



## Meeting of the Hawke's Bay Regional Council

**Date:** Wednesday 6 November 2019  
**Time:** 9.00am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

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Item 5

Hawke's Bay Regional Council

# Standing Orders

Attachment 1

Adopted 6 November 2019

## Preface

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

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

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

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

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

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

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

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## Introduction

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

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

Part 1 deals with general matters.

Part 2 deals with pre-meeting procedures.

Part 3 deals with meeting procedures.

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

## 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:

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

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

## Statutory references

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

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

**Acronyms**

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968

**Application**

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

**Definitions**

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

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

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

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

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

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

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

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

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

**Committee** includes, in relation to a local authority:

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

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

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

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

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

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

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

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

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

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

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

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

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

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

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

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

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

**Motion** means a formal proposal to a meeting.

**Mover** means the member who initiates a motion.

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

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

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

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



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

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

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

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

**Presiding member** means the person chairing a meeting.

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

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

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

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

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

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

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

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

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

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

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

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

**Right of reply** means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

**Seconder** means the member who seconds a motion.

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

**Subordinate decision-making body** means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority.

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

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

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

**Working day** means a day of the week other than:

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

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

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

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

## General matters

### 3. Standing orders

#### 3.1 Obligation to adopt standing orders

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

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

#### 3.2 Process for adoption and alteration of standing orders

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

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

#### 3.3 Members must obey standing orders

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

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

#### 3.4 Application of standing orders

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

#### 3.5 Temporary suspension of standing orders

- 3.5.1 Any member of a council, committee, subcommittee and subordinate may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

*cl. 27(4), Schedule 7, LGA 2002.*

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

#### 3.6 Quasi-judicial proceedings

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

#### 3.7 Physical address of members

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

## **4. Meetings**

### **4.1 Legal requirement to hold meetings**

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

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

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

### **4.2 Meeting duration**

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

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

### **4.3 Language**

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

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

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

### **4.4 Webcasting meetings**

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

### **4.5 First meeting (inaugural)**

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

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

### **4.6 Requirements for the first meeting**

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

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

- 4.6.1 The making and attesting of the declarations required of the Chairperson (if any) and members under cl.14, Schedule7, (LGA 2002);



4.6.2 The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule 7, (LGA 2002);

4.6.3 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.

4.6.4 The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and

4.6.5 The election of the deputy Chairperson in accordance with cl.17 Schedule 7, (LGA 2002).

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

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

## **5. Appointments and elections**

### **5.1 Elections of regional Chairpersons, and deputy Chairpersons**

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.3) when electing people to the following positions:

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

cl. 25 Schedule 7, LGA 2002.

### **5.2 Removal of a Chairperson deputy Chairperson**

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

cl. 18, Schedule 7, LGA 2002.

### **5.3 Voting system for Chairpersons, deputy Chairpersons and committee chairs**

When electing a regional council chair, a deputy 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, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

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

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

#### **6.2 Committees may delegate**

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

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

#### **6.3 Use of delegated powers**

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

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

#### **6.4 Decisions made under delegated authority cannot be rescinded or amended**

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

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

#### **6.5 Committees and 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.

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

### **7. Committees**

#### **7.1 Appointment of committees and subcommittees**

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

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

#### **7.2 Discharge or reconstitution of committees and subcommittees**

Unless expressly provided otherwise in legislation or regulation:

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

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

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

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

#### **7.3 Appointment or discharge of committee members and subcommittee members**

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

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

#### **7.4 Elected members on committees and subcommittees**

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

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

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

#### **7.5 Local authority may replace members if committee not discharged**

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

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

#### **7.6 Decision not invalid despite irregularity in membership**

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

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

cl. 29, Schedule 7, LGA 2002.

#### **7.7 Appointment of joint committees**

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

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

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

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

#### **7.8 Status of joint committees**

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

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

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

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

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



## Pre-meeting

### 8. Giving notice

#### 8.1 Public notice – ordinary meetings

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

s. 46, LGOIMA.

#### 8.2 Notice to members - ordinary meetings

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

cl. 19 (5), Schedule7, LGA 2002.

#### 8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

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

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

#### 8.4 Notice to members - extraordinary meetings

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

cl. 22 (3), Schedule7, LGA 2002.

#### 8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

cl. 22A(1), Schedule7 LGA 2002.

### 8.6 Process for calling an emergency meeting

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

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

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

### 8.7 Public notice – emergency and extraordinary meetings

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

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

s. 46 (3) LGOIMA.

### 8.8 Meetings not invalid

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

That the meeting occurred without proper notification;

- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

### 8.9 Resolutions passed at an extraordinary meeting

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

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

s. 51A, LGOIMA.

### 8.10 Meeting schedules

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

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

**8.11 Non-receipt of notice to members**

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

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

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

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

**8.12 Meeting cancellations**

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

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

**9. Meeting agenda****9.1 Preparation of the agenda**

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

When preparing business items for an agenda the chief executive or Group Manager responsible will consult with the Chairperson.

**9.2 Process for raising matters for a decision**

Requests for reports may be made by a resolution of the council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 12.

**9.3 Chief executive may delay or refuse request**

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

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

**9.4 Order of business**

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

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

### 9.5 Chairperson's recommendation

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

### 9.6 Chairperson's report

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

### 9.7 Public availability of the agenda

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

s. 5 & 46A, LGOIMA.

### 9.8 Public inspection of agenda

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

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

s. 46A (1), LGOIMA.

### 9.9 Withdrawal of agenda items

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

### 9.10 Distribution of the agenda

The chief executive will provide the agenda, and other materials relating to the meeting or other Council business, to members by electronic means at least 3 clear working days before the meeting – except in the case of an extraordinary [or emergency meeting](#) (see Standing Orders [8.4 and 8.10](#)).

### 9.11 Status of agenda

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

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

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

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

s. 46A (7), LGOIMA.

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

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

#### **9.13 Discussion of minor matters not on the agenda**

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

s. 46A (7A), LGOIMA.

#### **9.14 Public excluded business on the agenda**

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

s. 46A (9), LGOIMA.

#### **9.15 Qualified privilege relating to agenda and minutes**

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

s. 52, LGOIMA.



## Meeting Procedures

### 10. Opening and closing

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

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

### 11. Quorum

#### 11.1 Council [meetings](#)

The quorum for a meeting of the council is:

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

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

#### 11.2 Committees and subcommittee meetings

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

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

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

#### 11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

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

#### 11.4 Requirement for a quorum

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

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

#### 11.5 Meeting lapses where no quorum

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

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

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

#### **11.6 Business from lapsed meetings**

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

### **12. Public access and recording**

#### **12.1 Meetings open to the public**

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

*s.47 & 49(a), LGOIMA.*

#### **12.2 Grounds for removing the public**

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

#### **12.3 Local authority may record meetings**

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

#### **12.4 Public may record meetings**

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

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

### **13. Attendance**

#### **13.1 Members right to attend meetings**

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

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

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

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

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

### 13.2 Attendance when a committee is performing judicial or quasi-judicial functions

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

### 13.3 Leave of absence

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

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

### 13.4 Apologies

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

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

### 13.5 Recording apologies

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

### 13.6 Absent without leave

Where a member is absent from [four consecutive meetings](#) of the council without leave of absence [or an apology being accepted](#) (not including extraordinary [or emergency](#) meetings) then the office held by the member will become vacant. [If an apology for leave of absence has been offered and accepted owing to illness, the office held by the member may become vacant by resolution of Council following consultation with the member by the Chair and Chief Executive with the member or their family and a determination having been reached that there is no definitive timeline for a return to Council duties. A vacancy created in this way is treated as an extraordinary vacancy.](#)

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

**Note:** Temporary illness should not disqualify a member as long as a leave of absence is sought, however if an illness is ongoing for an indefinite term and prevents the member from undertaking their duties a process to conclude the members term will be undertaken in consultation with the Chair and Chief Executive and the affected member or their family. In the first instance, it is recommended that the disqualification would commence following absence from four consecutive meetings and where there is no obvious near-term prospect for the member returning to duties as determined by resolution of Council.

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

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

### 13.8 Member's status: quorum

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



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

### 13.9 Member's status: voting

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

### 13.10 Chairperson's duties

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

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

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

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

### 13.11 Conditions for attending by audio or audio visual link

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

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

### 13.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this 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.

### 13.13 Chairperson may terminate link

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

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;

- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

#### **13.14 Giving or showing a document**

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

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

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

#### **13.15 Link failure**

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

#### **13.16 Confidentiality**

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

### **14. Chairperson's role in meetings**

#### **14.1 Council meetings**

The Chairperson must preside at meetings of the [council](#) unless they vacate the chair for a part or all of a meeting. If the [Chairperson](#) is absent from a meeting or vacates the chair, the deputy Chairperson must act as chairperson. If the deputy Chairperson is also absent the local authority members who are present must elect a member to be [the](#) Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting.

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

#### **14.2 Other meetings**

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

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

#### **14.3 Addressing the Chairperson**

Members will address the Chairperson in a manner that the Chairperson has determined.

#### **14.4 Chairperson's rulings**

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

#### 14.5 Chairperson standing

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

#### 14.6 Member's right to speak

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

#### 14.7 Chairperson may prioritise speakers

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

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

### 15. Public Forums

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

In the case of a committee or subcommittee any issue, idea or matter raised in a public forum must fall within the terms of reference of that [body](#).

#### 15.1 Time limits

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

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

#### 15.2 Restrictions

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

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and

- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

### 15.3 Questions at public forums

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

### 15.4 No resolutions

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

## 16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations [should be](#) approved by the Chairperson, or an official with delegated authority, five working days before the meeting. [Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.](#)

### 16.1 Time limits

Speakers can speak for up to 5 minutes, [or longer at the discretion of the Chairperson](#). No more than two speakers can speak on behalf of an organisation's deputation.

### 16.2 Restrictions

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

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

### 16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of [any](#) speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

### 16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.



## 17. Petitions

### 17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to [present their](#) petition in te reo or sign language should advise [the chief executive in time to allow translation services to be arranged](#).

### 17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

### 17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

## 18. Exclusion of public

### 18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.

If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

**18.2 Specified people may remain**

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

**18.3 Public excluded items**

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

**18.4 Non-disclosure of information**

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

**18.5 Release of information from public excluded session**

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

**19. Voting****19.1 Decisions by majority vote**

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

**19.2 Open voting**

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

**19.3 Chairperson does not have a casting vote**

The Chairperson or any other person presiding at a meeting does not have a deliberative vote and, in the case of an equality of votes, has no casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

**19.4 Method of voting**

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

**19.5 Calling for a division**

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

**19.6 Request to have votes recorded**

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

**19.7 Members may abstain**

Any member may abstain from voting.

**20. Conduct****20.1 Calling to order**

When the Chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

**20.2 Behaviour consistent with Code of Conduct**

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

**20.3 Retractions and apologies**

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

**20.4 Disorderly conduct**

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

**20.5 Contempt**

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

**20.6 Removal from meeting**

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

**20.7 Financial conflicts of interests**

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

**20.8 Non-financial conflicts of interests**

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.



**20.9 Qualified privilege for meeting proceedings**

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

**20.10 Qualified privilege additional to any other provisions**

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

**20.11 Electronic devices at meetings**

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

**21. General rules of debate****21.1 Chairperson may exercise discretion**

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

**21.2 Time limits on speakers**

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; [and](#)
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

**21.3 Questions to staff**

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

**21.4 Questions of clarification**

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

**21.5 Members may speak only once**

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. [Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.](#)

**21.6 Limits on number of speakers**

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

**21.7 Seconded may reserve speech**

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

**21.8 Speaking only to relevant matters**

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

**21.9 Restating motions**

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

**21.10 Criticism of resolutions**

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

**21.11 Objecting to words**

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

**21.12 Right of reply**

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

**21.13 No other member may speak**

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

**21.14 Adjournment motions**

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.

**21.15 Chairperson's acceptance of closure motions**

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

**22. General procedures for speaking and moving motions****22.1 Options for speaking and moving**

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

**22.2 Option A**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

**22.3 Option B**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any 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.

#### 22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

#### 22.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

### 23. Motions and amendments

#### 23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not [valid](#) and are not entered in the minutes.

#### 23.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

#### 23.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

#### 23.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

#### 23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments [that are significantly different](#) must comply with the decision-making provisions of the Part 6, LGA 2002.



**23.6 Chairperson may recommend amendment**

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

**23.7 Foreshadowed amendments**

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments [as well as](#) the nature of the content [of those amendments](#).

**23.8 Lost amendments**

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

**23.9 Carried amendments**

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

**23.10 Where a motion is lost**

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

**23.11 Withdrawal of motions and amendments**

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

**23.12 No speakers after reply or motion has been put**

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; [and](#)
- (b) The Chairperson has started putting the motion.

**24. Revocation or alteration of resolutions****24.1 Member may move revocation of a decision**

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council or committee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.



If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

#### **24.2 Revocation must be made by the body responsible for the decision**

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

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

#### **24.3 Requirement to give notice**

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

#### **24.4 Restrictions on actions under the affected resolution**

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked; and
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

#### **24.5 Revocation or alteration by resolution at same meeting**

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

#### **24.6 Revocation or alteration by recommendation in report**

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

### **25. Procedural motions**

#### **25.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. [A procedural motion to close or adjourn debate can be taken](#)

after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

## **25.2 Procedural motions to close or adjourn a debate**

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) That the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

## **25.3 Voting on procedural motions**

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

## **25.4 Debate on adjourned items**

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

## **25.5 Remaining business at adjourned meetings**

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

## **25.6 Business referred to the council or a committee**

Where an item of business is referred (or referred back) to a committee, the committee will consider the item at its next meeting unless the meeting resolves otherwise.

## **25.7 Other types of procedural motions**

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

## **26. Points of order**

### **26.1 Members may raise points of order**

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

## 26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – [to bring](#) disorder to the attention of the Chairperson;
- (b) Language – [to highlight](#) use of disrespectful, offensive or malicious language;
- (c) Irrelevance – [to inform the chair that](#) the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – [to alert the chair of](#) a misrepresentation [in a](#) statement made by a member, an officer or a council employee;
- (e) Breach of standing order – [to highlight a possible](#) breach of a standing order while also specifying which standing order is subject to the breach; [and](#)
- (f) Recording of words – [to request](#) that the minutes record [any](#) words that have been the subject of an objection.

## 26.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

## 26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

## 26.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

## 27. Notices of motion

### 27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

### 27.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or

- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

### **27.3 Mover of notice of motion**

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

### **27.4 Alteration of notice of motion**

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

### **27.5 When notices of motion lapse**

Notices of motion that are not moved when called for by the Chairperson must lapse.

### **27.6 Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority must be referred to that committee by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

### **27.7 Repeat notices of motion**

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

## **28. Minutes**

### **28.1 Minutes to be evidence of proceedings**

The local authority, its committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard [or electronic copy, authorised by a Chairperson's manual or electronic signature once](#) confirmed by resolution at a subsequent meeting. [Once authorised the minutes are the](#) *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

### **28.2 Matters recorded in minutes**

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;



- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) The names of any members requesting that their vote or abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

**Please Note:** hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

### **28.3 No discussion on minutes**

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

### **28.4 Minutes of last meeting before election**

The chief executive and the relevant Chairpersons must sign, [or agree to have their digital signature inserted](#), the minutes of the last meeting [of](#) the local authority, its committees and subcommittees before the next election of members.

## **29. Keeping a record**

### **29.1 Maintaining accurate records**

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

### **29.2 Method for maintaining records**

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:



- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

### 29.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

s. 51 LGOIMA.

### 29.4 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as [if it is](#) a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

### Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

## Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

**A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:

- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (b) To endanger the safety of any person.

**A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
- (b) Protect information where the making available of the information would:
  - i. Disclose a trade secret; or
  - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

**(ba)** In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or

- (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
  - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - ii. Be likely otherwise to damage the public interest.
- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the effective conduct of public affairs through—the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) Maintain legal professional privilege; or
- (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

**Where** A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable **and** in the public interest, that the public not be excluded.

**A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- (a) Be contrary to the provisions of a specified enactment; or
- (b) Constitute contempt of Court or of the House of Representatives.

**A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

**A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:

- (a) Any proceedings before a Council where:
  - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
  - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

## Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; (deleted if not applicable)
- The following parts of the proceedings of this meeting, namely; (delete if not applicable)

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below.

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		<u>To prevent the disclosure of information which would—</u> i. <u>be contrary to the provisions of a specified enactment; or</u> ii. <u>constitute contempt of court or of the House of Representatives (s.48(1)(b)).</u>
		<u>To consider a recommendation made by an Ombudsman (s. 48(1)(c)).</u>
		<u>To deliberate on matters relating to proceedings where:</u> i. <u>a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or</u> ii. <u>the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).</u>
		<u>To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).</u>
		<u>To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).</u>
		<u>To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).</u>
		<u>To maintain legal professional privilege (s 7(2)(g)).</u>
		<u>To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).</u>
		<u>To protect information which if public would;</u> i. <u>disclose a trade secret; or</u> ii. <u>unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).</u>

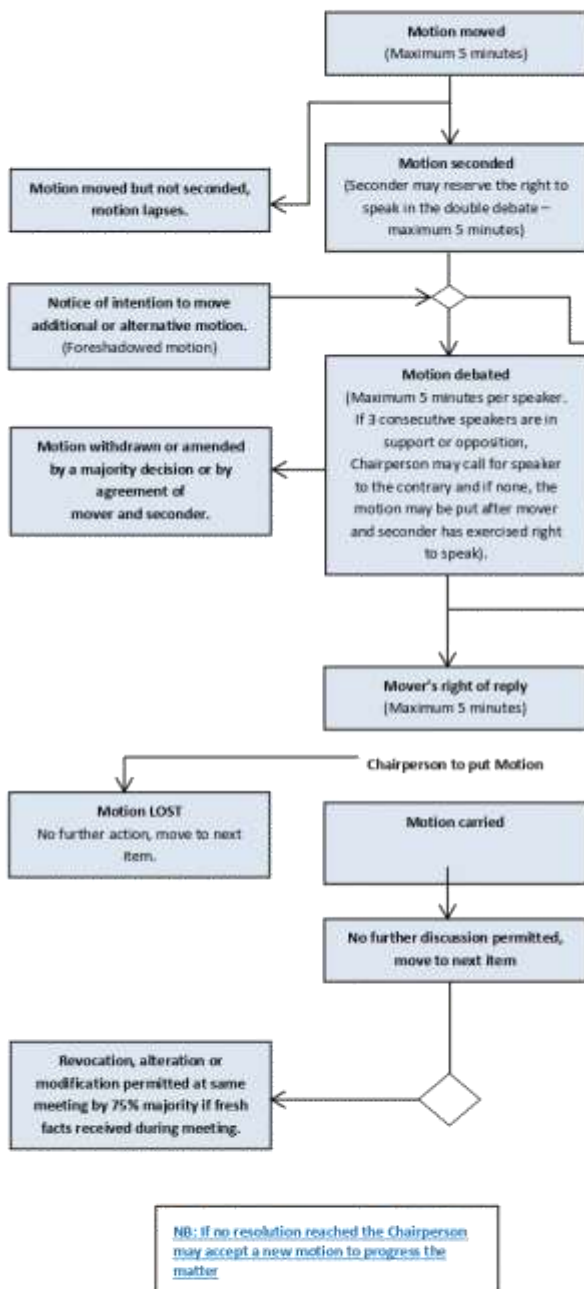
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		<p>To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu <u>in relation to an application under the RMA 1991 for:</u></p> <ul style="list-style-type: none"> <li>• <u>a resource consent, or</u></li> <li>• <u>a water conservation order, or</u></li> <li>• <u>a requirement for a designation or</u></li> <li>• <u>an heritage order,</u></li> </ul> <p>(s 7(2)(ba)).</p>
		<p>To protect information which is subject to an obligation of confidence where the making available of the information <u>would be likely to:</u></p> <ol style="list-style-type: none"> <li>prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or</li> <li>would be likely otherwise to damage the public interest (s 7(2)(c)).</li> </ol>
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs <u>by protecting</u> members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable <u>the council</u> to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

