy Joint Committee	73,258
Chairperson Environment and Integrated Catchments Committee	73,258
Councillor with no additional responsibilities (2)	62,868
Councillor (Minimum Allowable Remuneration)	51,083

Manawatū–Whanganui Regional Council

Office	Annual remuneration (\$)
Chairperson	145,002
Deputy Chairperson	68,603
Audit, Risk, and Investment Committee Chair and Catchment Operations Committee Deputy Chair	68,603
Audit, Risk, and Investment Committee Deputy Chair	50,818
Catchment Operations Committee Chair	73,685
Environment Committee Chair	66,062

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Office	Annual remuneration (\$)
Environment Committee Deputy Chair	50,818
Passenger Transport Committee Chair	66,062
Passenger Transport Committee Deputy Chair	50,818
Manawatu River Users' Advisory Group Chair	50,818
Councillor (with no additional responsibilities) (2)	50,818
Councillor (Minimum Allowable Remuneration)	46,008

Northland Regional Council

Office	Annual remuneration (\$)
Chairperson	128,271
Deputy Chairperson	79,181
Councillor (with no additional responsibilities) (7)	71,681
Councillor (Minimum Allowable Remuneration)	53,710

Otago Regional Council

Office	Annual remuneration (\$)
Chairperson	149,058
Deputy Chairperson	91,055
Councillor (with no additional responsibilities) (9)	69,155
Councillor (Minimum Allowable Remuneration)	49,351

Southland Regional Council

Office	Annual remuneration (\$)
Chairperson	124,215
Deputy Chairperson and Regional Transport Committee Chair	63,784
Chair, Strategy and Policy Committee	54,672
Chair, Organisational Performance and Audit Committee	54,672
Chair, Regulatory Committee	54,672
Chair, Regional Services Committee	54,672
Councillor (with no additional responsibilities) (6)	45,560
Councillor (Minimum Allowable Remuneration)	37,788

Taranaki Regional Council

Office	Annual remuneration (\$)
Chairperson	103,986
Deputy Chairperson of Regional Council	56,042
Chairperson Executive, Audit and Risk Committee	56,042
Chairperson Consents and Regulatory Committee	56,042
Chairperson Policy and Planning Committee	56,042
Chairperson Regional Transport Committee	45,781
Chairperson Civil Defence Group Committee	45,781
Councillor with no additional responsibilities (4)	39,466
Councillor (Minimum Allowable Remuneration)	37,493

**Local Government Members (2022/23) Determination
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Waikato Regional Council

Office	Annual remuneration (\$)
Chairperson	163,254
Deputy Chairperson	86,228
Committee Chair (8)	73,860
Councillor (with no additional responsibilities) (4)	64,160
Councillor (Minimum Allowable Remuneration)	58,640

Wellington Regional Council

Office	Annual remuneration (\$)
Chairperson	176,436
Deputy Council Chairperson (with committee chairperson responsibilities)	93,084
Chair, Environment Committee	82,712
Chair, Transport and Infrastructure Committee	82,712
Chair, Climate Committee	82,712
Chair, Chief Executive Employment Review Committee	82,712
Chair, Te Upoko Taiao—Natural Resources Plan Committee	82,712
Chair, Hutt Valley Flood Management Subcommittee and Portfolio Leader	82,712
Portfolio Leader, Sustainable Development	79,614
Councillor (with no additional responsibilities) (4)	66,346
Councillor (Minimum Allowable Remuneration)	62,378

West Coast Regional Council

Office	Annual remuneration (\$)
Chairperson	85,683
Deputy Chairperson of Regional Council and Chairperson Resource Management Committee	64,456
Councillor with no additional responsibilities (5)	52,512
Councillor (Minimum Allowable Remuneration)	36,777

Part 2

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

Ashburton District Council

Office	Annual remuneration (\$)
Mayor	123,201
Deputy Mayor	59,182
Councillor (with no additional responsibilities) (8)	41,214
Councillor (Minimum Allowable Remuneration)	25,779

Schedule 1 **Local Government Members (2022/23) Determination**
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Methven Community Board

Office	Annual remuneration (\$)
Chairperson	5,554
Member	2,777

Auckland Council

Office	Annual remuneration (\$)
Mayor	296,000
Deputy Mayor	167,900
Chair of Committee of the Whole (4)	140,857
Chair of Regulatory Committee	140,857
Deputy Chair of Committee of the Whole (4)	127,240
Chair of other Committee (2)	124,970
Council-controlled Organisation Liaison Councillor (2)	124,970
Deputy Chair of other Committee (5)	119,297
Portfolio Lead	114,758
Councillor (Minimum Allowable Remuneration)	107,794

Albert–Eden Local Board

Office	Annual remuneration (\$)
Chairperson	93,744
Deputy Chairperson	56,247
Member	46,872

Aotea/Great Barrier Local Board

Office	Annual remuneration (\$)
Chairperson	58,559
Deputy Chairperson	35,135
Member	29,279

Devonport–Takapuna Local Board

Office	Annual remuneration (\$)
Chairperson	87,052
Deputy Chairperson	52,231
Member	43,526

Franklin Local Board

Office	Annual remuneration (\$)
Chairperson	92,021
Deputy Chairperson	55,212
Member	46,010

**Local Government Members (2022/23) Determination
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Henderson–Massey Local Board

Office	Annual remuneration (\$)
Chairperson	100,944
Deputy Chairperson	60,566
Member	50,472

Hibiscus and Bays Local Board

Office	Annual remuneration (\$)
Chairperson	92,629
Deputy Chairperson	55,577
Member	46,314

Howick Local Board

Office	Annual remuneration (\$)
Chairperson	99,856
Deputy Chairperson	59,913
Member	49,928

Kaipātiki Local Board

Office	Annual remuneration (\$)
Chairperson	91,818
Deputy Chairperson	55,091
Member	45,909

Māngere–Ōtāhuhu Local Board

Office	Annual remuneration (\$)
Chairperson	101,147
Deputy Chairperson	60,688
Member	50,573

Manurewa Local Board

Office	Annual remuneration (\$)
Chairperson	100,335
Deputy Chairperson	60,201
Member	50,168

Maungakiekie–Tāmaki Local Board

Office	Annual remuneration (\$)
Chairperson	95,975
Deputy Chairperson	57,585
Member	47,988

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Ōrākei Local Board

Office	Annual remuneration (\$)
Chairperson	90,195
Deputy Chairperson	54,117
Member	45,098

Ōtara–Papatoetoe Local Board

Office	Annual remuneration (\$)
Chairperson	100,437
Deputy Chairperson	60,262
Member	50,218

Papakura Local Board

Office	Annual remuneration (\$)
Chairperson	93,846
Deputy Chairperson	56,307
Member	46,923

Puketāpapa Local Board

Office	Annual remuneration (\$)
Chairperson	91,108
Deputy Chairperson	54,665
Member	45,554

Rodney Local Board

Office	Annual remuneration (\$)
Chairperson	88,979
Deputy Chairperson	53,387
Member	44,489

Upper Harbour Local Board

Office	Annual remuneration (\$)
Chairperson	87,458
Deputy Chairperson	52,475
Member	43,729

Waiheke Local Board

Office	Annual remuneration (\$)
Chairperson	70,422
Deputy Chairperson	42,253
Member	35,211

**Local Government Members (2022/23) Determination
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Waitākere Ranges Local Board

Office	Annual remuneration (\$)
Chairperson	88,573
Deputy Chairperson	53,144
Member	44,286

Waitematā Local Board

Office	Annual remuneration (\$)
Chairperson	98,713
Deputy Chairperson	59,228
Member	49,356

Whau Local Board

Office	Annual remuneration (\$)
Chairperson	93,035
Deputy Chairperson	55,821
Member	46,517

Buller District Council

Office	Annual remuneration (\$)
Mayor	96,837
Deputy Mayor and Finance Risk and Audit Committee Chair	42,959
Regulatory and Hearings Committee Chair	29,579
Community, Environment and Services Committee Chair	29,579
Community Grants Portfolio Holder	25,463
Youth Development Portfolio Holder	25,463
Punakaiki Area Portfolio Holder	25,463
Councillor (with no additional responsibilities) (4)	23,403
Councillor (Minimum Allowable Remuneration)	19,836

Inangahua Community Board

Office	Annual remuneration (\$)
Chairperson	7,367
Member	3,684

Carterton District Council

Office	Annual remuneration (\$)
Mayor	85,683
Deputy Mayor	49,995
Councillor (with no additional responsibilities) (6)	29,462
Councillor (Minimum Allowable Remuneration)	19,374

Schedule 1 **Local Government Members (2022/23) Determination
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Central Hawke's Bay District Council

Office	Annual remuneration (\$)
Mayor	106,470
Deputy Mayor, Chair of Strategy and Wellbeing Committee, Lead Urban Councillor	54,968
Chair of Finance and Infrastructure Committee and Member of Risk and Assurance Committee	41,588
Lead Rural Councillor and Member of Risk and Assurance Committee	34,384
Member of Risk and Assurance Committee (2)	31,296
Councillor (with no additional responsibilities) (3)	27,179
Councillor (Minimum Allowable Remuneration)	24,639

Central Otago District Council

Office	Annual remuneration (\$)
Mayor	108,498
Deputy Mayor, Portfolio Lead and Member Cromwell Community Board	32,834
Portfolio Lead and Member Cromwell Community Board	28,456
Councillor and Chairperson Vincent Community Board	28,456
Portfolio Lead and Member Teviot Valley Community Board	26,814
Portfolio Lead and Member Maniototo Community Board	26,814
Councillor and Member Cromwell Community Board	25,173
Councillor and Member Vincent Community Board (2)	25,173
Councillor with no additional responsibilities (3)	21,889
Councillor (Minimum Allowable Remuneration)	21,354

Cromwell Community Board

Office	Annual remuneration (\$)
Chairperson	14,661
Member	7,331

Maniototo Community Board

Office	Annual remuneration (\$)
Chairperson	7,109
Member	3,554

Teviot Valley Community Board

Office	Annual remuneration (\$)
Chairperson	7,109
Member	3,554

Vincent Community Board

Office	Annual remuneration (\$)
Chairperson	15,774

**Local Government Members (2022/23) Determination
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Office	Annual remuneration (\$)
Member	7,887

Chatham Islands Council

Office	Annual remuneration (\$)
Mayor	55,263
Deputy Mayor	24,277
Councillor with no additional responsibilities (7)	18,218
Councillor (Minimum Allowable Remuneration)	13,765

Christchurch City Council

Office	Annual remuneration (\$)
Mayor	197,730
Deputy Mayor	133,088
Councillor with no additional responsibilities (15)	115,728
Councillor (Minimum Allowable Remuneration)	98,642

Banks Peninsula Community Board

Office	Annual remuneration (\$)
Chairperson	20,305
Member	10,153

Coastal–Burwood Community Board

Office	Annual remuneration (\$)
Chairperson	48,376
Member	24,188

Fendalton–Waimairi–Harewood Community Board

Office	Annual remuneration (\$)
Chairperson	47,720
Member	23,860

Halswell–Hornby–Riccarton Community Board

Office	Annual remuneration (\$)
Chairperson	50,347
Member	25,173

Linwood–Central–Heathcote Community Board

Office	Annual remuneration (\$)
Chairperson	50,347
Member	25,173

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Papanui–Innes Community Board

Office	Annual remuneration (\$)
Chairperson	48,376
Member	24,188

Spreydon–Cashmere Community Board

Office	Annual remuneration (\$)
Chairperson	48,376
Member	24,188

Clutha District Council

Office	Annual remuneration (\$)
Mayor	111,540
Deputy Mayor	31,746
Chairperson Standing Committee (3)	30,235
Member Executive Committee (4)	25,701
Member Creative Communities	24,190
Councillor with no additional responsibilities (5)	22,676
Councillor (Minimum Allowable Remuneration)	20,250

Lawrence–Tuapeka Community Board

Office	Annual remuneration (\$)
Chairperson	5,998
Member	2,999

West Otago Community Board

Office	Annual remuneration (\$)
Chairperson	7,109
Member	3,554

Dunedin City Council

Office	Annual remuneration (\$)
Mayor	168,831
Deputy Mayor	92,521
Chairs (6)	87,422
Councillor (with no additional responsibilities) (7)	72,851
Councillor (Minimum Allowable Remuneration)	60,691

Mosgiel–Taieri Community Board

Office	Annual remuneration (\$)
Chairperson	19,799
Member	9,899

**Local Government Members (2022/23) Determination
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Otago Peninsula Community Board

Office	Annual remuneration (\$)
Chairperson	16,718
Member	8,359

Saddle Hill Community Board

Office	Annual remuneration (\$)
Chairperson	16,939
Member	8,469

Strath Taieri Community Board

Office	Annual remuneration (\$)
Chairperson	14,889
Member	7,445

Waikouaiti Coast Community Board

Office	Annual remuneration (\$)
Chairperson	16,498
Member	8,249

West Harbour Community Board

Office	Annual remuneration (\$)
Chairperson	16,939
Member	8,469

Far North District Council

Office	Annual remuneration (\$)
Mayor	157,170
Deputy Mayor	120,397
Committee Chairperson (4)	97,464
Councillor with no additional responsibilities (4)	75,162
Councillor (Minimum Allowable Remuneration)	58,903

Bay of Islands–Whangaroa Community Board

Office	Annual remuneration (\$)
Chairperson	32,186
Member	16,093

Kaikohe–Hokianga Community Board

Office	Annual remuneration (\$)
Chairperson	27,589
Member	13,795

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Te Hiku Community Board

Office	Annual remuneration (\$)
Chairperson	28,164
Member	14,082

Gisborne District Council

Office	Annual remuneration (\$)
Mayor	157,170
Deputy Mayor	67,607
Chairperson Operations Committee	58,593
Chairperson Regional Transport Committee and Rural Councillor	54,086
Chairperson Wastewater Management Committee	54,086
Rural Councillor (3)	47,325
Councillor with no additional responsibilities (6)	45,071
Councillor (Minimum Allowable Remuneration)	38,446

Gore District Council

Office	Annual remuneration (\$)
Mayor	100,893
Deputy Mayor	36,463
Audit and Risk Committee Chair	30,876
Capital Works Committee Chair	30,876
Community and Strategy Committee Chair	30,876
Councillor (with no additional responsibilities) (7)	23,672
Councillor (Minimum Allowable Remuneration)	19,017

Mataura Community Board

Office	Annual remuneration (\$)
Chairperson	4,242
Member	2,121

Grey District Council

Office	Annual remuneration (\$)
Mayor	103,428
Deputy Mayor also Portfolio Councillor for Three Waters	41,992
Councillor—Portfolio Transport	36,744
Councillor—Portfolio Spatial Development, Finance and Risk	36,744
Councillor (with no additional responsibilities) (5)	28,124
Councillor (Minimum Allowable Remuneration)	22,868

Hamilton City Council

Office	Annual remuneration (\$)
Mayor	176,943
Deputy Mayor	114,642

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Office	Annual remuneration (\$)
Chair of Committee (7)	103,640
Deputy Chair of Committee (4)	94,264
Councillor (Minimum Allowable Remuneration)	75,974

Hastings District Council

Office	Annual remuneration (\$)
Mayor	155,649
Deputy Mayor	80,067
Chair: Committees of the Whole (2)	66,341
Chair: Subcommittee (5)	57,191
Deputy Committee Chair (4)	52,615
Ambassador for Hastings	52,615
Champion—Flaxmere Development	48,040
Councillor (Minimum Allowable Remuneration)	44,378

Hastings District Rural Community Board

Office	Annual remuneration (\$)
Chairperson	15,475
Member	7,738

Hauraki District Council

Office	Annual remuneration (\$)
Mayor	119,652
Deputy Mayor	42,274
Ward Committee Chairperson (3)	31,149
Emergency Management Committee Chairperson	28,924
Portfolio Leader (4)	26,699
Councillor with no additional responsibilities (4)	22,249
Councillor (Minimum Allowable Remuneration)	22,014

Horowhenua District Council

Office	Annual remuneration (\$)
Mayor	130,806
Deputy Mayor	71,013
Deputy Chair Finance, Audit and Risk Subcommittee	43,396
Chairperson, Community Funding and Recognition Committee	47,342
Chairperson, Community Wellbeing Committee	47,342
Councillor (with no additional responsibilities) (6)	39,452
Councillor (Minimum Allowable Remuneration)	28,978

Foxton Community Board

Office	Annual remuneration (\$)
Chairperson	12,884

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Office	Annual remuneration (\$)
Member	6,442

Hurunui District Council

Office	Annual remuneration (\$)
Mayor	103,935
Deputy Mayor	34,475
Councillor (with no additional responsibilities) (9)	24,625
Councillor (Minimum Allowable Remuneration)	20,821

Hanmer Springs Community Board

Office	Annual remuneration (\$)
Chairperson	8,259
Member	4,130

Hutt City Council

Office	Annual remuneration (\$)
Mayor	160,212
Deputy Mayor/Chair of Standing Committee	102,945
Chair of Standing Committee (3)	82,463
Deputy Chair of Standing Committee (4)	65,451
Chair Traffic Subcommittee	69,150
Councillor with no additional responsibilities (3)	55,304
Councillor (Minimum Allowable Remuneration)	54,379

Eastbourne Community Board

Office	Annual remuneration (\$)
Chairperson	13,926
Member	6,963

Petone Community Board

Office	Annual remuneration (\$)
Chairperson	16,580
Member	8,290

Wainuiomata Community Board

Office	Annual remuneration (\$)
Chairperson	17,465
Member	8,732

Invercargill City Council

Office	Annual remuneration (\$)
Mayor	141,960
Deputy Mayor	57,040

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Office	Annual remuneration (\$)
Infrastructural Services Standing Committee Chairperson	49,538
Infrastructural Services Standing Committee Deputy Chairperson	43,800
Performance, Policy and Partnership Standing Committee Chairperson	49,538
Performance, Policy and Partnership Standing Committee Deputy Chairperson	43,800
Councillor (with additional responsibilities) (7)	39,710
Councillor (Minimum Allowable Remuneration)	35,152

Bluff Community Board

Office	Annual remuneration (\$)
Chairperson	8,842
Member	4,421

Kaikōura District Council

Office	Annual remuneration (\$)
Mayor	85,683
Deputy Mayor	40,816
Councillor with no additional responsibilities (6)	27,213
Councillor (Minimum Allowable Remuneration)	19,579

Kaipara District Council

Office	Annual remuneration (\$)
Mayor	120,666
Deputy Mayor	56,619
Councillor with no additional responsibilities (7)	44,757
Councillor (Minimum Allowable Remuneration)	30,924

Kapiti Coast District Council

Office	Annual remuneration (\$)
Mayor	140,439
Deputy Mayor	61,753
Chair, Strategy and Operations	56,607
Portfolio A Holder (4)	52,088
Portfolio B Holder (4)	46,372
Councillor (Minimum Allowable Remuneration)	36,555

Ōtaki Community Board

Office	Annual remuneration (\$)
Chairperson	15,695
Member	7,848

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Local Government Members (2022/23) Determination
2022*Paekākāriki Community Board*

Office	Annual remuneration (\$)
Chairperson	8,179
Member	4,090

Paraparaumu–Raumati Community Board

Office	Annual remuneration (\$)
Chairperson	20,559
Member	10,280

Waikanae Community Board

Office	Annual remuneration (\$)
Chairperson	16,802
Member	8,401

Kawerau District Council

Office	Annual remuneration (\$)
Mayor	94,809
Deputy Mayor	36,702
Chair of Regulatory and Services Committee	32,770
Councillor (with no additional responsibilities) (6)	26,216
Councillor (Minimum Allowable Remuneration)	18,196

Mackenzie District Council

Office	Annual remuneration (\$)
Mayor	85,683
Deputy Mayor	35,742
Engineering and Services Committee Chair	35,742
Commercial and Economic Development Committee Chair	35,742
Planning and Regulatory Committee Chair	35,742
Councillor (with no additional responsibilities) (2)	19,221
Councillor (Minimum Allowable Remuneration)	19,221

Fairlie Community Board

Office	Annual remuneration (\$)
Chairperson	4,117
Member	2,058

Tekapo Community Board

Office	Annual remuneration (\$)
Chairperson	4,117
Member	2,058

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Twizel Community Board

Office	Annual remuneration (\$)
Chairperson	5,135
Member	2,567

Manawatu District Council

Office	Annual remuneration (\$)
Mayor	122,694
Deputy Mayor	55,556
Audit and Risk Committee Chairperson	43,652
Community Development Committee Chairperson	43,652
Hearings Committee Chairperson	43,652
Health and Safety Governance Representative	43,652
Councillor with no additional responsibilities (4)	39,683
Councillor (Minimum Allowable Remuneration)	29,154

Marlborough District Council

Office	Annual remuneration (\$)
Mayor	142,974
Deputy Mayor	58,855
Chairperson Standing Committee	52,231
Chairperson Statutory/Joint Committee (2)	47,110
Deputy Chairperson Standing Committee	44,038
Deputy Chairperson Standing Committee and Chairperson Sub-Committee (2)	46,086
Chairperson Sub-Committee (3)	43,014
Chairperson of 2 or more Sub-Committees	45,062
Councillor (with no additional responsibilities) (2)	40,966
Councillor (Minimum Allowable Remuneration)	37,566

Masterton District Council

Office	Annual remuneration (\$)
Mayor	123,708
Deputy Mayor	47,732
Chair—Infrastructure and Services Committee	47,732
Chair—Awards and Grants Committee	42,224
Chair—Hearings Committee	40,388
Councillor (with no additional responsibilities) (6)	36,717
Councillor (Minimum Allowable Remuneration)	30,053

Matamata-Piako District Council

Office	Annual remuneration (\$)
Mayor	124,722
Deputy Mayor	40,543

Local Government Members (2022/23) Determination 2022	
Schedule I	
Office	Annual remuneration (\$)
Chair of Corporate and Operations Committee	40,543
Councillor (with no additional responsibilities) (9)	35,255
Councillor (Minimum Allowable Remuneration)	27,857

Napier City Council

Office	Annual remuneration (\$)
Mayor	147,537
Deputy Mayor and Chair of Standing Committee	83,400
Chair of Standing Committee (3)	63,593
Deputy Chair of Standing Committee (4)	59,684
Portfolio Holder (4)	55,539
Councillor (Minimum Allowable Remuneration)	44,976

Nelson City Council

Office	Annual remuneration (\$)
Mayor	146,523
Deputy Mayor	67,332
Senior Chair (Chair of Infrastructure, Regional Transport Committee, Deputy Chair Environment and Climate Committee (Nelson Plan Lead))	58,134
Committee Chair (2)	58,134
Subcommittee Chair	49,995
Councillor (with no additional responsibilities) (7)	45,372
Councillor (Minimum Allowable Remuneration)	40,083

New Plymouth District Council

Office	Annual remuneration (\$)
Mayor	154,128
Deputy Mayor	82,308
Chairperson Strategy and Operations Committee	66,875
Chairperson Finance, Audit and Risk Committee	61,731
Chairperson Te Huinga Taumatua	61,731
Chairperson Strategy Projects Committee	61,731
Councillor with no additional responsibilities (9)	51,442
Councillor (Minimum Allowable Remuneration)	44,513

Clifton Community Board

Office	Annual remuneration (\$)
Chairperson	12,821
Member	6,410

Inglewood Community Board

Office	Annual remuneration (\$)
Chairperson	15,254
Member	7,627

**Local Government Members (2022/23) Determination
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Kaitake Community Board

Office	Annual remuneration (\$)
Chairperson	13,706
Member	6,853

Waitara Community Board

Office	Annual remuneration (\$)
Chairperson	15,254
Member	7,627

Ōpōtiki District Council

Office	Annual remuneration (\$)
Mayor	100,386
Deputy Mayor	53,743
Cultural Ambassador/Coast Community Board Chair	46,057
Councillor (with no additional responsibilities) (4)	29,590
Councillor (Minimum Allowable Remuneration)	22,018

Coast Community Board

Office	Annual remuneration (\$)
Chairperson	10,269
Member	5,135

Ōtorohanga District Council

Office	Annual remuneration (\$)
Mayor	93,795
Deputy Mayor and Member Grants and Awards Committee	39,642
Council Representative on Ōtorohanga Community Board and Member Grants and Awards Committee	30,736
Council Representative on Ōtorohanga Community Board	28,612
Chairperson Grants and Awards Committee	24,432
Council Representative on Kawhia Community Board and Member Risk and Assurance Committee	27,552
Deputy Chairperson Risk and Assurance Committee	27,619
Member Risk and Assurance Committee	25,494
Councillor (Minimum Allowable Remuneration)	19,170

Kawhia Community Board

Office	Annual remuneration (\$)
Chairperson	4,117
Member	2,058

Schedule 1		Local Government Members (2022/23) Determination 2022
<i>Ōtorohanga Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		14,733
Member		7,367
 Palmerston North City Council		
Office		Annual remuneration (\$)
Mayor		154,635
Deputy Mayor, Chair—Planning and Strategy Committee, Chair—Hearings Committee, and Chair—Chief Executive Performance Review		85,873
Chair—Finance and Audit Committee		55,440
Chair—Infrastructure Committee		55,440
Chair—Arts, Culture and Heritage Committee		52,036
Chair—Community Development		52,036
Chair—Economic Development Committee		52,036
Chair—Environmental Sustainability Committee		52,036
Chair—Play, Recreation and Sport Committee		52,036
Councillor (with no additional responsibilities) (7)		48,632
Councillor (Minimum Allowable Remuneration)		44,107
 Porirua City Council		
Office		Annual remuneration (\$)
Mayor		147,030
Deputy Mayor		72,662
Chair Te Puna Kōrero		69,826
Chair Chief Executive's Employment Committee		56,195
Councillor (with no additional responsibilities) (7)		51,564
Councillor (Minimum Allowable Remuneration)		39,749
 Queenstown-Lakes District Council		
Office		Annual remuneration (\$)
Mayor		129,792
Deputy Mayor		49,728
Chair of Standing Committee (4)		46,519
Councillor (with no additional responsibilities) (5)		40,103
Councillor (Minimum Allowable Remuneration)		33,375
 <i>Wanaka Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		24,659
Member		12,329

