



I, Steven May, Tumu Whakarae Chief Executive Officer, hereby give notice that an Te Rohe o Te Wairoa Reserves Board - Matangirau Meeting will be held on:

Date: Monday, 10 February 2020
Time: 5.15pm
Location: Council Chamber, Wairoa District Council,
Coronation Square, Wairoa

AGENDA

Te Rohe o Te Wairoa Reserves Board - Matangirau Meeting

10 February 2020

The agenda and associated papers are also available on our website: www.wairoadc.govt.nz

For further information please contact us 06 838 7309 or by email info@wairoadc.govt.nz

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- 1 KARAKIA**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF CONFLICT OF INTEREST**
- 4 CHAIRPERSON'S ANNOUNCEMENTS**
- 5 LATE ITEMS OF URGENT BUSINESS**
- 6 PUBLIC PARTICIPATION**

A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 5 minutes per person is allowed. As per Standing Order 15.1 requests to speak must be made to the Chief Executive Officer 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).

7 MINUTES OF THE PREVIOUS MEETING

Ordinary Meeting - 20 October 2019

**MINUTES OF WAIROA DISTRICT COUNCIL
TE ROHE O TE WAIROA RESERVES BOARD - MATANGIRAU MEETING
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA
ON SUNDAY, 20 OCTOBER 2019 AT 1.30PM**

PRESENT: Cr Denise Eaglesome-Karekare (Chairperson), Mr Phil Beattie (Deputy Chairperson), Mr Pieri Munro, Ms Oha Manuel, His Worship the Mayor Craig Little, Mr Paul Kelly

IN ATTENDANCE: Steven May (Tumu Whakarae Chief Executive Officer), Charlotte Knight (Kaiarataki Kaupapa Here / Mana Ārahi Policy & Governance Team Leader), Duane Culshaw (Pouahurea Māori Māori Relationships Manager)

Council appointed Cr Denise Eaglesome-Karekare as the Chairperson.

Tātau Tātau o Te Wairoa Trust appointed Mr Phil Beattie as the Deputy Chairperson.

1 KARAKIA

Karakia timatanga given by the Pouahurea Māori Māori Relationships Manager.

2 APOLOGIES

None.

3 DECLARATION OF CONFLICT OF INTEREST

Mr Pieri Munro – employee of Hawke’s Bay of Regional Council.

4 CHAIRPERSON’S ANNOUNCEMENTS

None.

5 LATE ITEMS OF URGENT BUSINESS

MOTION

COMMITTEE RESOLUTION 2019/01

Moved: Cr Denise Eaglesome-Karekare

Seconded: Ms Oha Manuel

That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act 1987 the item Wairoa Wastewater Discharge Consent Application Update be considered given the item had not come to hand at the time of Agenda compilation and consideration of this matter is required now in order to respond within the timeframe allowed.

CARRIED

6 PUBLIC PARTICIPATION

None.

2 GENERAL ITEMS**8.1 GOVERNANCE MATTERS****COMMITTEE RESOLUTION 2019/02**

Moved: Mr Pieri Munro

Seconded: Ms Oha Manuel

That the Board receive the report and set the date for the next meeting as Monday 10th February 2020 at 5.15pm.

CARRIED

9 PUBLIC EXCLUDED ITEMS**RESOLUTION TO EXCLUDE THE PUBLIC****COMMITTEE RESOLUTION 2019/03**

Moved: Mr Pieri Munro

Seconded: Mr Paul Kelly

That the public be excluded from the following parts of the proceedings of this meeting at 1.34pm.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
1.1 - WAIROA WASTEWATER DISCHARGE CONSENT APPLICATION UPDATE	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

COMMITTEE RESOLUTION 2019/04

Moved: Mr Pieri Munro

Seconded: His Worship the Mayor Craig Little

That Te Rohe o Te Wairoa Reserves Board – Matangirau moves out of Closed session into Open session at 2.19pm.

CARRIED

Karakia whakamutunga given by Mr Pieri Munro.