2. That (name of person(s)) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (specify).  
(Delete if inapplicable.)

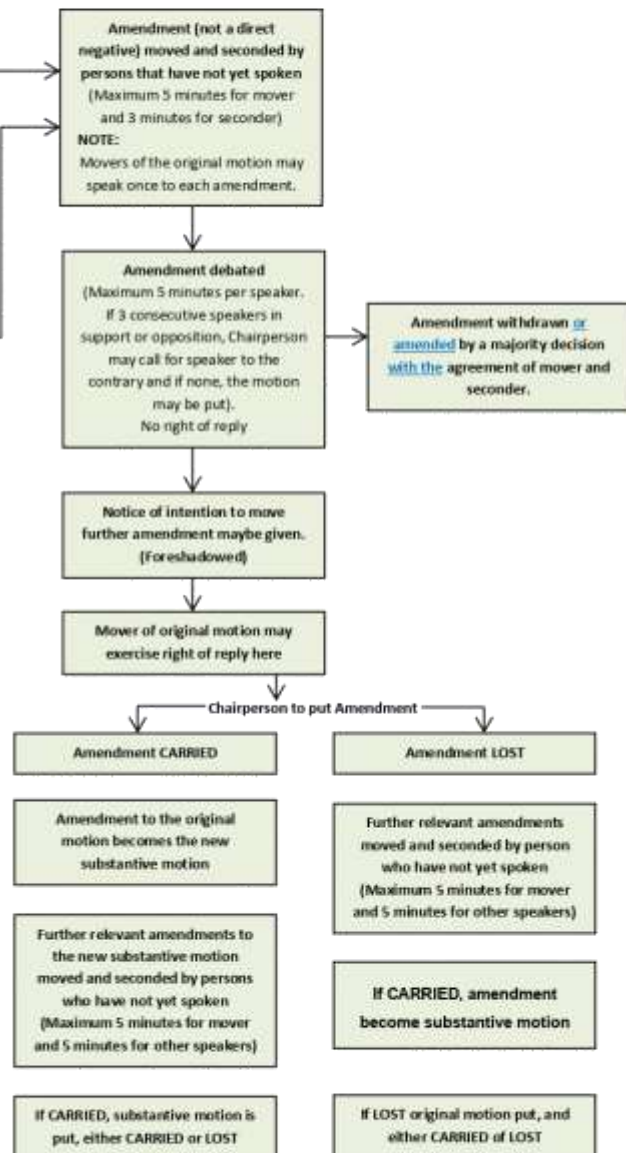


## Appendix 3: Motions and amendments (Option A)

### Motions without amendments

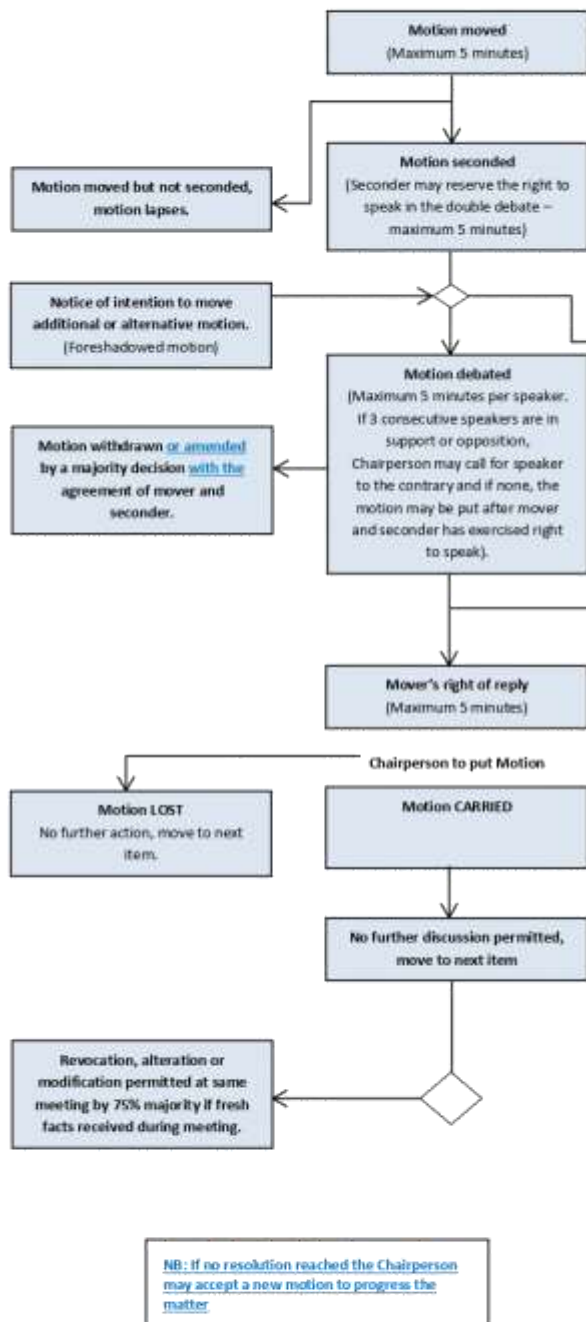


### Motions with amendments

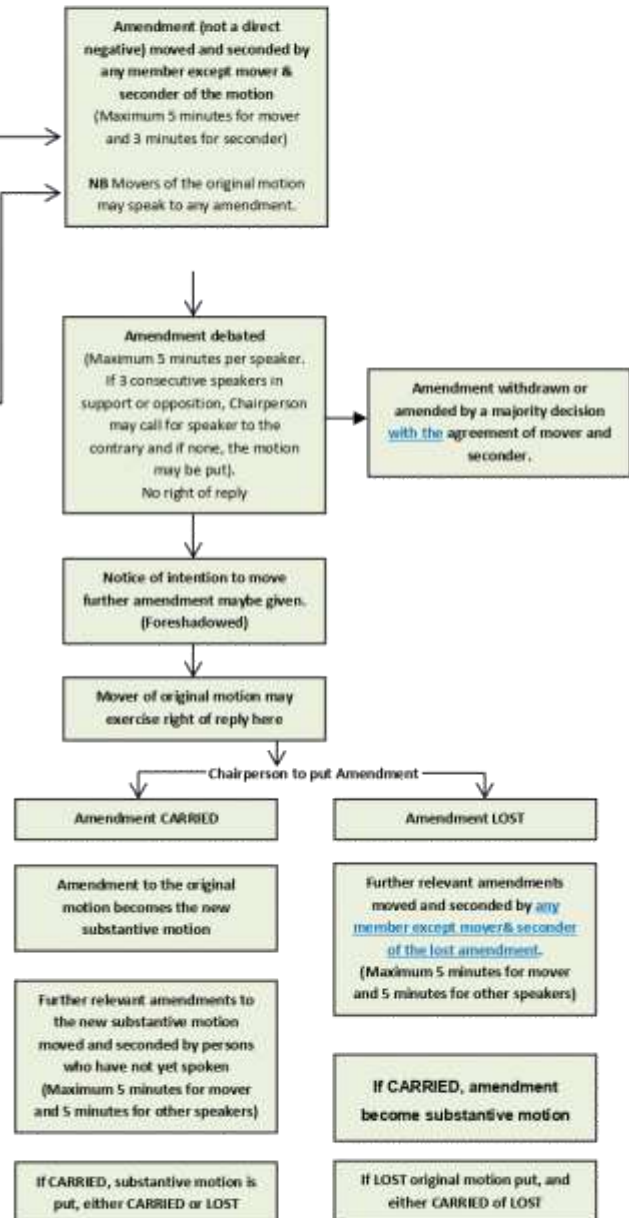


## Appendix 4: Motions and amendments (Option B)

### Motions without amendments

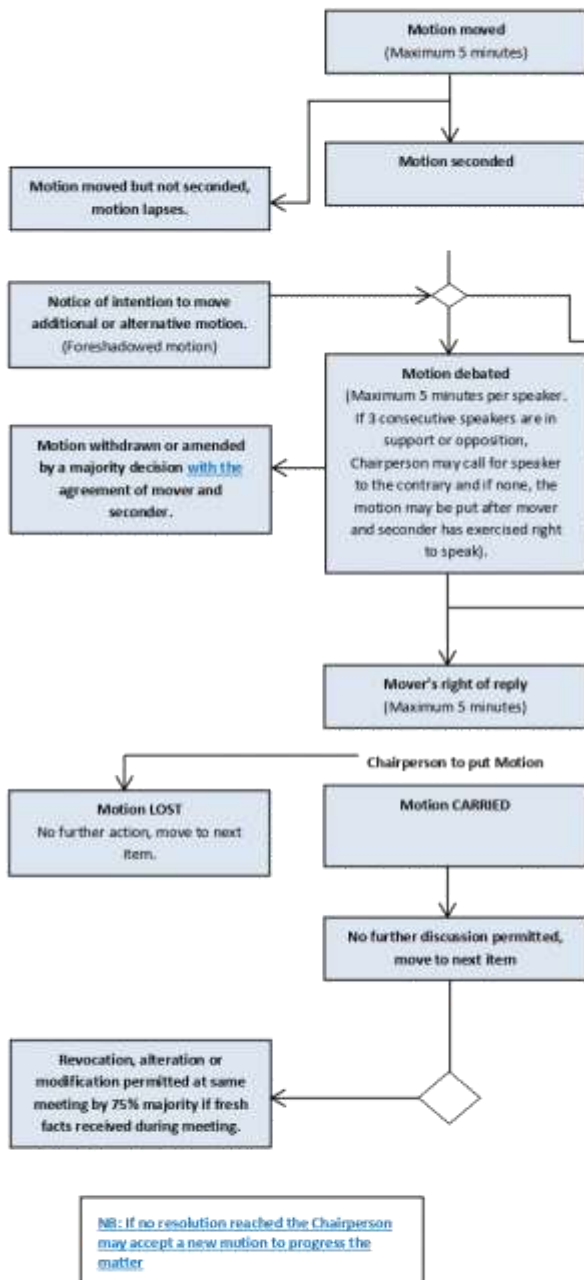


### Motions with amendments

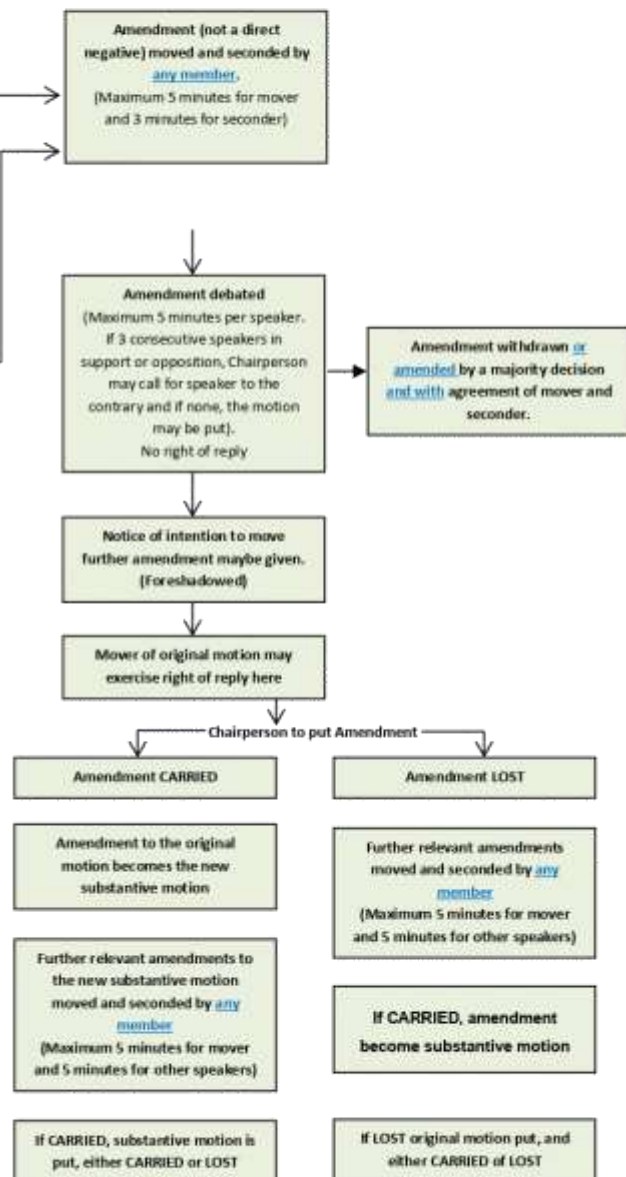


## Appendix 5: Motions and amendments (Option C)

### Motions without amendments



### Motions with amendments



## Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is 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 order required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14



## Appendix 7: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

## Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

### 1. Chairperson to decide all questions

1.1 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.

### 2. Chairperson to decide points of order

2.1 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.

### 3. Items not on the agenda

3.1 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.

3.2 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.

### 4. Chairperson's report

4.1 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.

### 5. Chairperson's recommendation

5.1 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.

### 6. Chairperson's voting

6.1 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.

### 7. Motion in writing

7.1 The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

### 8. Motion in parts

8.1 The Chairperson may require any motion expressed in parts to be decided part by part.

### 9. Notice of motion

9.1 The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

9.1.1 Is disrespectful or which contains offensive language or statements made with malice; or

9.1.2 Is not within the scope of the role or functions of the local authority; or

9.1.3 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

9.1.4 Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

9.2 Reasons for refusing a notice of motion should be provided to the proposer.

9.3 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.

#### 10. Action on previous resolutions

10.1 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.

#### 11. Repeat notice of motion

11.1 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.

#### 12. Revocation or alteration of previous resolution

12.1 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.

#### 13. Chairperson may call a meeting

13.1 The Chairperson:

13.1.1 May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; or

13.1.2 May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

#### 14. Irrelevant matter and needless repetition

14.1 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.

#### 15. Taking down words

15.1 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.

#### 16. Explanations

16.1 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.

## 17. Chairperson rising

17.1 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.

## 18. Members may leave places

18.1 The Chairperson may permit members to leave their place while speaking.

## 19. Priority of speakers

19.1 The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

## 20. Minutes

20.1 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.

## 21. Questions of speakers

21.1 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.

## 22. Withdrawal of offensive or malicious expressions

22.1 The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

22.2 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.

## 23. Chairperson's rulings

23.1 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.

## 24. Disorderly behaviour

24.1 The Chairperson may:

24.1.1 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.

24.1.2 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.

## 25. Failure to leave meeting

25.1. 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.

## 26. Audio or audio visual attendance

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

26.1.1 The technology for the link is available and of suitable quality; and

- 26.1.2 Procedures for using the technology in the meeting will ensure that:
- i. Everyone participating in the meeting can hear each other;
  - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
  - iii. The requirements of Part 7 of LGOIMA are met; and
  - iv. The requirements in these standing orders are met.
- 26.2. 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.

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Attachment 1



## Appendix 9: Process for removing a Chairperson or deputy Chairperson from office

1. At a meeting that is in accordance with this clause, a regional council may remove its Chairperson, deputy Chairperson, or deputy Chairperson from office.
2. If a Chairperson, deputy Chairperson, or deputy Chairperson is removed from office at that meeting, the regional council may elect a new Chairperson, deputy Chairperson, or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Chairperson may be called by:
  - 3.1 A resolution of the regional council; or
  - 3.2 A requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).
4. A resolution or requisition must:
  - 4.1 Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
  - 4.2 Indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Chairperson is removed from office, a new Chairperson, deputy Chairperson, or deputy Chairperson is to be elected at the meeting if a majority of the total membership of the regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Chairperson carries if a majority of the total membership of the regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

## Appendix 10: Workshops

### Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

### Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chief Executive or workshop organisers will decide how the workshop, briefing or working party should be conducted.

### Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop
- (b) Advise the date, time and place, and
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops will normally be public excluded.

### Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Persons present; and
- General subject matter covered.

## Appendix 11: Sample order of business

### Open section

- (a) Welcome / Apologies / Notices
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Reports of the Chief Executive and staff for Decision
- (e) Reports of the Chief Executive and staff for information (if any)

### Public excluded section

- (f) Reports of the chief executive and staff for Decision

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## Appendix 12: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee; and
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

## **Hawke's Bay Regional Council**

# **Code of Conduct**

**Adopted on 6 November 2019**



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Item 6

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## 1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the code.

## 2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

## 3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.

6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.<sup>1</sup>

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

## 4. Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of your city, district or region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

### 4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the city, district or region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

### 4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the Council; and
- Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s.42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

<sup>1</sup> See Code of Conduct Guide for examples.

## 5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

### 5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

### 5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

### 5.3 Relationship with the public

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;

- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

## 6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
  - Comments shall be consistent with the Code;
  - Comments must not purposefully misrepresent the views of the Council or the views of other members;
  - Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
  - Social media posts about other members, council staff or the public must be consistent with section five of this Code.

Social media is the term for internet-based tools used for publishing, sharing and discussion of information. This includes blogs, wikis and social networking sites such as Facebook, Twitter or LinkedIn. All communication through social media platforms is in the public domain. Whether talking to the media, speaking in public or using social media, the protocols outlined below apply.

- Show respect and avoid offensive or abusive language
- Make it clear when expressing a personal opinion
- Do not disclose confidential information or question the integrity or impartiality of fellow elected members or staff
- Do not undermine Council policy or bring Council into disrepute.

Elected members who have a concern about any communication they receive, or are aware of, should raise the matter with the:

- Chair if it relates to a communication from an elected member
- Chief Executive if it relates to a communication from a staff member.



## 7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

### 7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

### 7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

## 8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with the Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

**Please note:** Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix A**). In the event of a conviction elected members can be ousted from office.

## 9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the members' spouse/partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) A description of any land owned by the local authority in which the member or their spouse/partner is:
  - A tenant; or
  - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.
- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

## 10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the code.

## 11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium.<sup>2</sup>
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

## 12. Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

### 12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
  - Have a right to know that an investigation process is underway;
  - Are given due notice and are provided with an opportunity to be heard;
  - Have confidence that any hearing will be impartial;
  - Have a right to seek appropriate advice and be represented; and
  - Have their privacy respected.

<sup>2</sup> A self-assessment template is provided in the Guidance to the code.

## 12.2 Complaints

All complaints made under the code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Chair or, where the Chair is a party to the complaint, an independent investigator, drawn from a pool of names or agency to be agreed in advance at the time.

Please note, only members and the Chief Executive may make a complaint under the code.

### Complaint referred to Chair

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Chair will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint.
- Interview the member(s) subject to the complaint.
- Assess the complaint to determine materiality.
- Where a complaint is assessed by the Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Chair, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.<sup>3</sup>

If the Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the Chief Executive.

### Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Chair, or from the Chair after initial consideration, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.<sup>4</sup> The process, following receipt of a complaint, will follow the steps outlined in **Appendix B**.

## 12.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Chair or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Chair or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

<sup>3</sup> Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

<sup>4</sup> On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as EquiP.

## 13. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

### 13.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);
4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

### 13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

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## 14. Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

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## Appendix A: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

### The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

### Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

*"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)*

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/Chair or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is

advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

#### **The contracting rule**

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

#### **Non-pecuniary conflicts of interest**

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

*"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"*

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

### **Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

### **Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

### **Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

Elected members convicted of these offences will automatically cease to be members.

### **Financial Markets Conduct Act 2013**

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

### **The Local Government Act 2002**

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or

- c) A liability has been unlawfully incurred by the local authority; or
- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.<sup>890</sup>

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; and
- d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

**Item 6****Attachment 1**



## Appendix B: Process where a complaint is referred to an independent investigator

*The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.*

### Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Chair) or from the Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

### Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

### Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Chair for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

**Step 4: Actions where a breach is found to be material**

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

**Step 5: Process for considering the investigator's report**

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

## Corporate and Strategic Committee Terms of Reference

*(adopted 6 November 2019)*

1. Responsible recommending actions, responses and changes to Council for:
  - 1.1. Council's strategic direction and corporate policies including development of Council's Strategic Plan
  - 1.2. Local Government Act planning and decision making requirements including development of Council's Annual and Long Term plans
  - 1.3. establishing strategic priorities for organisational direction and performance
  - 1.4. development of the Climate Change adaptation and mitigation policies that will guide the establishment of work plans
  - 1.5. consideration of resourcing implications of strategic initiatives and significant financial matters
  - 1.6. the strategic direction of Council's investment portfolio
  - 1.7. where appropriate, the sale or acquisition of Council investments.
2. **Use of Delegated Powers for the Corporate and Strategic Committee** – this committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

**Members:**

All Councillors being: Rick Barker, Will Foley, Craig Foss, Rex Graham, Neil Kirton, Charles Lambert, Hinewai Ormsby, Jerf van Beek and Martin Williams

One appointed member of the Māori Committee being:  
One appointed Tangata Whenua member of the Regional Planning Committee being:

**Chair:**

A Councillor as elected by the Council being: Councillor

**Deputy Chair:**

A Councillor as elected by the Council being: Councillor

**Meeting Frequency:**

Quarterly

**Staff Executive:**

Chief Executive, Group Manager Strategic Development, Group Manager Corporate Services and other staff as required.

## Integrated Environments Committee Terms of Reference

*(adopted 6 November 2019)*

### 1) Policy

- 1.1 To consider and recommend to Council policies with regard to Council responsibilities and involvement in flood protection and drainage
- 1.2 To consider and recommend to Council policies with regard to Council's responsibilities for biosecurity, biodiversity and pest management
- 1.3 To consider and recommend to Council strategies, policies and by-laws and compliance and enforcement programs relating to maritime and navigational safety under the Maritime Transport Act.

### 2) Environmental Monitoring and Research

- 2.1 To consider and recommend to Council environmental monitoring strategies and research and investigation programmes, including the State of the Environment Reports.
- 2.2 To consider technical reports on the findings of research and investigations into the impact of activities and recommend to Council the development of new policy frameworks based around such information.

### 3) Implementation

- 3.1 To periodically review the effectiveness of Council's work programmes within the ambit of the Committee and make recommendations to Council for any changes.
- 3.2 To recommend to Council management plans or any similar such documents for the effective implementation of these programmes of Council.
- 3.3 To assist staff, where appropriate, in identifying a preferred option and funding mechanism for Council consideration for any biosecurity initiative or infrastructure asset construction or improvement work and in promoting the preferred option to the beneficiaries.
- 3.4 To consider and recommend to Council all other policy implementation issues of Council.

### 4) Compliance and enforcement

- 4.1 To consider reports on the effectiveness of Council's compliance monitoring and enforcement activities, and to recommend to Council the response to issues arising from such reports.

### 5) Financial Authority

- 5.1 To recommend to Council, consideration of possible financial implications of specific initiatives.

### 6) Advocacy and Liaison

- 6.1 To receive reports and liaise with Territorial Authorities on any issues dealt with through the Integrated Environments Committee, as necessary.
- 6.2 To assist with the coordination of services between the Regional Council, other relevant local authorities and other entities/groups.

**7) Use of Delegated Powers for the Integrated Environments Committee**

This committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

**Members:**

- All Councillors being: Rick Barker, Will Foley, Craig Foss, Rex Graham, Neil Kirton, Charles Lambert, Hinewai Ormsby, Jerf van Beek and Martin Williams
- One appointed member of the Māori Committee, being
- One appointed member of the Regional Planning Committee, being

**Chairman:**

A member of the Committee as elected by the Council  
being: Councillor

**Deputy Chairman:**

A member of the Committee as elected by the Council  
being: Councillor

**Meeting Frequency:**

Two-monthly

**Staff Executive:**

Group Manager Integrated Catchment Management and  
Group Manager Asset Management



### **Finance, Audit and Risk Committee Terms of Reference**

*(Adopted by Council resolution 6 November 2019)*

#### **Purpose**

1. The purpose of the Finance, Audit and Risk Committee is to:
  - 1.1 Monitor and review the controls that safeguard the Council's financial and non-financial assets
  - 1.2 Review of Council's revenue and expenditure policies and the effectiveness of those
  - 1.3 Monitor the performance of Council's investment portfolio
  - 1.4 Ensure the effectiveness of Council's Internal and External Audit processes by the provision of independent expertise
  - 1.5 Monitor and ensure the adequacy of the Council's risk assessment and risk management framework.

#### **Specific Responsibilities**

2. The responsibilities and duties of the Committee, for reporting to Council, will include:
  - 2.1 Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes
  - 2.2 Enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to this
  - 2.3 Review, and challenge where necessary, the actions and judgements of management in relation to Council's financial statements, operating and financial reviews and related formal statements
  - 2.4 Provide advice to Council regarding the financial statements and recommend their adoption by the Council
  - 2.5 Review the processes in place to ensure that the financial information included in the Annual Report, including the statement of service performance, is consistent with the signed financial statements.
  - 2.6 Satisfy itself that the financial statements and statements of service performance are supported by adequate management signoff and adequate internal controls and recommend adoption of the Annual Report by Council
  - 2.7 Confirm that processes are in place to ensure that financial information included in Council's Annual Report is consistent with the signed financial statements
  - 2.8 Review whether Council management has a current and comprehensive risk management framework and associated procedures for effective identification and management of the council's significant risks in place
  - 2.9 Undertake periodic monitoring of corporate risk assessment, and the internal controls instituted in response to such risks
  - 2.10 Ensure the Council undertakes a programme of reviews of Council operational activities against Council stated performance criteria to determine efficiency/effectiveness of delivery of Council services, as required by section 17A of the Local Government Act

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**Terms of Reference  
Audit and Risk Committee**

- 2.11 Confirm the terms of appointment and engagement of external auditors, including the nature and scope of the audit, timetable, and fees
- 2.12 Receive the external audit report(s) and review actions to be taken by management on significant issues and audit recommendations raised within the report(s)
- 2.13 Review significant matters reported by the internal audit function and how management is responding to them
- 2.14 Conduct a sub-committee members-only session with external audit to discuss any matters that the auditors wish to bring to the Sub-committee's attention and/or any issues of independence
- 2.15 Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), Council's own standards, and best practice guidelines; including health and safety.

#### **Accountability**

- 3. The Finance, Audit and Risk Committee is delegated by Council to:
  - 3.1 Obtain external legal or independent professional advice within approved budgets in the satisfaction of its responsibilities and duties
  - 3.2 Secure the attendance at meetings of third parties with relevant experience and expertise as appropriate
  - 3.3 Receive all of the information and documentation needed or requested to fulfill its responsibilities and duties, subject to applicable legislation
  - 3.4 Ensure that recommendations in audit management reports are considered and, if appropriate, actioned by management
  - 3.5 Review the objectives and scope of the internal audit function, and ensure those objectives are aligned with Council's overall risk management framework
  - 3.6 Assess the performance of the internal audit function, and ensure that the function is adequately resourced and has appropriate authority and standing within Council.

#### **Membership**

- 4. Members of the Finance, Audit and Risk Committee shall comprise up to five members of Council and one appointed Independent Chair.

#### **Meeting Frequency**

- 5. The Committee shall meet six monthly, aligned to Council's financial reporting periods.

#### **Quorum**

- 6. The quorum at any meeting of the Committee shall be not less than 3 members of the Committee including the Independent Chair.