**Local Government Members (2022/23) Determination
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Rangitikei District Council

Office	Annual remuneration (\$)
Mayor	108,498
Deputy Mayor and Chair of the Chief Executive Review Committee	41,487
Committee Chair (2)	29,653
Committee Deputy Chair (3)	25,537
Councillor (with no additional responsibilities) (5)	23,478
Councillor (Minimum Allowable Remuneration)	20,860

Ratana Community Board

Office	Annual remuneration (\$)
Chairperson	4,377
Member	2,189

Taihape Community Board

Office	Annual remuneration (\$)
Chairperson	8,929
Member	4,465

Rotorua District Council

Office	Annual remuneration (\$)
Mayor	154,128
Deputy Mayor, Lead—Economic Development Working Group, and Lead—Sustainable Environment Working Group	110,125
Chairperson Strategy, Policy and Finance Committee and Lead—Four Wellbeings Working Group	91,450
Chairperson Operations and Monitoring Committee, Lead—Liveable Communities Working Group, and Lead—Housing Working Group	91,450
Deputy Chairperson Strategy, Policy and Finance Committee, Lead—Economic Development (Housing Development) Working Group, and Lead—Sport and Recreation Working Group	77,914
Deputy Chairperson Operations and Monitoring Committee and Lead—Arts and Culture Working Group	77,914
Cultural Ambassador	77,914
Lead—Climate Change Working Group	77,914
Councillor with no additional responsibilities (3)	60,569
Councillor (Minimum Allowable Remuneration)	54,431

Rotorua Lakes Community Board

Office	Annual remuneration (\$)
Chairperson	17,288
Member	8,644

Schedule 1 **Local Government Members (2022/23) Determination**
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Rotorua Rural Community Board

Office	Annual remuneration (\$)
Chairperson	19,321
Member	9,661

Ruapehu District Council

Office	Annual remuneration (\$)
Mayor	111,033
Deputy Mayor	38,896
Councillor (with no additional responsibilities) (10)	26,463
Councillor (Minimum Allowable Remuneration)	20,211

National Park Community Board

Office	Annual remuneration (\$)
Chairperson	6,028
Member	3,014

Waimarino–Waiouru Community Board

Office	Annual remuneration (\$)
Chairperson	8,929
Member	4,465

Selwyn District Council

Office	Annual remuneration (\$)
Mayor	138,411
Deputy Mayor	52,842
Councillor (with no additional responsibilities) (10)	44,039
Councillor (Minimum Allowable Remuneration)	35,624

Malvern Community Board

Office	Annual remuneration (\$)
Chairperson	18,238
Member	9,119

South Taranaki District Council

Office	Annual remuneration (\$)
Mayor	127,764
Deputy Mayor	49,631
Member Audit and Risk Committee (4)	36,397
Councillor with no additional responsibilities (7)	33,088
Councillor (Minimum Allowable Remuneration)	26,152

**Local Government Members (2022/23) Determination
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Eltham-Kaponga Community Board

Office	Annual remuneration (\$)
Chairperson	11,733
Member	5,866

Pātea Community Board

Office	Annual remuneration (\$)
Chairperson	11,330
Member	5,665

Taranaki Coastal Community Board

Office	Annual remuneration (\$)
Chairperson	12,850
Member	6,425

Te Hāwera Community Board

Office	Annual remuneration (\$)
Chairperson	14,440
Member	7,220

South Waikato District Council

Office	Annual remuneration (\$)
Mayor	122,187
Deputy Mayor (Chair Community and Assets Committee)	50,017
Committee Chair A Corporate and Regulatory Committee	42,444
Committee Chair B Grants	39,794
Councillor (with no additional responsibilities) (7)	35,307
Councillor (Minimum Allowable Remuneration)	27,034

Tirau Community Board

Office	Annual remuneration (\$)
Chairperson	6,886
Member	3,443

South Wairarapa District Council

Office	Annual remuneration (\$)
Mayor	94,302
Deputy Mayor	35,275
Chair of Finance, Audit, and Risk Committee	27,934
Chair of Planning and Regulatory Committee	25,959
Chair of Assets and Services Committee	25,734
District Licensing Deputy Chair	23,501
Martinborough Community Board and Waste Minimisation responsibilities	26,422

Schedule 1		Local Government Members (2022/23) Determination 2022
Office		
		Annual remuneration (\$)
Greytown Community Board and Water Management responsibilities		28,362
Martinborough Community Board		25,148
Wairarapa Policies and Road Safety Council		27,663
Councillor (Minimum Allowable Remuneration)		18,855
<i>Featherston Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		6,697
Member		3,349
<i>Greytown Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		6,697
Member		3,349
<i>Martinborough Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		6,697
Member		3,349
<i>Southland District Council</i>		
Office		Annual remuneration (\$)
Mayor		125,736
Deputy Mayor		44,764
Committee Chairperson (2)		38,854
Councillor (with no additional responsibilities) (9)		31,710
Councillor (Minimum Allowable Remuneration)		26,630
<i>Ardlussa Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		7,702
Member		3,851
<i>Fiordland Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		9,469
Member		4,734
<i>Northern Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		7,446
Member		3,723

**Local Government Members (2022/23) Determination
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Oraka Aparima Community Board

Office	Annual remuneration (\$)
Chairperson	8,319
Member	4,160

Oreti Community Board

Office	Annual remuneration (\$)
Chairperson	10,719
Member	5,360

Stewart Island/Rakiura Community Board

Office	Annual remuneration (\$)
Chairperson	4,117
Member	2,058

Tuatapere Te Waewae Community Board

Office	Annual remuneration (\$)
Chairperson	7,265
Member	3,633

Waihopai Toetoe Community Board

Office	Annual remuneration (\$)
Chairperson	10,091
Member	5,046

Wallace Takitimu Community Board

Office	Annual remuneration (\$)
Chairperson	8,845
Member	4,423

Stratford District Council

Office	Annual remuneration (\$)
Mayor	91,767
Deputy Mayor	35,477
Chairperson Stratford Sport NZ Rural Travel Fund	26,354
Chairperson Farm and Aerodrome Committee	29,143
Councillor (with no additional responsibilities) (7)	25,342
Councillor (Minimum Allowable Remuneration)	18,905

Tararua District Council

Office	Annual remuneration (\$)
Mayor	114,075
Deputy Mayor	50,528
Councillor with no additional responsibilities (7)	38,852

Schedule 1		Local Government Members (2022/23) Determination 2022
Office		Annual remuneration (\$)
Councillor (Minimum Allowable Remuneration)		27,499
<i>Dannevirke Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		11,996
Member		5,998
<i>Eketahuna Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		7,775
Member		3,887
Tasman District Council		
Office		Annual remuneration (\$)
Mayor		156,156
Deputy Mayor		69,022
Chairperson Standing Committee (2)		55,217
Councillor with no additional responsibilities (10)		46,014
Councillor (Minimum Allowable Remuneration)		38,320
<i>Golden Bay Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		13,486
Member		6,743
<i>Motueka Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		15,033
Member		7,516
Taupo District Council		
Office		Annual remuneration (\$)
Mayor		135,876
Deputy Mayor		48,987
Chair—Emergency Management Committee		46,945
Chair—Taupo Reserves and Roading Committee		46,945
Chair—Mangakino/Pouakani Representative Group		46,945
Chair—Kinloch Representative Group		44,904
Chair—Taupo East Rural Representative Group		44,904
Councillor (with no additional responsibilities) (5)		40,823
Councillor (Minimum Allowable Remuneration)		35,762

**Local Government Members (2022/23) Determination
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Turangi–Tongariro Community Board

Office	Annual remuneration (\$)
Chairperson	17,328
Member	8,664

Tauranga City Council

Office	Annual remuneration (\$)
Mayor	168,831
Deputy Mayor	123,788
Chairperson of Standing Committee (3)	116,253
Deputy Chairperson of Standing Committee (4)	109,795
Councillor (with no additional responsibilities) (2)	107,642
Councillor (Minimum Allowable Remuneration)	79,538

Thames-Coromandel District Council

Office	Annual remuneration (\$)
Mayor	131,820
Deputy Mayor, Member Audit and Risk Committee, and Member Chief Executive Liaison Committee	69,518
Chairperson Emergency Management Committee, Holder Emergency Management Portfolio, Member Audit and Risk Committee, Member Chief Executive Liaison Committee, and Member Regional Civil Defence Emergency Management Group	65,255
Holder Infrastructure Portfolio, Member Audit and Risk Committee, and Member Regional Transport Committee	65,255
Member Audit and Risk Committee, Member Coromandel Catchment Liaison Committee, and Member Emergency Management Committee	58,860
Member Audit and Risk Committee and Member Emergency Management Committee	49,101
Member Audit and Risk Committee and Member Chief Executive Liaison Committee	49,101
Member Audit and Risk Committee (2)	49,101
Councillor (Minimum Allowable Remuneration)	37,544

Coromandel–Colville Community Board

Office	Annual remuneration (\$)
Chairperson	16,173
Member	8,087

Mercury Bay Community Board

Office	Annual remuneration (\$)
Chairperson	19,350
Member	9,675

Schedule 1

Local Government Members (2022/23) Determination
2022*Tairua–Pauanui Community Board*

Office	Annual remuneration (\$)
Chairperson	16,173
Member	8,087

Thames Community Board

Office	Annual remuneration (\$)
Chairperson	20,506
Member	10,253

Whangamata Community Board

Office	Annual remuneration (\$)
Chairperson	17,617
Member	8,808

Timaru District Council

Office	Annual remuneration (\$)
Mayor	134,355
Deputy Mayor	65,232
Chairperson Commercial and Strategy Committee	53,000
Chairperson Community Services Committee	53,000
Chairperson Environmental Services Committee	53,000
Chairperson Infrastructure Committee	53,000
Deputy Chairperson Commercial and Strategy Committee	46,885
Deputy Chairperson Community Services Committee	46,885
Deputy Chairperson Environmental Services Committee	46,885
Deputy Chairperson Infrastructure Committee	46,885
Councillor (Minimum Allowable Remuneration)	36,581

Geraldine Community Board

Office	Annual remuneration (\$)
Chairperson	11,330
Member	5,665

Pleasant Point Community Board

Office	Annual remuneration (\$)
Chairperson	8,885
Member	4,443

Temuka Community Board

Office	Annual remuneration (\$)
Chairperson	11,552
Member	5,776

**Local Government Members (2022/23) Determination
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Upper Hutt City Council

Office	Annual remuneration (\$)
Mayor	129,792
Deputy Mayor	55,464
Chair, Policy Committee	48,070
Chair, Finance and Performance Committee	48,070
Chair, City Development Committee	48,070
Chair, Risk and Assurance Committee	44,372
Chair, Hutt Valley Services Committee	44,372
Councillor (with no additional responsibilities) (4)	36,977
Councillor (Minimum Allowable Remuneration)	32,814

Waikato District Council

Office	Annual remuneration (\$)
Mayor	150,579
Deputy Mayor	81,652
Chairperson (Infrastructure Committee)	71,261
Chairperson (Strategy and Finance Committee)	71,261
Chairperson (Policy and Regulatory Committee)	71,261
Chairperson (Discretionary and Funding Committee)	56,910
Chairperson (Proposed District Plan Subcommittee)	61,239
Councillor (with no additional responsibilities) (7)	49,486
Councillor (Minimum Allowable Remuneration)	43,767

Huntly Community Board

Office	Annual remuneration (\$)
Chairperson	10,831
Member	5,416

Ngāruawāhia Community Board

Office	Annual remuneration (\$)
Chairperson	10,831
Member	5,416

Onewhero–Tuakau Community Board

Office	Annual remuneration (\$)
Chairperson	11,275
Member	5,637

Raglan Community Board

Office	Annual remuneration (\$)
Chairperson	9,064
Member	4,532

Schedule 1	Local Government Members (2022/23) Determination 2022
<i>Taupiri Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	4,117
Member	2,058
<i>Waimakariri District Council</i>	
Office	Annual remuneration (\$)
Mayor	139,425
Deputy Mayor	59,820
Councillor (with portfolio and committee chairing responsibilities) (9)	49,210
Councillor (Minimum Allowable Remuneration)	38,156
<i>Kaiapoi–Tuahiwi Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	17,991
Member	8,995
<i>Oxford–Ohoka Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	16,949
Member	8,475
<i>Rangiora–Ashley Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	23,206
Member	11,603
<i>Woodend–Sefton Community Board</i>	
Office	Annual remuneration (\$)
Chairperson	14,863
Member	7,431
<i>Waimate District Council</i>	
Office	Annual remuneration (\$)
Mayor	88,725
Deputy Mayor	40,018
Councillor (with no additional responsibilities) (7)	26,678
Councillor (Minimum Allowable Remuneration)	19,579
<i>Waipa District Council</i>	
Office	Annual remuneration (\$)
Mayor	137,397
Deputy Mayor	44,601
Committee Chair (4)	41,169

**Local Government Members (2022/23) Determination
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Office	Annual remuneration (\$)
Councillor (with no additional responsibilities) (8)	34,308
Councillor (Minimum Allowable Remuneration)	32,455

Cambridge Community Board

Office	Annual remuneration (\$)
Chairperson	19,327
Member	9,663

Te Awamutu Community Board

Office	Annual remuneration (\$)
Chairperson	18,662
Member	9,331

Wairoa District Council

Office	Annual remuneration (\$)
Mayor	102,414
Deputy Mayor	44,119
Councillor (with no additional responsibilities) (5)	40,499
Councillor (Minimum Allowable Remuneration)	26,428

Waitaki District Council

Office	Annual remuneration (\$)
Mayor	116,103
Deputy Mayor	47,432
Main Committee Chair (2)	40,557
Other Committee Chair (2)	35,487
Deputy Chair (4)	35,487
Councillor (Minimum Allowable Remuneration)	24,830

Ahuriri Community Board

Office	Annual remuneration (\$)
Chairperson	11,979
Member	5,989

Waihemo Community Board

Office	Annual remuneration (\$)
Chairperson	12,440
Member	6,220

Waitomo District Council

Office	Annual remuneration (\$)
Mayor	99,879
Deputy Mayor	50,172

Schedule 1

**Local Government Members (2022/23) Determination
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Office	Annual remuneration (\$)
Councillor with no additional responsibilities (5)	33,598
Councillor (Minimum Allowable Remuneration)	24,424

Wellington City Council

Office	Annual remuneration (\$)
Mayor	183,027
Deputy Mayor	142,017
Chair of Committee of the Whole (5)	123,256
Councillor (with no additional responsibilities) (7)	121,293
Councillor (Minimum Allowable Remuneration)	88,090

Makara–Ohariu Community Board

Office	Annual remuneration (\$)
Chairperson	9,704
Member	4,852

Tawa Community Board

Office	Annual remuneration (\$)
Chairperson	19,359
Member	9,680

Western Bay of Plenty District Council

Office	Annual remuneration (\$)
Mayor	138,411
Deputy Mayor and Chairperson Annual Plan, Long Term Plan, Regulatory Hearings, and District Plan Committees	61,753
Chairperson Performance and Monitoring Committee	49,402
Chairperson Katikati—Waihi Beach Ward Forum	44,771
Chairperson Kaimai Ward Forum	44,771
Chairperson Maketu—Te Puke Ward Forum	44,771
Councillor with no additional responsibilities (6)	41,294
Councillor (Minimum Allowable Remuneration)	33,921

Katikati Community Board

Office	Annual remuneration (\$)
Chairperson	11,330
Member	5,665

Maketu Community Board

Office	Annual remuneration (\$)
Chairperson	5,997
Member	2,999

**Local Government Members (2022/23) Determination
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Ōmokoroa Community Board

Office	Annual remuneration (\$)
Chairperson	8,220
Member	4,110

Te Puke Community Board

Office	Annual remuneration (\$)
Chairperson	11,330
Member	5,665

Waihi Beach Community Board

Office	Annual remuneration (\$)
Chairperson	9,330
Member	4,665

Westland District Council

Office	Annual remuneration (\$)
Mayor	92,781
Deputy Mayor and Chairperson Capital Projects and Tenders Committee	49,312
Chairperson Planning Committee and Community Development Committee	38,343
Councillor (with no additional responsibilities) (6)	23,185
Councillor (Minimum Allowable Remuneration)	19,272

Whakatane District Council

Office	Annual remuneration (\$)
Mayor	135,876
Deputy Mayor	68,294
Committee Chairperson (3)	56,912
Deputy Committee Chairperson (2)	41,735
Councillor with no additional responsibilities (4)	37,941
Councillor (Minimum Allowable Remuneration)	33,842

Murupara Community Board

Office	Annual remuneration (\$)
Chairperson	8,220
Member	4,110

Rangitāiki Community Board

Office	Annual remuneration (\$)
Chairperson	10,663
Member	5,331

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<i>Tāneatua Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		8,220
Member		4,110
<i>Whakatāne–Ōhope Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		17,827
Member		8,913
Whanganui District Council		
Office		Annual remuneration (\$)
Mayor		142,974
Deputy Mayor		51,340
Chairperson Strategy and Finance Committee		47,391
Chairperson Infrastructure, Climate Change, and Emergency Management Committee		47,391
Chairperson Property and Community Services Committee and Advisory Group Chair		49,365
Advisory Group Chair (2)		43,442
Deputy Chair (3)		43,442
Councillor (with no additional responsibilities) (3)		39,492
Councillor (Minimum Allowable Remuneration)		33,872
<i>Whanganui Rural Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		11,552
Member		5,776
Whangarei District Council		
Office		Annual remuneration (\$)
Mayor		158,184
Deputy Mayor		87,292
Chairperson Infrastructure Committee		76,382
Chairperson Community Development Committee		76,382
Chairperson Strategy, Planning and Development Committee		76,382
Chairperson Te Karearea Strategic Partnership Forum		76,382
Chairperson Civic Honours Committee		60,014
Councillor with no additional responsibilities (7)		54,558
Councillor (Minimum Allowable Remuneration)		50,051

**Local Government Members (2022/23) Determination
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Schedule 2

**Schedule 2
Remuneration from 2022 election of members**

cl 7(2)

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

Bay of Plenty Regional Council

Office	Annual remuneration (\$)
Chairperson	152,522
Councillor (Minimum Allowable Remuneration)	54,525

Canterbury Regional Council

Office	Annual remuneration (\$)
Chairperson	180,000
Councillor (Minimum Allowable Remuneration)	64,460

Hawke's Bay Regional Council

Office	Annual remuneration (\$)
Chairperson	142,761
Councillor (Minimum Allowable Remuneration)	58,224

Manawatū–Whanganui Regional Council

Office	Annual remuneration (\$)
Chairperson	147,893
Councillor (Minimum Allowable Remuneration)	49,012

Northland Regional Council

Office	Annual remuneration (\$)
Chairperson	133,892
Councillor (Minimum Allowable Remuneration)	53,710

Otago Regional Council

Office	Annual remuneration (\$)
Chairperson	152,881
Councillor (Minimum Allowable Remuneration)	50,833

Southland Regional Council

Office	Annual remuneration (\$)
Chairperson	129,434
Councillor (Minimum Allowable Remuneration)	37,788

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Schedule 2 **Local Government Members (2022/23) Determination**
2022

Taranaki Regional Council

Office	Annual remuneration (\$)
Chairperson	112,227
Councillor (Minimum Allowable Remuneration)	37,493

Waikato Regional Council

Office	Annual remuneration (\$)
Chairperson	163,254
Councillor (Minimum Allowable Remuneration)	58,640

Wellington Regional Council

Office	Annual remuneration (\$)
Chairperson	176,609
Councillor (Minimum Allowable Remuneration)	63,237

West Coast Regional Council

Office	Annual remuneration (\$)
Chairperson	96,662
Councillor (Minimum Allowable Remuneration)	37,112

Part 2

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

Ashburton District Council

Office	Annual remuneration (\$)
Mayor	132,690
Councillor (Minimum Allowable Remuneration)	29,842

Methven Community Board

Office	Annual remuneration (\$)
Chairperson	5,554
Member	2,777

Auckland Council

Office	Annual remuneration (\$)
Mayor	296,000
Councillor (Minimum Allowable Remuneration)	107,794

Albert–Eden Local Board

Office	Annual remuneration (\$)
Chairperson	97,068

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Office	Annual remuneration (\$)
Deputy Chairperson	58,241
Member	48,534

Aotea/Great Barrier Local Board

Office	Annual remuneration (\$)
Chairperson	60,060
Deputy Chairperson	36,036
Member	30,030

Devonport–Takapuna Local Board

Office	Annual remuneration (\$)
Chairperson	91,348
Deputy Chairperson	54,809
Member	45,674

Franklin Local Board

Office	Annual remuneration (\$)
Chairperson	95,468
Deputy Chairperson	57,281
Member	47,734

Henderson–Massey Local Board

Office	Annual remuneration (\$)
Chairperson	106,921
Deputy Chairperson	64,152
Member	53,460

Hibiscus and Bays Local Board

Office	Annual remuneration (\$)
Chairperson	97,639
Deputy Chairperson	58,584
Member	48,820

Howick Local Board

Office	Annual remuneration (\$)
Chairperson	102,244
Deputy Chairperson	61,347
Member	51,122

Kaipātiki Local Board

Office	Annual remuneration (\$)
Chairperson	96,867
Deputy Chairperson	58,120

Schedule 2		Local Government Members (2022/23) Determination 2022	
Office		Annual remuneration (\$)	
Member			48,434
<i>Māngere–Ōtāhuhu Local Board</i>			
Office		Annual remuneration (\$)	
Chairperson			107,640
Deputy Chairperson			64,584
Member			53,820
<i>Manurewa Local Board</i>			
Office		Annual remuneration (\$)	
Chairperson			106,308
Deputy Chairperson			63,785
Member			53,154
<i>Maungakiekie–Tāmaki Local Board</i>			
Office		Annual remuneration (\$)	
Chairperson			100,863
Deputy Chairperson			60,518
Member			50,431
<i>Ōrākei Local Board</i>			
Office		Annual remuneration (\$)	
Chairperson			94,479
Deputy Chairperson			56,688
Member			47,240
<i>Ōtara–Papatoetoe Local Board</i>			
Office		Annual remuneration (\$)	
Chairperson			107,207
Deputy Chairperson			64,324
Member			53,604
<i>Papakura Local Board</i>			
Office		Annual remuneration (\$)	
Chairperson			98,116
Deputy Chairperson			58,869
Member			49,058
<i>Puketāpapa Local Board</i>			
Office		Annual remuneration (\$)	
Chairperson			93,542
Deputy Chairperson			56,125
Member			46,771

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Rodney Local Board

Office	Annual remuneration (\$)
Chairperson	93,633
Deputy Chairperson	56,180
Member	46,817

Upper Harbour Local Board

Office	Annual remuneration (\$)
Chairperson	92,413
Deputy Chairperson	55,448
Member	46,206

Waiheke Local Board

Office	Annual remuneration (\$)
Chairperson	70,710
Deputy Chairperson	42,426
Member	35,355

Waitākere Ranges Local Board

Office	Annual remuneration (\$)
Chairperson	91,497
Deputy Chairperson	54,898
Member	45,748

Waitematā Local Board

Office	Annual remuneration (\$)
Chairperson	101,708
Deputy Chairperson	61,025
Member	50,854

Whau Local Board

Office	Annual remuneration (\$)
Chairperson	99,427
Deputy Chairperson	59,656
Member	49,714

Buller District Council

Office	Annual remuneration (\$)
Mayor	115,736
Councillor (Minimum Allowable Remuneration)	23,640

Inangahua Community Board

Office	Annual remuneration (\$)
Chairperson	7,367

Schedule 2

**Local Government Members (2022/23) Determination
2022**

Office	Annual remuneration (\$)
Member	3,684

Carterton District Council

Office	Annual remuneration (\$)
Mayor	100,365
Councillor (Minimum Allowable Remuneration)	19,375

Central Hawke's Bay District Council

Office	Annual remuneration (\$)
Mayor	119,272
Councillor (Minimum Allowable Remuneration)	31,401

Central Otago District Council

Office	Annual remuneration (\$)
Mayor	120,841
Councillor (Minimum Allowable Remuneration)	27,182

Cromwell Community Board

Office	Annual remuneration (\$)
Chairperson	14,661
Member	7,331

Maniototo Community Board

Office	Annual remuneration (\$)
Chairperson	7,109
Member	3,554

Teviot Valley Community Board

Office	Annual remuneration (\$)
Chairperson	7,109
Member	3,554

Vincent Community Board

Office	Annual remuneration (\$)
Chairperson	15,774
Member	7,887

Chatham Islands Council

Office	Annual remuneration (\$)
Mayor	57,408
Councillor (Minimum Allowable Remuneration)	13,765

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Christchurch City Council

Office	Annual remuneration (\$)
Mayor	200,000
Councillor (Minimum Allowable Remuneration)	100,278

Te Pātaka o Rākaihautū Banks Peninsula Community Board

Office	Annual remuneration (\$)
Chairperson	20,305
Member	10,153

Waihoru Spreydon-Cashmere-Heathcote Community Board

Office	Annual remuneration (\$)
Chairperson	52,077
Member	26,039

Waimāero Fendalton-Waimairi-Harewood Community Board

Office	Annual remuneration (\$)
Chairperson	49,565
Member	24,810

Waipapa Papanui-Innes-Central Community Board

Office	Annual remuneration (\$)
Chairperson	47,380
Member	23,690

Waipuna Hornby-Halswell-Riccarton Community Board

Office	Annual remuneration (\$)
Chairperson	51,109
Member	25,572

Waitai Coastal-Burwood-Linwood Community Board

Office	Annual remuneration (\$)
Chairperson	49,755
Member	24,905

Clutha District Council

Office	Annual remuneration (\$)
Mayor	124,638
Councillor (Minimum Allowable Remuneration)	21,789