The Meeting closed at 2.21pm.

The minutes of this meeting were confirmed at the Te Rohe o Te Wairoa Reserves Board - Matangirau Meeting held on 10 February 2020.

.....

CHAIRPERSON

8 GENERAL ITEMS

8.1 STANDING ORDERS

Author: Charlotte Knight, Kaiarataki Kaupapa Here / Mana Ārahi Policy and Governance Team Leader

Authoriser: Kimberley Tuapawa, Pouwhakarae – Pārongo / Wheako Kiritaki Group Manager Information and Customer Experience

Appendices: 1. Draft Standing Orders [↓](#)

1. PURPOSE

- 1.1 This report provides information for Committee on the adoption of the draft Board Standing Orders.

RECOMMENDATION

The Kaiarataki Kaupapa Here / Mana Ārahi Policy and Governance Team Leader RECOMMENDS that the Board adopt the Standing Orders attached as Appendix One.

2. BACKGROUND

- 2.1 The attached standing orders (Appendix One) outline rules for the conduct of the proceedings of their meetings to enable the Board to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner. Tikanga is practiced in conjunction with the standing orders in the processes and procedures of the Board.
- 2.2 The draft standing orders outline requirements from the Local Government Official Information and Meetings Act (LGOIMA) 1987, Reserves Act 1977, Public Records Act 2005, Contract and Commercial Law Act 2017, Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018, and Local Authorities (Members' Interests) Act (LAMIA) 1968.
- 2.3 Currently the Board has not adopted any standing orders, the legislative requirements still apply without a set of standing orders. The standing orders pull these various requirements into one document and supplement this with additional information and procedures for the Board to follow. Approval of at least 75% of the members present at the meeting is required to alter or adopt Standing Orders under the proposed standing orders.
- 2.4 Any question about interpretation or application of these standing orders during the meeting are resolved by a ruling of the Chairperson of the meeting.
- 2.5 The standing orders have been crafted specifically for the Board to meet their requirements.



Further Information

None.

References (to or from other Committees)

None.

Signatories

	
Author Charlotte Knight	Approved by Kimberley Tuapawa



Te Rohe o Te Wairoa Reserves Board – Matangirau Standing Orders

Standing orders adopted [DATE]

Preface

The standing orders for Te Rohe o Te Wairoa Reserves Board - Matangirau (the Board) contain rules for the conduct of the proceedings of their meetings. Their purpose is to enable the Board 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 general.

These standing orders have been designed specifically for the Board. They fulfil the requirements of the applicable legislation with regard to the conduct of the Board's meetings. Tikanga is practiced in conjunction with these standing orders in the processes and procedures of the Board

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 the Board must abide by standing orders.

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1. Introduction

These standing orders have been prepared to enable the orderly conduct of the Board's 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 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.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to give effect to the principles of good governance:

- Conduct its business in an open, transparent and accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well; and,
- Ensure that decision-making procedures and practices meet the standards of natural justice.
- Ensure that tikanga is part of the processes and procedures.

1.2 Statutory references

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

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

1.3 Acronyms

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

RA Reserves Act 1977

1.4 Application

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

2. Definitions

Administering organisation means the organisation responsible for producing and storing the materials and records associated with the Board e.g. agenda, minutes.

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.

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.

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

Board means Te Rohe o Te Wairoa Reserves Board–Matangirau which is an administering body of reserves as defined in s2(1) of the RA 1977.

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

Chief executive means the chief executive of Wairoa District Council or the General Manager for Tātau Tātau o Te Wairoa Trust.

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.

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

Special meeting has the same meaning as defined in s32(4) of the RA 1977.

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 the Board or other person or entity, an Internet site that is maintained by, or on behalf of, the Board, person, or entity and to which the public has free access.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of the Board 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 Board's policy should one be in place.

Meeting means any first, inaugural, ordinary, or special meeting of the Board, convened under the provisions of LGOIMA.