#### **Officers Responsible**

Chief Executive  
 Group Manager Corporate Services  
 Group Manager Office of the Chief Executive and Chair

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Terms of Reference  
 Audit and Risk Committee

## Hearings Committee Terms of Reference

*(adopted by Council resolution on 6 November 2019)*

1. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the RMA<sup>1</sup>:
  - 1.1. To hear and make decisions on applications arising out of the Council's regulatory responsibilities on:
    - 1.1.1. notified applications where submissions have been made and submitters wish to be heard;
    - 1.1.2. reviews of conditions (s.128) where consent holder and/or submitters wish to be heard;
    - 1.1.3. notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing;
    - 1.1.4. objections to decisions made under delegated authority by staff, where they wish to be heard (s.357);
    - 1.1.5. where the staff recommendation is to decline any application for reasons other than inadequate information;
  - 1.2. To determine other related discretionary process matters that may be associated with a hearing such as waivers of time, as appropriate under the Resource Management Act 1991.
  - 1.3. To hear and make decisions on objections against costs under Section 36(6) of the Act and objections to the levying of Financial Contributions under Section 108 of the Act.
  - 1.4. To hear and make decisions on lapsing of consents under Section 125 of the Act where Council Policy directs, or staff elect not to make a decision under delegated authority, or where a decision of an officer acting under delegated authority is subject to an objection.
  - 1.5. The appointment of Hearings Committee members or independent commissioners to a Hearing Panel to undertake the functions set out above in 1.1 to 1.4 pursuant to s 34A RMA and the appointment of the Chairperson of the Hearing Panel.
2. Pursuant to section 82 of the Biosecurity Act (BA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the BA:
  - 2.1. To hear and make decisions on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Biosecurity Act.
  - 2.2. To authorise the resolution and settlement of appeals and references through formal hearings or mediation before the Environment Court or any other judicial body which relate to the preparation of any statutory documents prepared under the Biosecurity Act by the Council and to either generally or from time to time delegate to officers the authority to resolve and settle appeals and references through formal mediation.
3. Pursuant to section 83 and Schedule 7 (clause 32) of the Local Government Act 2002 the Hawkes Bay Regional Council may, on a case by case basis, delegate the following powers, duties and functions under the LGA:
  - 3.1 to hear submissions and to decide or make recommendations to the Council on a proposal that is subject to a special consultative procedure.<sup>2</sup>

<sup>1</sup> NOTE: For the avoidance of doubt, the Hearings Committee is not delegated the functions, powers and duties to hear and make decisions on submissions made in relation to a proposed plan, policy statement, plan change or variation under the RMA. Such functions, powers and duties are delegated to a Panel of accredited RMA hearings commissioners appointed by the Council on an as needed basis, based on recommendations from the Regional Planning Committee.

<sup>2</sup> NOTE: For the avoidance of doubt, it is not intended that the Hearings Committee will be delegated to hear or make decisions on Long Term Plan, Annual Plan or Transport Plan submissions received.

- 3.2 to further delegate the functions under 3.1 to another subordinate decision making body, or to an officer of the Regional Council.
4. The Hawke's Bay Regional Council delegates to the Hearings Committee Chairperson and Council Chairperson, the ability to appoint Hearings Committee members or Independent Commissioners to a Hearing Panel to undertake the functions set out above in 1 and 2 above and the appointment of the Chairperson of the Hearing Panel.

<b>Members:</b>	<p>Up to five elected "RMA Making Good Decisions" accredited Members of Council; being:</p> <ul style="list-style-type: none"> <li>- Councillors _____, _____, _____ and _____</li> </ul> <p>And up to four "RMA Making Good Decisions" accredited members of the Māori and/or Regional Planning Committee as nominated by the Chair of those Committees; being:</p> <ul style="list-style-type: none"> <li>- Toro Waaka, _____, _____ and _____</li> </ul>
<b>Hearing Panel Composition:</b>	<p>The Hearing Panel sitting to make decisions relating to 1. and 2. above shall comprise any combination of:</p> <ul style="list-style-type: none"> <li>- The Chairperson sitting alone</li> <li>- Up to three members of the Hearings Committee</li> <li>- Up to five accredited Commissioners</li> <li>- If considered advisable in any particular case by the Chairman of the Hearings Committee, a member of the Council's Maori Committee.</li> <li>- Also, when appropriate, the Chairman of the Standing Committee when hearings directly relate to policy originating from that Committee.</li> </ul>
<b>Chairman:</b>	<p>The Hearing Panel Chairperson has a Casting vote.</p> <p>An "RMA Making Good Decisions" Accredited member of the Committee as elected by the Council being:</p> <p>-</p>
<b>Deputy Chairman:</b>	<p>A member of the Committee as elected by the Council being:</p> <p>-</p>
<b>Meeting Frequency:</b>	As is required
<b>Quorum:</b>	The Chairman of the Hearings Committee plus one other member of the Hearings Committee or the Chairman of the Regional Council
<b>Staff Executive:</b>	Group Manager Regulation and/or Group Manager Asset Management
<b>Qualifications:</b>	In accordance with s39B all persons appointed to a Hearing Panel shall be accredited, except that where there is a group, and over half of all the persons in the group are accredited and there are exceptional circumstances that do not provide the time or opportunity to ensure that all persons in the group are accredited.

### **Tenders Committee Terms of Reference**

*(adopted 6 November 2019)*

1. To consider and accept tenders which exceed the delegated authority of the Chief Executive.
2. To consider and decide on exemptions to Council's Contracts and Tenders policy.
3. The quorum is a majority of members of the Committee.

<b>Members:</b>	The Chairman of the Council being: Rex Graham The Deputy Chairman of the Council being: Rick Barker The Chairs of the Corporate & Strategic, Integrated Environments and Finance, Audit & Risk committees; being: councillors
<b>Chairman:</b>	Chairman of the Council being: Rex Graham
<b>Meeting Frequency:</b>	As required
<b>Staff Executive:</b>	Chief Executive Group Manager as relevant



## Regional Transport Committee Terms of Reference

*(adopted 6 November 2019)*

1. Prepare the Regional Land Transport Plan (RLTP) for approval by the Regional Council, in accordance with the Land Transport Management Act 2003.
2. Prepare the Regional Public Transport Plan (RPTP) for approval by the Regional Council, in accordance with the Land Transport Management Act 2003.
3. Monitor the implementation of the Regional Land Transport Plan and the Regional Public Transport Plan.
4. Advocate to Government on transport issues of concern to the region.
5. Undertake governance of RoadSafe Hawke's Bay.
6. Monitor passenger transport objectives and make recommendations to the Regional Council on public transport policies.
7. Provide the Regional Council with any advice and assistance it may request in relation to its transport responsibilities.

### Members

#### a. Voting Members

Two elected members of the Regional Council

One representative, as appointed by Council, from each of the following organisations (which are able to propose to the Committee short term replacements if they are unable to attend any meeting).

- Wairoa District Council
- Hastings District Council
- Napier City Council
- Central Hawke's Bay District Council
- New Zealand Transport Agency

#### b. Advisory Members (non- voting)

- New Zealand Police – representing road safety
- Automobile Association (AA) – representing access and mobility, including private motorists, pedestrians, cyclists and public transport users
- Port of Napier – representing the Port and coastal shipping-
- KiwiRail – representing rail issues
- Road Transport Association NZ – representing the road transport industry
- Cultural interests representative, also representing environmental issues –
- HB District Health Board interests representative –

### Chairman

One Regional Council elected member, being Councillor \_\_\_\_

### Deputy Chairman

One Regional Council elected member, being Councillor \_\_\_\_

### Quorum

A quorum of the Regional Transport Committee shall be four voting members

<b>Voting</b>	<p>In accordance with section 105(7) of the Land Transport Management Act 2003, at any meeting of the RTC, the Chairman, or any other legislated person presiding at the meeting:</p> <ul style="list-style-type: none"> <li>(a) has a deliberative vote; and</li> <li>(b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).</li> </ul> <p><i>Regional Council, Territorial Authority and NZ Transport Agency representative members have full speaking and voting rights on all matters</i></p>
<b>Advisory Members</b>	<p>Advisory members are non-voting.</p> <p>The role of advisory members is to:</p> <ul style="list-style-type: none"> <li>- Provide advice to the Regional Transport Committee on matters pertaining to their advisory portfolios, when requested by the Chair</li> <li>- Report on relevant activities or events pertaining to their advisory portfolios.</li> </ul>
<b>Meeting Frequency</b>	Quarterly, or as required
<b>Staff Executive</b>	Group Manager Strategic Planning and Transport Manager
<b>Technical Advisory Group (TAG)</b>	<p>The Transport Committee considers advice relating to strategic transport issues from a Technical Advisory Group (TAG), generally comprising roading and infrastructural planning officers from NZTA and the Territorial Authorities, and is chaired by the HBRC Transport Manager. TAG members attend but do not vote at the Transport Committee meetings. TAG members may provide advice at meetings when invited to do so by the Chair</p>

## Te Komiti Whakatakoto Mahere a-Rohe

### Regional Planning Committee

#### Terms of Reference<sup>^</sup>

<sup>^</sup> These Terms of reference have been written in accordance with the Hawke's Bay Regional Planning Committee Act 2015 ('the Act'). There are some matters that are yet to be fully agreed upon and will require further amendment to these Terms of Reference in due course.

#### 1. Introduction

##### *Preamble to the Act<sup>2</sup>*

##### 1.1. The Preamble of the Act states:

1.1.1. Discussions between the Crown, the Hawke's Bay Regional Council (the Council), Tūhoe, and tāngata whenua of Hawke's Bay in the context of Treaty settlement negotiations have identified a need for greater tāngata whenua involvement in the management of natural resources in the RPC region:

1.1.2. In the Deed of Settlement dated 17 December 2010 between the Crown and Ngāti Pāhauwera, the Crown committed to establish a committee comprised of an equal number of Council members and representatives of Treaty settlement claimant groups whose role would relate to natural resource planning processes that affect the region, and include drafting and recommending to the Council, plan and policy changes affecting natural resources in the region:

1.1.3. The Deed of Settlement dated 25 May 2013 between the Crown and the Maungaharuru-Tangitū Hapū records that the trustees of the Maungaharuru-Tangitū Trust, the Council, and other Hawke's Bay iwi and hapū have agreed interim terms of reference for the committee that were adopted by the Council on 14 December 2011.

##### 1.2. Membership of the committee is also recorded as redress in the Deeds of Settlement between:

1.2.1. the trustees of Tūhoe Te Uru Taumata and the Crown dated 4 June 2013; and

1.2.2. the trustees of Te Kōpere o te iwi o Hineuru Trust and the Crown dated 2 April 2015; and

1.2.3. the trustees of the Heretaunga Tamatea Settlement Trust and the Crown dated 26 September 2015; and

1.2.4. the trustees of the Mana Ahuriri Trust and the Crown dated 2 November 2016; and

1.2.5. Tātau Tātau O Te Wairoa and the Crown dated 26 November 2016; and

1.2.6. Te Kotahitanga o Ngāti Tūwharetoa and the Crown dated 8 July 2017.

1.3. The Crown has also recognised the need to provide for membership of the committee for Ngāti Ruapani ki Waikaremoana before beginning Treaty Settlement negotiations.

1.4. The Committee has been operating since April 2012. Legislation was required to ensure that the Committee could not be discharged except by unanimous written agreement of the Appointers and to confirm its role and procedures. Accordingly, the legislation was enacted and came into

<sup>2</sup> Hawke's Bay Regional Planning Committee Act 2015 (HBRPC Act).  
<http://www.legislation.govt.nz/act/public/2015/0065/latest/whole.html>

force on 15 August 2015<sup>3</sup>.

- 1.5. The RPC is a joint committee of the Council deemed to be appointed under Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

## 2. Purpose

*Purpose of the HB Regional Planning Committee Act s3(1)*

- 2.1. The purpose of the Act is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991 for the Hawke's Bay region.

*Purpose, functions and powers of the RPC s9(1)*

- 2.2. The purpose of the RPC is to oversee the development and review of the RMA Documents prepared in accordance with the RMA for the RPC Region.<sup>4</sup>

## 3. Procedure

- 3.1. The Committee is responsible for preparing Proposed Regional Plans and Proposed Regional Policy Statements, or any Plan Changes or Plan Variations, and recommending to the Council the adoption of those documents for public notification, as provided for further in paragraph (4) below. In the event that the Council does not adopt all or any part of any Proposed Regional Plan, Proposed Regional Policy Statement, Plan Change or Plan Variation or other recommendation, the Council shall refer such document or recommendation in its entirety back to the Committee for further consideration, as soon as practicable but not later than two months after receiving a recommendation from the Committee. The Committee must take all steps reasonably necessary to enable the Council to meet any relevant statutory timeframes.

*[EDITOR'S NOTE – Revision of these 'refer-back' procedures is not yet agreed upon so Clause 3 above remains the same as in the previously adopted February 2014 Terms of Reference].*

## 4. Functions and Powers

*Functions and powers of RPC s10 (1)-(4)*

- 4.1. The primary function of the RPC is to achieve the purpose of the RPC. In achieving the purpose of the RPC, the committee may:
  - 4.1.1. implement<sup>5</sup> a work programme for the review of the RMA Documents;
  - 4.1.2. oversee consultation on any RMA Document (prior to notification);
  - 4.1.3. consider the RMA Documents and recommend to Council for public notification the content of any draft –
    - 4.1.3.1. change to the regional policy statement or regional plan;
    - 4.1.3.2. proposed regional policy statement or proposed regional plan;
    - 4.1.3.3. variation to a proposed regional policy statement, proposed regional plan, or change.
  - 4.1.4. in accordance with the process outlined in Clause 3.1 of these Terms of Reference, review any documents which the Council may refer back to the RPC for further consideration;
  - 4.1.5. recommend to Council the membership of Hearings Panels, from appropriately trained and eligible commissioners (which may include members of the RPC), to hear and decide upon submissions on proposed RMA Documents;

<sup>3</sup> Section 2 (Commencement) of the Act.

<sup>4</sup> Defined in the Hawke's Bay Regional Planning Committee Act 2015 and the Glossary to these Terms of Reference as the Hawke's Bay region.

<sup>5</sup> Meaning to instigate and execute.

- 4.1.6. recommend to Council the scope for the resolution and settlement of appeals on proposed RMA Documents;
- 4.1.7. when required, recommend to Council that officers be delegated with the authority to resolve and settle any appeals on proposed RMA Documents through formal mediation before New Zealand's Courts;
- 4.1.8. monitor the efficiency and effectiveness of provisions of the RMA Documents in accordance with section 35 of the RMA. The monitoring outcomes will be incorporated into a review of the RPC's work programme if relevant to do so.
- 4.1.9. perform any other function specified in these Terms of Reference.
- 4.2. For the purposes of enabling the RPC to carry out its functions, the Council must -
  - 4.2.1. refer all matters referred to in clause 4.1.3 of these Terms of Reference to the RPC; and
  - 4.2.2. provide all necessary documents or other documents to the RPC.
- 4.3. The RPC has the powers reasonably necessary to carry out its functions in a manner consistent with the Specified Legislation.

## 5. Membership of RPC

### *Membership of RPC s11(1)(a)-(i)*

The RPC consists of an equal number of Council Members and Tāngata Whenua Members as follows:

#### 5.1. Tāngata Whenua Members:

The following are Tāngata Whenua Members:

- 5.1.1. 1 member appointed by the trustees of the Maungaharuru-Tangitū Trust;
- 5.1.2. 1 member appointed by the trustees of the Ngāti Pāhauwera Development Trust;
- 5.1.3. 1 member appointed by the trustees of Tūhoe Te Uru Taumatua;
- 5.1.4. 1 member appointed by the trustees of the Te Kotahitanga o Ngāti Tūwharetoa;
- 5.1.5. 1 member appointed by the trustees of the Mana Ahuriri Trust;
- 5.1.6. 1 member appointed by the trustees of the Hineuru Iwi Trust;
- 5.1.7. 1 member appointed by the Tātau Tātau o te Wairoa Trust;
- 5.1.8. 2 members appointed by the trustees of the Heretaunga Tamatea Settlement Trust;
- 5.1.9. 1 member appointed by the appointer for Ngāti Ruapani ki Waikaremoana.

#### 5.2. Council Members:

### *Membership of the RPC s11(1)(j)*

- 5.2.1. The Council Members are 10 members appointed by the Council (who must be councillors of the Council holding office and, if there is an insufficient number of councillors, such other persons appointed by the Council in accordance with clause 31(3) of Schedule 7 of the Local Government Act 2002).

#### 5.3. Appointers:

### *Membership of RPC s11(2)-(5)*

- 5.3.1. When making an appointment of a member to the RPC, an Appointer must notify the RPC in writing of such an appointment and provide a copy of the notice to all other Appointers as soon as is reasonably practicable.
- 5.3.2. If a Tāngata Whenua Appointer fails to appoint a Tāngata Whenua Member in accordance



with the Act, then the number of Council Members on the RPC eligible for voting is reduced proportionately until an appointment is made to ensure that the RPC consists of an equal number of Tāngata Whenua Members and Council Members.

- 5.3.3. If a Tāngata Whenua Member fails to attend 3 out of any 5 consecutive meetings of the RPC without the prior written agreement of all other members,

- 5.3.3.1. the Tāngata Whenua Member's appointment is deemed to be discharged; and
- 5.3.3.2. the number of Council Members on the RPC eligible for voting is reduced proportionately until a replacement Member is appointed by the relevant Tāngata Whenua Appointer.

- 5.3.4. To avoid doubt, a Tāngata Whenua Member is not, by virtue of the person's membership of the RPC, a member of the Council.

*[EDITOR'S NOTE: clauses relating to a process how to reduce and reinstate equal numbers of Council Members is yet to be agreed upon]*

## 6. Term of Appointment

*Schedule; further provisions relating to RPC clause 1(1)-(3)*

- 6.1. Subject to the Act:

- 6.1.1. a Tāngata Whenua Member is appointed to the RPC for the period specified by the relevant Tāngata Whenua Appointer:
- 6.1.2. a Council Member is appointed to the RPC for a term commencing with the first meeting of the Council after the triennial general election of members of a local authority under the Local Electoral Act 2001 and ending with the close of the day before the next triennial general election.

- 6.2. However, if a Council Member is appointed after the date of the first meeting of the Council referred to in [REDACTED] of these Terms of Reference, the member is appointed from that date until the close of the day before the next triennial general election.

- 6.3. To avoid doubt, the appointment of a Tāngata Whenua Member is not affected by the triennial general election of members of a local authority under the Local Electoral Act 2001.

## 7. Discharge of membership

*Schedule; Further provisions relating to RPC clause 2*

- 7.1. A Member may be discharged by that member's Appointer.
- 7.2. If [REDACTED] of these Terms of Reference applies, the Member's Appointer must, within 10 working days after the date on which the Member was discharged –
  - 7.2.1. notify the RPC in writing that the Member has been discharged; and
  - 7.2.2. provide a copy of the notice to all other Appointers.

## 8. Resignation of membership

*Schedule; Further provisions relating to RPC clause 3*

- 8.1. A Tāngata Whenua Member may resign by giving written notice to that person's Appointer.
- 8.2. A Tāngata Whenua Appointer must, on receiving a notice given under [REDACTED] of these Terms of Reference, forward a copy of the notice to the RPC and the Chief Executive of the Council.

## 9. Vacancies

*Schedule; Further provisions relating to RPC clause 4*

- 9.1. If a vacancy occurs on the RPC, the relevant Appointer must fill the vacancy as soon as is reasonably practicable.

- 9.2. A vacancy does not prevent the RPC from continuing to perform its functions or exercise its powers.

## 10. Co-chairpersons and deputy co-chairpersons

*Schedule; Further provisions relating to RPC clause 5(1) - (5)*

- 10.1. The RPC has the following Co-chairpersons:
- 10.1.1. 1 Member appointed by the Tāngata Whenua Members:
  - 10.1.2. 1 Member appointed by the Council Members.
- 10.2. Each Co-chairperson must be elected at or before the first meeting of the RPC following the triennial general election of members of a local authority under Local Electoral Act 2001.
- 10.3. Each Co-Chairperson is to preside at meetings of the RPC on a pre-arranged basis.
- 10.4. The Co-chairpersons may deputise for each other at meetings of the RPC.
- 10.5. The Co-Chairpersons' role includes working with the Chief Executive and Group Managers of the Council to ensure that the RPC is able to fulfil its purpose and perform its functions, including but not limited to quarterly meetings between the Chief Executive and Co-chairpersons to monitor progress.
- 10.6. The Tāngata Whenua Members may appoint a deputy Co-chairperson and the Council Members may appoint a deputy Co-chairperson.
- 10.7. The deputy Co-Chairpersons' role is to help their respective Co-chairperson to fulfil the role of Co-chairperson and to deputise for that Co-chairperson at meetings of the RPC or other meetings in the absence of that Co-chairperson.
- 10.8. Those persons appointed to the position of Co-chairperson or deputy Co-chairperson shall hold their position until death, resignation, removal<sup>6</sup> or appointment of their successor in accordance with these Terms of Reference, whichever shall occur first.
- 10.9. A Co-chairperson or deputy Co-chairperson may be appointed or discharged in accordance with these Terms of Reference.

## 11. Quorum

- 11.1. The quorum of a meeting of the RPC shall be 75% of the Members of the RPC who are eligible to vote.

*[EDITOR'S NOTE – Notwithstanding this Clause, the quorum threshold is one matter that is within scope of the first statutory review of the RPC's performance. The Act does not specify a quorum threshold, but does require the TOR to specify what the quorum is. The RPC is yet to agree on a quorum figure consequently the 75% threshold is carried over from the RPC's Feb 2014 Term of Reference.]*

## 12. Decision-making

*Schedule; Further provisions relating to RPC clause 7*

- 12.1. The decisions of the RPC must be made by vote at meetings in accordance with these Terms of Reference.
- 12.2. Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the RPC Members present and eligible to vote will be required.

*[EDITOR'S NOTE – Notwithstanding Clause 12.2, the voting threshold is one matter that is within scope of the first statutory review of the RPC's performance. The Act does not specify a voting threshold. The RPC is yet to agree on what decision-making looks like on some or all of its functions when consensus is not achieved. Consequently the 80% threshold is carried over from the RPC's Feb 2014 Term of Reference.]*

<sup>6</sup> The Council Members will follow the process for removing a chairperson or deputy chairperson in the Hawke's Bay Regional Council Standing Orders. The Tāngata Whenua Members may decide upon their own process within a tikanga framework and are not obliged to follow the process in the Hawke's Bay Regional Council Standing Orders.

- 12.3. All members of the RPC have full speaking rights.
- 12.4. Where voting is required, all Members of the RPC have voting entitlements, except in circumstances referred to in [REDACTED] of these Terms of Reference.
- 12.5. Any Member who is chairing a meeting of the RPC may vote on any matter but does **NOT** have a casting vote.

### 13. Standing Orders

*Schedule; Further provisions relating to RPC clause 6*

- 13.1. The Council's standing orders as adopted on 30 November 2016 shall apply until the RPC adopts a set of standing orders for the operation of the RPC.
- 13.2. The standing orders adopted by the RPC must not contravene –
  - 13.2.1. the Hawke's Bay Regional Planning Committee Act 2015; or
  - 13.2.2. these Terms of Reference; or
  - 13.2.3. Tikanga Māori; or
  - 13.2.4. subject to [REDACTED] of these Terms of Reference, the local government legislation or any other enactment.
- 13.3. The RPC may amend the standing orders at any time.
- 13.4. Every Member of the RPC must comply with the standing orders of the RPC.
- 13.5. Where standing orders conflict with these Terms of Reference, the Terms of Reference prevail.

### 14. Conflict of interest

*Schedule; Further provisions relating to RPC clause 9*

- 14.1. Each Member of the RPC must disclose any actual or potential interest<sup>7</sup> to the RPC.
- 14.2. The RPC must maintain an interests register<sup>8</sup>.
- 14.3. A Member of the RPC is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because –
  - 14.3.1. the Member is a member of an iwi or a hapū; or
  - 14.3.2. the economic, social, cultural, and spiritual values of an iwi or a hapū and their relationship with the RPC are advanced by or reflected in –
    - 14.3.2.1. the subject matter under consideration; or
    - 14.3.2.2. any decision by or recommendation of the RPC; or
    - 14.3.2.3. participation in the matter by the Member.

### 15. Meeting Frequency and Notice

- 15.1. Meetings of the RPC shall be held as required in order to achieve the RMA Documents review and development work programme.
- 15.2. Notice of ordinary meetings will be given well in advance in writing to all RPC Members, and not later than 1 month prior to the meeting.

### 16. Costs of administering and operating the RPC

<sup>7</sup> An interest does not include an interest that a Member may have through an affiliation with an iwi or a hapū that has customary interests in the RPC Region.