Lawrence–Tuapeka Community Board

Office	Annual remuneration (\$)
Chairperson	5,998
Member	2,999

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Schedule 2	Local Government Members (2022/23) Determination 2022	
<i>West Otago Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		7,109
Member		3,554
Dunedin City Council		
Office		Annual remuneration (\$)
Mayor		172,378
Councillor (Minimum Allowable Remuneration)		64,181
<i>Mosguel–Taieri Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		19,799
Member		9,899
<i>Otago Peninsula Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		16,718
Member		8,359
<i>Saddle Hill Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		16,939
Member		8,469
<i>Strath Taieri Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		14,889
Member		7,445
<i>Waikouaiti Coast Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		16,498
Member		8,249
<i>West Harbour Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		16,939
Member		8,469
Far North District Council		
Office		Annual remuneration (\$)
Mayor		162,879
Councillor (Minimum Allowable Remuneration)		64,660

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Bay of Islands–Whangaroa Community Board

Office	Annual remuneration (\$)
Chairperson	32,186
Member	16,093

Kaikohe–Hokianga Community Board

Office	Annual remuneration (\$)
Chairperson	27,589
Member	13,795

Te Hiku Community Board

Office	Annual remuneration (\$)
Chairperson	28,164
Member	14,082

Gisborne District Council

Office	Annual remuneration (\$)
Mayor	158,068
Councillor (Minimum Allowable Remuneration)	41,610

Gore District Council

Office	Annual remuneration (\$)
Mayor	112,010
Councillor (Minimum Allowable Remuneration)	19,136

Mataura Community Board

Office	Annual remuneration (\$)
Chairperson	4,242
Member	2,121

Grey District Council

Office	Annual remuneration (\$)
Mayor	116,626
Councillor (Minimum Allowable Remuneration)	26,208

Hamilton City Council

Office	Annual remuneration (\$)
Mayor	180,335
Councillor (Minimum Allowable Remuneration)	80,293

Hastings District Council

Office	Annual remuneration (\$)
Mayor	160,955

Schedule 2

Local Government Members (2022/23) Determination
2022

Office	Annual remuneration (\$)
Councillor (Minimum Allowable Remuneration)	47,747

Hastings District Rural Community Board

Office	Annual remuneration (\$)
Chairperson	15,475
Member	7,738

Hauraki District Council

Office	Annual remuneration (\$)
Mayor	128,976
Councillor (Minimum Allowable Remuneration)	25,811

Horowhenua District Council

Office	Annual remuneration (\$)
Mayor	141,395
Councillor (Minimum Allowable Remuneration)	33,465

Te Awahou Foxton Community Board

Office	Annual remuneration (\$)
Chairperson	12,884
Member	6,442

Hurunui District Council

Office	Annual remuneration (\$)
Mayor	113,138
Councillor (Minimum Allowable Remuneration)	24,799

Hanmer Springs Community Board

Office	Annual remuneration (\$)
Chairperson	8,259
Member	4,130

Hutt City Council

Office	Annual remuneration (\$)
Mayor	164,046
Councillor (Minimum Allowable Remuneration)	57,870

Eastbourne Community Board

Office	Annual remuneration (\$)
Chairperson	13,926
Member	6,963

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Petone Community Board

Office	Annual remuneration (\$)
Chairperson	16,580
Member	8,290

Wainuiomata Community Board

Office	Annual remuneration (\$)
Chairperson	17,465
Member	8,732

Invercargill City Council

Office	Annual remuneration (\$)
Mayor	149,291
Councillor (Minimum Allowable Remuneration)	38,642

Bluff Community Board

Office	Annual remuneration (\$)
Chairperson	8,842
Member	4,421

Kaikōura District Council

Office	Annual remuneration (\$)
Mayor	86,000
Councillor (Minimum Allowable Remuneration)	19,580

Kaipara District Council

Office	Annual remuneration (\$)
Mayor	133,501
Councillor (Minimum Allowable Remuneration)	34,531

Kapiti Coast District Council

Office	Annual remuneration (\$)
Mayor	145,588
Councillor (Minimum Allowable Remuneration)	38,964

Ōtaki Community Board

Office	Annual remuneration (\$)
Chairperson	14,963
Member	7,481

Paekākāriki Community Board

Office	Annual remuneration (\$)
Chairperson	7,924
Member	3,962

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Schedule 2

Local Government Members (2022/23) Determination
2022

Paraparaumu Community Board

Office	Annual remuneration (\$)
Chairperson	19,100
Member	9,550

Raumati Community Board

Office	Annual remuneration (\$)
Chairperson	14,554
Member	7,277

Waikanae Community Board

Office	Annual remuneration (\$)
Chairperson	17,373
Member	8,686

Kawerau District Council

Office	Annual remuneration (\$)
Mayor	107,246
Councillor (Minimum Allowable Remuneration)	20,965

Mackenzie District Council

Office	Annual remuneration (\$)
Mayor	88,714
Councillor (Minimum Allowable Remuneration)	21,933

Fairlie Community Board

Office	Annual remuneration (\$)
Chairperson	4,117
Member	2,058

Tekapo Community Board

Office	Annual remuneration (\$)
Chairperson	4,117
Member	2,058

Twizel Community Board

Office	Annual remuneration (\$)
Chairperson	5,135
Member	2,567

Manawatu District Council

Office	Annual remuneration (\$)
Mayor	132,068
Councillor (Minimum Allowable Remuneration)	33,403

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Marlborough District Council

Office	Annual remuneration (\$)
Mayor	149,909
Councillor (Minimum Allowable Remuneration)	38,306

Masterton District Council

Office	Annual remuneration (\$)
Mayor	133,530
Councillor (Minimum Allowable Remuneration)	34,433

Matamata-Piako District Council

Office	Annual remuneration (\$)
Mayor	134,533
Councillor (Minimum Allowable Remuneration)	32,437

Napier City Council

Office	Annual remuneration (\$)
Mayor	153,888
Councillor (Minimum Allowable Remuneration)	49,073

Nelson City Council

Office	Annual remuneration (\$)
Mayor	149,909
Councillor (Minimum Allowable Remuneration)	40,083

New Plymouth District Council

Office	Annual remuneration (\$)
Mayor	160,757
Councillor (Minimum Allowable Remuneration)	48,531

Clifton Community Board

Office	Annual remuneration (\$)
Chairperson	12,604
Member	6,302

Inglewood Community Board

Office	Annual remuneration (\$)
Chairperson	17,563
Member	8,782

Kaitake Community Board

Office	Annual remuneration (\$)
Chairperson	15,212

Schedule 2		Local Government Members (2022/23) Determination 2022	
Office		Annual remuneration (\$)	
Member			7,606
<i>Puketapu-Bell Block Community Board</i>			
Office		Annual remuneration (\$)	
Chairperson			16,928
Member			8,464
<i>Waitara Community Board</i>			
Office		Annual remuneration (\$)	
Chairperson			16,928
Member			8,464
<i>Ōpōtiki District Council</i>			
Office		Annual remuneration (\$)	
Mayor			114,200
Councillor (Minimum Allowable Remuneration)			31,579
<i>Coast Community Board</i>			
Office		Annual remuneration (\$)	
Chairperson			10,269
Member			5,135
<i>Ōtorohanga District Council</i>			
Office		Annual remuneration (\$)	
Mayor			107,465
Councillor (Minimum Allowable Remuneration)			24,693
<i>Kawhia Community Board</i>			
Office		Annual remuneration (\$)	
Chairperson			4,117
Member			2,058
<i>Ōtorohanga Community Board</i>			
Office		Annual remuneration (\$)	
Chairperson			14,733
Member			7,367
<i>Palmerston North City Council</i>			
Office		Annual remuneration (\$)	
Mayor			160,314
Councillor (Minimum Allowable Remuneration)			47,849

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Porirua City Council

Office	Annual remuneration (\$)
Mayor	151,954
Councillor (Minimum Allowable Remuneration)	42,136

Queenstown-Lakes District Council

Office	Annual remuneration (\$)
Mayor	143,734
Councillor (Minimum Allowable Remuneration)	40,710

Wānaka-Upper Clutha Community Board

Office	Annual remuneration (\$)
Chairperson	24,659
Member	12,329

Rangitikei District Council

Office	Annual remuneration (\$)
Mayor	114,624
Councillor (Minimum Allowable Remuneration)	23,883

Ratana Community Board

Office	Annual remuneration (\$)
Chairperson	4,377
Member	2,189

Taihape Community Board

Office	Annual remuneration (\$)
Chairperson	8,929
Member	4,465

Rotorua District Council

Office	Annual remuneration (\$)
Mayor	159,679
Councillor (Minimum Allowable Remuneration)	59,442

Rotorua Lakes Community Board

Office	Annual remuneration (\$)
Chairperson	17,288
Member	8,644

Rotorua Rural Community Board

Office	Annual remuneration (\$)
Chairperson	19,321
Member	9,661

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Schedule 2		Local Government Members (2022/23) Determination 2022
Ruapehu District Council		
Office		Annual remuneration (\$)
Mayor		120,497
Councillor (Minimum Allowable Remuneration)		23,948
<i>Ōwhango-National Park Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		6,140
Member		3,070
<i>Taumarunui-Ōhura Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		13,910
Member		6,955
<i>Waimarino-Waiouru Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		13,910
Member		6,955
Selwyn District Council		
Office		Annual remuneration (\$)
Mayor		146,861
Councillor (Minimum Allowable Remuneration)		40,116
<i>Malvern Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		18,238
Member		9,119
South Taranaki District Council		
Office		Annual remuneration (\$)
Mayor		139,953
Councillor (Minimum Allowable Remuneration)		30,888
<i>Eltham-Kaponga Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		11,733
Member		5,866
<i>Pātea Community Board</i>		
Office		Annual remuneration (\$)
Chairperson		11,330
Member		5,665

**Local Government Members (2022/23) Determination
2022**

Schedule 2

Taranaki Coastal Community Board

Office	Annual remuneration (\$)
Chairperson	12,850
Member	6,425

Te Hāwera Community Board

Office	Annual remuneration (\$)
Chairperson	14,440
Member	7,220

South Waikato District Council

Office	Annual remuneration (\$)
Mayor	133,621
Councillor (Minimum Allowable Remuneration)	30,725

Tirau Community Board

Office	Annual remuneration (\$)
Chairperson	6,886
Member	3,443

South Wairarapa District Council

Office	Annual remuneration (\$)
Mayor	105,157
Councillor (Minimum Allowable Remuneration)	18,855

Featherston Community Board

Office	Annual remuneration (\$)
Chairperson	6,697
Member	3,349

Greytown Community Board

Office	Annual remuneration (\$)
Chairperson	6,697
Member	3,349

Martinborough Community Board

Office	Annual remuneration (\$)
Chairperson	6,697
Member	3,349

Southland District Council

Office	Annual remuneration (\$)
Mayor	134,914
Councillor (Minimum Allowable Remuneration)	30,472

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Schedule 2	Local Government Members (2022/23) Determination 2022	
<i>Ardlussa Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		7,702
Member		3,851
<i>Fiordland Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		9,469
Member		4,734
<i>Northern Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		7,446
Member		3,723
<i>Oraka Aparima Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		8,319
Member		4,160
<i>Oreti Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		10,719
Member		5,360
<i>Stewart Island/Rakiura Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		4,117
Member		2,058
<i>Tuatapere Te Waewae Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		7,265
Member		3,633
<i>Waihopai Toetoe Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		10,091
Member		5,046
<i>Wallace Takitimu Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		8,845
Member		4,423

15/07/2022
PCO 24880/3.0

Local Government Members (2022/23) Amendment Determination 2022

This determination (to which is appended an explanatory memorandum) is made by the Remuneration Authority under the Remuneration Authority Act 1977 and clause 6 of Schedule 7 of the Local Government Act 2002, after having regard to the matters specified in clause 7 of that schedule.

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Determination

1 Title

This determination is the Local Government Members (2022/23) Amendment Determination 2022.

2 Commencement

This determination is deemed to have come into force on 1 July 2022.

3 Principal determination

This determination amends the Local Government Members (2022/23) Determination 2022.

4 Clause 14 amended (Childcare allowance)

Replace clause 14(3) with:

- (3) A local authority must not pay childcare allowances to a member that total more than \$6,000 per child during the determination term.

cl 5

**Local Government Members (2022/23) Amendment
Determination 2022**

5 Schedule 1 amended

- (1) In Schedule 1, Part 1, replace the item relating to Manawatū–Whanganui Regional Council with:

Manawatū–Whanganui Regional Council

Office	Annual remuneration (\$)
Chairperson	145,002
Deputy Chairperson	74,442
Audit, Risk, and Investment Committee Chair and Catchment Operations Committee Deputy Chair	74,442
Audit, Risk, and Investment Committee Deputy Chair	55,142
Catchment Operations Committee Chair	79,956
Environment Committee Chair	71,685
Environment Committee Deputy Chair/Manawatū River Users' Advisory Group Chair	55,142
Passenger Transport Committee Chair	71,685
Passenger Transport Committee Deputy Chair	55,142
Councillor with no additional responsibilities (2)	55,142
Councillor (Minimum Allowable Remuneration)	46,008

- (2) In Schedule 1, Part 2, replace the item relating to Hauraki District Council with:

Hauraki District Council

Office	Annual remuneration (\$)
Mayor	119,652
Deputy Mayor	44,128
Ward Committee Chairperson (3)	33,003
Emergency Management Committee Chairperson	30,780
Portfolio Leader (4)	28,553
Councillor with no additional responsibilities (3)	24,103
Councillor (Minimum Allowable Remuneration)	22,014

- (3) In Schedule 1, Part 2, item relating to Hutt City Council, replace the items relating to Deputy Mayor/Chair of Standing Committee, Chair of Standing Committee, Deputy Chair of Standing Committee, Chair Traffic Subcommittee, and Councillor with no additional responsibilities with:

Office	Annual remuneration (\$)
Deputy Mayor/Chair of Standing Committee	107,926
Chair of Standing Committee (3)	88,322
Deputy Chair of Standing Committee (3)	71,524
Chair Traffic Subcommittee	75,182
Councillor with no additional responsibilities (3)	61,517

- (4) In Schedule 1, Part 2, item relating to Tasman District Council, replace the items relating to Deputy Mayor, Chairperson Standing Committee, and Councillor with no additional responsibilities with:

**Local Government Members (2022/23) Amendment
Determination 2022**

Explanatory
memorandum

Office	Annual remuneration (\$)
Deputy Mayor	72,857
Chairperson Standing Committee (2)	59,056
Councillor with no additional responsibilities (9)	49,849

(5) In Schedule 1, Part 2, item relating to Waipa District Council, replace the items relating to Deputy Mayor, Committee Chair, and Councillor (with no additional responsibilities) with:

Office	Annual remuneration (\$)
Deputy Mayor	48,005
Committee Chair (4)	44,313
Councillor with no additional responsibilities (7)	36,927

6 Schedule 2 amended

In Schedule 2, Part 2, item relating to Christchurch City Council, replace the heading “*Waipuna Hornby-Halswell-Riccarton Community Board*” with “*Waipuna Halswell-Hornby-Riccarton Community Board*”.

Dated at Wellington this 19 day of July 2022.



Chairperson.



Member.



Member.

Explanatory memorandum

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

This determination, which is deemed to have come into force on 1 July 2022, amends the Local Government Members (2022/23) Determination 2022 (the **principal determination**).

Clause 4 amends clause 14 of the principal determination to clarify that the maximum childcare allowance applies to the period that is the term of the determination (1 July 2022 to 30 June 2023).

Clause 5 makes amendments to the annual remuneration payable to certain members of the Manawātū–Whanganui Regional Council, Hauraki District Council, Hutt City

Explanatory
memorandum

**Local Government Members (2022/23) Amendment
Determination 2022**

Council, Tasman District Council, and Waipa District Council set out in Schedule 1 of the principal determination. The amendments are made at the request of the Councils involved and approved by the Remuneration Authority.

Clause 6 corrects the name of the Waipuna Halswell-Hornby-Riccarton Community Board in Schedule 2 of the principal determination.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

Elected Members' Allowances and Recovery of Expenses Policy

ORGANISATIONAL POLICY

POLICY REFERENCES

□ Sponsor:

Chief Operating Officer

□ Effective date:

□ Internal review due:

Reviewed at three yearly intervals prior to the Local Authority elections.

□ External review

This policy remains within the limits of the current Remuneration and Allowances Determination, therefore it does not require Remuneration Authority approval.

□ Legal compliance:

Local Government Act 2002,
Remuneration Authority Act 1977,
Remuneration Setting for Local Authorities (published October 2019),
Local Government Elected Members Determinations,
Local Electoral Act 2001,
Fees and Travelling Allowances Act 1951, and related regulations.

□ Associated Documents/References

CS01 Sensitive Expenditure Policy
CS02 Koha and Donations Policy
CS09 Reimbursement of Work Related Expenses Policy
EM06 Elected Members Child Care Policy
Travel and Accommodation Policy
Standing Orders
Code of Conduct

□ Policy Number

EM05

□ Adopted by Council

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1 Purpose

This policy sets out the rules and processes for claiming expenses by elected members and the resources that will be available to them during their term in office.

2 Definitions

Chief Executive - the Chief Executive of the Tasman District Council.

Community Board – A Community Board situated within Tasman District.

Council - Tasman District Council.

Elected member - the elected members of Tasman District Council and Community Boards situated within Tasman District.

Group Manager Finance – the Group Manager Finance of Tasman District Council.

Mayor - the Mayor of the Tasman District Council.

Member of the Council - an elected member of the Council, including the Mayor. *For the avoidance of doubt, in these rules 'Member of the Council' does not include a member of a Community Board.*

Member of a Community Board - the members of community boards situated within the Tasman district.

Actual - as evidenced by the original receipt attached to the claim form.

Reasonable - that it is within the amount specified by this policy or as deemed reasonable by the Mayor and/or Chief Executive. Moderate and conservative, having regard to the circumstances and appropriate in all respects.

Council business - includes: formal council and community board meetings, committee meetings, workshops, statutory hearings, site visits, meetings with staff, meetings with community groups, meetings with members of the public. It does not include events where the primary focus is on social activity.

Remuneration Authority is an independent body established by the Remuneration Authority Act 1977, with responsibilities under the Local Government Act 2002 to determine remuneration and expense/allowance rules for local authority members.

3 Application

3.1 This Policy applies to all elected members of the Tasman District Council, Motueka Community Board and the Golden Bay Community Board.

4 Policy

4.1 The rules, guidelines and monetary amounts set out within this policy are subject to change as a result of further determinations and guidance from the Remuneration Authority.

4.2 Transparency is achieved by making details of elected members' expense claims available to the public on request.

5 Authentication and Payment of Claims

- 5.1 From time to time elected members incur expenses on the Council's behalf, which need to be reimbursed. This reimbursement and the use of Council-supplied resources apply only to elected members individually, and only while they are acting in their official capacity as elected members.
- 5.2
- 5.3 Claims are subject to a standard of probity and financial prudence that is to be expected of a local authority and able to stand public scrutiny.
- 5.4 Completed claims are to be submitted within seven (7) days following the end of the month. Late claims submitted after three months will not be entertained except in extraordinary circumstances.
- 5.5 Reimbursement of all claims will be processed through the payroll system in conjunction with elected member remuneration.
- 5.6 All claims by elected members (except for the Mayor) for reimbursement of expenses or payment of allowances in accordance with these rules, together with supporting documents including receipts and GST tax invoices, shall be submitted to the Group Manager Finance for approval. The Mayor shall submit his/her claims to the Chief Executive for approval.
- 5.7 In considering and approving reimbursement of claims the following principles will apply:
 - a) any expenses to be reimbursed must be on an actual and reasonable basis and in line with relevant Council policies;
 - b) have a justifiable business purpose;
 - c) be appropriate in all respects;
 - d) be moderate and conservative having regard to the circumstances;
 - e) be approved by a senior Council officer able to exercise independent judgement;
 - f) are adequately documented, including the provision of full original receipts and, for amounts over \$50, must be accompanied by a GST Tax Invoice. This means the receipt must state the words 'Tax Invoice'. Items under \$50 must be accompanied by a receipt along with details of reasons;
 - g) can be met within approved budgets or has been expressly authorised by Council outside of those budgets.
- 5.8 In the case of one-off expenditure, such as travel to conferences, the process and prior approvals required have been obtained.
- 5.9 In the case of vehicle mileage, travel time and communications, all limits set in this document do not exceed the Remuneration Authority's current Determination.
- 5.10 The Council's audit work programme will include sampling expense claims and allowances paid to elected members to ensure compliance with policy and with the current Remuneration Authority Determination.

6 Taxation

- 6.1 No allowances (as distinct from reimbursement of actual business expenses) are paid without the deduction of withholding tax. The taxation treatment of allowances and expense claims will at all times comply with the requirements and determinations of the Inland Revenue Department.
- 6.2 Members are responsible for ensuring they fulfil their own personal tax obligations.

7 Vehicles

- 7.1 Except for the Mayor, no elected members are provided with the use of a vehicle by the Council. The Mayor's vehicle will be available for his/her private use. A deduction will be made from his/her salary as determined by the Remuneration Authority. The Mayor will not be able to claim for vehicle mileage.

8 Car Parks

- 8.1 Except for the Mayor, no elected members are provided with the use of a designated car park. With the exception of the Mayor who has a designated car park, elected members may not park in marked "TDC Cars Only" vehicle parks at the Richmond office site.
- 8.2 Council members and the Community Board members will be provided with a parking permit that exempts the vehicle from the time limits applicable to managed parking (P90 and P120) on the streets surrounding the Council's offices. These permits are only applicable while the member is on Council business. Abuse of this privilege may lead to cancellation of the permit.

9 Vehicle Mileage Allowance

- 9.1 Mileage will be paid up to the maximum rate per kilometre as set out in the current Remuneration Authority Determination. The mileage rate threshold will be as set out in the Remuneration Authority Determination. Refer to Schedule 1 for current rate. Note: the mileage rates in the Remuneration Authority Determination may not be consistent with the IRD tax exempt amounts.
- 9.2 Mileage will be paid to eligible members on receipt of a completed and signed mileage claim. The mileage claim may be incorporated into the monthly expenses claim and will be processed on the same basis.
- 9.3 To be eligible for mileage reimbursement the travel must be in the elected member's own vehicle and by the most direct route reasonable in the circumstances. Every reasonable effort should be made by elected members to share transport in order to reduce costs.

Note: the mileage and communications allowances, including the mileage rate threshold is as set out in the current Remuneration Authority Determination and have pro rata provisions for members not in their elected



position for the full 12 months of the financial year, i.e. those who do not return after elections, or those who are elected for the first time in October.

Rules applicable to Council Members

- 9.4 A member of the Council may make a mileage claim for travel that is for the purpose of undertaking official Council business, including:
- a) attending a meeting of the Council, or a committee of the Council, or a Community Board;
 - b) attending a meeting of Long Term Plan or Annual Plan hearings;
 - c) for travel:
 - i. to briefings, working parties, seminars, training courses, and information workshops where attendance has been requested by Council officers or by resolution of the Council;
 - ii. pursuant to a request or authorisation from the Mayor or Chief Executive;
 - iii. to meetings called by Council Officers to discuss Council business;
 - iv. to meetings of residents, ratepayers or community groups in the capacity of a member of the Council;
 - v. to official functions and events of the Council;

Rules applicable to Community Board Members

- 9.5 A member of a Community Board may make a mileage claim for travel that is for the purpose of undertaking official Community Board business, including:
- a) attending a meeting of the Community Board, a committee of Council, or of the Council;
 - b) for travel:
 - i. to briefings, working parties, seminars, training courses, and information workshops where attendance has been requested by Council officers or by resolution of the Council;
 - ii. to a specific event pursuant to a resolution of the Community Board;
 - iii. pursuant to a request or authorisation from the Mayor or Chief Executive;
 - iv. to meetings called by Council Officers to discuss Council business, including agenda setting;
 - v. to official functions and events of the Community Board;
 - vi. to meetings of residents, ratepayers or community groups in the capacity of a member of the Community Board;
 - vii. to National and Zone Community Board meetings and conferences;

10 Travel Time

- 10.1 Elected members (excluding the Mayor) may claim reimbursement at the rate set out in the current Remuneration Authority determination for travel time (including travel to and from the member's residence) for travel undertaken on any one day to attend a Council or Community Board related meeting or



event with a minimum threshold of one hour of time travelled. Refer to Schedule 1 for current rate.

- 10.2 Only time in excess of this threshold will qualify for payment and only if the travel is by the quickest form of transport and by the most direct route reasonable in the circumstances.
- 10.3 Travel time and mileage may be claimed for the same journey. Travel time is also applicable where the member is travelling with another person.

11 Travel and Accommodation

- 11.1 The principles as set out in the Sensitive Expenditure Policy section 5 apply to all elected members.
- 11.2 Elected members may need to incur travel and accommodation costs while conducting Council business elsewhere in New Zealand or overseas. The principles of a justified business purpose, moderate and conservative expenditure, are particularly relevant for travel and accommodation expenditure.
- 11.3 Travel and accommodation expenditure should be economical and efficient, having regard to purpose, distance, time, urgency and personal health, security and safety considerations.
- 11.4 To the extent where it is practical, travel and accommodation is to be booked well ahead of the actual travel date, so the expenditure is the most cost-effective possible.
- 11.5 Wherever possible use is to be made of Council's preferred suppliers and negotiated corporate rates. Any exceptions require the express approval of the Chief Executive or the Group Manager - Finance.
- 11.6 All elected members are entitled to payment of actual and reasonable travel, accommodation, meal and related incidental expenses (including travel insurance) incurred when travelling on Council business. Such travel must be pre-approved by the Council or the Community Board and be accommodated within existing budgets.
- 11.7 Where travel arrangements are extended to accommodate a member's personal arrangements, all costs in addition to those that would be expected for the business component of the trip are the responsibility of the elected official.

11.8 Taxis and Rental Cars

- a) **Taxis** - Council expects the use of taxis to be moderate, conservative and cost effective relative to other transport options. Wherever practicable shuttle or bus services are to be used in lieu of taxis. Taxis are only reimbursed for approved business conducted outside the district.
- b) **Rental Cars** - Council requires that the most economical type and size of rental car be used, consistent with the requirements of the trip. Rental cars are only available for business conducted outside the district and must be pre-approved. This approval may be given by the Chief Executive or the Group Manager - Finance. Any fines (parking or traffic offences) incurred while using a rental vehicle are the responsibility of the driver.
- c) **Private use** of a rental car is only permitted in exceptional circumstances and requires the express approval of the Mayor or the Chief Executive. All additional costs as a result of private use are the responsibility of the elected official.