Member means any person appointed to the Board.

Minutes means the record of the proceedings of any meeting of the Board.

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.

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

Petition means a request to the Board which contains at least 20 signatures.

Pohiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Pohiri 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 21.1 – 21.6.

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 Board; and
- Any other information which has not been released by the Board 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 Board 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 the Board, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the Board's Internet site. And in addition, is published in at least one daily newspaper circulating in the region or district of the Board, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the Board, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on both appointing organisations' 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.

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.

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.

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

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 the Board wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as a special 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 the Board to achieve a specific objective and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of members for the purpose of considering matters of importance to the Board at which no decisions are made and to which these standing orders do not apply. Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Process for adoption and alteration of standing orders

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

3.2 Application of standing orders

These standing orders apply to all meetings of the Board. This includes meetings and parts of meetings that the public are excluded from.

3.3 Temporary suspension of standing orders

Any member of the board 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.

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.

3.4 Quasi-judicial proceedings

For quasi-judicial proceedings the Board may amend meeting procedures.

3.5 Physical address of members

Every member of the Board must give to the administering organisation's chief executive a physical residential or business address and, if desired, an electronic or other address, to which notices and material relating to meetings and Board business may be sent or delivered. Members are to provide their address within 5 working days of the notification of their appointment.

4. Meetings

4.1 Legal requirement to hold meetings

Meetings must be called and conducted in accordance with:

- (a) RA 1977;
- (b) Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018;
- (c) LGOIMA; and

(d) 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 a special 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. Any member can ask for clarification for a speech given in a language that they are not fluent in.

Pre-meeting

5. Giving notice

5.1 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.

s. 46, LGOIMA.

5.2 Notice to members - ordinary meetings

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

5.3 Special meeting may be called

A special meeting may be called by:

- (a) The Chairperson; or,
- (b) A requisition in writing delivered to the Chairperson which is signed by 2 members of the Board.

The special meeting may be convened provided that not less than 7 clear days' notice of every special meeting and of the business to be transacted thereat shall be given to each member, and no business other than that specified in the notice shall be transacted at any such meeting.

s32(4) Reserves Act 1977.

5.4 Public notice –special meetings

Where an special meeting of the Board is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the Board 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 Board's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

5.5 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where the Board 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.

5.6 Resolutions passed at a special meeting

The Board must, as soon as practicable, publicly notify any resolution passed at a special meeting of the Board unless:

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

s. 51A, LGOIMA.

5.7 Meeting schedules

Where the Board adopts a meeting schedule it may cover any period considered 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.

An annual meeting of the board must be held within 2 months after the end of the financial year.

5.8 Non-receipt of notice to members

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

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

5.9 Meeting cancellations

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

The administering organisation's 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.

6. Meeting agenda

6.1 Preparation of the agenda

It is the administering organisation's 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 administering organisation's chief executive should consult the Chairperson and Deputy Chairperson.

6.2 Administering organisation's chief executive may delay or refuse request

The administering organisation's chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the Board. In such cases the administering organisation's 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 the administering organisation's chief executive asking that a report is prepared the administering organisation's chief executive may refuse. In such cases an explanation should be provided to the member.

6.3 Public availability of the agenda

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

s. 5 & 46A, LGOIMA.

6.4 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 Board relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the both appointing organisations (including service centres), including at public libraries under the Council's control and on the Board'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) & (2), LGOIMA.

6.5 Withdrawal of agenda items

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

6.6 Distribution of the agenda

The administering organisation's chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of a special meeting.

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

6.7 Status of agenda

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

6.8 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 administering organisation's chief executive or the Chairperson.

6.9 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.

6.10 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 administering organisation's 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.

6.11 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

7. Opening and closing

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

8. Quorum

8.1 Board meetings

The quorum Consists of 2 members appointed by each appointer and must include the chairperson or deputy chairperson

s66 (2)(e) Iwi and Hapū of Te Rohe of Te Wairoa Claims Settlement Act 2018

8.2 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.