<sup>8</sup> An 'interests register' is a register of the business interests of Members of the RPC kept for the purpose of determining compliance with the Local Authorities (Members' Interests) Act 1968.

*Terms of Reference of RPC s12(1)(d)*

- 16.1. The costs of administering and operating the RPC will be met by the Council, including—
- 16.1.1. the costs of any advice required by the RPC; and
  - 16.1.2. remuneration of Tāngata Whenua Members, the Tāngata Whenua Co-Chairperson and the Tāngata Whenua Deputy Co-Chairperson for their services to the RPC and reimbursement of their expenses.
  - 16.1.3. the level of remuneration shall be determined promptly following the triennial election of members of a local authority by two independent persons (Independents), one of which shall be appointed by the Council Co-Chairperson, and the other by the Tāngata Whenua Co-Chairperson.
  - 16.1.4. The Independents must have regard to the following matters when determining the level of remuneration for Tāngata Whenua Members:
    - 16.1.4.1. the need to minimise the potential for certain types of remuneration to distort the behaviour of the Tāngata Whenua Members, the Tāngata Whenua Co-Chairperson, and the Tāngata Whenua Deputy Co-chairperson in relation to their respective positions on the RPC;
    - 16.1.4.2. the need to achieve and maintain relativity with the levels of remuneration received by elected representatives in RMA policy development roles; and
    - 16.1.4.3. the need to be fair both:
      - 16.1.4.3.1. to the persons whose remuneration is being determined; and
      - 16.1.4.3.2. to ratepayers; and
    - 16.1.4.4. the need to attract and retain competent persons.
  - 16.1.5. If the Independents cannot agree on the level of remuneration for Tāngata Whenua Members, the dispute resolution procedure in these Terms of Reference applies.

**17. Review and Amendment of these Terms of Reference***Reporting and review by RPC, Schedule clause 10*

- 17.1. Appointers –
- 17.1.1. must, no later than 16 September 2018<sup>9</sup>, undertake a review of the performance of the RPC; and
  - 17.1.2. may undertake any subsequent review of the RPC at a time agreed by all Appointers, and in any event, at least every three years.
- 17.2. Appointers may, following a review, make recommendations to the RPC on relevant matters arising from the review.
- 17.3. These Terms of Reference must be consistent with the Specified Legislation.
- 17.4. In the event of an inconsistency between the obligations of the Council under these Terms of Reference and its obligations under the Specified Legislation, the Specified Legislation prevails.
- 17.5. The Council Members or Tāngata Whenua Members may request changes to the Terms of Reference.
- 17.6. These Terms of Reference may be amended by the written unanimous agreement of the Appointers.

<sup>9</sup> 16 September 2018 is 3 years after the date of the first meeting of the RPC (16 September 2015) following the date of enactment of the Act (15 August 2015).



**18. Technical and administrative support***Schedule; Further provisions relating to RPC clause 12*

- 18.1. The Council must provide technical and administrative support to the RPC in the performance of its functions.
- 18.2. The RPC will have full access to Council staff, through the relevant Group Managers, to provide any technical and administrative support in the performance of its functions.
- 18.3. Reports provided to the RPC must also include information and advice that is culturally relevant and appropriate and ensures that the RPC complies with its obligations relating to Māori under the Specified Legislation.

**19. Service of Notice***Schedule; Service of notices clause 11*

- 19.1. A notice sent to a person in accordance with these Terms of Reference must be treated as having been received by that person, if the notice is sent –
  - 19.1.1. by post, at the time it would have been delivered in the ordinary course of post;
  - 19.1.2. by email or fax, at the time of transmission.
- 19.2. A notice required to be given by these Terms of Reference is not invalid because a copy of it has not been given to any or all of the persons concerned.
- 19.3. Any notices relating to these Terms of Reference will be deemed to be validly given if posted, or forwarded by facsimile transmission, or emailed to the addresses set out in Appendix Two or to any other address that an Appointer may designate by notice to the other Appointers.

**20. Terms of Reference Interim**

- 20.1. These Terms of Reference are interim only until amended by legislation enacted to give effect to agreements reached in respect of the Permanent Committee.

**21. Officers Responsible**

- 21.1. Chief Executive of Hawke's Bay Regional Council and his/her delegated officers.



**APPENDIX ONE - GLOSSARY**

For the purposes of these Terms of Reference, the following terms and their definitions apply:

<b>Appointer</b>	Means – (a) A Tāngata Whenua Appointer: (b) The Council.
<b>Council Member</b>	Means a member of the RPC appointed by the Council under section 11(1)(j) of the Act.
<b>Hearings Panel</b>	Is a panel appointed to hear public submissions on any RMA Document. It may be made up of any number of people, and may include RPC Members, independent commissioners, or a mix of the two.
<b>Members</b>	In relation to the RPC, means each Tāngata Whenua Member and each Council Member.
<b>Proposed Regional Plan</b>	Has the same meaning as in section 43AAC of the RMA.
<b>Regional Coastal Environment Plan</b>	Is a combined regional plan for the Hawke's Bay coastal environment, including the coastal marine area of the RPC Region.
<b>Regional Plan</b>	Has the same meaning as in section 43AA of the RMA.
<b>Regional Policy Statement</b>	Has the same meaning as in section 43AA of the RMA.
<b>Regional Resource Management Plan</b>	Is a combined planning document including the Regional Policy Statement for the RPC Region and regional plan for those parts of the RPC Region not within the coastal environment.
<b>RMA</b>	Resource Management Act 1991 and subsequent amendments.
<b>RMA Document</b> (s4(1) and (2) of the Act)	Any of the following documents required under the RMA in relation to the RPC region: (a) regional policy statement or proposed regional policy statement; (b) regional plan or proposed regional plan; (c) change to a regional policy statement or regional plan; (d) variation to a proposed regional policy statement or a proposed regional plan.
<b>RPC</b>	Regional Planning Committee.
<b>RPC Region</b> (s4 of the Act)	Has the same meaning as Hawke's Bay Region in clause 3 of the Local Government (Hawke's Bay Region) Reorganisation Order 1989 (13 June 1989) 99 New Zealand Gazette at 2334.
<b>Specified Legislation</b> (s4 of the Act)	Means: (a) the Act; (b) the Local Government Act 2002; (c) the Local Government Official Information and Meetings Act 1987; (d) the Local Authorities (Members' Interests) Act 1968; and (e) the relevant provisions of the RMA.
<b>Tangata Whenua Appointer</b>	(a) Tāngata Whenua Appointer, subject to section 5 (Definition of Tāngata Whenua appointer modified if the Crown approves governance entity or recognises mandated body) of the Act, means-  (i) the trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū:

	<ul style="list-style-type: none"> <li>(ii) the trustees of the Ngāti Pāhauwera Development Trust, on behalf of Ngāti Pāhauwera:</li> <li>(iii) the trustees of Tūhoe Te Uru Taumatua, on behalf of Tūhoe:</li> <li>(iv) the trustees of Te Kotahitanga o Ngāti Tūwharetoa, on behalf of Ngāti Tūwharetoa:</li> <li>(v) the trustees of Mana Ahuriri Trust, on behalf of the Mana Ahuriri hapū:</li> <li>(vi) the trustees of Hineuru Iwi Trust, on behalf of Ngāti Hineuru:</li> <li>(vii) Tātau Tātau o Te Wairoa Trust, on behalf of Wairoa iwi and hapū:</li> <li>(viii) the trustees of the Heretaunga Tamatea Settlement Trust, on behalf of the hapū of Heretaunga and Tamatea: and</li> <li>(ix) the appointer for Ngāti Ruapani ki Waikaremoana, on behalf of Ngāti Ruapani ki Waikaremoana; and</li> </ul> <p>(b) Includes, in relation to a Tāngata Whenua Appointer that is a governance entity, a delegate of, or a successor to, that Appointer if the delegation or succession complies with the requirements of the governance document of the Appointer.</p>
<b>Tāngata Whenua Member</b>	Means a Member of the RPC appointed under section 11(1)(a) to (i) of the Act.
<b>The Act</b>	Means the Hawke's Bay Regional Planning Committee Act 2015.
<b>The Council</b>	Means the Hawke's Bay Regional Council.

**APPENDIX TWO – SERVICE OF NOTICE (Appointee in parenthesis)****Hawke's Bay Regional Council**

Attention: Chief Executive

Address: Private Bag 6006, Napier 4142

Email: [info@hbrc.govt.nz](mailto:info@hbrc.govt.nz)

Telephone: 06 833 8045

**Heretaunga Tamatea Settlement Trust**

Attention: Administration – Heretaunga

Tamatea Settlement Trust Office

(Appointees - Dr Roger Maaka / Peter Paku)

Address: PO Box 2192, Stortford Lodge,  
HASTINGS 4156Email: [office@heretaungatamatea.iwi.nz](mailto:office@heretaungatamatea.iwi.nz)

Telephone: 06 876 6508

**Mana Ahuriri Trust**

Attention: Chairperson

(Appointee Joinella Maihi Carroll)

Address: PO Box 12076, Ahuriri, Napier 4144

Email: [joinellamc@gmail.com](mailto:joinellamc@gmail.com)

Telephone: 022 6576 493 Work: 06 872 6000

**Maungaharuru-Tangitū Trust**

Attention: Chairperson &amp; General Manager

(Appointee Tania Hopmans)

Address: PO Box 3376, Hawke's Bay Mail Centre,  
Napier 4142Email: [info@tangoio.maori.nz](mailto:info@tangoio.maori.nz)

Telephone: 06 835 2357

**Ngāti Pāhauwera Development Trust**

Attention: Administration Manager

(Appointee Toro Waaka)

Address: PO Box 374, WAIROA 4160

Email: [twaka@gmail.com](mailto:twaka@gmail.com)

Telephone: 06 8386869

**Ngāti Ruapani ki Waikaremoana**

Attention: (Interim Appointee Nicky Kirikiri)

Address: C/- Twin Lake Store, Tuai,  
WAIROA 4164Email: [n.kirikiri@xtra.co.nz](mailto:n.kirikiri@xtra.co.nz)

Telephone: 06 837 3855

Cell phone: 021 916 405

**Te Kotahitanga o Ngāti Tūwharetoa**

Attention: Te Poari Mahi

(Interim Appointee Mike Mohi)

Address: 130 Atirau Road, Turangi, P O Box 315,  
TURANGI 3353Email: [tpm@tknt.maori.nz](mailto:tpm@tknt.maori.nz) /[mmohi@doc.govt.nz](mailto:mmohi@doc.govt.nz)

Telephone: 027 2466 200

**Hineuru Iwi Trust**

Attention: (Appointee Karauna Brown)

Address: 4863 Napier/Taupō Rd, SH5, Te Haroto  
PO Box 125, BAY VIEW 4149Email: [karauna@ngatihineuru.com](mailto:karauna@ngatihineuru.com)

Telephone: 06 839 1707

**Tātau Tātau o Te Wairoa Trust**

Attention: (Appointee Apiata Tapine)

Address: 34 Marine Parade, PO Box 61,  
WAIROA 4108Email: [apiata.tapine@gmail.com](mailto:apiata.tapine@gmail.com)

Telephone: 06 838 8262

**Tūhoe Te Uru Taumata**

Attention: General Manager

(Appointee pending)

Address: Te Kura Whare, 12 Tuhoe Street,  
TANEATUA 3191Email: [kirsti@ngaituhoe.iwi.nz](mailto:kirsti@ngaituhoe.iwi.nz)

Telephone: 07 312 9659



## Hawke's Bay Regional Planning Committee Act 2015

Public Act      2015 No 65  
 Date of assent    14 August 2015  
 Commencement    see section 2

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### Preamble

- (1) Discussions between the Crown, the Hawke's Bay Regional Council (the **Council**), Tūhōe, and tāngata whenua of Hawke's Bay in the context of Treaty settlement negotiations have identified a need for greater tāngata whenua involvement in the management of natural resources in the RPC region:
- (2) In the Deed of Settlement dated 17 December 2010 between the Crown and Ngāti Pāhauwera, the Crown committed to establish a committee comprised of an equal number of Council members and representatives of Treaty settlement claimant groups whose role would relate to natural resource planning processes that affect the region, and include drafting and recommending to the Council, plan and policy changes affecting natural resources in the region:
- (3) The Deed of Settlement dated 25 May 2013 between the Crown and the Maungaharuru-Tangitū Hapū records that the trustees of the Maungaharuru-Tangitū Trust, the Council, and other Hawke's Bay iwi and hapū have agreed interim terms of reference for the committee that were adopted by the Council on 14 December 2011:
- (4) The committee is already operating, but legislation is required to ensure that the committee cannot be discharged except by unanimous written agreement of the appointers and to confirm its role and procedures:

**The Parliament of New Zealand therefore enacts as follows:**

#### 1 Title

This Act is the Hawke's Bay Regional Planning Committee Act 2015.

#### 2 Commencement

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



2015 No 65

Hawke's Bay Regional Planning Committee Act 2015

Part 1 s 4

## Part 1 Preliminary provisions

### 3 Purpose

- (1) The purpose of this Act is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991 for the Hawke's Bay region.
- (2) To that end, this Act establishes the Hawke's Bay Regional Planning Committee as a joint committee of the Hawke's Bay Regional Council.

### 4 Interpretation

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

**appointer** means—

- (a) a tāngata whenua appointer:
- (b) the Council

**appointer for Ngāti Ruapani ki Waikaremoana**,—

- (a) if section 5(3) applies, means the mandated body or governance entity for Ngāti Ruapani ki Waikaremoana (as the case may be):
- (b) if section 5(3) does not apply, means the Council acting on the instruction of Ngāti Ruapani ki Waikaremoana

**Council** means the Hawke's Bay Regional Council

**Council member** means a member of the RPC appointed by the Council under section 11(1)(j)

**governance document**, in relation to a tāngata whenua appointer that is a governance entity, means the trust deed or other document by which the tāngata whenua appointer is constituted and governed

**governance entity** means the post-settlement governance entity established by an iwi or a hapū and approved by the Crown for the purposes of receiving redress in the settlement of the historical Treaty of Waitangi claims of that iwi or hapū

**Hawke's Bay Regional Planning Committee** or **RPC** means the Hawke's Bay Regional Planning Committee established by section 7

**Heretaunga Tamatea Settlement Trust** means the trust of that name established by a trust deed dated 30 June 2015

**interim committee** means the committee established by the Council on 27 April 2011 under clause 30(1) of Schedule 7 of the Local Government Act 2002 to oversee the development and review of the regional policy statement and regional plans for the RPC region in accordance with the interim terms of reference

**interim terms of reference** means the terms of reference for the interim committee adopted by the Council on 14 December 2011, including any amendments made to those terms of reference before the commencement of this Act

**local government legislation** means—

- (a) the Local Government Act 2002; and
- (b) the Local Government Official Information and Meetings Act 1987; and
- (c) the Local Authorities (Members' Interests) Act 1968

**Mana Ahuriri Incorporated** means the incorporated society known by that name incorporated on 6 April 2009

**Maungaharuru-Tangitū Trust** means the trust established by trust deed dated 18 December 2012

**members**, in relation to the RPC, means each tāngata whenua member and each Council member

**Ngāti Pāhauwera Development Trust** means the trust established by trust deed dated 27 September 2008

**Ngati Tuwharetoa Hapu Forum Trust** means the trust established by trust deed in 2009

**RMA document** means any of the following required under the RMA in relation to the RPC region:

- (a) a regional policy statement or proposed regional policy statement;
- (b) a regional plan or a proposed regional plan

**RPC region** has the same meaning as Hawke's Bay Region in clause 3 of the Local Government (Hawke's Bay Region) Reorganisation Order 1989 (13 June 1989) 99 *New Zealand Gazette* at 2334

**specified legislation** means—

- (a) this Act; and
- (b) the local government legislation; and
- (c) the relevant provisions of the Resource Management Act 1991

**tāngata whenua appointer**, subject to section 5,—

- (a) means—
  - (i) the trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū;
  - (ii) the trustees of the Ngāti Pāhauwera Development Trust, on behalf of Ngāti Pāhauwera;
  - (iii) the trustees of Tūhoe Te Uru Taumatua, on behalf of Tūhoe;
  - (iv) the trustees of Ngati Tuwharetoa Hapu Forum Trust, on behalf of Ngāti Tūwharetoa;
  - (v) Mana Ahuriri Incorporated, on behalf of the Mana Ahuriri hapū;

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- (vi) the trustees of Te Kōpere o te iwi o Hineuru Trust, on behalf of Ngāti Hineuru;
- (vii) the trustees of the Heretaunga Tamatea Settlement Trust, on behalf of the hapū of Heretaunga and Tamatea;
- (viii) Te Tira Whakaemi o Te Wairoa, on behalf of Wairoa iwi and hapū;
- (ix) the appointer for Ngāti Ruapani ki Waikaremoana, on behalf of Ngāti Ruapani ki Waikaremoana; and
- (b) includes, in relation to a tāngata whenua appointer that is a governance entity, a delegate of, or a successor to, that appointer if the delegation or succession complies with the requirements of the governance document of the appointer

**tāngata whenua member** means a member of the RPC appointed under section 11(1)(a) to (i)

**Te Kōpere o te iwi o Hineuru Trust** means the trust of that name established by a trust deed dated 17 March 2015

**Te Tira Whakaemi o Te Wairoa** means the unincorporated body of persons established by deed of mandate recognised by the Crown on 4 February 2011 to represent Wairoa iwi and hapū

**terms of reference**—

- (a) means the interim terms of reference; and
- (b) includes any amendments to the terms of reference

**trustees of the Heretaunga Tamatea Settlement Trust** means the trustees, in their capacity as trustees, of that trust

**trustees of the Maungaharuru-Tangitū Trust** means the trustees, in their capacity as trustees, of that trust

**trustees of the Ngāti Pāhauwera Development Trust** means the trustees, in their capacity as trustees, of that trust

**trustees of the Ngati Tuwharetoa Hapu Forum Trust** means the trustees, in their capacity as trustees, of that trust

**trustees of the Te Kōpere o te iwi o Hineuru Trust** means the trustees, in their capacity as trustees, of that trust

**trustees of Tūhoe Te Uru Taumatua** means the trustees, in their capacity as trustees, of that trust

**Tūhoe Te Uru Taumatua** means the Tūhoe Trust established by trust deed dated 5 August 2011.

- (2) In this Act,—

- (a) **change, proposed policy statement, regional plan, regional policy statement, and variation** have the same meanings as in section 43AA of the Resource Management Act 1991; and

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- (b) **proposed plan** has the same meaning as in section 43AAC of the Resource Management Act 1991.

**5 Definition of tāngata whenua appointer modified if the Crown approves governance entity or recognises mandated body**

- (1) This section applies if, after the commencement of this Act, the Crown—
  - (a) approves a governance entity for—
    - (i) Mana Ahuriri hapū; or
    - (ii) Ngāti Tūwharetoa; or
    - (iii) Wairoa iwi and hapū;
  - (b) recognises a mandated body to represent Ngāti Ruapani ki Waikaremoana in historical Treaty of Waitangi claims settlement negotiations;
  - (c) approves a governance entity for Ngāti Ruapani ki Waikaremoana.
- (2) If any of subsection (1)(a)(i) to (iii) applies, the tāngata whenua appointer for the relevant iwi or hapū is, despite the definition of tāngata whenua appointer in section 4, that governance entity.
- (3) If subsection (1)(b) or (c) applies, the appointer for Ngāti Ruapani ki Waikaremoana is, despite the definition of that term in section 4, that mandated body or governance entity (as the case may be).

**6 Act binds the Crown**

This Act binds the Crown.

**Part 2**

**Hawke's Bay Regional Planning Committee**

*RPC established*

**7 RPC established**

This section establishes the RPC as a statutory body.

**8 Status of RPC**

- (1) Despite the membership of the RPC provided by section 11, the RPC is a joint committee of the Council deemed to be appointed under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.
- (2) Despite Schedule 7 of the Local Government Act 2002, the RPC must not be discharged except with the written unanimous agreement of the appointers.

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*Purpose, functions, and powers of RPC***9 Purpose of RPC**

- (1) The purpose of the RPC is to oversee the development and review of the RMA documents prepared in accordance with the Resource Management Act 1991 for the RPC region.
- (2) To avoid doubt, nothing in this Act limits the obligations of the Council under the Resource Management Act 1991 or the Local Government Act 2002 in respect of Māori within the RPC region.

**10 Functions and powers of RPC**

- (1) The primary function of the RPC is to achieve the purpose of the RPC.
- (2) In achieving the purpose of the RPC, the RPC may—
  - (a) consider the RMA documents and recommend to the Council for public notification the content of any draft—
    - (i) change to the regional policy statement or regional plan:
    - (ii) proposed regional policy statement or proposed regional plan:
    - (iii) variation to a proposed regional policy statement, proposed regional plan, or change; and
  - (b) monitor the efficiency and effectiveness of the RMA documents in accordance with section 35 of the Resource Management Act 1991; and
  - (c) implement a work programme for the review of the RMA documents; and
  - (d) perform any other function specified in the terms of reference.
- (3) For the purposes of enabling the RPC to carry out its functions, the Council must—
  - (a) refer all matters referred to in subsection (2)(a) to the RPC; and
  - (b) provide all necessary documents or other information to the RPC.
- (4) The RPC has the powers reasonably necessary to carry out its functions in a manner consistent with the specified legislation.

*Membership of RPC***11 Membership of RPC**

- (1) The RPC consists of an equal number of tāngata whenua members and Council members as follows:

*Tāngata whenua members*

- (a) 1 member appointed by the trustees of the Maungaharuru-Tangitū Trust:
- (b) 1 member appointed by the trustees of the Ngāti Pāhauwera Development Trust:



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- (c) 1 member appointed by the trustees of Tūhoe Te Uru Taumatua;
  - (d) 1 member appointed by the trustees of the Ngati Tuwharetoa Hapu Forum Trust;
  - (e) 1 member appointed by Mana Ahuriri Incorporated;
  - (f) 1 member appointed by the trustees of Te Kōpere o te iwi o Hineuru Trust;
  - (g) 1 member appointed by Te Tira Whakaemi o Te Wairoa;
  - (h) 2 members appointed by the trustees of the Heretaunga Tamatea Settlement Trust;
  - (i) 1 member appointed by the appointer for Ngāti Ruapani ki Waikaremoana;
- Council members*
- (j) 10 members appointed by the Council (who must be councillors of the Council holding office and, if there is an insufficient number of councillors, such other persons appointed by the Council in accordance with clause 31(3) of Schedule 7 of the Local Government Act 2002).
- (2) Each appointer must—
    - (a) in the case of the initial appointment of members of the RPC—
      - (i) make an appointment before the first meeting of the RPC; and
      - (ii) notify all other appointers in writing of the appointment;
    - (b) in the case of any subsequent appointment of a member to the RPC, notify the RPC in writing of an appointment and provide a copy of the notice to all other appointers as soon as is reasonably practicable.
  - (3) If a tāngata whenua appointer fails to appoint a tāngata whenua member in accordance with this Act, then the number of Council members on the RPC is reduced proportionately until an appointment is made to ensure that the RPC consists of an equal number of tāngata whenua members and Council members.
  - (4) If a tāngata whenua member fails to attend 3 out of any 5 consecutive meetings of the RPC without the prior written agreement of all other members,—
    - (a) the tāngata whenua member's appointment is deemed to be discharged; and
    - (b) the number of Council members on the RPC is reduced proportionately until a replacement member is appointed by the relevant tāngata whenua appointer.
  - (5) To avoid doubt, a tāngata whenua member is not, by virtue of the person's membership of the RPC, a member of the Council.