11.9 Air Travel

- a) Council business air travel arrangements should be made through the Mayor's Executive Assistant.
- b) **Domestic travel** requires the prior approval of Council, or the Chief Executive or the Group Manager - Finance.
- c) **International travel** requires the express approval of Council.
- d) Discounted economy or economy class and/or a discount airline is to be the first choice for journeys where the uninterrupted flight time is 5 hours or less, except where the distance or hours travelled, work schedule on arrival, or personal health, safety or security reasons make business class preferable. In all circumstances first class travel is prohibited.
- e) Council payment for membership of airline travel clubs eg Koru Club is restricted to the Mayor. Subscriptions by elected members to airline clubs shall not be reimbursed or an allowance made.

11.10 Accommodation When Travelling

- a) Must take into account the location of the accommodation relative to the event, the standard of the accommodation (which should be modest) and security issues.
- b) The use of "luxury" accommodation is not permitted.
- c) **Private accommodation** – Where an elected member elects to arrange private accommodation, this will be reimbursed at a set nightly rate that is all inclusive of accommodation, transport to and from the private residence and meals. No other expenditure shall be claimed by the



elected member and no receipts are required for reimbursement to occur. Refer to Schedule 1 for the current rate.

- d) Accommodation check out times are to be observed. In the absence of extenuating circumstances, any additional costs as a result of failing to check out in time are the responsibility of the elected member.

11.11 Meals when Travelling

- a) Reasonable meal costs will be met with the total cost not expected to exceed the amount specified in Schedule 1, or such other amount as is set from time to time by the Chief Executive. Separate meal expenses will not be met where a meal has been provided as part of the meeting, conference, training, hotel booking etc.
- b) Drinks – Council will pay for only one beverage (alcoholic or non-alcoholic) with an evening meal, e.g. one glass of wine or non-alcoholic beverage, one can or one small bottle of beer. Casual drinks before or after the evening meal are to be paid for by the elected member.
- c) Minibars/Videos – these costs will not be reimbursed by Council.

11.12 Other Travel expenses

- a) **Phone Calls** – All charges for business-related telephone calls, faxes, email and internet access made by an elected official while travelling on Council business will be reimbursed. Reasonable private use to clear email and communicate with family members is permitted.
- b) **Unexpected Events** - Reasonable expenses will be met for unexpected events, e.g., overnight expenses due to a cancelled plane flight.

12 Accommodation and Meals – Official Meetings

12.1 Meals

- a) Where a Council meeting adjourns for lunch and a member of the Council buys his or her lunch, and where a Community Board meeting adjourns for lunch and a member of the Community Board buys his or her lunch, then the member may claim reimbursement of the cost of their lunch up to the amount specified in Schedule 1.
- b) Where the Councillors attend a meeting that ends at lunchtime and the same Councillors attend a subsequent meeting after lunch, then the member may claim reimbursement of the cost of their lunch up to the amount specified in Schedule 1.
- c) Otherwise, the cost of meals paid for by a member of the Council or a member of a Community Board shall be reimbursed only if the member has obtained the approval of the Chief Executive or the Group Manager - Finance.
- d) Reimbursement will only be applicable when lunch has not been provided by Council, or the Community Board.

- e) Reimbursement of the cost of meals must be accompanied by receipts and details of the reason for the claim.

12.2 Reimbursement for accommodation

- a) If it is unreasonable for an elected member to travel to his or her home after a meeting, the elected member may claim a meal and accommodation allowance. The maximum amount of the allowance is specified in Schedule 1 and is reimbursable with receipts. No reimbursement for purchases from hotel mini-bars or charges for in-room services will be accepted.

13 Entertainment and Hospitality

- 13.1 Except for meals reimbursed under other sections of this policy no hospitality and entertainment allowances are payable to elected members.
- 13.2 For reimbursement or charging, all entertainment and hospitality expenditure must comply with the requirements set down in the Sensitive Expenditure Policy.
- 13.3 In particular, elected members must ensure that full receipts, details of the names of parties entertained and reasons for the entertainment are to be provided.

14 Communications

14.1 Technology Equipment

- a) The Council provides the following equipment or the equivalent to designated members of Council. Private use of this equipment is permitted:
- Software - Community Board members to allow them to utilise electronic board and Council papers and resources
 - Notebook computer, printer – The Mayor
 - Mobile phone - The Mayor and the Deputy Mayor
 - Laptops - Councillors
- b) The laptops provided to Councillors to provide access to electronic Council and board papers may be retained by the elected member at the end of three years. At that time due to wear and tear and technological obsolesce they are of limited value or use on return to the Council.
- c) Council staff will assist with setting up access on the chosen device to Council systems.

14.2 Communications Allowance

- a) The Council provides a communications allowance to all elected members, with the exception of the Mayor.
- b) This annual allowance is reviewed every three years (or when the Remuneration Authority issues a Determination) and is based on the actual costs for a typical elected member. The allowance detailed in



Schedule 1 has been set in accordance with the current Local Government Members (Local Authorities) Determination. The difference in amounts is due to the provision of laptops to all Councillors by Council.

- c) The allowance covers provision by the elected member of equipment and also covers related data charges as detailed below. All maintenance and other costs are the responsibility of the member.
 - Printer;
 - Broadband internet connection and related charges including installation where applicable;
 - Home phone land line including rental and toll charges;
 - Mobile device and related charges including toll/data charges;
 - ICT consumables
- d) In exceptional circumstances where unusually high internet access set up costs apply e.g. in remote rural areas, the member may request a one-off reimbursement of 50% of the setup costs.
- e) In an election year the annual allowance will be paid pro rata in two amounts. The first being for the period up to the election date. The second for the period from the election date to 30 June in the following year.

15 Stationery and Consumables

- 15.1 Elected members receive an ICT allowance of \$1,300 per annum, which includes printer and any other ICT consumables, so no reimbursement claims can be made for these costs.

16 Conferences, Courses, Seminars and Training

- 16.1 The conference, course, seminar or training event must contribute to the Councillor's or the board member's ability to carry out Council and or board business.
- 16.2 The cost of a member of the Council or a member of a Community Board registering to attend a conference or seminar on Council or Community Board business shall be reimbursed only if the Council or Community Board has previously resolved to do so. Otherwise, no expenses are reimbursed or allowances paid in respect of elected member's attendance at professional development courses, conferences and seminars.

17 Clubs and Associations

- 17.1 Except as allowed under rule 12.8(e), no expenses are reimbursed, or allowances paid in respect of subscriptions to clubs or associations.

18 Other Expense Reimbursement

- 18.1 Other than as expressly provided for in a Remuneration Authority determination, or with the express approval of the Chief Executive or the



Group Manager - Finance, no other expense reimbursements are made or allowances paid, to elected members.

18.2 Certain items have been confirmed as not reimbursable as follows:

- increased clothing standard because of attendance at Council and other meetings;
- constituent expenses;
- lost time or the additional payments incurred in having normal work undertaken by someone else;
- personal subscriptions to magazines, clubs and organisations;
- hospitality extended to constituents in private home on Council business, and community contacts; and
- spouse's costs in attending functions, with the exception of the Mayor's spouse, invited in an official capacity.

Schedule One

Notes:

1. These are to be read in conjunction with the conditions described within the Policy Section
2. All items which attract GST are considered inclusive of GST unless specified otherwise

Policy Section	Item	Claimable Expense Rate	General Conditions
10.1	Mileage	83c per kilometre*	For a petrol, diesel, or electric vehicle, the first 14,000 kilometres of eligible travel. Other criteria apply. These are detailed in section 11 of the current Remuneration Authority Determination for Local Government Members. Note: Mileage may be subject to income tax, even within the 14,000 km.
10.1	Travel Time	\$40.00 per hour*	Other criteria apply. These are detailed in section 12 of the current Remuneration Authority Determination for Local Government Members.
11.10 (c)	Private Accommodation	\$55.00 per night	Inclusive of accommodation, transport to and from, and meals.
11.11 (a)	Meal	\$45.00	per person per meal.
12.1	Lunch	\$15.00	Official meeting days only.
12.2	Accommodation	\$180.00	Per night of official meeting.
14.2 (b)	Communication Allowance	\$1300.00pa	For Councillors and Community Board members.

*Amounts set by the Remuneration Authority

Authorised by Leonie Rae, Acting Chief Executive in accordance with Council Resolution

Date of approval:

Updated:

8.4 ADOPTION OF TASMAN DISTRICT COUNCIL STANDING ORDERS

Decision Required

Report To: Tasman District Council

Meeting Date: 3 November 2022

Report Author: Elaine Stephenson, Democracy Services Advisor

Report Number: RCN22-11-4

1 Summary

- 1.1 The Local Government Act 2002 (LGA) requires all local authorities to adopt a set of Standing Orders for the conduct of its meetings and those of its committees.
- 1.2 Standing Orders are a set of rules that provide formal guidance about the way that Council conducts its meetings. They also outline the Council's agreed principles of behaviour within meetings.
- 1.3 The proposed Standing Orders (**Attachment 1**) are adapted from the Local Government New Zealand ((Ko Tātou) LGNZ) model Standing Orders, which are used by councils. A guide to Standing Orders prepared by LGNZ is also attached (**Attachment 2**).
- 1.4 There are several optional clauses in the Model Standing Orders, for example allowing members to attend meetings remotely. The recommendations include some of these options and are further explained and discussed below in Section 5.
- 1.5 There are several minor amendments to the 2019 Standing Orders, shown as tracked changes in **Attachment 1**, these are listed below in Section 4.7.
- 1.6 It is recommended that Council adopt the Tasman District Council Standing Orders as attached to this report.

2 Draft Resolution

That the Tasman District Council

1. receives the Tasman District Council Standing Orders for Council Meetings report, RCN22-11-4; and
2. **agrees to / declines** the inclusion of the provisions providing the ability for members to attend meetings via audio or audio visual link (SO 12.7 – 12.14); and
3. **adopts / declines to adopt** the use of the casting vote for the Mayor and chairpersons, in the case of statutory decisions only (SO 18.3); and
4. **selects Option A / Option B / Option C** as the default for speaking and moving motions (SO 21.3); and

- 5. in accordance with Clause 27, Schedule 7 of the Local Government Act 2002, adopts the Tasman District Council Standing Orders as contained in Attachment 1 of the agenda report.**

3 Purpose of the Report

- 3.1 To adopt Tasman District Council's Standing Orders (**Attachment 1**).

4 Background and Discussion

- 4.1 Clause 27, Schedule 7 of the LGA requires local authorities to adopt a set of Standing Orders for the conduct of its meetings.
- 4.2 Standing Orders are a set of rules that provide a formal framework for the way Council conducts its meetings. They outline the Council's agreed principles of behaviour within meetings.
- 4.3 Standing Orders also ensure that the Council meets the requirements of the LGA and the Local Government Official Information and Meetings Act 1987 (LGOIMA), amongst other legislation.
- 4.4 The Standing Orders include legislative references for statutory provisions. Any statutory references apply throughout the period of the meeting. Where the word 'must' is used, unless otherwise stated, this identifies a mandatory legislative requirement.
- 4.5 Elected members must abide by the Standing Orders adopted by the Council unless the Standing Orders are temporarily suspended during a meeting (see relevant standing order below).

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend 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.

- 4.6 Any amendment to, or suspension of Standing Orders, or the adoption of new Standing Orders, requires the support of not less than 75% of the members present and voting.
- 4.7 There are several minor amendments to the previous Standing Orders which are highlighted via tracked changes in **Attachment 1**. These include:
- 4.7.1 expanded definitions for mihi whakatau and pōwhiri
- 4.7.2 the addition of the words ' unless stated otherwise in a committee or subcommittee's Terms of Reference' in SO 14.1 Time limits (public forum)
- 4.7.3 the words 'signed by the Chairperson' replaced with the word 'authenticated' to reflect that minutes will no longer need a signature, but will be authenticated by the addition of a copy of the confirming resolution
- 4.7.4 clarification in SO 22.5 regarding amendments that are direct negatives to the motion under discussion

4.7.5 Appendix 3: Motions and amendments - Motion LOST updated to reflect SO 22.9 that a new motion can be accepted to provide direction

4.7.6 Document Version Control added.

5 Optional Clauses

5.1 There are several optional clauses in the model Standing Orders. These optional clauses are:

5.1.1 A casting vote for the Chairperson (clause 18.3); and

5.1.2 The provision of the ability to join meetings by audio or audio visual means (12.7 – 12.14)

5.1.3 The choice of a default option for speaking and moving motions:

A - formal, (cl. 21.2); or

B - medium, (cl. 21.3); or

C - informal, (cl. 21.4).

Casting vote

5.2 The LGA allows chairpersons to use a casting vote if provision for such a vote is made in a council's standing orders. The vote can be used when there is an equality of votes.

5.3 There are three options for Council's consideration. The Mayor, Chairperson or person presiding at the meeting:

5.3.1 **Option 1:** can utilise the casting vote for any decision where there is an equality of votes;

5.3.2 **Option 2:** can only utilise the casting vote where a statutory decision is required (including but not limited to the adoption of Annual Plan, Annual Report, Long Term Plan, Regional Land Transport Plan, Tasman Resource Management Plan change); or

5.3.3 **Option 3:** cannot utilise the casting vote.

5.4 The LGNZ standing orders template includes the casting vote option (Option 1). However, staff are aware that there has historically been concern voiced by some elected members over the use of the casting vote. Consequently, staff are recommending Option 2. The rationale for this recommendation is that some decisions have to be made because the Council has statutory obligations and timelines to meet. Failing to meet these statutory timeframes can create legal and reputational risks for the Council.

5.5 This was the recommended option for the adoption of Standing Orders in 2019, however, the decision was made at the 24 October 2019 Council meeting to decline to adopt the use of the casting vote in the case of statutory decisions only.

5.6 If the same decision is made to decline to adopt the use of the casting vote in the case of statutory decisions, it should be noted that Standing Order 22.9 would apply:

22.9 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.

- 5.7 This provides clarity that a new motion may be accepted to achieve resolution of the statutory decision.

Audio / audio visual link

- 5.8 Given that the use of meeting attendance via audio visual link is now commonplace, especially throughout the period of the COVID-19 Epidemic Preparedness Notice, these provisions have been recommended for inclusion in Council's Standing Orders.
- 5.9 It should be noted that when the Epidemic Preparedness Notice expires, members attending via audio visual link will no longer count towards the meeting quorum.

Speaking and Moving Options

- 5.10 The LGNZ standing orders template offers councils a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.
- 5.10.1 **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. (This is the framework used in the Standards New Zealand Model Standing Orders.)
- 5.10.2 **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.
- 5.10.3 **Option C** provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.
- 5.11 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. The default option be noted as the default option in the adopted standing orders. Tasman District Council has previously used Option B, therefore that is the option recommended in this report.
- 5.12 The options and advantages/disadvantages for all of the optional clauses are outlined in the following tables.

Casting Vote			
	Option	Advantage	Disadvantage
1.	Option 1 – Chair can utilise casting vote	Ensures that a decision can be made in the event of an equality of votes	Decisions could be made without achieving a majority vote
2.	Option 2 – Chair can utilise casting vote where a statutory decision is required	Ensures that a decision can be made in the event of an equality of votes where a statutory decision is required	Decisions on important matters (statutory decisions) may be considered more robust when made by a majority vote

3.	Option 3 – Chair cannot utilise casting vote	Only majority decisions are made	A decision would be lost in the event of an equality of votes.
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5.13 Option 2 is recommended.

Audio/Audio Visual Link			
	Option	Advantage	Disadvantage
1.	Option 1 – Include the provisions for attendance by audio/audio-visual link	Allows participation by elected members when they are not physically able to be present or the travel times/distances are uneconomic. Greater participation can lead to more robust decision making. Benefits were proven during the COVID-19 restrictions.	None identified.
2.	Option 2 – Do not include the provisions for attendance by audio/audio-visual link	Can be easier to manage meetings when everyone is physically present.	Does not allow participation by elected members when not physically able to be present. This may lead to less robust decision making.

5.14 Option 1 is recommended. Staff consider the benefit of allowing members to attend via audio visual link is valuable and recommend the inclusion of the provisions.

Speaking and Moving			
	Option	Advantage	Disadvantage
1.	Option A - formal	Most formal, limits the number of times members can speak and move amendments (used in Model Standing Orders).	Does not allow much collaboration, or arriving at a consensus on motions.
2.	Option B – less formal	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	Still structured, but allows more collaboration, or arriving at a consensus on motions.

		move or second an amendment.	
3.	Option C - flexible	Provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.	Possibility of unstructured decision-making and may not comply with good decision making requirements.

- 5.15 Option B is recommended. This is the option previously adopted in the 2019 – 2021 triennium and it is felt that this worked well, with the right balance of structured, but allowing collaboration in arriving at a consensus.

6 Policy / Legal Requirements / Plan

- 6.1 The adoption of a set of Standing Orders fulfils the requirements of Clause 27, Schedule 7 of the Local Government Act 2002, and also ensures that other legislation, such as the Local Government Official Information and Meetings Act 1987, is complied with.

7 Consideration of Financial or Budgetary Implications

- 7.1 There are no financial considerations associated with adoption of Standing Orders. However, it is noted if the optional Audio/Audio- visual link clauses are not approved, there may be additional travel costs associated with elected members attending meetings.

8 Significance and Engagement

- 8.1 Adopting a set of Standing Orders is a requirement under legislation and is considered of very low significance and with a low degree of public interest. It does not impact on levels of service or have financial implications. Community engagement is not recommended.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	Unlikely to be much public interest in Council's Standing Orders, which generally align with the LGNZ Model Standing Orders.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	N/A	
3.	Is there a significant impact arising from duration of the effects from the decision?	N/A	
4.	Does this activity contribute or detract from one of the goals in the Tasman Climate Action Plan 2019 ?	N/A	

	Issue	Level of Significance	Explanation of Assessment
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
6.	Does the decision create a substantial change in the level of service provided by Council?	N/A	
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	N/A	
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	N/A	
10	Does the proposal or decision involve Council exiting from or entering into a group of activities?	N/A	
11	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	N/A	

9 Conclusion

- 9.1 It is recommended that the Council adopt the Standing Orders 2022 as in Attachment 1 to the agenda report.

10 Next Steps / Timeline

- 10.1 The Standing Orders will come into effect when adopted by resolution and will apply to all meetings of the Council, its committees, subcommittees, quasi-judicial committees and subordinate decision-making bodies. The Golden Bay and Motueka Community Boards will be asked to adopt Standing Orders for their Community Boards.

11 Attachments

- | | | |
|----------------------|---|-----|
| 1. ↓ | Tasman District Council Standing Orders - tracked changes version for adoption 2022-11.03 | 205 |
| 2. ↓ | LGNZ Guide to Standing Orders 2022 | 283 |



Standing Orders

~~20 May 2021~~ Adopted 3 November 2022

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. 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, and local and community boards. 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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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 Part 3 the Appendices provide 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 of the standing orders and is 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 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 combine statutory provisions with guidance on their application. 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 the 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 Authority 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.

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 audio-visual 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 territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorised by the local authority.

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.

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.

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.

Local authority means in the context of these standing orders a regional council or territorial authority, 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.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board 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.~~ Mihi whakatau is a greeting ceremony or official welcome speech. Unlike a pōwhiri, a mihi whakatau can be more informal and can be used outside of a marae setting. It often doesn't include a karanga. It can be used to welcome people and kaupapa (topics).

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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 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.

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

Pōwhiri / Pōhiri - A pōwhiri / pōhiri is a ceremonial process that most often occurs on a marae. A pōwhiri is a way for tangata whenua (home people of the marae) to welcome manuhiri (visitors) onto their marae. It will involve karanga and whaikōrero and manuhiri will also offer a koha to the tangata whenua. On rare occasions a pōwhiri may be held in other locations at the discretion of tangata whenua. If a welcome ceremony is to take place off marae it is usually referred to as a mihi whakatau and utilises different tikanga (practices) to a formal pōwhiri

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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;
- 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.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district 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 the motion. (The right can also 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, but not local or community boards or 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 council, or a committee of a council, local board or community board. See definition of “Committee”.

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in 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. Local boards and community boards must also adopt standing orders. 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. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

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. Local boards and community boards which have adopted these standing orders must also comply with them.

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. They will also apply to any local boards and community boards unless stated otherwise. This includes 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, and local and community board, may move a motion to suspend 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 or a local or community board 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, local board and community board 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.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. 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 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 mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (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 Mayor or 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.

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or her self.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

s. 41A (3) and (4) LGA 2002.

5.4 Elections of regional Chairpersons, deputy Mayors 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 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson of a regional council;
- the deputy Mayor;
- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 7.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor 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, community board, local board, 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*;
- (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, subordinate decision-making body, local board, community board, 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.

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. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

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

6.5 Committees and sub committees 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.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

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. In the case of a committee established by a local board or community board at least one member must be a member of that board. 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 Membership of Mayor

The Mayor is a member of every committee of the local authority.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee, local or community board 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.

7.8 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; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (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.

7.9 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.

7.10 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

Please note: the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

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 month, together with the dates on which and the times and places 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 be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

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 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 Mayor or Chairperson, or
 - ii. no 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 in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of 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 meetings

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 requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

cl. 22 (2) Schedule 7, LGA 2002.

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting 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 must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

cl. 22 (4), Schedule 7 LGA 2002.

8.8 Chief executive may make other arrangements

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.

s. 46(5) LGOIMA.

8.9 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.

8.10 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.

8.11 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.

8.12 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.

8.13 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, subordinate decision-making body, local boards or community board 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 11.

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 10.

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.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, 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 (see Standing Order 8.4).

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

Opening and closing

Local authorities, local boards and community boards 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 ~~pōwhiri~~ pōwhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Councils

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.

10.2 Committees and subcommittees

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.

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, or if established by a local board or community board, the relevant board.

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

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. 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.

10.4 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.

10.5 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.

10.6 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. Public access and recording

11.1 Meetings open to the public

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

s.47 & 49(a), LGOIMA.

11.2 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.

11.3 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.

11.4 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. Attendance

12.1 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.

12.2 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.

12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition, a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 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 must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

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

12.5 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.

12.6 Absent without leave

Where a member is absent from the council, local board or community board for four consecutive meetings without leave of absence (not including extraordinary 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.

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

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

12.9 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.

12.10 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;
- (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.

12.11 Conditions for attending by audio or audio visual link

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.

12.12 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 is not 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.

12.13 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.

12.14 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.

12.15 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.

12.16 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. Chairperson's role in meetings

13.1 Council meetings

The Mayor or Chairperson of the council or local or community board must preside at meetings of the council or board 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 Mayor/chair must act as Chairperson. If the deputy Mayor/chair is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting. This provision also applies to committees and subcommittees.

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

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting 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 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.

13.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 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.

13.5 Chairperson standing

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

13.6 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.

13.7 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. Public Forums

Public forums are a defined period of time, usually at the start of a 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 to the attention of the local authority.

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

14.1 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, unless stated otherwise in a committee or subcommittee's Terms of Reference. Requests must be made to the meeting secretary

at least one clear day before the meeting; however, this requirement may be waived by the Chairperson.

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.

14.2 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;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.3 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.

14.4 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.

15. 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 approved by the Chairperson or an official with delegated authority.

15.1 Time limits

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 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;
- 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 of a deputation

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

15.4 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.

16. Petitions

16.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. 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 petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition to be translated and reprinted, if necessary.

16.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, 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 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. Exclusion of public

17.1 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.

17.2 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.

17.3 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.

17.4 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;
- (b) the information is no longer confidential.

17.5 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. Voting

18.1 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 (or local and community boards) 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 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 Chairperson's casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, ~~does not have~~ has a casting vote, ~~including only~~ where a statutory decision is required (including but not limited to Annual Plan, Annual Report, Long Term Plan, Regional Land Transport Plan, Bylaws, Tasman Resource Management Plan change for example).

cl. 24 (4) Schedule 7, LGA 2002.

18.4 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 displayed notified to the Chairperson who must declare the result.

18.5 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.

18.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain

Any member may abstain from voting.

19. Conduct

19.1 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.

19.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.3 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.

19.4 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.

19.5 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.

19.6 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.

19.7 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.

19.8 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 (or local or community board) 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.

19.9 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.

19.10 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.

19.11 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.

20. General rules of debate

20.1 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, is subject to the discretion of the Chairperson.

20.2 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 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (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.

20.3 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.

20.4 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.

20.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

20.6 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.

20.7 Second may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

20.8 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.

20.9 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.

20.10 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.

20.11 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.

20.12 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.

20.13 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;
- (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.

20.14 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 local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

20.15 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.

21. General procedures for speaking and moving motions

21.1 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, and any local or community boards.

Option B applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option C for the meeting generally, or for any specified items on the agenda.

21.2 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.

21.3 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 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 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.

21.4 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.

21.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

22. Motions and amendments

22.1 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 and are not entered in the minutes.

22.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 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.

22.4 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.

22.5 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 amendment that, if carried, would have the same effect as defeating the motion, is a direct negative and is not allowed. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.~~

22.6 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 and the nature of their content.

22.7 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.

22.8 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.

22.9 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.

22.10 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.

22.11 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. Revocation or alteration of resolutions**23.1 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, subordinate body, local or community board. 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.

23.2 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, or a local or community board, 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 or local board or community board.

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

23.3 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.

23.4 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;
- (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.

23.5 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.

23.6 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, local or community board, 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. Procedural motions

24.1 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.

24.2 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;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.3 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.

24.4 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.

24.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 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. Points of order**25.1 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).

25.2 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 – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.5 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.

26. Notices of motion

26.1 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.

26.2 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 subordinate body or a local or community board.

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.

26.3 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.

26.4 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.

26.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 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 or a local or community board 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.

26.7 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. Minutes

27.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. When confirmed by resolution at a subsequent meeting, the minutes will be ~~signed by the Chairperson~~ **authenticated** and stored electronically. They will provide prima facie evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

27.2 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 votes or abstentions 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;
- (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.

27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

28. Minute books

28.1 Inspection

A hard copy of the local authority's minute books must be kept by the chief executive and be open 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.

28.2 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 a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- 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
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

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; or,
 - (c) 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
 - (d) 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; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, 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; or
 - 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

Appendix 2: Sample resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)*

The general subject of each matter 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 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1	<i>Report Title</i>	Good reason to withhold exists under Section 7.	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. Section 48(1)(a)
2		Good reason to withhold exists under Section 7.	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. Section 48(1)(a)
3		Good reason to withhold exists under Section 7.	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. Section 48(1)(a)

4	<i>Hearings Committee</i>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<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> <p>i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or</p> <p>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> <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 s. 48(1)(d).</p>
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This resolution 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:

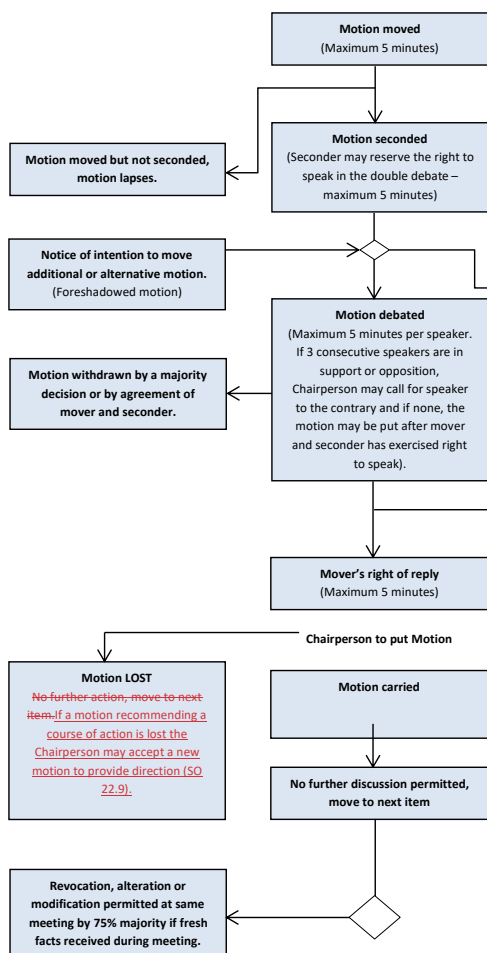
Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))

Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (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))
	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))
	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 - (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 (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	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)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

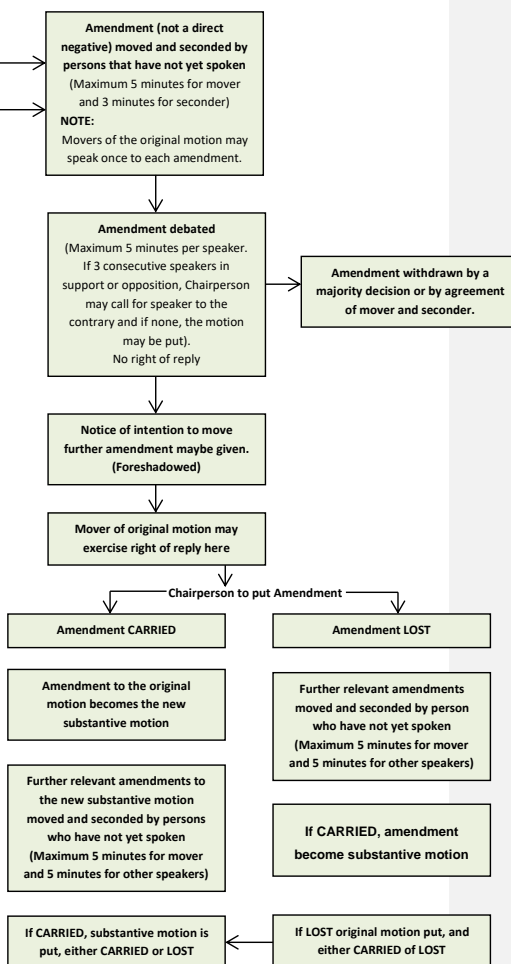
THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments



Motions with amendments



Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is second 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 second 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 5: 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 web cast.

Appendix 6: 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;
- (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
- (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
 - iv. the requirements in these standing orders are met.

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

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Chairperson and deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or 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, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or 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, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 9: 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 Mayor,
- (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
- (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.

Appendix 10: 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) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 11: 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
- report of a community and/or local board
- 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
- 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.

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GUIDE TO LGNZ STANDING ORDERS TEMPLATE

// SEPTEMBER 2022





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Introduction

Good local governance requires us to ensure that the way in which we undertake public decision-making is open, transparent, and fair.

Your kaunihera (council) standing orders (SO) aims to achieve just this. They are a critical element of good governance and great local democracy, as well-run meetings and hui should increase community understanding of kaunihera decision-making processes and trust in our local political institutions.

Standing orders also have an important role to play in assisting kaunihera to meet their obligations and responsibilities under Te Tiriti o Waitangi, whether those responsibilities are set in legislation or reflect respectful practice.

Local authorities, local boards and community boards must adopt standing orders for the orderly conduct of their meetings. In the world of local government, the word 'meeting' has a specific meaning that refers to gatherings that conform to rules and regulations laid down in the Local Government Act (LGA) 2002.

The LGNZ standing orders template¹ draws heavily on those published by Te Mana Tautikanga o Aotearoa Standards New Zealand in 2001 and the Department of Internal Affairs' Guidance for Local Authority Meetings published in 1993. The template is updated every three years to ensure it reflects new legislation and incorporates evolving standards of good practice.

It contains a range of options to enable a kaunihera to adapt the template to meet their own styles and preferences. It is essential that kaunihera consider these options before adopting the standing orders.

We recommend that kaunihera delay adopting new standing orders until after the new governing body, local and community boards have had a period operating under the incumbent ones. That way, the discussion about options will be informed by experience, especially from new members who may not be familiar with how standing orders work.

We also recommend that kaimahi should encourage members to set time aside, at least once a year, to review how they are working and whether their decision-making structures are effective. For suggestions on building inclusive cultures and self-assessment see LGNZ's Guide to the Code of Conduct.

The team at LGNZ are continually looking at ways to make the standing orders more accessible to members and flexible enough to enable adjustment to local circumstances. We are always keen to hear your feedback

¹ All standing order references refer to the territorial authority standing orders template. Numbers may vary slightly in the regional council and community boards templates.

Local government obligations under Te Tiriti o Waitangi

Local governments are part of the governing framework of Aotearoa New Zealand with obligations that flow from the Crown's duties under Te Tiriti o Waitangi. In addition, as mechanisms through which communities make decisions about what matters to them, kaunihera can only be successful by building and operating through a wide network of community relationships. Chief amongst these are those iwi and hapū, who hold traditional and indigenous authority in their hapori (community).

Local government's empowering statute, the Local Government Act (LGA) 2002, along with other acts of parliament, sets out the expectations and requirements of local governments, that relate directly to the Crown's obligations to Māori.

Standing orders provide a mechanism for achieving the following:

1. Acknowledging the mandate of mana whenua as the traditional governors of Aotearoa New Zealand and the area of your kaunihera.
2. Enabling the participation of Māori as citizens in kaunihera decision-making processes.

Acknowledging the mandate of mana whenua as the traditional governors

Iwi and hapū have a mandate based on their role as the indigenous governors of the land. This is quite different from the 'stakeholder' status given to many local organisations kaunihera works with. It is a status that would exist even if it wasn't enshrined in Te Tiriti o Waitangi.

It is incumbent on local authorities to work with relevant iwi and hapū to determine how best to recognise their status. A common approach involves developing a joint memorandum or charter of understanding which can provide clarity around expectations, including how current and future engagement should occur.

The scope of an agreement could include:

- Processes for ensuring relevant mana whenua concerns can be incorporated in governing body and committee hui agendas.
- Mechanisms for ensuring that papers and advice going to meetings incorporates the views and aspirations of mana whenua. Such mechanisms might include the co-design and co-production of policy papers and allowing mana whenua themselves to submit papers.
- A role for kaumatua in formal kaunihera processes, such as:
 - the inaugural hui, having a local kaumatua or mana whenua representative chair the hui and swearing in of members, or
 - enabling kaumatua or other mana whenua representatives to sit at the governing body table as advisors.

Other initiatives that can be included in standing orders and recognise the mandate of mana whenua, are:

- placing information about significant aspects of your area's history as a regular item on the governing body's agenda,
- holding hui on marae and other places of significance to Māori,

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- providing presentations at governing body meetings highlighting the history of the local area; and
- inviting mana whenua organisations to appoint representatives on kaunihera committees and working parties.

Enabling the participation of Māori as citizens

Standing orders are a mechanism for enabling members to work collectively to advance the public interests of their hāpori: they are a tool for promoting active citizenship. Enabling the participation of Māori citizens is one of the duties that the Crown has placed on local governments to give effect to Te Tiriti o Waitangi obligations, as set out in Article 3.

In the words of the Waitangi Tribunal:

In article 3, the Crown promised to Māori the benefits of royal protection and full citizenship. This text emphasises equality.²

To recognise and respect these responsibilities and to maintain and improve opportunities for Māori to contribute, parts 2 and 6 of the LGA provide principles and requirements for local authorities that aim to achieve these objectives (LGA 2002, section 4, Treaty of Waitangi).

The emphasis in this section is on facilitating the participation of Māori in decision-making processes. Local government decisions are made in meetings which are governed by standing orders. Kaunihera must consider how their standing orders facilitate such participation and proactively take steps to make it easy and encourage Māori citizens to become involved in decision-making processes.

The legislation itself provides some help, namely that local authorities must:

- establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority, (LGA 2002 section 14(1)(d)),
- consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority, and
- provide relevant information to Māori for the purposes of contributing to, and building 'capacity' to contribute to, the local authority's decision-making processes.

In relation to the LGA 2002 'capacity' is *the ability of a person (or group) to participate knowledgeably, given their resources and their understanding of the requisite skills, tools, and systems*. Ways to build capacity include:

- providing training and guidance on how kaunihera meeting and decision-making processes work,
- holding meetings and workshops on marae and other community settings to help demystify local government processes, and
- providing information about meetings in te reo Māori, including agendas and papers.

² The Waitangi Tribunal considers both the English Treaty of Waitangi and the Māori Te Tiriti o Waitangi in coming to an interpretation.



Kaunihera also need to look at the degree to which their facilities are culturally welcoming and incorporate Māori tikanga values and customs. This is about incorporating practices, protocols and values from mātauranga Māori or Māori knowledge.

Examples to achieve this include:

- appropriate use of local protocol at the beginning and end of formal occasions, including pōwhiri and mihi whakatau,
- using karakia timatanga for starting meetings and hui,
- closing meetings and hui with karakia whakamutunga,
- re-designing order papers and report formats to include te reo Māori, including headings,
- reviewing kaunihera processes and cultural responses through a Te Tiriti o Waitangi lens, and
- offering members the option of making the declaration in te reo Māori.

Members Declaration

Ko ahau, ko _____, e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Wairoa hei kaikaunihera o te Kaunihera-a-rohe o Te Wairoa, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

He mea whakaū tēnei i Te Wairoa i tēnei rā rua tekau mā rua o Whiringa-ā-nuku i te tau rua mano tekau mā toru.

Waitohu: _____

Waitohu mai ki mua i a: _____

I, [.....], declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [name of region or district], the powers, authorities, and duties vested in or imposed upon me as a member of the [name of local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Before adopting the standing orders template:

Local authorities, local boards and community boards must adopt standing orders for the orderly conduct of their meetings. In the world of local government, the word 'meeting' has a specific meaning that refers to gatherings that conform to rules and regulations laid down in the Local Government Act (LGA) 2002.

To ensure that standing orders assist the governing body to meet its objectives in an open and transparent manner while also enabling the full participation of members, any governing body or local



or community board intending to adopt the LGNZ template, must decide from the following options and ensure the standing orders template is updated to reflect these decisions.

1. Should members have a right to attend by audio or audio-visual link?

The LGA 2002 allows members to participate in meetings, if they are not physically present, via audio or audio-visual means. However, members attending by audio or audio-visual means are not counted as part of a quorum of a meeting.

Should a governing body, local or community board decide they do not wish to allow members to do this, then this section of the standing orders SO 13.7 Right to attend by audio or audio-visual link must be deleted from the template before it is adopted. (see Part 3: Meeting Procedures for more information).

2. Should mayors/chairs have a casting vote?

The LGA 2002 allows a chairperson (chair) to use a casting vote if this is specified in standing orders. The vote can be used when there is a 50/50 split in voting. The LGNZ standing orders template includes the casting vote option. Should a governing body, local or community board decide that it does not wish for its chairs to have a casting vote, then SO 19.3 Chairperson has a casting vote, will need to be deleted before the template is adopted.

Some kaunihera have opted for an intermediate position, in which a casting vote can only be used for prescribed types of decisions, such as when there is an equality of votes for the adoption of statutory plans (see Part 3: Meeting Procedures for more information).

Speaking and moving options

The LGNZ template offers kaunihera a choice of three frameworks for speaking to and moving motions and amendments, see the discussion on SO 22.1 for more information.

- Option A (SO 22.2) 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. This is the framework used in the 2003 Standards New Zealand Model Standing Orders.
- Option B (SO 22.3) is less formal. While limiting the ability of movers and seconders of motions to move amendments, this option allows any other member, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- Option C (SO 22.4) is the least formal. It gives members more flexibility by removing the limitations on movers and seconders speaking which exist in the other two options.

The kaunihera might also consider which of the three should apply to committees. Given that committees are designed to encourage more informal debate, and promote dialogue with communities, the informal option, Option C is recommended.

4. Time needed for kaimahi (staff) to prepare advice

Standing orders provide for members of the community to engage with kaunihera, their various committees and local or community boards. It is common for officials (kaimahi) to be asked to prepare advice on the items to be discussed.

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Two examples are SO.16 Deputations and SO.17 Petitions. In both cases the default standing orders give officials five days in which to prepare the advice; whether this is practical will depend upon the size of a kaunihera and the way it works.

Before adopting the LGNZ template, the kaunihera should ensure that the five-day default is appropriate and practicable.

Adopting and reviewing your standing orders

There is a tendency for new kaunihera, to adopt the standing orders, the code of conduct and the governance arrangements, of the former kaunihera, soon after they are formed. This is not recommended.

These matters should be discussed in detail at the initial members' induction hui or at a specially designed workshop held a few months after the elections, allowing time for new members to fully understand how local government works and whether the existing standing orders and governance structures are working or not.

It is important that elected members fully understand the policies and frameworks that will influence and guide their decision-making over the three years of their term, and the implications they bring. This applies to standing orders, your code of conduct, and your governance structures, such as whether to have committees or not and what powers those committees will have to make decisions.

Please note that the approval of at least 75 per cent of members present at a meeting is required to adopt (and amend) standing orders. In addition, it is good practice for members to reassess their governance arrangements, including standing orders, in the middle of the second year of their term to ensure they remain inclusive and effective against the shifts in community make-up, values and expectations.

Proposed resolution for adopting standing orders

Once a decision has been reached on which discretionary clauses to incorporate, then a resolution to adopt the original or amended standing orders can be tabled. Such a resolution could, for example, take the following shape:

That the kaunihera adopt the standing orders with the following amendments:

1. *That the standing orders enable members to join hui by audio visual link - yes/no.*
2. *That the chair be given the option of a casting vote – yes/no.*
3. *That Option X be adopted as the default option for speaking and moving motions.*

LGNZ recommends that local and community boards, and joint committees, undertake the same considerations before adopting their standing orders.

Part 1 – General matters

This section of the Guide deals with those matters that apply to the overall context in which standing orders operate including the role of mayors and chairs and the nature of decision-making bodies. It covers the following:

- mayoral appointments
- meeting the decision-making requirements of Part 6, LGA 2002
- appointment of kaimahi to sub-committees
- approving leave for members of the governing body
- the relative roles of extraordinary and emergency hui, and
- good practice for setting agendas

SO 5: Appointments and elections - can you appoint co-chairs?

The provisions of Schedule 7 Local authorities, local boards, community boards and their members, LGA 2002, do not support this option, referring explicitly to individual members.

It would be a challenge for co-chairs to fulfil those standing order provisions that require a chair to make specific rulings, such as a ruling on member conduct or a ruling on whether to accept a Notice of Motion. What is the provision, where co-chairs are sharing chairperson duties, by which the co-chairs make a joint decision? What if they cannot agree on a ruling?

If the objective is to give committee or board members experience of being a chair, then an agreement by which a chair stands down to enable a deputy to chair the hui on an occasional or semi-formal way, might be more practicable (see below).

SO 5.1: Mayoral appointments

It is critical that the chief executive advises their mayor about their powers under section 41A Role and powers of mayors, LGA 2022 as soon as possible after election results have been confirmed. This is to ascertain whether the mayor wishes to make use of those powers.

Included in the standing orders are provisions regarding the ability of mayors to establish committees and appoint deputy mayors, committee chairs and committee members.

Where a mayor chooses to use these powers, a kaunihera must ensure the results are communicated as soon as practicable to members of the governing body. We recommend that the information is provided by the mayor or chief executive, in the mayor's report for the first meeting of the governing body that follow the mayor's appointments.

Appendix four sets out a recommended process for making appointments

SO 5.5: Removing a chair, deputy chair or deputy mayor

Clause 18, Schedule 7 of the LGA 2002 sets out the process for removing a chair, deputy chair or deputy mayor. It is a detailed process that requires firstly, a resolution by the relevant meeting to replace the chair or deputy, and secondly, a follow up meeting, to be held not less than 21 days after the resolution, at which the change occurs.

A common question is whether the individual facing a challenge to their position, should be able to speak and vote. The answer is yes. Both natural justice and the nature of the question to be resolved, allows those directly involved to be able to speak and lobby on their own behalf.

SO 7: Committees - appointment of staff to sub-committees

While non-elected members such as community experts, academics, or business representatives, etc., may be appointed to committees and sub-committees, council kaimahi (staff), can only be appointed to a sub-committee. When appointing a sub-committee, a kaunihera or committee should ensure the terms of reference provide clarity of the skills and competencies required. This may involve:

- requesting that the chief executive, or their nominee, determine which member of kaimahi is appropriate to be a member of the sub-committee, or
- identifying a specific position, such as the chief executive, city planner or economist, to be a member of the sub-committee.

SO 7.10: Power to appoint or discharge individual members of a joint committee - committees that are not discharged

A kaunihera, or a group of kaunihera in the case of a joint committee, can resolve that a committee continues beyond a triennial election, although for this to be the case all participating kaunihera would need to so resolve. In the case of joint committees, the appointment of new members and discharge of existing members sits with the Kaunihera that they are members of.

A related and often asked question is whether appointments to District Licensing Committees (DLCs), unlike other committees, can be made for longer than a term. This is possible as DLCs are statutory committees that are not automatically discharged at the end of a term.

SO 8: Regarding extraordinary and emergency meetings

Extraordinary meetings are designed to consider specific matters that cannot, due to urgency, be considered at an ordinary meeting. For this reason, extraordinary meetings can be held with less public notification than ordinary ones.

Standing orders recommend that extraordinary meetings should only deal with the business and grounds for which they are called and should not be concerned with additional matters that could be considered at an ordinary meeting. Public forums should not be held prior to an extraordinary hui.

If kaunihera need to hold meetings that are additional to those specified in their schedule, then they should amend their schedule to include additional ordinary meetings, rather than call them extraordinary meetings, to address what might be the general business of the kaunihera.

Enacted in 2019, the Local Government Regulatory Matters Act has provided for a new type of meeting referred to as 'emergency' meetings. The key differences between extraordinary and emergency meetings are outlined below.

Table 1 Extraordinary and emergency meeting compared

	Extraordinary meeting	Emergency meeting
Called by:	<p>A resolution of the local authority or requisition in writing delivered to the chief executive and signed by:</p> <ul style="list-style-type: none"> • the mayor or chair, or 	<p>The mayor or chair; or if they are unavailable, the chief executive</p>

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	<ul style="list-style-type: none"> not less than one-third of the total membership of the local authority (including vacancies). 	
Process:	Notice in writing of the time and place and general business given by the chief executive.	By whatever means is reasonable by the person calling the meeting or someone on their behalf.
Period:	At least three days before the meeting unless by resolution and not less than 24 hours before the meeting.	Not less than 24 hours before the meeting.
Notification of resolutions	With two exceptions a local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting. ³	No similar provision exists for emergency meetings however good practice would suggest adoption of the same process as applies to extraordinary meetings.

SO 9.5: Chair's recommendation - ensuring the decision-making requirements of Part 6 are met

Part 6 is shorthand for sections 77-82 of the LGA 2002, which impose specific duties on kaunihera when they are making decisions. The duties apply to all decisions, but the nature of compliance depends on the materiality of the decision.

The most important provisions are found in s. 77 (bullets a-c) below) and s. 78 (bullet d) below), which require that local authorities must, while making decisions:

- a) seek to identify all reasonably practicable options for the achievement of the objective of a decision,
- b) assess the options in terms of their advantages and disadvantages,
- c) if any of the options identified under paragraph a) involves a significant decision in relation to land or a body of water, consider the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga, and
- d) consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

The level of compliance needs to be considered in light of the kaunihera's Significance and Engagement Policy. It is also important to be aware that these obligations apply to the following:

- recommendations made as part of a chair's report, and
- recommendations made by way of a Notice of Motion (NOM)

³ The exceptions apply to decisions made during public excluded session or if the meeting was advertised at least 5 working days before the day on which it was held.

Chair's report

It is common for a chair to use their report to raise a new matter for council deliberation. If that matter is more than minor it should be accompanied by an officer's report setting out options, their relative strengths and weaknesses and include evidence that any citizen affected by the recommendation has had a chance to have their views considered. The same applies to a notice of motion that seeks members' agreement.

What to do if a chair's recommendation or a notice of motion are inconsistent with Part 6?

A chair should refuse to accept a NOM that addresses possibly significant matters, unless it is accompanied by an officials' report assessing the level of significance and the applicability of Part 6. The same also applies to a recommendation made in a chair's report.

Where a matter triggers the requirements of Part 6, the chair or mover of the NOM, should:

- ask the chair or mover of the NOM to amend their motion so that it asks for a kaimahi report on the matter, or
- require members submit a draft NOM to kaimahi in advance to determine whether it is likely to trigger the need to comply with Part 6.

This guidance also applies to Standing Order 27.2 Refusal of notice of motion, and allows a chair to refuse to accept a NOM that fails to include sufficient information to satisfy the requirements of sections 77 – 82 of the LGA.

To reduce the risks of this happening, some councils:

- require the mover of a notice of motion to provide written evidence to show that their motion complies with Part 6, or
- ask members to submit a proposed NOM to staff before a meeting so that an accompanying report can be prepared.

SO 13.3: Leave of absence

The standing orders provide for a kaunihera to delegate the authority to grant a leave of absence to a mayor or regional kaunihera chair. When deciding whether to grant a leave of absence, a consideration should be given to the impact of this on the capacity of the kaunihera to conduct its business.

Requests should be made in advance of a meeting and would generally apply to several meetings that the member knows they will be unable to attend.

Kaunihera will need to establish their own policy as to whether a person who has a leave of absence for a length of time will continue to receive remuneration as an elected member, for example, a policy may provide for remuneration to continue to be paid for the first three months of a leave of absence.

SO 13.4: Apologies

Apologies are usually given when a member cannot attend a forthcoming meeting or inadvertently missed one, in which cases the apologies are made retrospectively.

SO 13.6: Absent without leave

If a member is absent from four consecutive meetings without their leave or apologies approved, an extraordinary vacancy is created. This occurs at the end of a meeting at which a fourth apology has been declined, or a member had failed to appear without a leave of absence.

Part 2 - Pre-meeting arrangements

The pre-meeting section of the Standing Orders covers the various processes that need to be undertaken for a meeting to begin, including the preparation of an agenda. This section of the Guide includes:

- Setting and advertising meeting
- Relocating meetings at the last minute
- Putting matters on the agenda

Setting meeting times

Consideration should be given to choosing a meeting time that is convenient for members and will enable public participation. One approach could be to use the kaunihera induction workshop to seek agreement from members on the times that will best suit them, their kaunihera, and their hapori.

SO 8. Giving notice

Section 46(1) and (2) of the Local Government Official Information and Meetings Act 1986 (LGOIMA) prescribes timeframes for publicly advertising meetings. This is so the community has sufficient notice of when meetings will take place. However, the wording of these subsections can cause some confusion.

- Section 46(1) suggests providing a monthly schedule, published 5-14 days before the end of the month.
- Section 46(2) suggests that meetings in the latter half of the month may not be confirmed sufficiently in advance to form part of a monthly schedule published before the start of the month.

Therefore, Section 46(2) provides a separate option for advertising meetings held after the 21st of the month. These can be advertised 5-10 working days prior to the meeting taking place.

Basically, kaunihera must utilise the monthly schedule in Section 46(1) for hui held between the 1st and 21st of the month, however, both methods for advertising meetings can be used for meetings held after the 21st.

SO 8.1 and 8.2: Public notice and notice to members - definitions

Prior to the last election the Standing Orders were updated to include new definitions of what constitutes a 'public notice' and how 'working days' are defined. The full provisions are:

Public notice, in relation to a notice given by a local authority, means that:

- (a) It 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
- (b) It is published in at least:

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- (i) One daily newspaper circulating in the region or district of the local authority; or
- (ii) One or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district.

Internet site, in relation to a local authority, other person or entity, means 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.

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, Matariki, and Waitangi Day;
- (b) If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday;
- (c) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (d) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

SO 8.10: Meeting schedules – relocating meetings at the last minute

Local authorities must hold meetings at the times and places as advertised, so if an appointed meeting room becomes unavailable at the last minute (i.e. after the agenda has been published), and an alternative room in the same venue or complex cannot be used, the meeting can be re-located but will become an 'extraordinary' meeting and the requirements set out in Standing Orders 8.4 and 8.9 will need to be met.