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*Other matters***12 Terms of reference of RPC**

- (1) The terms of reference must provide for—
  - (a) the quorum for meetings of the RPC;
  - (b) how the RPC will be administered;
  - (c) the procedures relating to meetings of the RPC, decision making by the RPC, and dispute resolution, including for the purposes of section 10(2)(a), a procedure—
    - (i) for the Council to refer back to the RPC for reconsideration any recommendation made by the RPC but not adopted by the Council (whether in whole or in part); and
    - (ii) for the RPC to provide further recommendations to the Council;
  - (d) how the costs of administering and operating the RPC will be met by the Council, including—
    - (i) the costs of any advice required by the RPC; and
    - (ii) a procedure for determining the remuneration to be paid to tāngata whenua members and reimbursement of their expenses.
- (2) The terms of reference may be amended by the written unanimous agreement of the appointers.
- (3) The terms of reference must be consistent with the specified legislation.
- (4) In the event of an inconsistency between the obligations of the Council under the terms of reference and its obligations under the specified legislation, the specified legislation prevails.

**13 First meeting of RPC**

The first meeting of the RPC must be held no later than 6 months after the commencement of this Act.

*Application of local government legislation***14 Application of local government legislation to RPC**

- (1) The provisions of the local government legislation apply, with any necessary modifications, to the RPC—
  - (a) to the extent that they are relevant to the purpose and functions of the RPC as a joint committee of the Council; and
  - (b) except as otherwise provided for in this Act.

*Schedule 7 of Local Government Act 2002*
- (2) The following provisions of Schedule 7 of the Local Government Act 2002 (**Schedule 7**) apply only to Council members:

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- (a) clause 6(1)(b) (which relates to the remuneration of chairpersons of committees of local authorities):
- (b) clause 12 (which relates to payments):
- (c) clause 31(1) and (3) (which relate to membership of committees or sub-committees of local authorities).
- (3) The following provisions of Schedule 7 do not apply to the RPC:
  - (a) clause 23(3)(b) (which relates to a quorum):
  - (b) clause 24 (which relates to voting):
  - (c) clause 25 (which relates to voting systems for certain appointments):
  - (d) clause 26 (which relates to the chairperson of meetings):
  - (e) clause 27 (which relates to standing orders):
  - (f) clause 30(3), (5)(a), and (7) (which relate to committees):
  - (g) clause 31(2), (4), and (6) (which relate to membership of committees and subcommittees):
  - (h) clause 32A (which relates to the issuing of warrants).
- Section 3 of Local Authorities (Members' Interests) Act 1968*
- (4) Section 3 of the Local Authorities (Members' Interests) Act 1968 applies only to Council members.
- Local Government Official Information and Meetings Act 1987*
- (5) The Local Government Official Information and Meetings Act 1987 applies to the RPC and official information held by the RPC with the modifications set out in subsection (6).
- (6) Section 7(2) of the Local Government Official Information and Meetings Act 1987 must be read as if the following paragraphs were added:
  - (k) avoid serious offence to tikanga of any iwi or hapū represented by a tāngata whenua appointer as defined in section 4 of the Hawke's Bay Regional Planning Committee Act 2015; or
  - (l) avoid the disclosure of the location of wāhi tapu of significant interest to any iwi or hapū represented by a tāngata whenua appointer as defined in section 4 of the Hawke's Bay Regional Planning Committee Act 2015.

*Further provisions*

**15 Further provisions relating to RPC**

The Schedule contains further provisions relating to the RPC.

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Schedule

## Schedule

### Further provisions relating to RPC

s 15

#### 1 Term of appointment

- (1) Subject to this Act,—
  - (a) a tāngata whenua member is appointed to the RPC for the period specified by the relevant tāngata whenua appointer;
  - (b) a Council member is appointed to the RPC for a term commencing with the first meeting of the Council after the triennial general election of members of a local authority under the Local Electoral Act 2001 and ending with the close of the day before the next triennial general election.
- (2) However, if a Council member is appointed after the date of the first meeting of the Council referred to in subclause (1)(b), the member is appointed from that date until the close of the day before the next triennial general election.
- (3) To avoid doubt, the appointment of a tāngata whenua member is not affected by the triennial general election of members of a local authority under the Local Electoral Act 2001.

#### 2 Discharge of membership

- (1) A member may be discharged by that member's appointer.
- (2) If subclause (1) applies, the member's appointer must, within 10 working days after the date on which the member was discharged,—
  - (a) notify the RPC in writing that the member has been discharged; and
  - (b) provide a copy of the notice to all other appointers.

#### 3 Resignation of membership

- (1) A tāngata whenua member may resign by giving written notice to that person's appointer.
- (2) A tāngata whenua appointer must, on receiving a notice given under subclause (1), forward a copy of the notice to the RPC and the chief executive of the Council.

#### 4 Vacancies

- (1) If a vacancy occurs on the RPC, the relevant appointer must fill the vacancy as soon as is reasonably practicable.
- (2) A vacancy does not prevent the RPC from continuing to perform its functions or exercise its powers.

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## **5 Co-chairpersons**

- (1) The RPC has the following co-chairpersons:
  - (a) 1 member appointed by the tāngata whenua members;
  - (b) 1 member appointed by the Council members.
- (2) Each co-chairperson must be appointed on or before the first meeting of the RPC.
- (3) Each co-chairperson is to preside at meetings of the RPC on a pre-arranged basis.
- (4) The co-chairpersons may deputise for each other at meetings of the RPC.
- (5) A co-chairperson may be appointed or discharged in accordance with the terms of reference.

## **6 Standing orders**

- (1) At its first meeting, the RPC must adopt a set of standing orders for the operation of the RPC regarding any matters not provided for in this Act or in the terms of reference.
- (2) The RPC may amend the standing orders at any time.
- (3) The standing orders adopted by the RPC must not contravene—
  - (a) this Act; or
  - (b) the terms of reference; or
  - (c) tikanga Māori; or
  - (d) subject to paragraph (a), the local government legislation or any other enactment.
- (4) Every member of the RPC must comply with the standing orders of the RPC.

## **7 Decision making**

- (1) The decisions of the RPC must be made by vote at meetings in accordance with the terms of reference.
- (2) A co-chairperson of any meeting may vote on any matter but does not have a casting vote.

## **8 Procedural matters**

- (1) The RPC may, except as provided in this Act or in the terms of reference, regulate its own procedure.
- (2) The RPC must, at its first meeting, confirm the appointments of the co-chairpersons referred to in clause 5(2) and state the terms of those appointments.
- (3) Despite clause 19(2) of Schedule 7 of the Local Government Act 2002, a tāngata whenua member—
  - (a) has the right to attend any meeting of the RPC; but



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- (b) does not have the right to attend meetings of the Council by reason merely of the person's membership of the RPC.

## **9 Conflict of interest**

- (1) Each member of the RPC must disclose any actual or potential interest to the RPC.
- (2) The RPC must maintain an interests register.
- (3) A member of the RPC is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because—
  - (a) the member is a member of an iwi or a hapū; or
  - (b) the economic, social, cultural, and spiritual values of an iwi or a hapū and their relationship with the RPC are advanced by or reflected in—
    - (i) the subject matter under consideration; or
    - (ii) any decision by or recommendation of the RPC; or
    - (iii) participation in the matter by the member.
- (4) In subclause (1), **interest** does not include an interest that a member may have through an affiliation with an iwi or a hapū that has customary interests in the RPC region.

## **10 Reporting and review by RPC**

- (1) The Council must include in its annual report prepared under section 98 of the Local Government Act 2002 information about—
  - (a) the activities of the RPC during the previous 12 months; and
  - (b) how those activities are relevant to the purpose and functions of the RPC.
- (2) Appointers—
  - (a) must, no later than 3 years after the date of the first meeting of the RPC, undertake a review of the performance of the RPC; and
  - (b) may undertake any subsequent review of the RPC at a time agreed by all appointers.
- (3) Appointers may, following a review, make recommendations to the RPC on relevant matters arising from the review.

## **11 Service of notices**

- (1) A notice sent to a person in accordance with this Act must be treated as having been received by that person, if the notice is sent—
  - (a) by post, at the time which it would have been delivered in the ordinary course of post;
  - (b) by email or fax, at the time of transmission.

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- (2) A notice required to be given by this Act is not invalid because a copy of it has not been given to any or all of the persons concerned.

## 12 Administration of RPC

The Council must provide technical and administrative support to the RPC in the performance of its functions.

### Legislative history

16 April 2014	Introduction (Bill 202–1)
4 November 2014	First reading and referral to Māori Affairs Committee
30 March 2015	Reported from Māori Affairs Committee (Bill 202–2)
30 June 2015	Second reading
11 August 2015	Committee of the whole House, third reading
14 August 2015	Royal assent

This Act is administered by the Ministry of Justice.

Wellington, New Zealand:

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## HAWKE'S BAY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE

### TERMS OF REFERENCE

*Adopted by Council (HBRC) resolution 6 November 2019*

#### 1. Preamble

- 1.1 The Hawke's Bay Civil Defence Emergency Management Group was established pursuant to a Terms of Reference dated August 2003, which was subsequently amended in December 2013. Pursuant to a resolution passed by the Group on 5 December 2016, this Terms of Reference is adopted to replace and supersede the Terms of Reference dated December 2013.

#### 2. Parties

- 2.1 Each of the following local authorities is a Member of the Hawke's Bay Civil Defence Emergency Management Group and is a party to this Terms of Reference:

Central Hawke's Bay District Council

Hastings District Council

Hawke's Bay Regional Council

Napier City Council

Wairoa District Council

#### 3. Definitions

For the purpose of this Terms of Reference:

- 3.1 "Act" means the Civil Defence Emergency Management Act 2002.
- 3.2 "Administering Authority" means the Hawke's Bay Regional Council.
- 3.3 "Co-ordinating Executive Group" (the CEG) means the Co-ordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002.
- 3.4 "Group" means the Hawke's Bay Civil Defence Emergency Management Group.
- 3.5 "Group Controller" means a person appointed under section 26 of the Civil Defence and Emergency Management Act 2002 and clause 10.1 of this Terms of Reference as a Group Controller.
- 3.6 "Group Plan" means the Hawke's Bay Civil Defence Emergency Group Plan prepared by the Group in accordance with the Act.
- 3.7 "Hawke's Bay Region" for the purposes of this document means the Hawke's Bay region as defined in the Local Government (Hawke's Bay Region) Reorganisation Order 1989, excluding the parts of Rangitikei and Taupo District Councils falling within the area administered by the Hawke's Bay Regional Council.
- 3.8 "Member" means a Local Authority that is a member of the Civil Defence Emergency Management Group that is the subject of this document.
- 3.9 "4Rs" means Reduction, Readiness, Response, and Recovery.

**4. The Purpose and Term of this Terms of Reference**

**4.1 The purposes of this Terms of Reference are to:**

- (a) set out the purposes, functions, powers, and duties of the Group and its members in accordance with the requirements of the Act;
- (b) define the responsibilities of the Group as delegated to the Group by the Members; and
- (c) provide for the administrative arrangements of the Group.

**5. Joint Committee**

- 5.1 Pursuant to section 12 of the Act the Parties were united in August 2003 to establish a Group as a Joint Standing Committee now under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. This choice is irrevocable under section 14(3) of the Act.
- 5.2 In accordance with section 12(2) of the Civil Defence Emergency Management Act 2002, neither clause 30(5) nor (7) of Schedule 7 of the Local Government Act 2002 which provides for a committee to be discharged or reconstituted, or be discharged following the triennial general election, shall apply to the Joint Committee.

**6. Membership of the Group**

- 6.1 The Members of the Group are the Hawke's Bay Regional Council and all those territorial authorities that lie wholly within the boundaries of the Hawke's Bay region. Each member is to be represented on the Group by one person only, being the Mayor or Chairperson of that local authority, or if they are unavailable an alternate representative who has been given the delegated authority to act for the Mayor or Chairperson.
- 6.2 Under section 13(4) of the Act, the alternate representative must be an elected person from that local authority.
- 6.3 Under clause 30(9) of Schedule 7 of the Local Government Act 2002, the powers to discharge any representative of the Group and appoint his or her replacement shall be exercisable only by the local authority Member that appointed the representative being discharged.

**7. Representatives to Have Full Delegated Authority**

- 7.1 Each local authority Member agrees to confer full delegated authority on its Representative, or in their absence the alternate Representative in order for the Group to exercise the functions, powers, and duties of Members under the Act within approved Group budgets.
- 7.2 At meetings of the Group, each Member's Representative is to have full authority to vote and make decisions on behalf of that Member without further recourse to that Member in respect of the authority granted under 7.1 above.
- 7.3 If a Member's Representative to the Group is not re-elected at the triennial Local Government Elections that Representative will cease to be a Member of the Group and will be replaced by the elected Mayor or Chairperson of the relevant Local Authority whom will act as the Representative for the relevant Council until such time as a new Representative having full delegated authority, are appointed by that Council.
- 7.4 It is the responsibility of each Member of the Group to ensure that they have a representative available to participate in the Group, as soon as practicable after their representative is no longer able to represent that Member for whatever reason, with the same delegated functions, duties and powers as their predecessor.

**8. The Group to Give Effect to the Purposes of The Act**

- 8.1 The functions, powers and duties of the Group are specified in sections 16, 17 and 18 the Act. To assist the Group to meet these requirements, the Group adopts the following objectives:
- (a) To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed;
  - (b) Improve and promote the sustainable management of identified hazards in a way that contributes to the long term social, economic, cultural, and environmental wellbeing and safety of people and communities;
  - (c) Encourage and enable communities to achieve acceptable levels of risk (as risk is defined in the Act), including, without limitation;
    - (i) identifying, assessing, and managing risks; and
    - (ii) consulting and communicating about risks; and
    - (iii) identifying and implementing cost-effective risk reduction; and
    - (iv) monitoring and reviewing the risk management process.
  - (d) To require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the 4Rs, and encourage co-operation and joint action within those regional groups;
  - (e) To encourage through partnership and co-ordination, emergency management planning and civil defence emergency management activities amongst the organisations represented on the Co-ordinating Executive Group, other CDEM partners and the Lifeline utility operators that operate within the region;
  - (f) To ensure an effective and efficient region-wide civil defence emergency management capability to respond to and recover from emergencies.

**9. Obligations of Members**

- 9.1 Each member of the Group will:
- (a) In accordance with section 7 and 8 above, appoint their Mayor or Chairperson to the Joint Committee; and
  - (b) appoint its chief executive officer to the Co-ordinating Executive Group (CEG); and
  - (c) participate in the preparation of and agree to the content of a Group Plan; and
  - (d) contribute technical expertise and resources to maintain an effective Group and local level response capability; and
  - (e) provide to the Group the information or reports that may be required by the Group to discharge its powers, functions and duties under the Act and the Group Plan.
- 9.2 Each local authority Member of the Group will be responsible for the risk reduction, readiness, response and recovery arrangements required of it under the Act, and under the Group Plan or as otherwise agreed by the Group, to the standards agreed by the Group.



**10. Delegated Authority**

- 10.1 Power to Appoint Group Controller. The Group will appoint one or more suitably qualified and experienced persons or person to be the Group Controller for the CDEM Group pursuant to by section 26 of the Act and in accordance with the Governance and Management section of the current Group Plan. The powers delegated to the Group Controller(s) are as defined in the Group Plan.
- 10.2 Appointment of Local Controllers. The Group may from time to time appoint in accordance with section 27 of the Act and following consultation with the relevant Members, one or more persons to be a Local Controller in accordance with the Governance and Management section of the current Group Plan.
- 10.3 Appoint Persons who may a Declare State of Local Emergency. The Group will appoint at least one person as a person authorised to declare a state of local emergency for its area and in accordance with the Governance and Management section of the current Group Plan.

**11. Civil Defence Emergency Management Group Plan**

- 11.1 The Group will prepare, approve, adopt and review a Group Plan in accordance with sections 48 to 57 of the Act.
- 11.2 For the avoidance of doubt each and every obligation, agreement, covenant, responsibility and liability under the Group Plan is binding on and will continue to bind each and every Member of the Group and is and will continue to be enforceable as between each of the Members, against each of the other Members, and every Member of the Group agrees and covenants to carry out and perform all of its obligations under the Group Plan.

**12. Maintain the Co-ordinating Executive Group**

- 12.1 In accordance with section 20 of the Act, establish and maintain a Co-ordinating Executive Group consisting of:
- (a) The chief executive officer of each Member or a senior person acting on that person's behalf; and
  - (b) A senior representative of the Police assigned for the purpose by the Commissioner of Police; and
  - (c) A senior representative of the Fire Service assigned for the purpose by the National Commander; and
  - (d) The chief executive of a District Health Board in Hawke's Bay representing the District Health Board in Hawke's Bay, or a person acting on their behalf; and
  - (e) Any other persons that may be co-opted by the CDEM Group to assist the CEG to undertake its responsibilities.

**13. Remuneration**

- 13.1 Each Member of the Group shall be responsible for remunerating its representative on the Group for the cost of that person's participation in the Group.

**14. Meetings**

- 14.1 The New Zealand Standard for model standing orders (NZS 9202: 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Group meetings as if the Group were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his nominated representative were its principal administrative officer.
- 14.2 Other standing orders may be used, subject to the agreement of the Group, and in accordance with section 19(1) of the Act.
- 14.3 The Group shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference. However there will be at least two meetings per year.
- 14.4 In accordance with clause 23 of Schedule 7 of the Local Government Act 2002 the quorum of the Group is all Members.
- 14.5 In the event that a quorum cannot be achieved, the business at any meeting convened for the Joint Committee may be considered without further notice by a subcommittee of the Joint Committee. The recommendations of this subcommittee will be reported for final decision at the next Joint Committee meeting.

**15. Voting**

- 15.1 Each member has one vote at a meeting of the Group or when the Group is required at any time to make a decision in respect of an action to be taken by the Group.
- 15.2 All actions (other than the entering into of contracts within the authorised Group budget) to be taken by the Group must first be approved by way of a majority vote of all members that are present and voting.
- 15.3 The Ministry of Civil Defence and Emergency Management shall have observer status on the Group and also the Co-ordinating Executive Group.

**16. Election of Chairperson and Deputy Chairperson**

- 16.1 The Group may appoint a Group Chairperson and Deputy Chairperson for the Group at the first meeting following the triennial local government elections, and appoint replacements when any of those offices become vacant between elections.
- 16.2 The Group's Chairperson and Deputy Chairperson shall hold office until the first meeting following the triennial general election.

**17. Administering Authority**

- 17.1 In accordance with section 23 of the Act, the Administering Authority for the Group will be the Hawke's Bay Regional Council. The Administering Authority is responsible for the provision of administrative and related services that may from time to time be required by the Group.

**18. Group Emergency Management Office**

- 18.1 The Hawke's Bay Regional Council will establish and manage a Hawke's Bay Emergency Management Group Office on behalf of the Group.
- 18.2 The Group Office shall coordinate technical expertise, planning and operational functions, performance monitoring, coordination of Group wide projects and any other functions as are assigned to it by the Group. The Group Office will also employ at least one Local Emergency Management Officer to be co-located in each TLA to support and where appropriate implement local emergency management outcomes.

- 18.3 The Hawke's Bay Regional Council will employ staff for the Group Office as authorised by the Group and manage the office's expenditure in accordance with the principles of the Local Government Act 2002 and amendments.

**19. Group Funding and Budget**

- 19.1 The proposed annual Group work programme and budget will be signed off by the Group no later than 30 November of the year proceeding the year which the programme and budget will apply.
- 19.2 The Group work programme, and administrative and related services pursuant to section 24 of the Act, will be funded by way of a Targeted Rate Uniform General Charge (UGC) across the area of the Group and administered by the Hawke's Bay Regional Council. In order to set the Targeted Rate UGC, the Group will communicate its agreed programme and budget to the Hawke's Bay Regional Council no later than 1 February of the year to which the programme and budget applies.

**20. Good Faith**

- 20.1 In the event of any circumstances arising that were unforeseen by the parties at the time of adopting this Terms of Reference, the parties hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of:
- (a) the Members of the CDEM Group collectively; and
  - (b) the Hawke's Bay community represented by the Members of the Group collectively.

**21. Variations**

- 21.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Group.
- 21.2 The Terms of Reference will only be amended upon a unanimous vote and resolution passed by the Group and duly recorded in writing.

**22. Review of the Terms of Reference**

- 22.1 The Terms of Reference will be reviewed and if appropriate amended by the Group at its first meeting following the following the triennial local government elections.
- 22.2 The adoption of an amended Terms of Reference revised under clause 22.1 will be undertaken in accordance with section 21 above.

**23. Adopted by**

THE COMMON SEAL of the )  
CENTRAL HAWKE'S BAY DISTRICT COUNCIL )  
Was affixed in the presence of )

\_\_\_\_\_

\_\_\_\_\_

THE COMMON SEAL of the )  
HASTINGS DISTRICT COUNCIL )  
Was affixed in the presence of )

\_\_\_\_\_

\_\_\_\_\_

Signed under the seal of the )  
HAWKES BAY REGIONAL COUNCIL )  
In the presence of )

\_\_\_\_\_

\_\_\_\_\_

THE COMMON SEAL of the )  
NAPIER CITY COUNCIL )  
Was affixed in the presence of )

\_\_\_\_\_

\_\_\_\_\_

THE COMMON SEAL of the )  
WAIROA DISTRICT COUNCIL )  
Was affixed in the presence of )

\_\_\_\_\_

\_\_\_\_\_

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## Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

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*As adopted by resolution by:*

*Hastings District Council 20 November 2018*

*Napier City Council 11 December 2018*

*Hawke's Bay Regional Council 19 December 2018*

### 1. Definitions

For the purpose of these Terms of Reference:

- **"Act"** means the Local Government Act 2002.
- **"Administering Authority"** means Hawke's Bay Regional Council.
- **"Coastal Hazards Strategy"** means the Coastal Hazards Strategy for the Hawke Bay coast between Clifton and Tangoio<sup>1</sup>.
- **"Council Member"** means an elected representative appointed by a Partner Council.
- **"Hazards"** means natural hazards with the potential to affect the coast, coastal communities and infrastructure over the next 100 years, including, but not limited to, coastal erosion, storm surge, flooding or inundation of land from the sea, and tsunami; and includes any change in these hazards as a result of sea level rise.
- **"Joint Committee"** means the group known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee set up to recommend both draft and final strategies to each Partner Council.
- **"Member"** in relation to the Joint Committee means each Council Member and each Tangata Whenua Member.
- **"Partner Council"** means one of the following local authorities: Hastings District Council, Napier City Council and Hawke's Bay Regional Council.
- **"Tangata Whenua Appointer"** means:
  - The trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū;
  - Mana Ahuriri Incorporated, on behalf of Mana Ahuriri Hapū;
  - He Toa Takitini, on behalf of the hapū of Heretaunga and Tamatea.
- **"Tangata Whenua Member"** means a member of the Joint Committee appointed by a Tangata Whenua Appointer

### 2. Name and status of Joint Committee

- 2.1 The Joint Committee shall be known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.
- 2.2 The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

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<sup>1</sup> The Coastal Hazards Strategy is further defined in Appendix 1 to these Terms of Reference.



### 3. Partner Council Members

- 3.1 Each Partner Council shall appoint three Council Members and alternates to the Joint Committee. If not appointed directly as Council Members, the Mayors of Hastings District Council and Napier City Council and the Chairperson of Hawke's Bay Regional Council are ex officio Council Members.
- 3.2 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Council Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.

### 4. Tangata Whenua Members

- 4.1 Each Tangata Whenua Appointer may appoint one member to sit on the Joint Committee.
- 4.2 Each Tangata Whenua Appointer must make any appointment and notify all Tangata Whenua Appointers and Partner Councils in writing of the appointment.
- 4.3 The Tangata Whenua Members so appointed shall be entitled to vote.
- 4.4 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Tangata Whenua Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Tangata Whenua Appointer that appointed the Member.

### 5. Purpose of Terms of Reference

- 5.1 The purpose of these Terms of Reference is to:
  - 5.1.1 Define the responsibilities of the Joint Committee as delegated by the Partner Councils under the Act.
  - 5.1.2 Provide for the administrative arrangements of the Coastal Hazards Strategy Joint Committee as detailed in Appendix 2.