If a meeting is relocated, we recommend informing the public of the change in as many ways as possible, for example:

- alerting customer services,
- changing meeting invitations to elected members,
- updating notices visible outside both old and new venues,
- a sign on the original meeting room door, and
- updates on the kaunihera website and social media pages.

SO 9.8: Managing confidential information

Occasionally kaunihera must address the issue of how confidential agenda items should be handled where there is a possibility, that the information in the agenda could benefit a member or individual, should it become public. Some kaunihera address this risk by tabling confidential papers at the meeting on the day and ensuring those papers are returned before members leave.

SO 9.1: Preparation of the agenda – good practice

Deciding what to put on an agenda and the process used to make that decision is an important consideration. An agenda is ultimately the responsibility of the chair of the meeting and the chief executive, with the collation of the agenda and its contents sitting with the chief executive's control. The process varies between kaunihera, and is heavily influenced by its size. Some principles of good practice include:

- Start the process with a hui of the kaunihera committee chairs to identify upcoming issues and determine which committee will address them first.

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- To strengthen relationships, mana whenua organisations could be invited on a regular basis to contribute items for an agenda or share their priorities, for consideration by a future meeting.
- Seek regular public input into forthcoming agendas by engaging with a representative panel of community members.
- Ensure elected members themselves can identify matters for upcoming hui agendas.

If a member wants a new matter discussed at a meeting, they should give the chair early notice, as the matter may require the chief executive to prepare an accompanying report.

Matters may be placed on the agenda by the following means:

1. By a direct request to the chair of the meeting, chief executive, or an officer with the relevant delegated responsibility.
2. By asking the chair to include the item in their report, noting that the matter might require a kaimahi report if it involves a decision.
3. By the report of a committee. Committees are a mechanism for citizens, or elected members, to raise issues for kaunihera consideration. A committee can make recommendations to the governing body.
4. Through a local or community board report. Community boards can raise matters relevant to their specific community for consideration by the governing body. A councillor could approach a community board to get their support on a local issue.
5. Through a Notice of Motion (NOM). See Standing Order 27.1 for more detail. A NOM must still comply with the decision-making provisions of Part 6 LGA 2002 before it can be considered. Generally, a NOM should seek a meeting's agreement that the chief executive prepare a report on the issue of concern to the mover.

Where a matter is urgent but has not been placed on an agenda, it may be brought before a meeting as 'extraordinary business' via a report by the chief executive or the chair. This process gives effect to section 46A (7) and (7A) of the Local Government Official Information and Meetings Act (LGOIMA) 1987.

The topic of any request must fall within the terms of reference, or the scope of delegations, given to the meeting or relevant committee, board or subsidiary body. For example, business referred to a community board should concern a matter that falls within the decision-making authority of the board.

Making agendas available

Underpinning open and transparent government is the opportunity for members of your community to know in advance what matters will be debated in which meeting. Making kaunihera and committee agendas publicly available, whether in hard copy or digitally, is critical.

Different communities will have different challenges and preferences when it comes to how they access information. Not all communities have reliable access to the internet and you need to consider the abilities of young, old and visually or hearing impaired. Distributing information using a range of digital and traditional channels with consideration for accessibility needs will be a step toward strengthening trust in local democracy and narrowing the gap between kaunihera and their communities.



SO 9.14 Public excluded business - returning to an open session

Kaunihera take different approaches to the way in which a meeting moves from public excluded to open status. There are two approaches:

14. Meeting resolution, whereby the chair, or a member, moves that since the grounds for going into public excluded no longer exist the public excluded status is hereby lifted.
15. End of the public excluded item, whereby public excluded status is 'tagged' to only those items that meet the criteria in the sample resolution set out in Appendix Two of the Standing Orders. Status is automatically lifted once discussion on that item is concluded.

Generally, option two should be followed. However, option one might apply where, during a substantive item, it is necessary to go into public excluded for a section of that item. In this case the chair, or a member, should signal through a point of order that the grounds for excluding the public no longer apply. It is only a question of style as to whether a motion to return to open meeting is required.

Part 3 Meeting procedures

Procedures for making decisions are the heart of kaunihera standing orders. This section of the Guide includes:

- Opening and closing your meeting with a karakia timatanga or reflection
- Voting systems
- Chair's obligation to preside and chair's casting vote
- Joining by audio-visual means
- Member conduct
- Quorums
- Revoking decisions
- Members attending meetings that they are not members of
- Moving and debating motions
- Discharging committees

SO 10: Opening and closing your meeting

There is no obligation on a local authority to start their meeting with any reflection or ceremony, however, it is an increasingly popular approach.

An example of a reflection used at the start of a meeting is the following karakia. This approach allows for tangata whenua processes to be embraced.⁴

Opening formalities - Karakia timatanga	
Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
E hī ake ana te atakura	Let the red-tipped dawn come with a
He tio, he huka, he hau hū	sharpened air.
Tihei mauri ora.	A touch of frost, a promise of a glorious day.

SO 11.4 Requirement for a quorum - what happens when a member is 'not at the table'?

Whether or not members must be 'at the table' to constitute a quorum is a question that usually arises in response to a member standing aside due to a conflict of interest.

⁴ Examples of karakia, and general advice on the use of tikanga Maori, can be found via an APP, titled Koru, developed by MBIE and available from most APP stores.

Standing order 10.4 states *“a meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote”*. ‘Present’ is to be in the room, not necessarily around the table. If a member is excluded from the room due to a financial conflict of interest they are no longer considered ‘present’ for the purposes of the quorum.

SO 13.1 Members right to attend all meetings

The legislation (cl. 19(2) Schedule 7, LGA 2002) and these standing orders are clear that members can attend any meeting unless they are ‘lawfully excluded’ (the definition of lawfully excluded is in the Standing Orders). If attending, elected members have the same rights as the public. They may be granted additional speaking rights if permitted by the chair.

Many kaunihera require non-members to sit away from the meeting table or in the public gallery to make it clear they are not a committee member.

Whether a member can claim allowances for attending the meeting of a committee they are not a member of is a question that should be addressed in a kaunihera allowances and expenses policy.

Do members have to be present at hearings to vote?

The rules vary according to the legislation under which the hearing or submission process is occurring.

Hearings under the LGA 2002, such as Annual Plan or Long-Term Plan hearings, do not require all elected members to have participated in the submission process to vote on the outcomes of that process. Elected members who cannot participate at all, or who miss part of a hearing, should review all submissions and the analysis provided by officials before taking part in any debate and voting on the item under consideration.

It is good practice to make it clear in the minutes that the members who were absent had been provided with records of all submissions oral and written submissions, prior to deliberations.

The Auditor General recommends that members should be present for the whole of a hearing *“to show a willingness to consider all points of view”* (OAG, Conflicts of Interest, August 2004 p. 43). The guidance suggests that lengthy periods of non-attendance at a hearing could suggest an element of pre-determination.

SO 14.1: Council meetings - must the mayor or chair preside?

Schedule 7, Clause 26(1) of the LGA 2002 provides that the mayor (or chair of a regional kaunihera) must preside over each kaunihera meeting they are present at. This reflects the mayor’s leadership role set out in section 41A. However, the requirement is subject to the exception *“unless the mayor or chair vacates the chair for a particular meeting”*. This exception would usually be invoked if there is a situation in which they should not lead for some legal reason such as where they have a conflict of interest or are prohibited from voting and discussing, such as by virtue of section 6 of the Local authorities (Members’ Interests) Act 1968, or an interest.

It is implicit in clause 26(1), that the mayor or chair will still be present in the meeting, and except in situations where the law prevents them from discussing and voting on a particular matter, they can continue to take part as a member. The clause only relates to vacating the chair, not leaving the meeting.

SO 13.7: Right to attend by audio or audio visual link

Local authorities can allow members to participate in meetings online or via phone. This can reduce travel requirements for councillors in large jurisdictions and facilitates participation for councillors when travelling.

If a kaunihera wishes to allow members to join remotely, then provision must be made in the standing orders. The LGNZ template contains the relevant provisions. If not, then standing orders 13.7 – 13.16 should be removed before the template is adopted.

While a member can take part in discussions and vote when joining a hui electronically, they are not part of the quorum. Please note, the requirement to have a physical quorum is suspended while the Epidemic Preparedness Notices are in force.

SO 13.16: Protecting confidentiality at virtual meetings

Some members have raised concerns about the risk to confidentiality at virtual hui. Concerns relate to the difficulty of ensuring that a member is alone or that confidentiality is not compromised where that member joins by audio means alone.

Kaunihera should avoid, if possible, dealing with public excluded items in a meeting that allows people to join virtually. While this may not be possible in extraordinary circumstances, we have strengthened the ability of a chair to terminate a link if they believe a matter, which should be confidential, may be at risk of being publicly released, see SO 13.13.

SO 15: Public forums

The standing orders provide for a period of up-to 30 minutes, or longer if agreed by the chair, for members of the public to address the meeting.

The template allows this to be for up-to five minutes each on items that fall within the delegations of the meeting, unless it is the governing body and provided matters raised are not subject to legal proceedings or related to the hearing of submissions. Speakers may be questioned by members through the chair, but questions must be confined to obtaining information or clarification on matters the speaker raised. The chair has discretion to extend a speaker's time.

While the forum is not part of the formal business of the meeting, it is recommended that a brief record is kept. The record should be an attachment to the minutes and include matters that have been referred to another person, as requested by the meeting.

SO 16: Deputations

In contrast to public forums, deputations allow individuals or groups to make a formal presentation to a meeting, as an item on the agenda. Given the additional notice required for a deputation, kaimahi may be asked to prepared advice on the topic, and members may move and adopt motions in response to a deputation.

SO 18.5: Release of information from public excluded session

Kaunihera have different processes for releasing the reports, minutes and decisions from public-excluded meetings which is material considered confidential under Section 6 or Section 7 of LGOIMA. Documents may be released in part, with only parts withheld.

The reasons for withholding information from the public does not necessarily endure, for example, information that was confidential due to negotiations may not need to remain confidential when negotiations have concluded.

Information may only be publicly released by a decision of the meeting or the chief executive. Each kaunihera will have systems and policy for controlling the release of information.

When a report is deemed to be 'in confidence', information can be provided on whether it will be publicly released and when. Regarding any items under negotiation, there is often an end point when confidentiality is no longer necessary.

If no release clause is provided, a further report may be needed to release the information creating more work. The following clause can be included in report templates (if in confidence) to address this issue:

"That the report/recommendation be transferred into the open section of the meeting on [state when the report and/or recommendation can be released as an item of open business and include this clause in the recommendation]."

SO 19.3: Chair's casting vote

Standing Order 19.3 allows the chair to exercise a casting vote where there is a 50-50 split. Including this in standing orders is optional under Schedule 7, cl. 24 (2), LGA 2002. The casting vote option has been included in the template to avoid the risk that a vote might be tied and lead to a significant statutory timeframe being exceeded.

There are three options:

1. The casting vote provisions are left as they are in the default standing orders.
2. The casting vote provision, Standing Order 19.3, is removed from the draft standing orders before the standing orders are adopted.
3. The standing orders are amended to provide for a 'limited casting vote' that would be limited to a prescribed set of decisions only such as statutory decisions, for example: *where the meeting is required to make a statutory decision e.g., adopt a Long-Term Plan, the chair has a casting vote where there is an equality of votes.*

SO 19.4: Method of voting

One of the issues that arose during preparation of the new standing orders concerned the performance of some electronic voting systems and whether the way in which they operate is consistent with what we understand as 'open voting'.

LGNZ have taken the view that open voting means members should be able to see how each other votes 'as they vote', as opposed to a system in which votes are tallied and then a result released in a manner that does not show how individuals voted.

It is also important to note, when using electronic voting systems, that the LGNZ standing orders template supports the right of members to abstain from voting, see standing order 19.7.

SO 19.5: Calling for a division

Under standing order 19.5, a member can call for a 'division' for any reason. If one is called, the standing orders require the chief executive to record the names of the members voting for and against the motion, as well as abstentions, and provide the names to the chair to declare the result. This must also be recorded in the minutes.

There are options for gathering this information. For example:

- When asking each individual member how they voted vary the order in which elected members are asked e.g., alternate between clockwise and anti-clockwise.
- To get a clear picture ask members who voted for or against a motion or amendment to stand to reflect how they voted i.e., *“all those in favour please stand”* with votes and names, recorded, followed by *“all those against please stand”* etc.

SO 20: Members' Conduct

Section 20 of the standing orders deals with elected member's conduct at meetings. One feature of the LGNZ Standing Orders is the cross reference made to a council's Code of Conduct, which sets standards by which members agree to abide in relation to each other. The Code of Conduct template, and the draft policy for dealing with breaches, can be found at www.lgnz.co.nz.

At the start of a triennium, kaunihera, committees and local and community boards, should agree on protocols for how meetings will work, including whether members are expected to stand when speaking and if there are specific dress requirements.

SO 20.7 and 20.8: Conflicts of interest

While the rules are clear that a member of a local authority may not participate in discussion or voting on any matter before an authority in which they have with a financial or non-financial conflict of interest, determining whether one exists can be more challenging.

Financial conflicts of interest: (SO 20.7)

It is an offence under the Local Authorities Members' Interests Act 1968 to participate in any matter in which a member has a financial interest, defined by the Auditor General as:

“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 involved” (p. 25 Conflicts of Interest OAG 2004).

The rule makes it an offence for an elected member with a financial conflict of interest discussing and voting on a matter, for example, where an interest is in common with the public.

The Auditor General can grant exemptions from this rule, allowing a member to participate. Members should be referred to the Auditor General if there is a possibility that their case would qualify for an exemption or declaration (see OAG's guide on Conflicts of Interest published in 2004).

Non-financial conflicts of interest: (SO 20.8)

The Auditor General defines a non-financial conflict of interest or 'bias' as:

“is there, to a reasonable, fair minded and informed observer, a real danger of bias on the part of a 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 Auditor General cannot provide an exemption or declaration for non-financial conflicts of interest.

Bias, both actual and perceived, is a form of non-financial conflict of interest. A claim of bias can be made on the grounds of predetermination. A member who believes they may have a non-financial conflict of interest, or be perceived as having a bias, should:

- declare they have a conflict of interest when the matter comes up at a meeting,

- ensure that their declaration is recorded in the minutes, and
- refrain from discussing or voting on the matter.

In such cases the member should leave the table and not take part in any discussion or voting on the matter. In determining the level of conflict, members should discuss the matter with the meeting chair, chief executive, or their nominee, however, the decision whether to participate or not must be made by the members themselves.

SO 22.1 Options for speaking and moving motions

One of the new features in these standing orders is the ability to use different rules for speaking to, and moving, motions to give greater flexibility when dealing with different situations.

Standing Orders 22.1 – 22.5 provide for three options. Option A repeats the provisions in the Standards New Zealand Model Standing Orders which limit the ability of members to move amendments if they have previously spoken. Option B provides more flexibility by allowing any member, regardless of whether they have spoken before, to move or second an amendment, while Option C allows still further flexibility.

When a kaunihera, committee, or community board, comes to adopt their standing orders, it needs to decide which of the three options will be the default option; this does not prevent a meeting from choosing one of the other two options, but it would need to be agreed by a majority of members at the start of that specific meeting.

The formal option A tends to be used when a body is dealing with a complex or controversial issue and the chair needs to be able to limit the numbers of speakers and the time taken to come to a decision. In contrast, options B and C enable more inclusive discussion about issues, however some chairs may find it more difficult to bring conversations to a conclusion.

For joint committees the decision could be simplified by agreeing to adopt the settings used by whichever member kaunihera is providing the administrative services.

SO 23.10: Where a motion is lost

This standing order was added in 2019 to make it clear that when a motion is lost, it is possible to move an additional motion if it is necessary to provide guidance or direction. For example, if a motion *“that the council’s social housing stock be sold”* was defeated, the organisation might be left without direction regarding the question of how the stock should be managed in the future.

Standing Order 23.10 enables a meeting to submit a new motion if required to provide direction to management where this might be required.

SO 24.2: Revoking a decision

A kaunihera cannot directly revoke a decision made and implemented by a subordinate decision-making body which has the delegation to make the decision, provided its decision-making powers were exercised in a lawful manner.

Where a decision has been made under delegated authority but has not been implemented, a kaunihera can remove the specific delegation from that body and resolve to implement an alternative course of action.

SO 25.2: Procedural motions to close or adjourn a debate - what happens to items left on the table

Standing Order 25.2 provides five procedural motions to close or adjourn a debate.

When an item is left to lie on the table, it is good practice wherever possible to state what action is required to finalise it and when it will be reconsidered.

Item (d) states: *“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)”*.

We recommend that at the end of the triennium, any such matters should cease to lie on the table and are withdrawn.

When to schedule the last ordinary meeting

When putting together the schedule of meetings for the last year of a triennium how close to polling day should the last meeting occur? Kaunihera take different approaches and practice may be affected by the nature of business that a kaunihera is facing prior to the coming elections.

Given that the election campaign properly starts four weeks before polling day, common practice would be to schedule the last ordinary kaunihera hui in the week before the campaign period begins.

This allows retiring members to make valedictory speeches away from the political atmosphere of the election.

Kaunihera business continues in the four weeks before polling day so expect some committees and sub-committees to still be meeting to deal with ongoing work, whether it is preparation of a submission or oversight of a local project. Urgent matters can still be addressed through an extraordinary or emergency meeting.

What about issues emerging in the interim?

From the moment that the final results are released and the first meeting of the new kaunihera, issues can arise that require an urgent decision. Given that councillors are yet to be sworn in, it is the chief executive who should make these decisions. To enable this a kaunihera, before the elections (preferably at the first or second ordinary council meeting when delegations are approved) should agree a time-limited delegation to the chief executive, giving them a broad discretion to act on behalf of the local authority.

A standard delegation for the chief executive might read, for example: *“That from the day following the Electoral Officer’s declaration, until the new council is sworn in, the chief executive is authorised to make decisions in respect of urgent matters, in consultation with the mayor elect. All decisions made under this delegation will be reported to the first ordinary meeting of the new council.”*

Part 4 Keeping records

Recording reasons for decisions

Recent legal judgements have highlighted the importance of recording decisions in a manner that clearly and adequately explains what was decided and why.

In the decisions, the Courts acknowledged that giving of reasons is one of the fundamentals of good administration by acting as a check on arbitrary or erroneous decision-making. Doing so assures affected parties that their evidence and arguments have been assessed in accordance with the law, and it provides a basis for scrutiny by an appellate court. Where this is not done, there is a danger that a person adversely affected might conclude that they have been treated unfairly by the decision-maker and there may be a basis for a successful challenge in the courts, (Catey Boyce, Simpson Grierson 2017).

While each situation is different the Court considered that the extent and depth of the reasoning recorded should consider:

- the function and role of the decision maker,
- the significance of the decision made upon those affected by the decision,
- the rights of appeal available; and
- the context and time available to make a decision.

In short, the level of detail should be sufficient so that any 'reasonably informed' reader of the minutes would have no difficulty identifying and understanding the reasons for the recommendations. A useful guide to the appropriate level of detail would be the Significance and Engagement Policy of a kaunihera.

Hard copy or digital

Te Rua Mahara o te Kāwanatanga Archives New Zealand has released guidance on the storage of records by digital means. [You can read it here](#). General approval has been given to public offices to retain electronic records in electronic form only, after these have been digitised, subject to the exclusions listed below.

The following categories of public records are excluded from the general approval given:

- Unique or rare information, information of importance to national or cultural identity or information of historical significance;
- Unique or rare information of cultural value to Māori (land and people) and their identity; and
- All information created prior to 1946.

For more detail on each of these categories, refer to the guide 'Destruction of source information after digitisation 17/G133'. Te Rua Mahara o te Kāwanatanga Archives New Zealand will consider applications to retain public records from these categories in electronic form only on a case-by-case basis.

The Authority to retain public records in electronic form only is issued by the Chief Archivist under Section 229(2) of the Contract and Commercial Law Act 2017 (CCLA).

Compliance with Section 229(1) of the CCLA

A public office can retain public records in electronic form, and destroy the source information, only if the public record is covered by an approval given in this Authority (or specific authorisation has otherwise been given by the Chief Archivist), and the conditions of Section 229(1) of the CCLA are met. The two conditions of Section 229(1) are:

1. The electronic form provides a reliable means of assuring that the integrity of the information is maintained, and
2. The information is readily accessible to be usable for subsequent reference

Note: Public offices should be aware that Section 229 of the CCLA does not apply to those enactments and provisions of enactments listed in Schedule 5 to the CCLA (Enactments and provisions excluded from subpart 3 of Part 4). For further clarification, the Authority should be read in conjunction with the guide Destruction of source information after digitisation 17/G135.

Information tabled at meetings

Any extra information tabled after the reports and agendas have been distributed should be specified and noted in the minutes, with copies made available in all places that the original material was distributed to. A copy must also be filed with the agenda papers for archival purposes.

Chair's signature

Where kaunihera capture and store minutes digitally the traditional practice for authorising minutes of the Chair's signature is not at all practical. For the digital environment one approach would be to include, with the motion to adopt the minutes, a sub-motion to the effect that the Chair's electronic signature be attached/inserted.

SO 28. Keeping minutes

What to record?

The purpose of taking minutes is to meet legal requirements set out in LGOIMA 1987, that is to *"create an audit trail of public decision-making and to provide an impartial record of what has been agreed"*. This also strengthens accountability and helps build confidence in our local democracy.

The level of proceedings recorded will vary according to the preferences however the style adopted should be discussed with, and agreed to, by those groups whose discussions and decisions are being minuted.

One way of doing this is to include, as part of the resolution adopting the minutes, either a stand-alone motion stating the level of detail that will be

Good practice

- Minutes should be a clear audit trail of decision-making.
- Less is best.
- Someone not in attendance will be able to understand what was decided
- Anyone reading the minutes in 20 years' time will understand them.

⁵ See [Authority to retain public records in electronic form only – Archives New Zealand](#)

recorded or including this within the Standing Orders themselves.

SO 28.2: Matters recorded in minutes

SO 28.2 sets out what the minutes must record. In addition, it is recommended a record is made of the reasons given for a meeting not having accepted an officer's recommendations in a report; this might be important for future audit purposes.

When recording Māori place names, or discussion in Te Reo Māori, please make sure to use correct and local spelling.

Regarding non-LGA 2002 hearings

The LGNZ Standing Orders are designed to comply with the LGA 2002 and LGOIMA 1987. Other statutes under which kaunihera may have meetings and hearings can have different requirements. For example:

Minutes of hearings under the Resource Management Act, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 include additional items, namely:

- record of any oral evidence,
- questions put by panel members and the speaker's response,
- reference to tabled written evidence, and
- right of reply.

Information required in minutes of hearings of submissions under a special consultative procedure, such as Long-Term Plan hearings, include:

- records of oral submission,
- questions put by elected members and the speaker's response to them, and
- reference to tabled written submission.

In cases where a kaunihera chooses a course of action in response to submissions which is contrary to advice provided by officials, the reasons why it chose not to follow official advice should be recorded. In summary:

- For procedural matters a pre-formatted list of statements can be useful for slotting in the minutes as you go.
- Avoid attributing statements to specific politicians as it creates opportunity for debate during the confirmation of minutes.
- Do attribute statements when given as expert advice.
- Be flexible. Minutes are live recordings of real events – the rules will not always help you.

Affixing the Council seal

The requirement to have a common seal was removed by the LGA 2002. However, there is an implied requirement for a kaunihera to continue to hold a common seal as there are some statutes that refer to it. A kaunihera may decide to require or authorise the use of its common seal in certain instances.

For example:

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vision and voice.



- Section 174(1) of the LGA 2002, states that if an officer of a local authority or other person is authorised by the LGA 2002 or another enactment to enter private land on behalf of the local authority, the local authority must provide a written warrant under the seal of the local authority as evidence that the person is so authorised.
- Section 345(1)(a) of the LGA 1974, which provides for the kaunihera conveying or transferring or leasing land, which is no longer required as a road, under common seal.
- Section 80 of the Local Government (Rating) Act 2002, which provides that the kaunihera must, in the case of sale or lease of abandoned land, execute under seal a memorandum of transfer (or lease) on behalf of the ratepayer whose interest has been sold or leased.
- Clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA), which provides that approvals of proposed policy statements or plans must be affected by affixing the seal of the local authority to the proposed policy statement or plan.

However, given that there are no requirements in these provisions as to how the common seal may be affixed, it is therefore up to each local authority itself to decide.

Where such requirements continue to exist the legal advice we have seen (sourced from Simpson Grierson) recommends that local authorities have deeds signed by two elected members. While the common seal could be affixed in addition to this, it is not legally required.

If a kaunihera continues to hold a common seal, then it is up to the kaunihera to decide which types of documents it wishes to use it for, and which officers or elected members have authority to use it. The process for determining this should be laid out in a delegation's manual or separate policy.

Appendix 1: Alternatives to formal meetings

Workshops

Workshops are frequently a contentious issue in local government because they are often held in public- excluded sessions and lack minutes, undermining principles of transparency and accountability. They are, however, an effective way to have ‘blue skies’ discussions and to give feedback to officials on policy work before an issue is too far advanced, such as identifying a range of options that would be comfortable to elected members.

Workshops are best described as informal briefing sessions where elected members get the chance to discuss issues outside the formalities of a kaunihera meeting. Informal hui can provide for freer debate than meetings where formal standards of discussion and debate apply. There are no legislative rules for the conduct of workshops and no requirement to allow the public or media access, although it is unlawful to make decisions at a workshop.

It is also unlawful to take a ‘de facto’ decision, that is agree a course of action and then vote it into effect at a following kaunihera meeting without debate.

To build trust in kaunihera decision-making, kaunihera should, unless dealing with confidential matters, make all workshops open to the public.