### 6. Meetings

- 6.1 Members, or their confirmed alternates, will attend all Joint Committee meetings.

### 7. Delegated authority

The Joint Committee has the responsibility delegated by the Partner Councils for:

- 7.1 Guiding and providing oversight for the key components of the strategy including:
  - The identification of coastal hazards extents and risks as informed by technical assessments;
  - A framework for making decisions about how to respond to those risks;
  - A model for determining how those responses shall be funded; and
  - A plan for implementing those responses when confirmed.
- 7.2 Considering and recommending a draft strategy to each of the Partner Councils for public notification;
- 7.3 Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils;
- 7.4 Considering and recommending a final strategy to each of the Partner Councils for approval;
- 7.5 Advocating for and/or advancing the objectives of the strategy by submitting on and participating in processes, including but not limited to:
  - Council long term plans;

- Council annual plans;
  - District and regional plan and policy changes;
  - Reserve management plans;
  - Asset management plans;
  - Notified resource consent applications;
  - Central Government policy and legislation.
- 7.6 Investigating and securing additional sources of funding to support strategy implementation.

## 8. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 8.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 8.2 The determination of funding for undertaking investigations, studies and/or projects to assess options for implementing the Coastal Hazards Strategy.

## 9. Remuneration

- 9.1 Each Partner Council shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.
- 9.2 The Administering Authority shall be responsible for remunerating the Tangata Whenua Members.

## 10. Meetings

- 10.1 The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 10.2 The Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.
- 10.3 Notice of meetings will be given well in advance in writing to all Joint Committee Members, and not later than one month prior to the meeting.
- 10.4 The quorum shall be 6 Members, provided that at least one Partner Council Member is present from each Partner Council.

## 11. Voting

- 11.1 In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each Council Member has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of the Partner Council without further recourse to the Partner Council.
- 11.2 Where voting is required, all Members of the Joint Committee have full speaking rights.
- 11.3 Each Member has one vote.
- 11.4 Best endeavours will be made to achieve decisions on a consensus basis.
- 11.5 As per HBRC Standing Order 18.3: The Chairperson at any meeting does not have a deliberative vote and, in the case of equality of votes, has no casting vote.

**12. Election of Chairperson and Deputy Chairperson**

- 12.1 On the formation of the Joint Committee the members shall elect a Joint Committee Chairperson and may elect up to two Deputy Chairpersons. The Chairperson is to be selected from the group of Council Members.
- 12.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Joint Committee.

**13. Reporting**

- 13.1 All reports to the Committee shall be presented via the Technical Advisory Group<sup>2</sup> or from the Committee Chairperson.
- 13.2 Following each meeting of the Joint Committee, the Project Manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member following each meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to Joint Committee representatives.
- 13.3 The Technical Advisory Group shall ensure that the summary report required by 13.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions.

**14. Good faith**

- 14.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, the Tangata Whenua Appointers, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and the Tangata Whenua Appointers and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and the Tangata Whenua Appointers collectively.

**15. Variations to these Terms of Reference**

- 15.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.
- 15.2 Amendments to the Terms of Reference may only be made with the approval of all Members.

**16. Recommended for Adoption by**

- 16.1 The Coastal Hazards Strategy Joint Committee made up of the following members recommends this Terms of Reference for adoption to the three Partner Councils:

**Napier City Council represented by Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_**

**Appointed by NCC resolution \_\_\_\_\_ 2019**

<sup>2</sup> A description of the Technical Advisory Group and its role is included as Appendix 2 to these Terms of Reference.

Hastings District Council represented by Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_

*Appointed by HDC resolution \_\_\_\_\_ 2019*

Hawke's Bay Regional Council represented by Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_

*Appointed by HBRC resolution 6 November 2019*

Maungaharuru-Tangitū Trust (MTT) represented by Ms Tania Hopmans

Mana Ahuriri Inc represented by Ms Tania Huata

He Toa Takitini represented by Mr Peter Paku

## Appendix 1 – Project Background

### Project Goal

A Clifton to Tangoio Coastal Hazards Strategy is being developed in cooperation with the Hastings District Council (HDC), the Hawke's Bay Regional Council (HBRC), the Napier City Council (NCC), and groups representing Mana Whenua and/or Tangata Whenua. This strategy is being developed to provide a framework for assessing coastal hazards risks and options for the management of those risks for the next 105 years from 2015 to 2120.

The long term vision for the strategy is that coastal communities, businesses and critical infrastructure from Tangoio to Clifton are resilient to the effects of coastal hazards.

### Project Assumptions

The Coastal Hazards Strategy will be based on and influenced by:

- The long term needs of the Hawke's Bay community
- Existing policies and plans for the management of the coast embedded in regional and district council plans and strategies.
- Predictions for the impact of climate change
- The National Coastal Policy Statement

### Project Scope

The Coastal Hazards Strategy is primarily a framework for determining options for the long term management of the coast between Clifton and Tangoio. This includes:

- Taking into account sea level rise and the increased storminess predicted to occur as a result of climate change, an assessment of the risks posed by the natural hazards of coastal erosion, coastal inundation and tsunamis.
- The development of a framework to guide decision making processes that will result in a range of planned responses to these risks
- The development of a funding model to guide the share of costs, and mechanisms to cover those costs, of the identified responses.
- The development of an implementation plan to direct the implementation of the identified responses.
- Stakeholder involvement and participation.
- Protocols for expert advice and peer review.
- An action plan of ongoing activity assigned to various Members.



The Strategy will:

- Describe a broad vision for the coast in 2120, and how the Hawke's Bay community could respond to a range of possible scenarios which have the potential to impact the coast by 2120.
- Propose policies to guide any intervention to mitigate the impact of coastal processes and hazards through the following regulatory and non-regulatory instruments:
  - Regional Policy Statement
  - District Plans
  - Council long-term plans
  - Infrastructure Development Planning (including both policy and social infrastructure networks).

**Item 7**

**Attachment 10**

**Appendix 2 - Administering Authority and Servicing**

The administering authority for the Coastal Hazards Strategy Joint Committee is Hawke's Bay Regional Council.

The administrative and related services referred to in clause 16.1 of the conduct of the joint standing committee under clause 30 Schedule 7 of the Local Government Act 2002 apply.

Until otherwise agreed, Hawke's Bay Regional Council will cover the full administrative costs of servicing the Coastal Hazards Strategy Joint Committee.

A technical advisory group (TAG) will service the Coastal Hazards Strategy Joint Committee.

The TAG will provide for the management of the project mainly through a Project Manager. TAG will be chaired by the Project Manager, and will comprise senior staff representatives from each of the participating councils and other parties as TAG deems appropriate from time to time. TAG will rely significantly on input from coastal consultants and experts.

The Project Manager and appropriate members of the TAG shall work with stakeholders. Stakeholders may also present to or discuss issues directly with the Joint Committee.

Functions of the TAG include:

- Providing technical oversight for the study.
- Coordinating agency inputs particularly in the context of the forward work programmes of the respective councils.
- Ensuring council inputs are integrated.

## Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference

Adopted by Council resolution 6 November 2019

### 1. Background

- 1.1. In August 2016 a significant water contamination event occurred that affected the Hawke's Bay community of Havelock North. The Government established an Inquiry into the Havelock North water supply.
- 1.2. It became apparent during the Government Inquiry that in order to achieve a systematic approach to ensuring safe drinking water, there was a need to strengthen interagency working relationships, collaboration and information sharing pertaining to drinking water.
- 1.3. The Inquiry asked a Joint Working Group (JWG) initially comprising staff representatives of the
- 1.4. Hawke's Bay District Health Board, Hawke's Bay Regional Council and the Hastings District Council to implement its 17 initial recommendations. As this group has evolved it has become apparent that many drinking water issues will require an ongoing forum for regional collaboration and decision making. Napier City Council have also joined the Joint Working Group, as well as a Drinking- Water Assessor from the Central North Island Drinking Water Assessment Unit.
- 1.5. Ngāti Kahungunu Iwi Incorporated have called for the agencies involved in water management to view water as a taonga, the lifeblood of the land and people. They consider that drinking water should be set as the number one priority for water use in decision-making processes related to water.
- 1.6. It is within this context that the Hawke's Bay Drinking Water Governance Joint Committee has been established. The principal focus of the Committee is on drinking water, however drinking water cannot be considered in isolation from other fresh water management issues. For that reason the focus of the Committee will be twofold:
  - 1.6.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
  - 1.6.2. To consider and make recommendations where appropriate to decision-making bodies with responsibility for broader freshwater management issues or planning or infrastructure issues that have implications for drinking water and/or drinking water safety.

### 2. Purpose

- 2.1. The parties agree that water is a taonga, the lifeblood of the land and people. They further agree that the Joint Committee established under this Terms of Reference is intended to give practical meaning and effect to this agreement.
- 2.2. The Committee is established to provide governance oversight to the existing JWG regarding the implementation of recommendations from the Inquiry Panel and then the evolution of the JWG into a more permanent officials working group.
- 2.3. In the context of this agreement including 2.1 and 2.2 above, the purpose of the Hawke's Bay Regional Drinking Water Security Joint Committee is to give governance oversight and direction in respect of the following matters:
  - 2.3.1. Programmes and initiatives to protect and enhance drinking water quality and safety
  - 2.3.2. Improving and maintaining effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, and mechanisms to achieve these desired outcomes

- 2.3.3. Provision of governance oversight of strategies and work programmes related to drinking water management, including drinking water sources and infrastructure matters
- 2.3.4. To recommend to the relevant bodies and decision making for changes to strategies and work programmes to protect and enhance drinking water quality and safety
- 2.3.5. To encourage the member parties to give adequate consideration of the safety of drinking water in the carrying out of their range of functions
- 2.3.6. To make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water.
- 2.4. The geographic scope of the Joint Committee's jurisdiction shall be over drinking water related matters on the land and catchment areas within territorial authorities who elect to be members of the Joint Committee (the participating territorial authorities) plus such other land and catchment areas within the authority of the Hawke's Bay Regional Council that have an impact upon drinking water within the participating territorial authorities.
- 3. **Members/Parties**
  - 3.1. If they elect to take up membership and establish the Joint Committee, each of the following shall be a Member Organisation of the Hawke's Bay Drinking Water Governance Joint Committee and a party to this document and the establishment of the Joint Committee:
    - 3.1.1. Hawke's Bay District Health Board
    - 3.1.2. Hawke's Bay Regional Council
    - 3.1.3. Central Hawke's Bay District Council
    - 3.1.4. Hastings District Council
    - 3.1.5. Napier City Council
    - 3.1.6. Wairoa District Council
  - 3.2. Each member organisation may appoint two (2) representatives.
  - 3.3. To ensure the work of the joint Committee is not unreasonably disrupted by absences each party may appoint alternative representatives.
  - 3.4. The Joint Committee shall appoint an Independent Chairperson of the Joint Committee.
  - 3.5. Water is of particular importance to Māori, and Māori have certain statutory rights in respect of decision making relating to water under the Resource Management Act 1991 and the Local Government Act 2002. Some iwi representatives have been involved in discussions leading to the proposal for this Joint Committee but have not determined whether or not they wish to formally participate in the Joint Committee. Provision is made for iwi representation to be added to the Committee should iwi organisations with authority in respect of the geographic areas over which this Joint Committee has jurisdiction indicate that they wish to formally join the Committee.
    - 3.5.1. Notwithstanding any decision by iwi organisations under e. above, the member organisations will take steps to consult with, and take into account the interests of, Māori as appropriate in terms of local authority decision making requirements in respect of matters before the Joint Committee.
- 4. **Name**
  - 4.1. The Hawke's Bay Drinking Water Governance Joint Committee shall be known as the **Hawke's Bay Drinking Water Governance Joint Committee (HBDWGJC).**

**5. Status**

- 5.1. By agreement of the local authority members, the Hawke's Bay Drinking Water Governance Joint Committee is to be established as a Joint Committee under clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002.

**6. Delegated Authority**

- 6.1. The Hawke's Bay Water Governance Joint Committee shall have authority to undertake such steps as are necessary to give effect to the purpose of the Hawke's Bay Water Governance Joint Committee including but not limited to:
- 6.1.1. Establishing and amending as it sees fit the Terms of Reference for the JWG
  - 6.1.2. Receiving reports from and giving direction to the officials Joint Working Group that leads interagency cooperation and work programmes on drinking water quality and safety and/or from the Chief Executives of the member agencies
  - 6.1.3. Commissioning reports and studies
  - 6.1.4. Making recommendations to members related to the security and safety of drinking water
  - 6.1.5. Making recommendations to member organisations relating to strategies and work programmes.
  - 6.1.6. Making recommendations to appropriate parties on matters within the purpose of the Joint Committee.

**7. Administering Authority and Servicing**

- 7.1. The members of the Hawke's Bay Drinking Water Governance Joint Committee shall work with the JWG established to lead interagency cooperation and work programmes on drinking water quality and safety.
- 7.2. The Administering Authority of the Joint Committee shall be the Hawke's Bay Regional Council.

**8. The Remuneration**

- 8.1. Each member organisation of the Hawke's Bay Drinking Water Governance Joint Committee shall be responsible for the cost of its participation on the Joint Committee.
- 8.2. The Joint Committee shall agree on the apportionment of the costs of the Independent Chairperson on the recommendation of the JWG.
- 8.3. The JWG shall agree the apportionment of any costs arising from the work of the Joint Committee.

**9. Meetings**

- 9.1. The Standing Orders of the Hawke's Bay Regional Council will be used to conduct Joint Committee meetings.
- 9.2. The Joint Committee shall meet not less than 6 monthly or at such other times and places as agreed for the achievement of the purpose of the Joint Committee.

**10. Quorum**

- 10.1. The quorum at any meeting shall be not less than eight (8).

**11. Voting**

- 11.1. The membership shall strive at all times to reach a consensus.
- 11.2. Each representative and the Independent Chairperson shall be entitled to one vote on any item of business.
- 11.3. There shall be no casting vote.



**12. Chairperson and Deputy Chairperson**

- 12.1. Member representatives shall appoint, by agreement, an Independent Chairperson who shall be entitled to one vote, and in the case of an equality of votes does not have a casting vote.
- 12.2. The Joint Committee shall also appoint, by simple majority vote from among the representatives, a Deputy Chairperson.

**13. Variations**

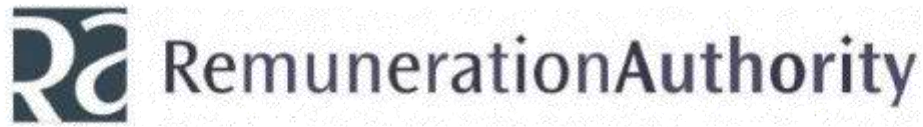
- 13.1. Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.
- 13.2. Once agreed to by the Joint Committee, amendments to the Terms of Reference shall have no effect until each member organisation has agreed to the amendment.

**14. Good Faith**

- 14.1. The parties to this Terms of Reference agree to act in good faith towards each other and to give effect to the purpose of the Joint Committee.

Dated: 6 November 2019

Signed on behalf of the Hawke's Bay Regional Council



# Remuneration Setting for Local Authorities

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Published October 2019

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## 1. Local Government Elected Members

The Authority sets remuneration for elected positions in individual local authorities. It also sets the rules for reimbursement of costs met by members in undertaking their duties.

The Authority does not set remuneration for chief executives of local or regional councils. That is the responsibility of the local/regional authorities.

### Current remuneration for local authority elected members

Information on current remuneration and allowances for local authority elected members is in:

[Local Government Members \(2019/20\) Determination 2019](#)

## 2. The legal framework for setting local authority elected members remuneration

The main acts relating to remuneration and allowances for elected local authority members are the Local Government Act and the Remuneration Authority Act.

- The [Local Government Act 2002](#) (clause 6 of Schedule 7), provides for the Remuneration Authority to:
  - set the remuneration, allowances and expenses of mayors, regional chairs and other elected members on local authorities including local and community boards;
  - set scales of salaries, allowances, ranges of remuneration, different forms of remuneration; prescribe rules for the application of those scales, ranges or different forms of remuneration; differentiate between individuals occupying equivalent positions in different, or in the same, local authorities or community boards; set pay arrangements that apply to individuals or groups occupying equivalent positions;
  - make determinations that apply to individuals, or groups, occupying equivalent positions;
  - approve rules proposed by a local authority for reimbursing expenses incurred by members, subject to any conditions that the Authority thinks fit.

Under clause 7 of Schedule 7 of the [Local Government Act 2002](#) when determining elected members' remuneration the Authority must have regard to the need to:

- minimise the potential for certain types of remuneration to distort the behaviour of elected members;
- achieve and maintain fair relativity with the levels of remuneration received elsewhere;
- be fair both to the persons whose remuneration is being determined and to ratepayers;



- attract and retain competent persons.
- The [Remuneration Authority Act 1977](#) (sections 18 & 18A) sets out additional criteria to which the Authority must have regard in determining the pay for local authority elected members and the other groups and individuals for which it sets pay. These are:
  - the requirements of the job;
  - the conditions of service enjoyed by the persons whose remuneration is being determined and those enjoyed by the persons or members of the group of persons whose remuneration and conditions of employment are, in the opinion of the Authority, comparable with those of the persons or members of the group of persons whose remuneration is being determined;
  - any prevailing adverse economic conditions (which may lead the Authority to set remuneration at a rate lower than might otherwise have been the case).

### 3. Establishing Remuneration for Local Government Elected Members

This section relates to remuneration of elected councillors, mayors and regional council chairs. It does not relate to community board members or members of Auckland local boards.

In 2018 the Authority completed a comprehensive review of its approach to determining the remuneration and allowances for local government elected members. The substance of these changes is outlined below and in other attached links. However, for a deeper understanding of the issues that drove the changes, here is the link to an information paper issued by the Authority in June 2018 describing in detail the proposals and the rationale for them: [Determining the Remuneration of Local Government Elected Members – Information Paper \(PDF, 1MB\)](#)

It should be noted that, in addition to the set remuneration, there is also provision for elected members to be paid for their involvement in hearings and related meetings for resource consents and district/regional plans under the Resource Management Act. Here is the link to the section outlining these payments: [Plan, RMA and HASHA hearings](#)

Elected members are also entitled to a range of allowances that reimburse them for expenditure required in undertaking their duties. All allowances are paid at the discretion of the council. Here is the link to the section describing the allowances: [Elected Members Allowances](#)

The 2018 review resulted in the creation of three new size indices – one each for territorial authorities, regional authorities and unitary authorities – and the consequent construction of a new local government pay scale.

### **Sizing Local Authorities**

For the Remuneration Authority, the term “size index” means the assessed size of the total governance accountabilities of any council – it has no relationship to the number of councillors on that council.

The previous size index (a single index) that was used to size all types of council was based on the population served by each council and the expenditure of each council. Three new size indices have been implemented as a result of the review and they use the following factors:

#### **Territorial Authorities**

- Population (source: Stats NZ estimated resident population)
- Total operating expenditure (source: Stats NZ local authority financial statistics)
- Total assets (source: Stats NZ local authority financial statistics)
- Socioeconomic deprivation index (source: University of Otago Socioeconomic Deprivation Indices.)

#### **Regional Authorities**

- Population
- Total operating expenditure
- Total assets
- Geographic size (source: Stats NZ geographic Areas)
- Public passenger transport boardings (source: Ministry of Transport's public transport passenger boardings).

#### **Unitary Authorities**

- Population
- Total operating expenditure
- Total assets
- Socioeconomic deprivation index
- Geographic size
- Public transport boardings.

All factors used are retrospective but measured at “a point in time” as near as possible to the time of our decision. That means that, except for the deprivation index, no data sets should be more than three years old.

With the exception of the Auckland Council and the Chatham Islands Council (which because of their respective sizes are considered as outliers), all councils were placed on the new size index at 30 June 2018.

It should be noted that the new size indices were developed specifically for use by the Authority in assessing remuneration and are not intended to meet the needs of any other users.

### **Local Government Pay Scale**

After constructing new size indices, the Authority then also considered a local government pay scale that (as required by our legislation) would have regard in particular to the need to achieve and maintain fair relativity with remuneration received elsewhere. After exploring various occupational groups that might have some relativity with local government elected members, we concluded that the only similar occupation was that of a member of Parliament. We will therefore in future be using the parliamentary salary scale as a comparator, but based on the position of each council on the size index and the pro rata time required for an average local government member to undertake the role on a council of any particular size. No local government elected member, regardless of the size of their role, will be able to be paid more than a Cabinet Minister.

As part of its recent research into the roles of councillors, it became evident that in the large "metro" councils (Christchurch, Wellington, Hamilton, Tauranga and Dunedin) a councillor is likely to work up to full time – i.e. one full time equivalent (FTE). There is a second group of councils where councillor workloads sit between full time and half time, with the workload of members of the remainder of councils generally varying around or below 50% of an FTE. It must be stressed, however, that data collected showed that both between and within councils the average work time differs, even allowing for different roles such as deputy mayor or committee chair. However, the overall pattern was sufficient for the Authority to use it as a basis for decisions.

The pay scale therefore takes into account three factors - the size of the governance role of each council, the average time required by a councillor on a council of a particular size and a general comparison with parliamentary salaries. Local government elected members' remuneration will in future reflect this pay scale. As a consequence of this changed approach, relativities between councils have been changed, resulting in differential increases in remuneration which began in the 2018/19 Determination and will continue through till 2010/21 at least.

Christchurch (the largest council excluding Auckland) is used to anchor the top of the pay scale. The bottom of the councillor pay scale is anchored by a proportion of the annual average wage. However, we have concluded that there is a "basic job" for any councillor, no matter how small the council size. Except for the Chatham Islands, the lowest councillor remuneration is currently now pegged to a half time equivalent of about two thirds of the average wage. In the case of the smallest councils this breaches our "governance remuneration pool" approach (see below) and means that the resultant governance pool needs to reflect the current number of councillors, rather than the ranking of the council on the size index. Of the 13 councils that are currently impacted, one has 14 councillors, but the average number of members of the remaining 12 councils is between eight and nine.

### **Introduction of a pool approach**

As a further reinforcement of the importance of the size of the total governance accountabilities of the whole council, the Authority looked at the issue of the different



numbers of elected members on different councils. Excluding Auckland and the Chatham Islands the population per councillor ranges from approximately 23,800 to 530 individuals. The idiosyncratic differences we see now are a legacy of historical circumstance such as amalgamations and boundary changes, population sparsity or density - and even the presence or absence of activist community groups at particular times.

The more councillors, the higher the governance cost to ratepayers. Councils with larger ratepayer bases can more easily absorb higher governance costs than can smaller ones. In the 21<sup>st</sup> century, ubiquitous mobile technology, better transport linkages and the mass media have had a homogenising effect. On the other hand, even in cities, local populations pride themselves on the difference between their area and often quite close neighbouring suburbs. Frequently this is accompanied by expectations of having "their" councillor represent them. This diversity enriches our culture and social fabric. However, if the collective governance role for any council is to be reflected in remuneration and if it is to be fair to ratepayers (as is legally required of the Authority), then such widely varying numbers of councillors beg the question of whether any group of New Zealanders living in a particular area should pay a significantly higher governance cost per head than those living elsewhere.

To resolve this issue the Authority has decided to create a "pool" for each council as a collective, reflecting the size of the actual total governance roles of councils rather than the number of councillors. This "pool" approach is being implemented following the 2019 Local Government election.

Further, the Authority has decided that the councils themselves should each make recommendations on the allocation of their own pool amongst the various positions that councillors undertake on their council. During our review it became clear that regardless of identical legal responsibilities, local circumstances of councils were all very different and that the ability of the Authority to make numerous decisions reflecting these circumstances was limited. Thus the Authority has decided that, beginning from the 2019 election, each council will make recommendations about the allocation of its pool, with the only restriction being that the Authority has decided the minimum base salary for a councillor in each case. Once the council has made its decisions it will forward these recommendations to the Authority for a decision on inclusion in the amending determination.