Key attributes are:

- Workshops can give guidance to kaimahi (for example to prepare a report covering various options).
- There are no legal requirements relating to a quorum.
- Standing orders do not apply, unless voluntarily complied with.

Workshops can have multiple functions. In their guide to hui structures, Steve McDowell and Vern Walsh, from Meetings and Governance Solutions, describe workshops as a *“forum held to provide detailed or complicated information to councillors which if undertaken at a kaunihera or committee hui could take a significant amount of time and therefore restrict other business from being transacted. Workshops provide an opportunity for councillors to give guidance to kaimahi on next steps (direction setting).”*⁶

They note that workshops provide an opportunity to:

- receive detailed technical information,
- discuss an approach or issues around a topic without time restrictions or speaking restrictions,
- enable members to question and probe a wide range of options,
- enable kaimahi to provide more detailed answers to questions and explore options that might otherwise be considered not politically viable.

⁶ See <https://www.meetinggovernance.co.nz/copy-of-learning-and-development>

When not to use workshops

Some kaunihera have taken to holding regular workshops that alternate with meetings of their governing bodies. The rationale is that the workshops enable members to be fully briefed on the governing body agenda and seek additional information that might complicate formal meetings.

Such practices are regarded with concern by both the Ombudsman and the Auditor General as they are seen as inconsistent with transparency and openness. If kaunihera find this a useful approach, then the pre-governing body workshop must be open to the public to avoid the suspicion that “de-facto” decisions are being made.

Briefings

One of the unique features of local government is that all councillors, sitting as the kaunihera, have ‘equal carriage’ of the issues to be considered. For example, when the budget is under consideration, there is no minister for finance or treasurer to assume executive authority or to guide the decision-making process. All councillors have an equal accountability.

Accordingly, all councillors are required to satisfy themselves about the integrity, validity and accuracy of the issues before them.

Councillors have many complex issues about which to make decisions and rely on the advice they receive from the administration. Complex issues often require more extensive advice processes which culminate in the council report.

A key feature of these processes are briefings. These are closed-door sessions during which councillors are provided with detailed briefings, oral and written, and provide councillors with the opportunity to discuss the issues between themselves and with senior kaimahi. They often involve robust discussion and the frank airing of controversial or tentative views.

The content and form of these briefings mean that they are not held in the public arena. This gives councillors the opportunity to work through the issues in a way that would not be possible in an open kaunihera meeting. Councillors do not commit to formal decisions at these sessions.

Features of kaunihera briefings:

- They should be used when complex and controversial issues are under consideration.
- They should involve all councillors and relevant senior kaimahi.
- Written briefing material should be prepared and distributed prior to the hui in order that the same information and opportunity to prepare is given to all councillors and officers.
- They need to be chaired in such a way that open and honest communication takes place and all issues can be explored. Because time and availability are often limited, the Chair must ensure that discussions are kept on track and moving towards a conclusion.
- For more complex strategic issues, multiple briefings are usually necessary.

When briefings are being planned it is important that issues of transparency and accountability are considered. If councillors use a briefing or workshop to determine a policy position, and only go through a brief or perfunctory endorsement at the meeting of kaunihera, they are making a de-facto-decision (without fulfilling the requirements of the LGA 2002, or natural justice).

Such practice can impact adversely on the public’s ability to follow the decision-making process and expose the kaunihera to judicial review, as well as investigation by a parliamentary agency.

To ensure transparency and accountability, it is important that the administration is made accountable for the formal advice it provides to the kaunihera meeting which subsequently takes place. This advice may or may not be entirely consistent with the discussions which took place at the briefing.

Councillors who are well briefed are more likely to be able to debate the matter under discussion and ask relevant questions which will illuminate the issue more effectively. However, consideration should be given to opening kaunihera briefings to the public, unless confidential matters are to be considered. Public trust in institutions like local governments is highly correlated with openness.

Calling a workshop or briefing

Workshops, briefings and working parties may be called by:

- a resolution of the local authority or its committees,
- a committee chair, or
- the chief executive.

The chief executive must give at least 24 hours' notice of the time, place and 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 session is not a meeting but a workshop,
- b) advise the date, time and place, and
- c) confirm that the hui 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.

Making a record

A written record of the workshop should be kept and include:

- time, date, location, and duration of workshop,
- people present, and
- general subject matter covered.

Please note, when deciding to hold a workshop or briefing the first question that should be considered is whether there is a convincing reason for excluding the public. The default position should be to allow public access.



Appendix 2: Preparing for the next triennial election

Governance handovers

To assist new kaunihera to get up to speed, prior to an election, incumbent members may like to prepare a letter, or report, for their successor (noting that this may also involve many existing members).

This is to provide new members with an insight into what the outgoing kaunihera considered as the major challenges and what they learned during their term in office that they might have done differently.

Whether or not to prepare advice for an incoming kaunihera and what that might be, is ideally a discussion that a mayor or regional kaunihera chair should have with their respective governing body before the last scheduled kaunihera meeting. It may be an ideal topic for a facilitated workshop.

Reviewing decision-making structures

One of the first matters that new kaunihera must address is to decide their governance and decision-making structures. Frequently, new kaunihera end up adopting the decision-making body of their predecessors without much discussion.

When it comes to your governance arrangements, however, there is a wide menu of options. Kaunihera need to fully consider these to determine which best fits the culture they wish to establish over their term, and which will be best given the characteristics their communities.

One way of doing this is to survey your elected members towards the end of the triennium to identify what worked well about their decision-making structure and what could be improved. Based on surveys and interviews the incoming kaunihera should be presented with a menu of decision-making options with the strengths and weaknesses of each set out clearly, see www.lgnz.co.nz.

Appendix 3: Mayors' powers to appoint under s.41A

The role of a mayor is:

- (a) To provide leadership to councillors and the people of the city or district.
- (b) To lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The mayor has authority to:

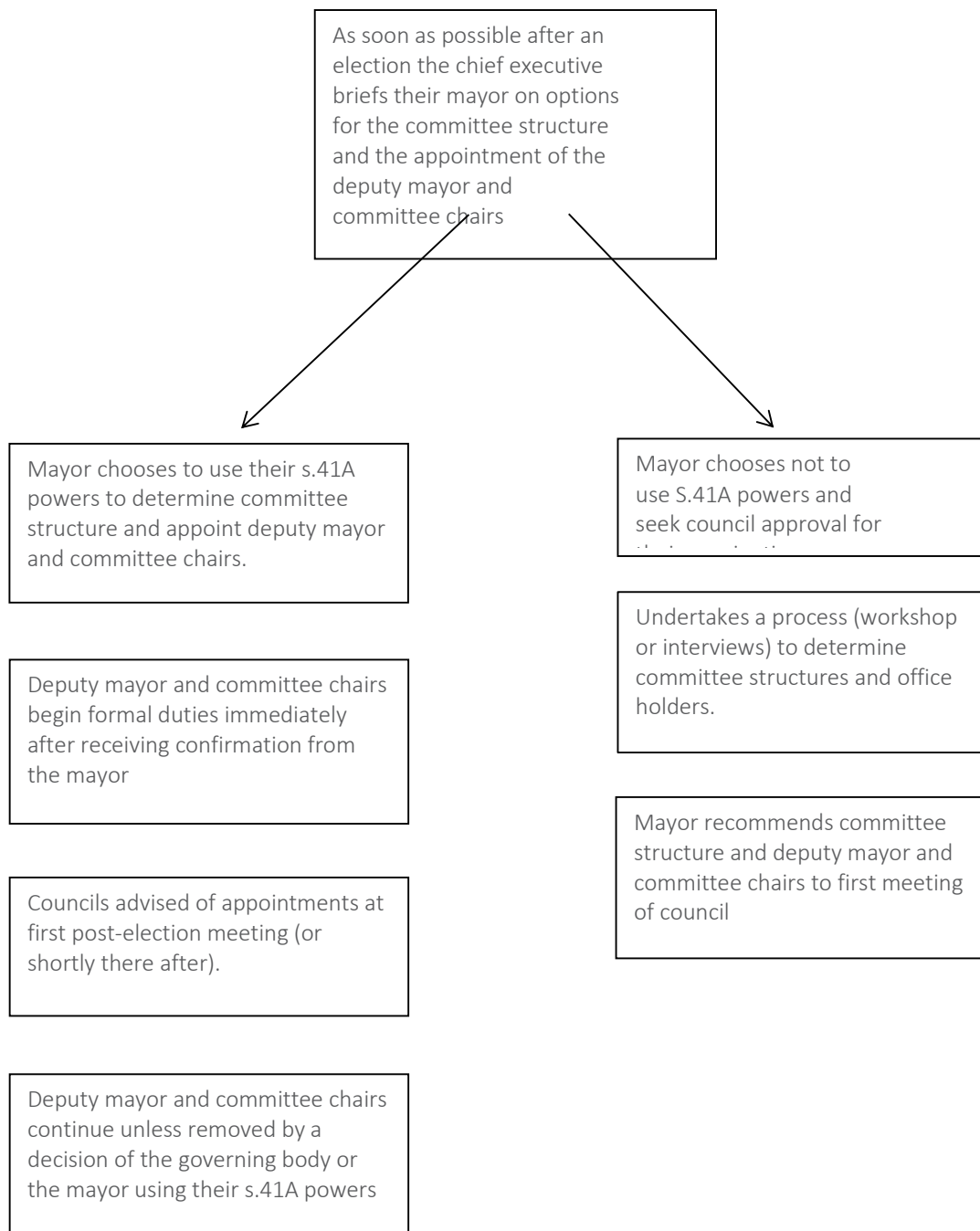
- (a) Appoint the deputy mayor.
- (b) Establish council committees, their terms of reference, appoint the chair of each of those committees and the members.
- (c) Appoint themselves as the chair of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The council retains the ability to:

- (a) Remove a deputy mayor appointed by the mayor.
- (b) Discharge or reconstitute a committee established by the mayor.
- (c) Discharge a committee chair who has been appointed by the mayor.

The mayor is a member of each committee of the council.

Appendix 4: Process for implementing s. 41A



Appendix 5 Changes made to the 2019 SO template

Standing Order	Changes made to the 2019 LGNZ standing orders template (2022)
Definitions	<p>New definitions and amendments:</p> <ul style="list-style-type: none"> • Matariki as a public holiday • Member of the Police • Appointed member • Emergency under “meeting” • debate • conflict of interest, • division, • Item, • leave of the hui, • officer, • open voting, and • pecuniary interest • definition of chair and presiding member tweaked • definition of workshops tweaked with change to standing orders advice • definition of seconder expanded by addition of ‘amendment’.
3.5	Motion to suspend standing orders – ‘may’ replaced with ‘must identify the specific standing orders to be suspended’.
7.2	Confirmed that District Licensing Committees do not need to be reconstituted.
9.1	Preparation of an agenda – amended to make it clear that a chief executive prepares an agenda on behalf of the chairperson and ‘must’ consult the chair, or person acting as chair, when preparing it.
9.5	Chair’s recommendation – an addition, to make it clear that any recommendation by a chair must comply with the decision-making provisions of Part 6, LGA 2002.
12.2	Statutory reference inserted - s. 50 LGOIMA.
12.4	Public may record hui - slight amendments to improve practicality.
13.3	Leave of absence – amended to remove ambiguity.
13.7 & 13.17	To confirm that if a chairperson is concerned that confidential information might be at risk, they may terminate an audio and/or audio-visual link

18.5	Release of public excluded information - requirement that the CEO will inform the subsequent hui, has been deleted due to administrative impracticality.
19.1	Decisions by majority vote - tweaked to better align with statutory reference in Schedule 7, LGA 2002.
21.12	Clarification made to the option that allows a member who moves a motion to reserve their right of reply.
23.1	Commas after 'motion' and 'debate'.
23.1	Proposing and seconding – amended to make it clear that movers and seconders are NOT required to stay for the subsequent debate.
23.5	Amendments to be relevant - this Standing Order has been expanded with a list of reasons that can be used for not accepting amendments.
23.6 (previous)	'Chairperson may recommend an amendment' - deleted.
23.6 (formerly 23.7)	Foreshadowed amendments – changes to better communicate intent.
23.10 (formerly 23.11)	Withdrawal of motion – changes made to clarify standing order intent.
27.7	Repeat notices of motion – the phrase, 'in the opinion of the chairperson', deleted as not helpful.
28.2	Matters recorded in the minutes - new bullet point (i) added to clarify that "items tabled at the hui" should be included in the minutes.
Appendix 8	Specific standing order references have to the powers of a chair where relevant.
Appendices shifted to Standing Order Guide	<ul style="list-style-type: none"> • Process for applying S.41A • Workshops

8.5 ELECTED MEMBERS PECUNIARY INTERESTS REGISTER AND APPOINTMENT OF REGISTRAR

Decision Required

Report To: Tasman District Council

Meeting Date: 3 November 2022

Report Author: Elaine Stephenson, Democracy Services Advisor

Report Number: RCN22-11-5

1 Summary

- 1.1 [The Local Government \(Pecuniary Interests Register\) Amendment Act 2022](#) passed on 20 May 2022 and will come into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act 2002 (LGA), all of which relate to elected members' pecuniary (financial) interests.
- 1.2 The purpose of the new provisions is to increase transparency, trust, and confidence in local government by keeping and making publicly available, information about elected members' pecuniary interests. It is largely modelled on the regime that applies to members of Parliament but has been tailored to reflect particular aspects of local government.
- 1.3 From 20 November 2022, every council will be required to keep a register of its elected members' pecuniary interests, and to make a summary of it publicly available.
- 1.4 Each council must appoint a Registrar to maintain the register and provide advice and guidance to elected members. The power to appoint the Registrar sits with the Full Council but is capable of being delegated.
- 1.5 Registrars are tasked with the compilation and maintenance of the register. In compiling and maintaining the register, registrars will need to ensure there is compliance with the Privacy Act 2020.
- 1.6 Elected members are required to provide annual returns, which are to be included on the register, and to subsequently advise of any errors or omissions in those returns. Any failure to comply with the new obligations amounts to an offence, and so it is important that elected members understand and comply with these new provisions, and that they are provided with necessary guidance.

2 Draft Resolution

That the Tasman District Council

1. **receives the Elected Members Pecuniary Interests Register and appointment of Registrar report RCN22-11-5; and**
2. **pursuant to the Local Government (Pecuniary Interests Register) Amendment Act 2022, appoints the Council's Legal and Democracy Services Manager as the Registrar of Tasman District Council Elected Members' Pecuniary Interests Register.**

3 Purpose of the Report

- 3.1 To advise of elected members' and the Council's obligations pertaining to:
- 3.1.1 the Local Government (Pecuniary Interests Register) Amendment Act 2022; and
 - 3.1.2 to provide information regarding the Pecuniary Interests Register and declarations of interest process; and
 - 3.1.3 the relationship between the new provisions and other legislation:
 - the Local Authorities (Members Interests) Act 1968;
 - the Privacy Act 2020;
 - the Local Government Official Information and Meetings Act 1987; and
- 3.2 To appoint a Registrar for the Pecuniary Interests Register.

4 Background and Discussion

- 4.1 From 20 November 2022, a new set of requirements and obligations has been inserted into the LGA which relate to elected members' pecuniary (financial) interests.
- 4.2 Every council will be required to keep a register of its elected members' pecuniary interests, and to make a summary of it publicly available.
- 4.3 Each council must appoint a Registrar to maintain the register and provide advice and guidance to elected members.
- 4.4 Sections 54A to 54I of the LGA require elected members to provide annual returns of certain pecuniary interests. It is important to note that nothing in this requirement to register a pecuniary interest requires any elected member to disclose the actual value, amount, or extent of any asset, payment, interest, gift, contribution, or debt.
- 4.5 Elected members are responsible for ensuring that no conflict exists, or appears to exist, between their personal interests and their public duty. Elected members must conduct themselves at all times in the knowledge that their role is a public one; appearances and perception can be as important as an actual conflict of interests. Members should avoid situations in which they, or those close to them, gain remuneration or other advantage from information or other advantage is acquired only by reason of their office.

Elected Members duty to make return of pecuniary and other specified interests

- 4.6 The key obligations for elected members are to:
- 4.6.1 make annual returns that contain information on certain pecuniary interests to the Registrar, within the statutory timeframe;
 - 4.6.2 ensure that the information contained in their returns is accurate; and
 - 4.6.3 in the event of becoming aware of an error or omission in their returns, advise the Registrar of that as soon as practicable.
- 4.7 If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000.
- 4.8 In each triennium, the due dates for a return are:
- 4.8.1 Year 1: the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001.

4.8.2 Years 2 and 3: the last day of February in the second and third years of the triennium.

4.9 For clarity, Year 1 dates are:

Date	Event
8 October 2022	Polling day
13 October 2022	Public notice of the final election result is given, under section 86 of the LEA
14 October 2022	Elected Members come into office
15 October 2022	'Day 1' of the 120 day period
12 February 2023	Due date for elected members' returns ('day 120')

4.10 The new requirements and obligations apply only to elected members. Appointed members are not required to provide an annual return to the Registrar. However, under the Local Authorities (Members Interests) Act 1968 (LAMIA), appointed members will be required to complete section 2 of the Interests return form relating to LAMIA.

4.11 It is explicitly stated in the LGA that elected members are expected to take personal responsibility for making sure that they satisfy their own obligations. Where elected members have any questions about making returns, or their obligations more generally, they can seek advice from the Registrar. It is also open to elected members to obtain independent legal advice if they consider that would be helpful.

Summary of councils' obligations

4.12 There are four main obligations for councils. They must:

- 4.12.1 keep a register of elected members' pecuniary interests (the Register);
- 4.12.2 appoint a Registrar, who will compile and maintain the Register for the council;
- 4.12.3 make a summary of the information contained in the Register publicly available; and
- 4.12.4 in order to maintain compliance with the Privacy Act 2001, ensure that information contained in the Register is:
 - only used or disclosed in accordance with the purpose of the Register, and
 - retained for seven years after the date on which an elected member provides the information and is then removed from the Register.

Appointment of Registrar

4.13 The person appointed will need to be suited to engaging directly with elected members and be well placed to make judgements about the advice to be given to members.

4.14 The power to appoint the Registrar sits with the Full Council but is capable of being delegated to the Chief Executive given the Registrar may need be involved in potential breaches by elected members, due to any failure to comply with the new obligations.

4.15 Council has the option of delegating the appointment to the Chief Executive so that they themselves are not closely involved in that decision. However, staff do not consider this to be an issue.

4.16 The staff recommendation is for the Full Council to appoint the Legal and Democracy Services Manager, who is currently also the Council's Privacy Officer, as the Council's Registrar.

- 4.17 It is considered that the Legal and Democracy Services Manager is a suitable appointment to provide advice and guidance to elected members and to act with total impartiality in the role of Registrar regarding any potential breaches by elected members. This appointment is not considered as being favourable to elected members and is supported by the Chief Executive. Therefore, the appointment is thought to be appropriate to be made by the Full Council.

Role of Registrar

- 4.18 Registrars are tasked with the compilation and maintenance of the Register on a day-to-day basis, helping to ensure the Council satisfies its obligation to keep a register.
- 4.19 Under the LGA 02, the Register is to be comprised of all pecuniary interest returns filed by elected members and any corrections made by elected members. In compiling and maintaining the Register, the Registrar will need to ensure there is compliance with the Privacy Act 2020.
- 4.20 Registrars are specifically obliged to “correct” the Register when advised of an error or omission. Any correction received must be linked to the original return in question, so that anyone accessing the original return is made aware of the correction.
- 4.21 Registrars are also tasked with providing advice and guidance to elected members in connection with their obligations. While the Registrar will endeavour to help elected members who seek advice, the Registrar cannot be expected to provide definitive advice on the application of the new provisions for every situation. There will be some areas of uncertainty, although this should lessen over time (likely through auditing processes, and potentially case law).
- 4.22 If the Registrar is unsure about any compliance related or interpretation issues, legal advice can be sought. If that is not feasible for whatever reason, the Registrar may recommend to the elected member that they obtain independent legal advice.
- 4.23 When in doubt, the Registrar will advise elected members to err on the side of caution regarding disclosure, an over-disclosure of interests will not trigger any of the new offences, but an under-disclosure might.
- 4.24 It is important to note that the LGA 02 makes clear that the Registrar is not required to obtain returns from elected members, or to notify elected members about any failure to make a return by the due date or of any error or omission in a return. While a Registrar might choose to provide helpful notification to elected members, they are not obliged to do so.
- 4.25 The Registrar, with support from Council staff, will endeavour to assist elected members to comply with the LGA 02 and this may include reminders to elected members.
- 4.26 The LGA 02 is silent on whether councils are required to report possible offences to the Secretary for Local Government for them to consider prosecution. There is the potential for the Secretary for Local Government to issue guidance to Councils on when they expect to be notified but, to date, this guidance has not been issued.
- 4.27 In the absence of this guidance, should the Registrar become aware of potential offences they may, at their sole discretion:
- 4.27.1 notify the elected member for the purpose of them immediately rectifying the potential offence or
 - 4.27.2 notify the Secretary for Local Government of the potential breach and then notify the elected member after receiving guidance from the Secretary for Local Government.

- 4.28 The decision making around any action following a potential breach will be well-documented and recorded in the Council's information management systems.

The Register

- 4.29 Each council must make a summary of the information contained in the Register publicly available. Council will publish a summary of the Register on its website, appropriately publicised.
- 4.30 The summary should provide sufficient information for the public to identify relevant interests, but without providing excessive details about an elected member's personal affairs. As a matter of good practice, the Registrar will consult elected members on its proposed summary information taken from the Register, however, the decision on how Council will satisfy the requirement to publish a summary sits with the Registrar.
- 4.31 If a member of the public is unhappy with the level of disclosure in any summary, it will be open to them to request the additional information held on the Register under the Local Government Official Information and Meetings Act 1987.

Relationship with Other Legislation

[Local Authorities \(Members' Interests\) Act 1968 \(LAMIA\)](#)

- 4.32 LAMIA governs some conflict of interest issues for members, notably those involving pecuniary interests. In particular:
- 4.32.1 the contracting rule prohibits members from being interested in any contracts (e.g., being a director of a company who is party to the contract, being a sub-contractor of an entity who is party to the contract) with the Council that have a combined value of more than \$25,000 in a financial year (this only applies to Community Board Members if the contract specifically relates to their ward) – unless the Auditor-General approves the arrangement; and
 - 4.32.2 the participation rule prohibits members from participating in any council decision-making in which the member has a pecuniary interest that is not one held in common with the public – unless the Auditor-General has pre-approved such participation.
- 4.33 The LGA 02 sets out two specific clarifications about the relationship with LAMIA. It provides:
- 4.33.1 An elected member's obligations under the LGA 02 in relation to the Register are in addition to any obligations under LAMIA, and do not affect the application of LAMIA; and
 - 4.33.2 a pecuniary interest that an elected member has declared under the LGA 02 regime is not necessarily an interest for the purposes of LAMIA.
- 4.34 LAMIA and the new LGA 02 provision will, in practice, operate separately from one another. The main reasons for this are:
- 4.34.1 LAMIA is also applicable to appointed members of Council committees and subcommittees;
 - 4.34.2 The pecuniary interests reported under the LGA 02 are unlikely to capture the full range of interests that can sometimes create issues under LAMIA. For instance, LGA 02 returns do not need to cover:
 - a member's spouse's or dependents' pecuniary interests;

- details of a member's debtors and creditors;
- any contracts with the council in which the member is interested; or
- any non-financial interests that the member may have.

- 4.34.3 The LGA 02 does not require any ongoing reporting of new interests as they arise between annual returns.
- 4.35 As a result, staff have considered how the Council can ensure elected members' compliance with both the LGA 02 and LAMIA and have combined the requirements of both Acts in Council's Pecuniary Interests Return Form (Attachment 1), with Section 1 relating to the LGA 02, and Section 2 relating to LAMIA. Elected members are encouraged to fill this form out electronically and will be provided with a link to access it.
- 4.36 Elected members will be required to complete sections 1 and 2 of the form and appointed members will be required to complete section 2 only.
- 4.37 Under LAMIA, at meetings all members are required to abstain from discussion or voting on any matter that they have declared a pecuniary interest in. Any interests must be declared as they occur and Council's Interests Register updated accordingly.
- 4.38 It is also a requirement of Council's Standing Orders that 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, and that 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.
- 4.39 Council's Standing Orders also require that if a member declares a non-financial conflict of interest interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

[Privacy Act 2020 \(the Privacy Act\)](#)

- 4.40 The Register will contain elected members' personal information. As a result, the information privacy principles (IPPs) in the Privacy Act will apply to this information.
- 4.41 To help ensure compliance with the Privacy Act, a council should consider how it will comply with each of the IPPs in relation to the Register.
- 4.42 The Council will bear in mind:
- 4.42.1 IPP 3 requires elected members to be informed of certain matters at the time of collection of their personal information. For this purpose, a privacy statement is included in the return form;
 - 4.42.2 The LGA 02 states that council must ensure information contained in the Register is retained for seven years from when the member provides the information, after which it is to be removed from the Register. This will be the responsibility of the Registrar;
 - 4.42.3 The LGA 02 also requires councils to ensure that the information in the Register is only used or disclosed in accordance with the purpose of the Register. This will be the responsibility of the Registrar.
- 4.43 The obligations under the LGA 02 and Privacy Act do not affect the Council's obligations to maintain documents under the Public Records Act 2005.

[Local Government Information and Meetings Act 1987 \(LGOIMA\)](#)

- 4.44 The Register will constitute “official information” in terms of LGOIMA. As a result, members of the public will be able to request information held on the Register.
- 4.45 Practically, the publication of the summary of the Register should significantly reduce the likelihood of such LGOIMA requests being made, but they remain a possibility if someone considers that the summary does not provide sufficient detail.
- 4.46 The LGA 02 states that councils are required to ensure the information in the Register is only disclosed in accordance with the purpose of the Register. The purpose of the Register is described in the LGA 02 as:
- 4.46.1 to record members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.
- 4.47 Any LGOIMA requests regarding the Register will be processed via the Council’s LGOIMA response system and will be considered on a case-by-case basis with appropriate consideration of the requirements of the LGA 02 and LGOIMA withholding grounds.