For details of the process of allocating the pool, here is a link to the section that describes the process: [Implementing the Governance Pool](#) and to the section that outlines the timetable for decisions: [Timetable for Local Government Remuneration Setting](#). Over the three-year cycle the Remuneration Authority will send detailed instructions to mayors, regional chairs and CEOs to keep them informed at all stages of the process. This will include worksheets to facilitate the council in its decision making as well as the relevant forms to fill in.

The impact of differing numbers of councillors on relative total governance pools will remain an issue for active consideration by the Authority in future years when setting local government remuneration.

### Auckland and Chatham Islands Councillors

Because of their respective sizes, neither Auckland Council nor the Chatham Islands Council fit within our size index, so each year the Authority will make an informed judgement on the size of the pools for these two councils.

## 4. Implementing the Governance Remuneration Pool

### Approach

Following the 2019 local elections, councils will be implementing their new "governance remuneration pools" allocated to them by the Remuneration Authority.

Each council's governance pool is aligned with their ranking of the council on the relevant size index and within the framework of the new local government pay scale. The governance pool will provide the total amount that can be paid in remuneration to councillors in each individual council (aside from the mayor or regional council chair). The governance pool will not have any relationship to the number of councillors. Thus, if a council wishes to change the number of councillors and the Local Government Commission agrees, the size of the governance pool will not change, it will just have to be shared amongst more or fewer people.

Each council will need to decide how it wants to allocate its pool according to its own priorities and circumstances. Roles to which additional differential remuneration can be attached may include not just "internal" council roles such as deputy mayor, committee chair or portfolio holder, but also other jobs representing the council on outside groups.

There will be four requirements for each council:

- **The whole pool must be used.** We understand that in any community there will be pressure to "keep rates down" by paying councillors less and we feel it is important that councils are protected from such pressure.
- **The council will need to decide a "base remuneration" for councillors who have no additional responsibilities.** This could be higher than the minimum allowable remuneration set by the Authority.
- **For any roles which attract additional remuneration above the base rate, the council will be required to have a formal vote** which must include the following: a title and short description of each role (i.e. what are the requirements for the councillor who undertakes it), the proposed annual dollar value of remuneration attached to the role and, course, the name of the councillor elected to fill that role.
- Following its formal decision-making, the council will need to **forward their proposal for additional remuneration to the Authority** for consideration and inclusion in the determination. Prior to the election the Authority will send to all CEOs an electronic worksheet, forms and instructions to facilitate this process.

### RMA, HASHA and District/Regional Plan Hearings

Councillors undertaking RMA resource consent hearings and district and regional plan hearings (including Regional Policy Statement) are entitled to additional fees for that work.



Those fees are not drawn from the council's governance remuneration pool (see Plan, RMA and HASHA Hearings (see [Plan, RMA and HASHA hearings](#))).

The governance remuneration pool does not apply to the annual remuneration of mayors, regional council chairpersons, Auckland local board members, or community board members. Their remuneration will continue to be set separately by the Authority.

The allowances that cover all elected members are not part of the council's governance remuneration pool. The recompensing of allowances and hearing fees to elected members comes out of the fund set aside by the council for such payments. Here is the link to the elected members allowances: [Elected Members Allowances](#)

### **Proposals for Changes During a Council Term**

Although most councils are unlikely to change their positions of responsibility during a triennium, the Remuneration Authority will consider proposals made to it by councils requesting new arrangements and will either issue an amending determination or consult further with these councils. All proposals must be submitted to the Authority regardless of the additional level of remuneration proposed. The Authority expects councils to consider their full work programme for the triennium when making proposals.

A council cannot exceed its allocated governance remuneration pool and the pool is required to be fully distributed. The pool covers a base councillors' remuneration, positions of additional responsibility and additional remuneration paid to community board members who have been delegated significant levels of responsibility (see section on [Remuneration for Community Board Members](#)).

### **Establishing a New Position of Responsibility**

If a council proposes to establish a new position, it will need to review its allocation of its governance remuneration pool. Because the pool will already be fully allocated, the new position, if it is not replacing an existing position, will require a reallocation of the remuneration paid to other positions that were previously approved by the Authority.

### **Disestablishing a Position of Responsibility**

If a council proposes to disestablish a position of responsibility, the council will need to review its allocation of its governance remuneration pool. As the pool is required to be fully allocated, the released amount available from the disestablished position will need to be reallocated amongst the other existing positions covered by the pool.

### **Seeking Remuneration Authority Approval**

In both cases (establishing and disestablishing a position) the councils will need to seek the Authority's approval to make the changes. Councils' proposals must include the following information:

- Name of council
- Number of elected members
- Governance remuneration pool

- Councillor minimum remuneration
- (Proposed) base councillor remuneration
- Name/title of each (proposed) position of responsibility including:
  - Brief description of additional responsibilities above those of a base councillor
  - Number of members per position
  - (Proposed) annual remuneration for the position
  - Confirmation that the pool is fully allocated
  - Date positions and remuneration were confirmed by council

#### **Criteria**

The Authority has traditionally accepted proposals in respect of additional remuneration that are unanimously supported by council.

Where it receives split recommendations, strong supporting documentation concerning the reasoning behind any change in the recognition of positions should be provided.

The Authority will consider proposals for changes as they are received. The process of developing and producing a determination generally takes about three months to complete. In all cases where there is a change, councils need to wait till an amended determination is gazetted by the Authority before they can make the changes to their elected members remuneration. However, all payments are effective on and from the day after the date on which the Council confirmed the position, so will be backdated in the determination.

A council cannot generally make a request for an increase in the size of its governance remuneration pool if it appears that it is not sufficient to meet their needs. Under extraordinary circumstances (for example following a major natural disaster) the Authority might agree to an increase.

#### **Representation Reviews**

Changes in councillor numbers following a representation review will not affect the council's governance remuneration pool. However, it will have an impact on councillors' minimum allowable remuneration and consequently it will impact the remuneration rate set for a base councillor and for positions of responsibility.

The reduction in councillor numbers will see an increase in the funds available from within the governance pool to allocate to the base councillor position and positions of responsibility. Conversely more councillors would mean that the available governance pool would need to be spread among more people.

### **5. Remuneration for Mayors and Regional Council Chairs**

The Authority considers that, with the exception of the Mayor of the Chatham Islands, all mayors and regional council chair positions should be remunerated as full time.

Remuneration for mayors and regional chairs is not included in the council governance remuneration pool, but it is set directly by the Authority. Remuneration for a mayor or

regional chair will be based on the placement of their council on one of the three size indices, plus the relationship that the Authority has established between local government and parliamentary remuneration. Here is a link to the paper outlining the approach to sizing local authorities and to the local government pay scale: [Information Paper](#)

Mayors/chairs (with the exception of the Mayor of the Chatham Islands) are not able to claim travel time allowance and no additional remuneration can be provided to them, with the exception of fees for resource consent hearings in exceptional circumstances. Here is the link with information on these payments: [Plan, RMA and HASHA hearings](#)

The Authority takes a "total remuneration" approach to mayor and regional chair remuneration. This means that mayors/chairs who choose to have a council-provided car will have their remuneration adjusted by their council, using the formula provided by the Authority. The formula will be included in each annual determination. A limit has been set on the value of council-supplied vehicles, again with the maximum purchase price provided in each determination. The purchase price of current vehicles that were bought before 1 July 2018, will be "grand-parented" until they are disposed of by the Council or no longer used by the mayor/chair.

The Authority expects that if a mayor or regional council chair is provided with a motor vehicle, the local authority will publish in its annual financial statements the vehicle details, including its annual value as a component of the mayor's or regional chairperson's total remuneration.

## 6. Remuneration for Community Board Members

### Basis of Community Board Member Remuneration

A council's rank on the size index, used for the remuneration of mayors/regional chairs and councillors, is not used to size community board remuneration, which is related solely to population size.

The Authority conducted a review of community boards early in 2019. Here is the link to the results of the review: [Community Board Paper](#). The review showed that community boards have a massive span in terms of their resident per capita representation - from 72 residents to 13,000 residents per board member. This range in representation represents the biggest difference amongst all boards. However there is also a myriad of differences in what the boards actually do, with many of them administering, for example, modest grant funds or being responsible for a budget for town centre amenity improvements. Despite these variations, the Authority concluded that the primary function of the overwhelming majority of community boards is representation and advocacy.

This being so, we have taken the view that having community board remuneration linked to population is fairer to board members. It is reasonable to expect that the time, effort and expertise required to represent a large number of people would be greater than that for a board representing a smaller number of people.



This does not mean that community board remuneration is an exact fixed multiple of its population; rather it means that there is relativity between a community board's population and the remuneration of its elected members.

#### **Additional Delegations to Community Boards**

A small number of community boards have reasonably substantial delegations from their councils. The Authority is currently considering these boards' functions and work load in relation to their councils and will be in a position to make an amending determination early in the calendar year 2020. That decision will apply to all the community board functions that were formally delegated prior to the October 2019 election.

If any council wants to delegate further functions from the time it takes office following the October election and want the community board remuneration to increase accordingly, the value of that increase will need to come out of the council governance remuneration pool, recognising that additional work by community board members relieves councillors of this work.

Additional levels of responsibility can be recognised only for the board as a whole, and not for individual members. Each proposal will be considered on a case by case basis. Evidence will be required to show how any community board is operating significantly above and beyond the role of community boards as outlined in section 52 of the Local Government Act 2002. The maximum amount that can be added to the community board member remuneration is 30%.

#### **Councillor Members of Community Boards**

Where a councillor is formally appointed as a member or chair of a community board, she or he is not automatically entitled to remuneration as a councillor as well as remuneration as a community board member. Following the 2019 election, any such additional remuneration will come from the council's governance pool.

#### **Chairs and Deputy Chairs of Community Boards**

The remuneration of an elected chair of a community board will be twice the remuneration of a community board member, including additional remuneration for that board's members, if any (see below).

The deputy chair of a community board is remunerated as a board member, reflecting the Authority's view that the role of deputy chair is not sufficiently different from that of a board member to warrant additional remuneration.

## **7. Remuneration for Auckland Local Board Members**

### **Approach**

During the first quarter of 2019 the Remuneration Authority completed a review of its approach to setting the remuneration of Auckland local boards elected members.

As part of the review of Auckland local boards they were "re-sized" according to similar criteria that were used for territorial authorities (TAs) but with different weightings and

sources. The Authority was not able to use an identical size scale to that of TAs because they have different responsibilities from those of Auckland local boards which all have unique characteristics. However, there are also some in common. We understand that some of the factors we use are also used by Auckland Council in allocating operational budget to their local boards. Please note that size relates to the role and responsibilities of the entire board, not to the number of elected members or to the population size the board serves, although population is one of the important factors we considered as follows

- Population (source: Stats NZ estimated resident population)
- Gross operating expenditure (source: Auckland Council assets attributed to local boards)
- Total assets (source: Auckland Council annual plan local board agreements)
- Socioeconomic deprivation index (source: University of Otago Socioeconomic Deprivation Indices)

All factors used are retrospective but measured at "a point in time" as near as possible to the time of our determination. That means that, except for the deprivation index, no data sets should be more than three years old.

After constructing the new size index, the Authority then considered an appropriate pay scale, covering the local boards, that (as required by our legislation) would have regard in particular to the need to achieve and maintain fair relativity with remuneration received elsewhere particularly between the members of Auckland Council's Governing Body and the local boards, and between the individual local boards.

Having re-sized, we also had to make a decision as to whether or not we would allocate a pool for each board to make proposals to the Authority to distribute or whether we would continue to solely decide remuneration. We have opted to continue the latter approach for the time being as Auckland local boards have no formal positions of responsibility aside from their chairs and deputy chairs. For that reason, the Authority will continue to set remuneration for Auckland local board chairs, deputy chairs, and members.

#### **Auckland Local Board Chairs and Deputy Chair**

The annual remuneration rate of an elected chair of an Auckland local board is set at twice the remuneration of an elected member on the same board.

A deputy chair of an Auckland local community board's remuneration is set at 60% of the rate set for their respective chair.

The Authority believes that those rates are a fair recognition of the extra workload attached to the chair and deputy chair's positions.



## 8. Local Government Elected Members Allowances

Elected members of a local authority may be entitled to receive the following allowances, but it should be noted that all allowances are entirely at the discretion of their individual council within the limits set by the Remuneration Authority.

- [Vehicle Mileage Allowance](#) – to reimburse costs incurred on eligible travel associated with local authority business.
- [Travel Time Allowance](#) – to reimburse costs incurred for eligible time spent travelling within New Zealand associated on local authority business.
- [Communications Allowance](#) – to reimburse costs incurred for the provision of information and communications technology required by the elected member to perform their local authority functions.
- [Childcare Allowance](#) – to contribute towards the expenses incurred by an eligible member for the provision of childcare while the member is engaged on local authority business.

These allowances are reviewed annually by the Remuneration Authority.

If a council approves an allowance for their elected members it must be included in the council's elected members expenses and reimbursement policy, which the council publishes on its website.

Note: councils are no longer required to obtain the Authority's agreement to changes to their elected members' expenses and reimbursement policy or to their mayors/regional chairs' motor vehicle entitlements so long as the policy remains within the limits of the current remuneration and allowances determination.

## 9. Vehicle Mileage Allowance

A local authority may pay to an elected member a vehicle mileage (kilometre) allowance to reimburse that member for costs incurred in respect of eligible travel by private motor vehicle.

A member's travel is eligible for the allowance if it occurs on a day when the member is not provided with a motor vehicle by the local authority and the member is travelling in a private vehicle on local authority business by the most direct route that is reasonable in the circumstances.

The allowance payable to a member for eligible travel is:

- (a) for a petrol or diesel vehicle,—
  - (i) **79** cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and

- (ii) **30 cents per kilometre** after the first 14,000 kilometres of eligible travel in the determination term;
- (b) for a petrol hybrid vehicle,—
  - (i) **79 cents per kilometre** for the first 14,000 kilometres of eligible travel in the determination term; and
  - (ii) **19 cents per kilometre** after the first 14,000 kilometres of eligible travel in the determination term;
- (c) for an electric vehicle,—
  - (i) **79 cents per kilometre** for the first 14,000 kilometres of eligible travel in the determination term; and
  - (ii) **9 cents per kilometre** after the first 14,000 kilometres of eligible travel in the determination term.

The vehicle mileage allowance reflects the kilometre rates, for self-employed people and employees, published by the Inland Revenue Department on its website as at 7 June 2019.

## 10. Travel Time Allowance

### Criteria

All elected members except mayors and regional council chairs (excluding the Mayor of the Chatham Islands) are entitled to claim an allowance for time travelled within New Zealand on local authority business, provided:

- the council agrees to adopt a travel time allowance policy;
- the journey is by the quickest form of transport reasonable in the circumstances;
- the travel time exceeds one hour;
- the travel time does not exceed nine hours (including the first hour which is not covered) within a 24 hour period.

The allowance is available each day for any business on behalf of the council or board or between the member's residence and an office of the council or board. It is not available for overseas travel.

An elected member of a local authority who resides outside the local authority boundary and travels to the local authority area on local authority business is eligible for a travel time allowance in respect of eligible travel time only after the member crosses the boundary of the local authority area after the first hour of eligible travel within the local authority area.

Mayors and regional council chairs, with the exception of the Mayor of the Chatham Islands, are not entitled to claim a travel time allowance because their roles are deemed to be full time and they are remunerated accordingly. In future the Authority may reconsider this entitlement for councillors whose roles are assessed to be full time.

**Rate**

The current rate is \$37.50 per hour in respect of any qualifying travel that conforms to the criteria above.

**11. Communications Allowances****Approach**

It is the Remuneration Authority's view that elected members should not carry the costs of communicating with councils or with ratepayers. It is the responsibility of each council to decide the communications equipment needed to carry out its business effectively and efficiently and decisions about equipment for members should flow from that.

**Council owned equipment**

The Authority believes it is efficient if a council provides each elected official with a phone (mobile or landline), a PC and/or a tablet or a laptop, and a compatible scanner & printer. The council should also cover the costs of any consumables required.

Equipment should remain the property of the council and shall be replaced or updated at least triennially.

Whilst the Authority has a strong preference for direct provision of equipment, the decision on whether elected members can use personal devices and the nature of the technology required will be a local decision. In approving allowances in expenses documents, the Authority will seek confirmation of a formal decision by the council around the use of technology.

**Member owned equipment**

Where councils decide to provide an annual allowance to those using their own devices and/or connections, the following annual allowance will apply:

- for the use of a personal computer, tablet or a laptop, including any related docking station, \$200;
- for the use of a multi-functional or other printer, \$40;
- for the use of a mobile telephone, \$150;
- for the use of a home internet/broadband connection, \$400;
- for the use of a personal telephone plan, \$400 or actual cost upon production of receipts.

The total annual cost of allowances to a member for the use of her or his own equipment and services must not exceed \$1190.

Where the council provides a mobile phone plan, the portion of the cost to be paid by the member to cover personal use will be agreed with the council. The Authority recommends that councils look at current practice in central government for models and we can supply examples if requested.

The Authority has assumed that councils will not be providing plans for home internet/broadband services because household use is growing significantly and it is unlikely that official use required by the elected member will be a high proportion of the cost. However, in cases where this is not so and the council wishes to supply the whole plan, the council should contact the Authority.

#### **Unusual circumstances**

In some areas of the country a regular landline or mobile coverage is not available. Where such circumstances exist the council may put a costed recommendation to the Authority for approval to make a one-off payment for installation of appropriate technology and either a reimbursement or allowance for on-going maintenance and support reflecting the costs involved. It is anticipated this allowance will normally reflect no more than 75% of the costs involved.

## **12. Childcare Allowance**

### **Approach**

On 1 July 2019, the Remuneration Authority introduced a childcare allowance for local authority elected members who have responsibility for caring for children under the age of 14 years. The allowance is a contribution towards expenses incurred by the elected member for the provision of childcare while the member is engaged on local authority business.

The introduction of the allowance is in response to widespread concern from the local government sector that a lack of financial support for childcare created a barrier for people, in particular women, to enter into elected positions. Research shows that a number of councils in similar jurisdictions (Australia and the United Kingdom) provide their elected members with allowances to cover costs associated with child and dependent care whilst the elected member is on local authority business.

### **Eligibility**

An elected member is eligible to be paid a childcare allowance if:

- they are the 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);
- the child is aged under 14 years of age; and
- the childcare is provided by a person who
  - is not a family member of the member;
  - does not ordinarily reside with the member; and
- they provide evidence satisfactory to the council of the amount paid for childcare.

### **Allowance**

Councils can reimburse eligible elected members for childcare while engaged on council business up to a sum of \$6,000 per annum for each child under 14 year of age.



### 13. Plan, RMA and HASHA Hearings

#### Hearings Fees

Elected members are entitled to receive additional payments for the following work:

- Resource consent hearings under the [Resource Management Act 1991](#) (RMA) or the [Housing Accords and Special Housing Areas Act 2013](#) (HASHA)
- District Plan hearings
- Regional Plan or Regional Policy Statement hearings.

These fees are not part of the governance remuneration pool covering councillors' remuneration and positions of additional responsibility.

There is no annual cap on the payment of fees for these hearings.

The hourly rate paid is to be decided by the council up to the following amounts:

- \$80 an hour for a hearing member; and
- \$100 an hour for a hearing chair.

Councils must include their hearings fees in their individual expense and reimbursement policy.

The Authority does not have any jurisdiction over fees related to alcohol licensing hearings.

#### Preparation Time

Councillors undertaking these hearings are also paid for preparation time. Preparation time to be reimbursed should not exceed the time of the actual hearing. For example, if a hearing lasts for three hours then no more than three hours of preparation time may be paid. Preparation time may include time for reading, attending onsite meetings, or attending pre-hearing briefings/meetings.

Reimbursement will be at the same rates as those for actual hearings time. The chair of a hearing may also be paid for time spent writing up the decision or communicating for the purposes of the written decision.

#### Committee Chair Chairing a Hearing

If the chair of a council's Hearings Committee undertakes resource consent hearings and is paid additional fees for that, those fees are in addition to what that person can be paid for the additional responsibility as chair of the Hearings Committee.

#### Mayors/Regional Chairs

Generally, mayors and regional chairs are not able to receive fees for participating in resource consent hearings. Fees might be considered in exceptional circumstances if there is a shortage of experienced hearing commissioners on the council and there is a significant hearing of a lengthy duration, which would create undue time pressure on the mayor or



chair. In such circumstances, no fees should be paid without seeking prior approval from the Remuneration Authority.

## **14. Private Use of a Vehicle Provided to a Mayor or Regional Council Chair**

A council may decide whether or not to provide their mayor or regional council chair with a motor vehicle and on what basis. The determinant is what is most cost effective for the council and ratepayers.

If a motor vehicle is provided to a mayor or regional chair for their private use the council is responsible for valuing the cost of private use and for making the appropriate deduction from the mayor or regional chair's annual remuneration as shown in the local government members' determination.

### **Maximum Purchase Prices**

The Remuneration Authority has set a limit on the actual purchase price that may be paid for a motor vehicle bought by a council for their mayor or regional council chair's use. The maximum purchase prices will be set each year in the determination. The maximum purchase prices applying for motor vehicles purchased from the year beginning 1 July 2018 are for:

- a petrol or diesel vehicle – \$55,000 (including on road costs, dealer charges and GST paid)
- an electric or hybrid vehicle – \$65,000 (including on road costs, dealer charges and GST paid).

Note the above limits do not apply to existing motor vehicles purchased before 1 July 2018. In these cases the actual purchase prices are "grand-parented" until the existing vehicles are either replaced or relinquished.

### **Valuing the Private Use of a Vehicle**

#### **Usage criteria**

One of following criteria must be applied by the council (for all vehicles purchased either before or from 1 July 2018):

#### **Full private use – the vehicle:**

- is usually driven home and securely parked by the mayor or regional chair;
- is available for the mayor or regional chair's unrestricted personal use;
- is used by the mayor or regional chair for a mix of council business; private use; and
- may also be used by other local authority members or staff on council business, with the permission of the mayor or regional chair.

**Partial Private Use – the vehicle:**

- is usually driven home and securely parked by the mayor or regional chair;
- is used by the mayor or regional chair for a mix of Council business and private purposes;
- may also be used by other local authority members or staff on Council business, with the permission of the mayor or regional chair;
- is used of the vehicle for private purposes accounts for no more than 10% of the vehicle's annual mileage; and
- all travel in the vehicle is recorded in a logbook.

**Restricted Private Use – the vehicle:**

- is usually driven home and securely parked by the mayor or regional chair;
- is otherwise generally available for use by other local authority members or staff on Council business;
- is used solely for Council business; and
- all travel in the vehicle is recorded in a logbook.

**Calculate Deductions**

If the mayor or regional chair is provided with a vehicle, the Council must deduct from the annual remuneration of the mayor or regional chair the appropriate amount calculated in accordance with one of the following formula:

**Full private use:**

- $V \times 41\% \times 20\%$

eg:  $\$42,800 \times 41\% \times 20\% = \$3,510$ .

**Partial private use:**

- $V \times 41\% \times 10\%$

eg:  $\$42,800 \times 41\% \times 10\% = \$1,755$ .

Note an amount less than 10% for partial private use is no longer applicable.

**Restricted private use:**

No deduction from annual remuneration.

Where:

- **V** = actual purchase price, on-road costs, dealer charges and GST paid
- **41%** = assessed annual value of motor vehicle
- **20%** = assessed as full private use
- **10%** = assessed as a lesser amount of private use which must be supported by a log-book

For example	Full private use	Partial private use	Restricted private use
Annual remuneration as shown in either schedule 1 or schedule 2	\$85,220	\$85,220	\$85,220
Motor vehicle deduction	\$3,510	\$1,755	\$0
Salary paid	\$81,710	\$83,465	\$85,220

#### Publication of Motor Vehicle and Remuneration Details

The Authority expects that if a mayor or regional chair is provided with a motor vehicle, the council will publish in its annual financial statements the vehicle details including its annual value as a component of the mayor or regional chair's total remuneration.

#### Publication of Policy

If a council approves the provision of a motor vehicle for their mayor or regionals chairs private use the policy must be included in the council's elected members expenses and reimbursement policy which is published on their website.

### 15. Timetable for Local Government Remuneration Setting

The Remuneration Authority will review the local government size indices and the councils' rankings on the indices once every three years. This work will commence during the year immediately before a local government election year.

#### Local Government Election Year

At the beginning of each election year, the Authority will issue a list showing the councils' rankings, their planned individual governance remuneration pools (NB: this is not a national pool) and minimum allowable councillor remuneration that will apply from 1 July. This timing will allow existing councils to assess any changes and propose recommendations for remuneration based on the size of the pool available. Well before the election at which they will be required to implement the pool. People considering running for office will have this information prior to the election, for example: they will have an indication of the remuneration they could expect if elected as a councillor without any additional responsibilities.

Each council is expected to submit a proposal to the Authority in the first part of the calendar year in which the election is scheduled. We will issue a determination in the middle of that year which will have two parts:

Part One - for the period from July 1 till the day on which the new council assumes office, and

Part Two - for implementation when the new council takes office following the election.

When the new council takes office, all councillors (except the mayor) will receive the base councillor remuneration set out in Part One of that year's determination. For positions of responsibility (including the subsequently elected chair of a regional council), the remuneration will apply from the date the new council makes its formal decision on roles. If newly elected councils wish to change the proposal they will have a window of three months following the election to do so and submit the proposed changes to us for incorporation into a determination that will be backdated to the date the new council made its formal decision on roles and appointments.

#### **Non-election Years**

In the years between the assessments of the "governance pool", all local government elected member remuneration will be changed on an annual basis using the same public sector equivalent formula that the Authority utilises for parliamentary remuneration.

## **16. Other Information**

- [Local authorities size indices rankings – June 2018](#)
- [Information paper: determining the remuneration of local government elected members – June 2018](#)
- [Review of community boards remuneration – April 2019](#)
- [Auckland local boards size ranking – February 2019](#)

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

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

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Attachment 2



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

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**Determination**

**1 Title**

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

**2 Commencement**

This determination comes into force on 1 July 2019.

**3 Expiry**

This determination expires on the close of 30 June 2020.

*Interpretation*

**4 Interpretation**

In this determination, unless the context otherwise requires,—

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

**board** means—

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

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

**HASHA** means the Housing Accords and Special Housing Areas Act 2013

**hearing** has the meaning given to it by clause 5

**hearing time** has the meaning given to it by clause 6

**local authority** means a regional council or a territorial authority

**member** means,—

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

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

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

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

**RMA** means the Resource Management Act 1991

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

## 5 Meaning of hearing

In this determination, **hearing** means—

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

## 6 Meaning of hearing time

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

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

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

*Entitlement to remuneration, allowances, and hearing fees*

**7 Remuneration, allowances, and hearing fees payable**

*Remuneration*

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

*Allowances and hearing fees*

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

**8 Acting mayor or chairperson**

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

**9 Motor vehicles for mayors and regional chairpersons**

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

where v means the actual purchase price of the vehicle, including goods and services tax and any on-road costs.
- (6) If a motor vehicle is provided to a mayor or regional chairperson for full private use, the amount calculated in accordance with the following formula must be deducted from the remuneration payable to that person:
 
$$v \times 41\% \times 20\%$$

where v means the actual purchase price of the vehicle, including goods and services tax and any on-road costs.

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(7) In this clause,—

**full private use** means—

- (a) the vehicle is usually driven home and securely parked by the mayor or regional chairperson; and
- (b) the vehicle is available for the mayor or regional chairperson's unrestricted personal use; and
- (c) the vehicle is used by the mayor or regional chairperson for both local authority business and private use; and
- (d) the vehicle may also be used by other local authority members or staff on local authority business, with the permission of the mayor or regional chairperson

**partial private use** means—

- (a) the vehicle is usually driven home and securely parked by the mayor or regional chairperson; and
- (b) the vehicle is used by the mayor or regional chairperson for both local authority business and private purposes; and
- (c) the vehicle may also be used by other local authority members or staff on local authority business, with the permission of the mayor or regional chairperson; and
- (d) all travel in the vehicle is recorded in a log-book; and
- (e) the use of the vehicle for private purposes accounts for no more than 10% of the vehicle's annual mileage

**restricted private use** means—

- (a) the vehicle is usually driven home and securely parked by the mayor or regional chairperson; and
  - (b) the vehicle is otherwise generally available for use by other local authority members or staff on local authority business; and
  - (c) the vehicle is used solely for local authority business; and
  - (d) all travel in the vehicle is recorded in a log-book.
- (8) To avoid doubt, subclause (2) does not apply to a motor vehicle provided to a mayor or regional chairperson before 1 July 2018.

#### *Allowances*

#### **10 Definition of member**

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



## 11 Vehicle mileage allowance

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

## 12 Travel time allowance

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

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(4)	However, if a member of a local authority resides outside the local authority area and travels to the local authority area on local authority business, the member is only eligible for a travel time allowance in respect of eligible travel time—		
	(a) after the member crosses the boundary of the local authority area; and		
	(b) after the first hour of eligible travel within the local authority area.		
(5)	The maximum total amount of travel time allowance that a member may be paid for eligible travel in a 24-hour period is 8 hours.		
(6)	Despite subclause (1), the Chatham Islands Council may pay the Mayor of the Chatham Islands Council an allowance for eligible travel time.		
<b>13</b>	<b>Communications allowance</b>		
	<i>Equipment</i>		
(1)	If a local authority determines that particular information or communications technology equipment is required by members to perform their functions and requests that members use their own equipment for those purposes, the local authority may pay an allowance in accordance with subclause (2).		
(2)	The matters in respect of which an allowance is payable and the amounts that may be paid for the determination term are as follows:		
	(a) for the use of a personal computer, tablet, or laptop, including any related docking station, \$200;		
	(b) for the use of a multi-functional or other printer, \$40;		
	(c) for the use of a mobile telephone, \$150.		
	<i>Services</i>		
(3)	If a local authority requests a member to use the member's own Internet service for the purpose of the member's work on local authority business, the member is entitled to an allowance for that use of \$400 for the determination term.		
(4)	If a local authority requests a member to use the member's own mobile telephone service for the purpose of the member's work on local authority business, the member is entitled, at the member's option, to—		
	(a) an allowance for that use of \$400 for the determination term; or		
	(b) reimbursement of actual costs of telephone calls made on local authority business upon production of the relevant telephone records and receipts.		
(5)	If a local authority supplies a mobile telephone and related mobile telephone service to a member for use on local authority business and allows for its personal use, the local authority may decide what portion, if any, of the local authority's costs reasonably attributable to such personal use must be paid by the member.		

### Pro-rating

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

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

where—

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

## 14 Childcare allowance

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

### Hearing fees

## 15 Fees related to hearings

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

### Revocation

## 16 Revocation

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

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

cl 7(2)

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

**Bay of Plenty Regional Council**

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

**Canterbury Regional Council**

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

**Hawke's Bay Regional Council**

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

**Manawatu–Wanganui Regional Council**

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

**Northland Regional Council**

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

**Otago Regional Council**

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

**Southland Regional Council**

Office	Annual remuneration (\$)
Chairperson	122,500

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

### Taranaki Regional Council

Office	Annual remuneration (\$)
Chairperson	102,550
Councillor (Minimum Allowable Remuneration)	36,939

### Waikato Regional Council

Office	Annual remuneration (\$)
Chairperson	161,000
Councillor (Minimum Allowable Remuneration)	58,640

### Wellington Regional Council

Office	Annual remuneration (\$)
Chairperson	174,000
Councillor (Minimum Allowable Remuneration)	61,517

### West Coast Regional Council

Office	Annual remuneration (\$)
Chairperson	83,500
Councillor (Minimum Allowable Remuneration)	35,733

## Part 2

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

#### Ashburton District Council

Office	Annual remuneration (\$)
Mayor	121,500
Councillor (Minimum Allowable Remuneration)	25,047

#### *Methven Community Board*

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

#### Auckland Council

Office	Annual remuneration (\$)
Mayor	296,000
Councillor (Minimum Allowable Remuneration)	106,306

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*Albert–Eden Local Board*

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

*Devonport–Takapuna Local Board*

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

*Franklin Local Board*

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

*Great Barrier Local Board*

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

*Henderson–Massey Local Board*

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

*Hibiscus and Bays Local Board*

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

*Howick Local Board*

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

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*Kaipātiki Local Board*

Office	Annual remuneration (\$)
Chairperson	89,800
Deputy Chairperson	53,900
Member	44,900

*Māngere-Ōtahuhu Local Board*

Office	Annual remuneration (\$)
Chairperson	99,000
Deputy Chairperson	59,400
Member	49,500

*Manurewa Local Board*

Office	Annual remuneration (\$)
Chairperson	98,200
Deputy Chairperson	58,900
Member	49,100

*Maungakiekie-Tāmaki Local Board*

Office	Annual remuneration (\$)
Chairperson	93,900
Deputy Chairperson	56,300
Member	47,000

*Ōrakei Local Board*

Office	Annual remuneration (\$)
Chairperson	88,200
Deputy Chairperson	52,900
Member	44,100

*Ōtara-Papatoetoe Local Board*

Office	Annual remuneration (\$)
Chairperson	98,300
Deputy Chairperson	59,000
Member	49,200

*Papakura Local Board*

Office	Annual remuneration (\$)
Chairperson	91,800
Deputy Chairperson	55,100
Member	45,900

2019/135	Local Government Members (2019/20) Determination 2019	Schedule 2
<i>Puketāpapa Local Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	89,100	
Deputy Chairperson	53,500	
Member	44,600	
<i>Rodney Local Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	87,000	
Deputy Chairperson	52,200	
Member	43,500	
<i>Upper Harbour Local Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	85,500	
Deputy Chairperson	51,300	
Member	42,839	
<i>Waiheke Local Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	68,700	
Deputy Chairperson	41,200	
Member	34,400	
<i>Waitākere Ranges Local Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	86,600	
Deputy Chairperson	52,000	
Member	43,300	
<i>Waitematā Local Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	96,600	
Deputy Chairperson	58,000	
Member	48,300	
<i>Whau Local Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	91,000	
Deputy Chairperson	54,600	
Member	45,500	

Schedule 2	Local Government Members (2019/20) Determination 2019	2019/135
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### Buller District Council

Office	Annual remuneration (\$)
Mayor	94,500
Councillor (Minimum Allowable Remuneration)	19,273

### Inangahua Community Board

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

### Carterton District Council

Office	Annual remuneration (\$)
Mayor	83,500
Councillor (Minimum Allowable Remuneration)	18,825

### Central Hawke's Bay District Council

Office	Annual remuneration (\$)
Mayor	105,000
Councillor (Minimum Allowable Remuneration)	23,940

### Central Otago District Council

Office	Annual remuneration (\$)
Mayor	107,000
Councillor (Minimum Allowable Remuneration)	20,748

### Cromwell Community Board

Office	Annual remuneration (\$)
Chairperson	14,245
Member	7,123

### Maniototo Community Board

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

### Teviot Valley Community Board

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



2019/135	Local Government Members (2019/20) Determination 2019	Schedule 2
<i>Vincent Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		15,326
Member		7,663
<i>Chatham Islands Council</i>		
Office	Annual remuneration (\$)	
Mayor		53,500
Councillor (Minimum Allowable Remuneration)		13,374
<i>Christchurch City Council</i>		
Office	Annual remuneration (\$)	
Mayor		195,000
Councillor (Minimum Allowable Remuneration)		97,280
<i>Banks Peninsula Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		19,729
Member		9,864
<i>Coastal-Burwood Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		47,236
Member		23,618
<i>Fendalton-Waimairi-Harewood Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		46,595
Member		23,297
<i>Halswell-Hornby-Riccarton Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		49,160
Member		24,580
<i>Linwood-Central-Heathcote Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		49,160
Member		24,580
<i>Papanui-Innes Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		47,236
Member		23,618
		49

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

2019/135	Local Government Members (2019/20) Determination 2019	Schedule 2
<i>Waikouaiti Coast Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	16,030	
Member	8,015	
<i>West Harbour Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	16,458	
Member	8,229	
<b>Far North District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	155,000	
Councillor (Minimum Allowable Remuneration)	51,370	
<i>Bay of Islands–Whangaroa Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	31,273	
Member	15,637	
<i>Kaikohe–Hokianga Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	26,806	
Member	13,403	
<i>Te Hiku Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	27,365	
Member	13,682	
<b>Gisborne District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	155,000	
Councillor (Minimum Allowable Remuneration)	37,540	
<b>Gore District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	98,500	
Councillor (Minimum Allowable Remuneration)	18,477	
<i>Mataura Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	4,122	
		51

Schedule 2	Local Government Members (2019/20) Determination 2019	2019/135
<b>Office</b>		<b>Annual remuneration (\$)</b>
Member		2,061
<b>Grey District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		102,000
Councillor (Minimum Allowable Remuneration)		22,219
<b>Hamilton City Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		174,500
Councillor (Minimum Allowable Remuneration)		74,552
<b>Hastings District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		153,500
Councillor (Minimum Allowable Remuneration)		43,332
<b>Hastings District Rural Community Board</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		15,036
Member		7,518
<b>Hauraki District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		118,000
Councillor (Minimum Allowable Remuneration)		21,389
<b>Horowhenua District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		129,000
Councillor (Minimum Allowable Remuneration)		28,156
<b>Foxton Community Board</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		12,518
Member		6,259
<b>Hurunui District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		102,500

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<b>Office</b>		<b>Annual remuneration (\$)</b>
Councillor (Minimum Allowable Remuneration)		20,231
<i>Hanmer Springs Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		8,025
Member		4,013
<b>Hutt City Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		158,000
Councillor (Minimum Allowable Remuneration)		53,097
<i>Eastbourne Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		13,531
Member		6,766
<i>Petone Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		16,109
Member		8,054
<i>Wainuiomata Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		16,969
Member		8,484
<b>Invercargill City Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		140,000
Councillor (Minimum Allowable Remuneration)		34,155
<i>Bluff Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		8,591
Member		4,296
<b>Kaikōura District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		83,500
Councillor (Minimum Allowable Remuneration)		19,024
		53



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### Kaipara District Council

Office	Annual remuneration (\$)
Mayor	119,000
Councillor (Minimum Allowable Remuneration)	30,046

### Kāpiti Coast District Council

Office	Annual remuneration (\$)
Mayor	138,500
Councillor (Minimum Allowable Remuneration)	35,517

### Ōtaki Community Board

Office	Annual remuneration (\$)
Chairperson	15,250
Member	7,625

### Paekākāriki Community Board

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

### Paraparaumu–Raumati Community Board

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

### Waikanae Community Board

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

### Kawerau District Council

Office	Annual remuneration (\$)
Mayor	92,500
Councillor (Minimum Allowable Remuneration)	17,680

### Mackenzie District Council

Office	Annual remuneration (\$)
Mayor	83,500
Councillor (Minimum Allowable Remuneration)	18,676

2019/135	Local Government Members (2019/20) Determination 2019	Schedule 2
<i>Fairlie Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	4,000	
Member	2,000	
<i>Tekapo Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	4,000	
Member	2,000	
<i>Twizel Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	4,989	
Member	2,494	
<b>Manawatu District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	121,000	
Councillor (Minimum Allowable Remuneration)	28,326	
<b>Marlborough District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	141,000	
Councillor (Minimum Allowable Remuneration)	36,680	
<b>Masterton District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	122,000	
Councillor (Minimum Allowable Remuneration)	28,073	
<b>Matamata–Piako District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	123,000	
Councillor (Minimum Allowable Remuneration)	27,066	
<b>Napier City Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	145,500	
Councillor (Minimum Allowable Remuneration)	43,142	
		55

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

2019/135	Local Government Members (2019/20) Determination 2019	Schedule 2
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### Otorohanga District Council

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

### Kawhia Community Board

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

### Otorohanga Community Board

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

### Palmerston North City Council

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

### Porirua City Council

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

### Queenstown-Lakes District Council

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

### Wanaka Community Board

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

### Rangitikei District Council

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

Schedule 2	Local Government Members (2019/20) Determination 2019	2019/135
<i>Ratana Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	4,253	
Member	2,126	
<i>Taihape Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	8,676	
Member	4,338	
<b>Rotorua District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	152,000	
Councillor (Minimum Allowable Remuneration)	49,426	
<i>Rotorua Lakes Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	16,797	
Member	8,399	
<i>Rotorua Rural Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	18,773	
Member	9,387	
<b>Ruapehu District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	109,500	
Councillor (Minimum Allowable Remuneration)	19,637	
<i>National Park Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	5,857	
Member	2,928	
<i>Waimarino–Waiouru Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	8,676	
Member	4,338	



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### Selwyn District Council

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

### Malvern Community Board

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

### South Taranaki District Council

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

### Eltham-Kaponga Community Board

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

### Pātea Community Board

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

### Taranaki Coastal Community Board

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

### Te Hāwera Community Board

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

### South Waikato District Council

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

Schedule 2	Local Government Members (2019/20) Determination 2019	2019/135
<i>Tirau Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		6,691
Member		3,346
<b>South Wairarapa District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		92,000
Councillor (Minimum Allowable Remuneration)		18,576
<i>Featherston Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		6,507
Member		3,253
<i>Greytown Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		6,507
Member		3,253
<i>Martinborough Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		6,507
Member		3,253
<b>Southland District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		124,000
Councillor (Minimum Allowable Remuneration)		25,874
<i>Ardlussa Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		7,483
Member		3,742
<i>Fiordland Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		9,200
Member		4,600
<i>Northern Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		7,235
60		

2019/135	Local Government Members (2019/20) Determination 2019	Schedule 2
<b>Office</b>		<b>Annual remuneration (\$)</b>
Member		3,618
<i>Oraka-Aparima Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		8,083
Member		4,042
<i>Oreti Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		10,415
Member		5,208
<i>Stewart Island/Rakiura Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		4,000
Member		2,000
<i>Tuatapere Te Waewae Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		7,059
Member		3,530
<i>Waihopai Toetoe Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		9,805
Member		4,903
<i>Wallace Takitimu Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		8,594
Member		4,297
<b>Stratford District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		89,500
Councillor (Minimum Allowable Remuneration)		18,626
<b>Tararua District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		112,500
Councillor (Minimum Allowable Remuneration)		26,718
		61

Schedule 2	Local Government Members (2019/20) Determination 2019	2019/135
<i>Dannevirke Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	11,656	
Member	5,828	
<i>Eketahuna Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	7,554	
Member	3,777	
<b>Tasman District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	154,000	
Councillor (Minimum Allowable Remuneration)	37,417	
<i>Golden Bay Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	13,103	
Member	6,551	
<i>Motueka Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	14,606	
Member	7,303	
<b>Taupō District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	134,000	
Councillor (Minimum Allowable Remuneration)	34,747	
<i>Turangi–Tongariro Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	16,836	
Member	8,418	
<b>Tauranga City Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	166,500	
Councillor (Minimum Allowable Remuneration)	78,050	

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## Thames–Coromandel District Council

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

*Coromandel–Colville Community Board*

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

*Mercury Bay Community Board*

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

*Tairua–Pauanui Community Board*

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

*Thames Community Board*

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

*Whangamata Community Board*

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

## Timaru District Council

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

*Geraldine Community Board*

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



Schedule 2	Local Government Members (2019/20) Determination 2019	2019/135
<i>Pleasant Point Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	8,633	
Member	4,317	
<i>Temuka Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	11,224	
Member	5,612	
<b>Upper Hutt City Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	128,000	
Councillor (Minimum Allowable Remuneration)	31,883	
<b>Waikato District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	148,500	
Councillor (Minimum Allowable Remuneration)	42,010	
<i>Huntly Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	10,524	
Member	5,262	
<i>Ngaruawahia Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	10,524	
Member	5,262	
<i>Onewhero–Tuakau Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	10,955	
Member	5,477	
<i>Raglan Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	8,807	
Member	4,403	
<i>Taupiri Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	4,000	
64		

2019/135	Local Government Members (2019/20) Determination 2019	Schedule 2
<b>Office</b>		<b>Annual remuneration (\$)</b>
Member		2,000
<b>Waimakariri District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		137,500
Councillor (Minimum Allowable Remuneration)		37,073
<b>Kaiapoi–Tuahiwi Community Board</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		17,480
Member		8,740
<b>Oxford–Ohoka Community Board</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		16,468
Member		8,234
<b>Rangiora–Ashley Community Board</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		22,547
Member		11,274
<b>Woodend–Sefton Community Board</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		14,441
Member		7,221
<b>Waimate District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		86,500
Councillor (Minimum Allowable Remuneration)		19,024
<b>Waipa District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		135,500
Councillor (Minimum Allowable Remuneration)		31,534
<b>Cambridge Community Board</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		18,778
Member		9,389
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<i>Te Awamutu Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	18,132	
Member	9,006	
<b>Wairoa District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	101,000	
Councillor (Minimum Allowable Remuneration)	23,961	
<b>Waitaki District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	114,500	
Councillor (Minimum Allowable Remuneration)	24,125	
<i>Ahuriri Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	11,639	
Member	5,820	
<i>Waihemo Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	12,087	
Member	6,044	
<b>Waitomo District Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	97,500	
Councillor (Minimum Allowable Remuneration)	23,731	
<b>Wellington City Council</b>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Mayor	180,500	
Councillor (Minimum Allowable Remuneration)	86,874	
<i>Makara–Ohariu Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	9,429	
Member	4,716	
<i>Tawa Community Board</i>		
<b>Office</b>	<b>Annual remuneration (\$)</b>	
Chairperson	18,810	

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<b>Office</b>		<b>Annual remuneration (\$)</b>
Member		9,405
<b>Western Bay of Plenty District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		136,500
Councillor (Minimum Allowable Remuneration)		32,959
<i>Katikati Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		11,008
Member		5,504
<i>Maketu Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		5,827
Member		2,914
<i>Omokoroa Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		7,987
Member		3,993
<i>Te Puke Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		11,008
Member		5,504
<i>Waihi Beach Community Board</i>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Chairperson		9,065
Member		4,532
<b>Westland District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		90,500
Councillor (Minimum Allowable Remuneration)		18,725
<b>Whakatāne District Council</b>		
<b>Office</b>		<b>Annual remuneration (\$)</b>
Mayor		134,000
Councillor (Minimum Allowable Remuneration)		31,853
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<i>Murupara Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		7,987
Member		3,993
<i>Rangitāiki Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		10,360
Member		5,180
<i>Tāneatua Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		7,987
Member		3,993
<i>Whakatāne-Ōhope Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		17,321
Member		8,660
<b>Whanganui District Council</b>		
Office	Annual remuneration (\$)	
Mayor		141,000
Councillor (Minimum Allowable Remuneration)		32,910
<i>Whanganui Rural Community Board</i>		
Office	Annual remuneration (\$)	
Chairperson		11,224
Member		5,612
<b>Whangarei District Council</b>		
Office	Annual remuneration (\$)	
Mayor		156,000
Councillor (Minimum Allowable Remuneration)		48,871



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Dated at Wellington this 14th day of June 2019.

Fran Wilde,  
Chairperson.

Geoff Summers,  
Member.

### Explanatory memorandum

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

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

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

#### *First change: revised and updated council size indices*

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

The Authority began introducing the changes to the index rankings in the Local Government Members (2018/19) (Local Authorities) Determination 2018 (the **2018 Determination**), which are continued in this determination. The changes will be fully completed following the 2019 local election, when the second part of the new

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

*Second change: how the Authority sets councillor remuneration*

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

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

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

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

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

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

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

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

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

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

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

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*Motor vehicles*

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

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

*Allowances*

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

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

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

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

*Governance remuneration pool table*

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



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**Part 1****Remuneration pools for councillors of regional councils**

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

**Part 2****Remuneration pools for councillors of territorial authorities**

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



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

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

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

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