5 Options

- 5.1 The options are outlined in the following table.

	Option	Advantage	Disadvantage
1.	Appoint Council’s Legal and Democracy Services Manager as Council’s Registrar	<p>The appointment is transparent to the public.</p> <p>Council’s Legal and Democracy Services Manager is also Council’s Privacy Officer and has knowledge of both in Members’ Interests and the Privacy Act requirements.</p> <p>It is considered that the Legal and Democracy Services Manager will deal with any breaches of the LGA (Pecuniary Interests Register) Amendment Act 02 impartially and is considered to be a suitable member of staff to undertake the role.</p>	Elected members need to be satisfied that the Legal and Democracy Services Manager will perform the role of Registrar impartially and that the appointment is not favourable to elected members.
2.	Delegate appointment of the role of Registrar to the Chief Executive	Elected Members achieve distance between themselves and the appointment.	<p>The appointment of the Registrar is not as transparent to the public if the appointment is made internally by the Chief Executive.</p> <p>Even if the appointment is made by the Chief Executive, it will still be a</p>

			member of staff that is appointed to the role.
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5.2 Option 1 is recommended.

6 Strategy and Risks

6.1 None identified.

7 Policy / Legal Requirements / Plan

- 7.1 The appointment of a Registrar and the requirement for an Elected Member Pecuniary Interests Register and provision of a summary of the register are legislative requirements under the LGA 02.
- 7.2 This report also takes into account the relationship with other legislation, including:
- 7.2.1 the Local Authorities (Members Interests) Act 1968
 - 7.2.2 the Privacy Act 2020
 - 7.2.3 the Local Government Official Information and Meetings Act 1987.

8 Consideration of Financial or Budgetary Implications

- 8.1 There are no budgetary implications, the obligations of Council will be undertaken by existing staff.

9 Significance and Engagement

- 9.1 This is an internal matter, required by legislation, it is considered of low significance to the community and no consultation is required. It increases public transparency regarding elected members' interests.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	No	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	
3.	Is there a significant impact arising from duration of the effects from the decision?	No	

	Issue	Level of Significance	Explanation of Assessment
4.	Does this activity contribute or detract from one of the goals in the Tasman Climate Action Plan 2019 ?	No	
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11.	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	No	

10 Conclusion

- 10.1 This report has provided information regarding elected members and council's obligations under LGA (Pecuniary Interests Register) Amendment Act and recommended the appointment of Council's Legal and Democracy Services Manager to the role of Registrar. Staff will complete the necessary administration to ensure the Council's obligations under the Act.

11 Next Steps / Timeline

- 11.1 Elected Members have been provided with the Pecuniary (and LAMIA) Interests return form in their induction material and the form is available for completion online and will also be circulated by staff. Appointed members will also be provided with the form to complete Section 2 of the form in relation to the requirements of LAMIA.
- 11.2 Legal and Democracy Services staff will ensure Council's adherence to the requirements of the Acts and are available to assist and provide advice to elected and appointed members.
- 11.3 Following the due date for elected member returns for year 1 of the triennium (120 days after the date on which elected members come into office, 12 February 2023) staff will compile and maintain the Register and publish the Summary on its website.

12 Attachments

- | | | |
|----------------------|--|-----|
| 1. ↓ | Elected and Appointed Members Pecuniary Interests Form | 330 |
|----------------------|--|-----|

Elected and Appointed Members Pecuniary Interests Return Form and Declaration of Interests

Privacy statement:

Your personal information is being collected so that the Council and the Registrar can comply with their obligations under the LGA, particularly those in sections 54A and 54G.

You are required to provide this information under sections 54C to 54H of the LGA. Failure to do so will constitute an offence under section 235 of the LGA.

Your personal information will be used and disclosed in accordance with the purpose of the register set out in section 54B of the LGA, which is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making. The information will be retained for 7 years from the date on which you provide it and will then be removed from the register.

A summary of your personal information will be made publicly available by the Council, in accordance with section 54A of the LGA. In addition, your personal information will constitute official information, and so is subject to the Local Government Official Information and Meetings Act 1987.

You have the right to access and seek correction of your personal information under the Privacy Act 2020. This can be done by contacting Council's Privacy Officer (Legal and Democracy Services Manager).

* Required

General details

1. What is your full name? *

2. Twelve month period covered by this return: *

3. Are you an *

- ☐ Elected member
- ☐ Appointed member

Elected Members Annual Pecuniary Interests Return Form

Sections 54A to 54I of the Local Government Act 2002 (LGA 02) require elected members to provide annual returns of certain pecuniary (financial) interests.

You are responsible for complying with your obligations under the LGA relating to your return. You can, however, seek advice and guidance from Council's Registrar on how to complete your return.

4. Are you the director of a company? (section 54E(1)(a)) *

☐ Yes

☐ No

5. If yes, please provide the name of the company (or companies) and a description of their main business activities:

6. Do you hold or control more than 10% of the voting rights in a company? (section 54E(1)(a)) *

☐ Yes

☐ No

7. If yes, please provide the name of the company (or companies) and a description of their main business activities:

8. Do you have a pecuniary interest in any other company or business entity (except as an investor in a managed investment scheme)? (section 54E(1)(b)) *

☐ Yes

☐ No

9. If yes, please provide the name of the company (or companies) or business entity (or entities) and a description of their main business activities:

10. Are you employed? *

☐ Yes

☐ No

11. If yes, please provide the name of your employer(s) and a description of their main business activities:

12. Do you have a beneficial interest in a trust? (section 54E(1)(d)) *

- ☐ Yes
- ☐ No

13. If yes, please provide the name of the trust(s):

14. Are you a member of an organisation, a member of the governing body of the organisation, or a trustee of the trust and that organisation or trust receives, or has applied to receive, funding from the Council, local board or community board to which you are elected? (section 54E(1)(e)) *

- ☐ Yes
- ☐ No

15. If yes, please provide the name of the organisation(s) or trust(s) and a description of their main business activities:

16. Are you appointed to any organisation by virtue of being an elected member? (section 54E(1)(f)) *

☐ Yes

☐ No

17. If yes, please provide the title for your appointed role(s), the name of the organisation(s), and a description of them:

18. Do you have a legal interest, other than as a trustee, in any real property? (section 54E(1)(g)) *

☐ Yes

☐ No

19. If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

20. Are you the beneficiary of a trust that holds real property (but excluding a trust that is a unit trust you have already disclosed under question 5 or a trust that is a retirement scheme whose membership is open to the public)? (section 54E(1)(h)) *

☐ Yes

☐ No

21. If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

22. Have you travelled to any country (other than New Zealand) where your travel and accommodation costs were not paid in full by you and/or a member of your family? (section 54F(1)(a))

(In this question, "family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.) *

☐ Yes

☐ No

23. If yes, please provide the name of the country, the purpose of travelling to the country, the name of each person who contributed (in whole or in part) to the costs of travel to or from the country to or any accommodation costs incurred by the member while in the country (if more than one country was travelled to, provide all of this information for each country):

24. Have you received any gift (other than a gift from a family member, unless you consider that gift should be disclosed taking into account the purpose of the members' pecuniary interests register) that:

- has an estimated market value in New Zealand of over \$500; or
- when combined with all other gifts from the same donor, have a total estimated market value in New Zealand of over \$500? (section 54F(1)(b))

(In this question:

"gift" includes hospitality and donations in cash or kind, but excludes electoral expenses, and

"family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.) *

☐ Yes

☐

25. If yes, please provide a description of the gift(s) and the name of the donor of the gift(s) (if known or reasonably ascertainable by you):

26. Have you received any payment for an activity in which you are involved, excluding:

- any salary or allowance paid to you under the Remuneration Authority Act 1977 or the Local Government Act 2002
- any payment received from an interest that has already been disclosed in this return; or
- any payment made in respect of an activity that you ceased to be involved in before becoming a member?

(section 54F(1)(c)) *

☐ Yes

☐

27. If yes, please provide a description of the payment(s) received by you:

Declaration of Interests

The Local Authorities (Members Interests') Act 1968 (LAMIA) also governs some conflict of interest matters for elected and appointed members, that are not included under LGA 02, for example, a member's partner's pecuniary interests and details of a member's debtors and creditors and non-pecuniary (financial) conflicts of interest. Non-financial conflicts of interest that a member may have are governed by the common law rules about bias.

Elected and Appointed members must make a general declaration of interest annually and as soon as possible after becoming aware of any new interests.

These declarations are recorded in a register of interests maintained by Council. A version, omitting some identifying information (e.g., property addresses and interests by association), is published on the Tasman District Council website. Information on Related Party Transactions is also reported in the Annual Report.

Neither LGA 02, nor LAMIA require independent appointed members to provide details of their interests. However, they should clearly approach their decision-making with an open mind and

28. Name of partner

29. Name of any dependents

30. Any employment, trade or profession carried out by you or your partner for profit or gain.

Please provide the name of the organisation, the relationship with the organisation and the person with the interest (yourself or your partner)

31. Please provide details of organisations of which you, or your partner, have an interest in, and which, to the best of your knowledge, are engaged in any financial or other business transactions of any kind with Tasman District Council and/or its associated entities.

Please provide the name of the organisation, the nature of the interest, the nature of the transaction with Council and the person with the interest (yourself or partner)

32. The address of any land in Tasman District which you or your partner have an interest in, including the primary residence.

Please provide the address, the nature of the interest and the person with the interest (yourself or your partner)

33. The address of any land where the landlord is the Tasman District Council and:

- you or your partner are a tenant; or
- the land is tenanted by a firm in which you or your partner have an interest.

Please include the address, name of tenant organisation, relationship to tenant organisation and the person with the interest (yourself or partner)

34. Please describe any transaction(s) in which you or your partner received goods or services free of charge or at a reduced rate from:

- Tasman District Council, and/or its related entities, or
- any person or entity that does business or is seeking to do business with Tasman District Council, and/or its related entities.

35. Please provide details of any debtors you have:

36. Please provide details of any creditors you have:

37. Any other matters which the public might reasonably regard as likely to influence a member's actions during the course of their duties as a member (include any club memberships and your role).

38. I understand that there is an on-going requirement to disclose any changes to my interests as they occur. This disclosure can be emailed to Democracy@tasman.govt.nz *

☐ Yes

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 Microsoft Forms

8.6 APPOINTMENT OF A HEARING PANEL TO CONSIDER SUBMISSIONS ON PROPOSALS RELATING TO BEST ISLAND RECREATION RESERVE

Decision Required

Report To:	Tasman District Council
Meeting Date:	3 November 2022
Report Author:	Anna Gerraty, Senior Community & Reserves Policy Advisor; Joe Bywater, Project Manager; Robert Cant, Programme Leader - Land & Leases
Report Number:	RCN22-11-6

1 Summary

- 1.1 A number of landowners on Best Island currently only have legal access to their property via the sea and/or foot access via esplanade reserve. The physical road formation that people use for vehicle access has never formally been legalised. The existing informal road is predominantly on private land, but also runs through the middle of the Best Island Recreation Reserve.
- 1.2 The Council is currently consulting on three interconnected proposals relating to Best Island Recreation Reserve:
 - 1.2.1 The first proposal is to realign the road formation to run along the inside of the western and northern reserve boundaries and declare these areas (780m² in total) as legal road under the Public Works Act. This will require the consent of the Minister of Conservation (the Minister). A small part of the reserve in the northeastern corner will be isolated by this new road.
 - 1.2.2 The second proposal is to revoke reserve status of that 175m² area, with the intention of selling it to the neighbouring landowner. That landowner owns most of the land where the existing road formation is located and has agreed to sell the road land to Council. The proposed sale of the 175m² will partially offset the purchase price of the road land.
 - 1.2.3 The third proposal is to classify the remaining reserve area (2,415m²) as Recreation Reserve.
- 1.3 Submissions on these proposals opened on 26 October and close on 28 November 2022. The Council needs to appoint a hearing panel to consider submissions received on the three proposals. Hearings and deliberations are scheduled to be held on 7 and 13 February 2023.
- 1.4 Detailed background information on the process to legalise the road on Best Island (the driver for undertaking this consultation) is provided in previous reports to Full Council. The most recent report was considered at the meeting held on 30 June 2022, where the Council resolved to instruct staff to publicly notify a proposal to revoke part of Best Island Recreation Reserve. That report also noted that appointment of a hearing panel would be deferred until after local elections (refer to resolutions 8 and 9 from report RCN22-06-6).
- 1.5 While the Council has delegated authority from the Minister to classify reserves, only the Minister can decide whether to revoke reserve status over all or part of a reserve. The Minister's consent is also required to declare reserve land to be road. For the revocation

aspect, the Council can carry out the public consultation function and make a recommendation to the Minister about whether to revoke reserve status. If the Minister agrees to revoke reserve status, the Council can then decide what to do with that land. In this situation, the Council proposes to sell the 175m² area to the adjoining landowner.

2 Draft Resolution

That the Tasman District Council

- 1. receives the report on Appointment of a hearing panel to consider submissions on proposals relating to Best Island Recreation Reserve RCN22-11-6; and**
- 2. notes that the Council is currently seeking submissions on proposals to:**
 - i. declare part of the Best Island Recreation Reserve land (780m² in total) as required for public works under section 52 of the Public Works Act, to assist in the creation of legal road; and**
 - ii. revoke another part (175m²) of Best Island Recreation Reserve in accordance with Section 24 of the Reserves Act 1977, to sell to the adjoining landowner; and**
 - iii. classify the remaining area (2,415m²) as Recreation Reserve in accordance with Section 16 of the Reserves Act 1977.**
- 3. notes that the Council may declare land subject to the Reserves Act 1977 as road under Section 52 of the Public Works Act after considering any objections received on such a proposal and obtaining the consent of the Minister of Conservation; and**
- 4. notes that only the Minister of Conservation can make a decision on whether or not to revoke reserve status under section 24 of the Reserves Act 1977; and**
- 5. notes that the Minister of Conservation has provided Council with delegated authority to classify reserves under section 16(1) of the Reserves Act 1977; and**
- 6. delegates to a Hearing Panel the task of hearing and deliberating on submissions received on the three proposals relating to Best Island Recreation Reserve, and making recommendations to Full Council; and**
- 7. appoints a Hearing Panel consisting of Councillors ____ (Chair), ____ and, ____ and ____, and at least one iwi representative [to be appointed by the Mayor]; and**
- 8. delegates to the Chair of the Hearing Panel the ability to appoint another member to the panel, should one of the appointed members be unavailable; and**
- 9. notes that the Hearing Panel will report back to Full Council with:**
 - i. a recommendation for a decision on whether to declare part of the land as legal road; and**
 - ii. a summary of the submissions received on the proposal to revoke part of the reserve and a draft recommendation to forward to the Minister of Conservation about whether to revoke that part of the reserve; and**
 - iii. a recommendation on whether to classify the remaining area as Recreation Reserve, for a decision under delegated authority from the Minister of Conservation.**

3 Purpose of the Report

- 3.1 To appoint a hearing panel to consider submissions received on proposals relating to Best Island Recreation Reserve and to make recommendations back to the Council for a decision (or, in relation to the proposal to revoke reserve status, to forward to the Minister of Conservation for a decision).

4 Background and Discussion

Background to the proposals relating to Best Island Recreation Reserve

- 4.1 Approximately 30 landowners on Best Island currently only have legal access to their property via the sea and/or foot access via esplanade reserve. The physical road formation that people use for vehicle access has never formally been legalised. Best Island Recreation Reserve was created as part of the original 1950s subdivision on the island. Like most other properties on Best Island, there is no legal road access to this reserve. The existing informal road runs through the middle of the reserve.
- 4.2 At the meeting held on 30 June 2022 (refer RCN22-06-6), the Full Council resolved to:
- purchase private land and legalise Best Island Road;
 - fence and undertake minimal physical works on the road; and
 - publicly notify a proposal to revoke reserve status for part of Best Island Recreation Reserve.
- 4.3 The Council proposes to realign the road on Best Island to run along the inside of the reserve's northern and western boundaries and to declare these areas as legal road.
- 4.4 In accordance with requirements under the Reserves Act 1977, the Council has publicly notified a proposal to:
- revoke part (175m²) of Best Island Recreation Reserve to sell to the adjoining landowner; and
 - classify the remaining area (2,415m²) as Recreation Reserve.
- 4.5 In addition, to formalise the creation of legal road, the Council proposes to declare part of the land (780m² in total) to be legal road under section 52 of the Public Works Act, to assist in the creation of legal road. This will require the Minister of Conservation's consent.
- 4.6 The parts of the reserve proposed to be declared as road, revoked or classified are shown on the plan included as **Attachment 1** to this report.
- 4.7 Submissions on these proposals opened on 26 October and close on 28 November 2022. The Council now needs to appoint a hearing panel to consider submissions received on the three proposals. Hearings and deliberations are scheduled to be held on the 7th and 13th of February 2023.

Declaring land as legal road

- 4.8 The Council manages many parcels of land across the District that are held as Local Purpose (Road) under the Reserves Act. From time to time, staff exercise delegated authority to declare some of these parcels as legal road under the Public Works Act, which is a more appropriate status for this land. This usually occurs on reserves held for road or another utility reserve purpose. As this is largely an administrative matter, public consultation is not usually undertaken as part of this process.

- 4.9 In the case of Best Island Recreation Reserve, the land is also subject to the Reserves Act but the purpose listed on the record of title is 'Recreation'. The intention of the proposal is to change the legal status of part of the reserve (780m² in total) from a recreation reserve subject to the Reserves Act to legal road. The Council has publicly notified this proposal for consultation.

Revocation of reserve status

- 4.10 Only the Minister of Conservation can decide whether to revoke reserve status over all or part of a reserve. The Council can carry out the public consultation function and make a recommendation to the Minister about whether to revoke reserve status. If the Minister agrees to revoke reserve status, the Council can then decide what to do with that land. In this situation, the Council proposes to sell the 175m² area (that will be isolated by realigning the Best Island Road formation along the inside of the Best Island Recreation Reserve's northern boundary and declaring this to be legal road) to the adjoining landowner.

Reserve classification

- 4.11 Section 41 of the Reserves Act 1977 (the Act) requires that all types of reserves (except Local Purpose reserves) under the control of, or vested in, an administering body must be covered by an approved reserve management plan (RMPs). The Best Island Recreation Reserve is covered by the Richmond Ward Reserve Management Plan, which is overdue for review.
- 4.12 Classification of existing reserves needs to be completed before preparing a management plan, to comply with section 41(3) of the Act.
- 4.13 The Minister of Conservation (the Minister) was previously responsible for classifying all reserves that existed prior to 1977 (s16(1)(a)). In 2013, the Minister delegated this responsibility to local authorities. The delegation provides the Council with the authority to classify reserves under sections 14 and 16 of the Act.
- 4.14 Section 16 of the Act sets out the process for classifying reserves (i.e. those land parcels that have been vested as reserves and are subject to the Reserves Act). The final step required to complete the process is for a notice to be published in the New Zealand Gazette, stating the classification of each reserve (refer sections 16(1) and 16(2) of the Act).
- 4.15 The Best Island Recreation Reserve has not yet been classified under the Act. The record of title shows that the land was taken for the purpose of recreation reserve at the time of subdivision in the 1950s. The Council's intention is to continue to manage the remaining 2,415m² area (excluding the parts to be declared as legal road or revoked and sold to the adjoining landowner) as recreation reserve. Hence the proposal to classify this land as Recreation Reserve under Section 16 of the Reserves Act.

Role of the hearing panel

- 4.16 The hearing panel's role is to consider all submissions received on the three proposals and make recommendations to decision-makers in response. This includes holding a hearing where submitters can speak to their written submissions, and then deliberating on all submissions received.
- 4.17 The Council is being asked to consider including at least one iwi representative as a member of the hearing panel. Recruitment would be undertaken in partnership with Te Taihū Iwi Chairs and appointment of the role/s would sit with the Mayor. Such appointments would strengthen the partnership between the Council and iwi/Māori.

5 Options

- 5.1 Two options are available for hearing and considering submissions on the proposals. The Council could either delegate this task to a hearing panel, or Full Council could carry out this role.
- 5.2 Delegation to a hearing panel allows elected members to balance workloads across their various portfolios. Hearing panels do not have decision-making powers; they make recommendations to decision makers (in this case, to both Full Council and the Minister of Conservation).
- 5.3 If the Council chooses to delegate this task to a hearing panel, it has options of appointing panel members who are either (a) only elected members or (b) a mix of elected members and iwi representatives/other members.
- 5.4 Since 2016, the Council has chosen to enable the Mayor to appoint iwi representatives to hearing panels for consultation processes that have been publicly notified under the Reserves Act. Councillors have highly valued the mātauranga Māori insights and perspectives that the iwi panel members have provided.
- 5.5 Staff recommend the option of appointing a hearing panel that includes a mix of elected members and at least one iwi representative, to facilitate better inclusion of Māori in the Council's decision-making, as required by the Local Government Act and Reserves Act.

6 Strategy and Risks

- 6.1 The risks associated with delegating tasks to a hearing panel and appointing members to that panel are minimal.
- 6.2 There are no material risks associated with creating positions for iwi representatives on a hearing panel. However, there is a risk that should the Council decide against this proposal, that it would be damaging to the relationship with iwi/Māori in Tasman District.
- 6.3 After hearing from submitters, there is scope for making changes to the proposals before they are finalised and adopted by the Council (i.e. following the formal submission and hearing period). Alternatively, the Hearing Panel could recommend that any of the three proposals be declined.
- 6.4 A decision by the Council to not declare part of the land as legal road, or by the Minister to not revoke part of the reserve, would impact the Council's plan for the Best Island road legalisation process currently underway.

7 Policy / Legal Requirements / Plan

- 7.1 The processes associated with the proposals to revoke reserve status of one part of Best Island Recreation Reserve and to classify the remaining reserve area is being undertaken in accordance with Sections 24 and 16 of the Reserves Act 1977 respectively.
- 7.2 The process associated with the proposal to declare land as legal road is being undertaken in accordance with section 52 of the Public Works Act.
- 7.3 The creation of the iwi representative roles on a hearing panel helps the Council fulfil its Te Tiriti o Waitangi obligations and comply with section 81 of the Local Government Act.

8 Consideration of Financial or Budgetary Implications

- 8.1 The suggested elected member appointments have no financial or budgetary implications which are not already budgeted for.
- 8.2 The iwi representative roles on the hearing panel would require remuneration, and the wider road legalisation project includes budget for this aspect.

9 Significance and Engagement

- 9.1 The decision sought in this report is to appoint a hearing panel to consider submissions received on three proposals relating to Best Island Recreation Reserve. The appointment of hearing panel members is of low significance. No public consultation is required. It is a decision solely for the Council.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low to high	These appointments are likely to be of low interest to the general public. Appointment of iwi representatives is likely to be of medium to high interest to some, especially Māori in our community.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does this activity contribute or detract from one of the goals in the Tasman Climate Action Plan 2019 ?	No	
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	
7.	Does the proposal, activity or decision substantially affect	No	

	Issue	Level of Significance	Explanation of Assessment
	debt, rates or Council finances in any one year or more of the LTP?		
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	Yes	The iwi chairs will nominate representatives and having iwi involvement on a hearing panel is providing an opportunity to contribute to decision making processes of Council in line with s81(a) of the LGA.

10 Conclusion

10.1 The Council is asked to appointment members to a hearing panel, based on the draft recommendations outlined in this report.

11 Next Steps / Timeline

11.1 If the Council chooses to appoint iwi representatives to a hearing panel, staff will liaise with the Te Taihū Iwi Chairs forum regarding recruitment and nomination of the iwi representatives. Any nominations received will be presented to the Mayor, who will decide on any appointments of iwi representatives to the panel prior to the hearing (to be held on 7 February 2023).

12 Attachments

1. [Plan showing proposals relating to Best Island Recreation Reserve](#)

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Key:

Benefitted Land

Road to vest

Right of Way

Walkway

Balance Land (Private)

Fence

Gate installed by TDC

Note:
a) This plan has been prepared for planning purposes only and should not be used for specific engineering design.
b) Areas and dimensions shown are approximately only and subject to survey.
c) Layout may vary due to geotechnical constraints and/or client instructions.



Existing Parcel Appellation	Existing Owner	Existing Title Reference	Approx Parcel Area (Ha)
Lot 8 DP 5090	Tasman District Council	Recreation Reserve	0.3540
Lot 2 DP 466583	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622	2.7360
Lot 2 DP 533749	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622	0.4840

Proposed Parcel Appellation	Approx Proposed Parcel Area (Ha)	Existing Owner	Existing Title Reference
Section 1	0.2635	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622
Section 2	0.0405	Tasman District Council	Recreation Reserve
Section 3	0.2765	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622
Section 6	0.0160	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622
Section 7	0.0160	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622
Section 8	0.0170	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622
Section 9	0.0160	Tasman District Council	Recreation Reserve
Section 10	1.6775	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622
Section 11	0.9550	W J Ashton & F M Ashton & A J Ashton & B L Ashton	882622
Section 12	0.0175	Tasman District Council	Recreation Reserve
Section 13	0.2415	Tasman District Council	Recreation Reserve
Section 14	0.0375	Tasman District Council	Recreation Reserve

Schedule of Easements			
Purpose	Shown (Area)	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
Right of Way	B (0.0300 Ha)	Section 11 Hereon	Lots 13 & 14 & 15 DP 5090
	C (0.0140 Ha)	Lot 37 DP 5090 (Esplanade Reserve)	Lot 4 DP 5090
	D (0.0110 Ha)	Section 11	Lot 12 DP 5090

Preliminary Layout of Road to Vest, Walkway to Vest & Right of Way over Lot 2 DP 466583 & Lot 8 DP 5090

prepared by:



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Sheet 1 of 1
Date: 13 April 2015
Amend 25 May 2015
Amend 19 June 2020
Amend 24 June 2020
Amend 8 July 2020
Amend 14 July 2020
Amend 12 April 2021
Amend 12 Nov. 2021
Amend 23 Nov. 2021
Amend 21 July. 2022