8.3 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 administering organisation's chief executive.

9. Public access and recording

9.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the Board must be open to the public.

s.47 & 49(a), LGOIMA.

9.2 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.

9.3 Board may record meetings

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

9.4 Public may record meetings

Members of the public may make an audio recording 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.

10. Attendance

10.1 Apologies

A member may tender an apology should they be absent from all or part of a meeting. The Chairperson (or Deputy Chairperson) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

10.2 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.

11. Chairperson's role in meetings

11.1 Addressing the Chairperson

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

11.2 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.

11.3 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.

11.4 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.

11.5 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.

12. 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 Board.

12.1 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 Board meeting. Requests must be made to the administering organisation's 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, or longer at the discretion of the Chairperson, recognising that tikanga may be used as part of the address. No more than two speakers can speak on behalf of an organisation¹ during a public forum. Where the number of speakers presenting in the public

¹ An organisation does not include whanau, hapu, or iwi.

forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

12.2 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 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 Board sits in a quasi-judicial capacity.

12.3 Questions at public forums

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

12.4 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.

13. Petitions

13.1 Form of petitions

Petitions may be presented to the Board as long as the subject matter falls within the terms of reference of the Board.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the administering organisation's 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. 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 administering organisation's chief executive in time to allow translation services to be arranged.

13.2 Petition presented by petitioner

A petitioner who presents a petition to the Board 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.

The petition must be received by the administering organisation's chief executive at least 5 working days before the date of the meeting concerned.

13.3 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.

14. Exclusion of public

14.1 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.

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.

14.2 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.

14.3 Public excluded items

The administering organisation's 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.

14.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the administering organisation's 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 administering organisation's 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.

14.5 Release of information from public excluded session

The Board 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 administering organisation's 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 administering organisation's chief executive will inform the subsequent meeting of the nature of the information released.

15. Voting

15.1 Decisions by majority vote

Decisions before the Board must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

s23(10) Reserves Act

15.2 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.

15.3 Calling for a division

When a division is called, the administering organisation's 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.

15.4 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. It is optional to record the reason for that vote, this must be requested and the specific wording articulated at the time of voting.

15.5 Members may abstain

Any member may abstain from voting.

16. Conduct

Commented [CK1]: Remove reference to Code of Conduct if not adopting one

16.1 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.

16.2 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.

16.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the 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.

16.4 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.

16.5 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.

16.6 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.

16.7 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.

16.8 Non-financial conflicts of interests

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

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

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

16.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the Board in accordance with the rules adopted by the Board 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.

16.10 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 Board.

s. 53, LGOIMA.

16.11 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.

17. General rules of debate**17.1 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.

17.2 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.

17.3 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.

17.4 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.

17.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the Board, except with permission of the Chairperson.

17.6 Secunder may reserve speech

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

17.7 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.

17.8 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.

17.9 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.

17.10 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.

17.11 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.

17.12 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.

17.13 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.

17.14 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.

18. General procedures for speaking and moving motions**18.1 Speaking and moving**

- 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.

18.2 Procedure if no resolution reached

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

19. Motions and amendments

19.1 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 but will be recorded in the minutes.

19.2 Motions in writing

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

19.3 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.

19.4 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.

19.5 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.

19.6 Foreshadowed amendments

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

19.7 Lost amendments

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

19.8 Carried amendments

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

19.9 Where a motion is lost

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

19.10 Withdrawal of motions and amendments

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

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

19.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

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

20. Revocation or alteration of resolutions

20.1 Member may move revocation of a decision

A member may give the administering organisation's chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the Board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with.

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 administering organisation's chief executive for consideration and report.

20.2 Requirement to give notice

A member must give notice to the administering organisation's 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. 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.

20.3 Restrictions on actions under the affected resolution

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

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the Board 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 administering organisation's chief executive.

20.4 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.

21. Procedural motions

21.1 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.

21.2 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; and,
- (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 term will be deemed to have expired)

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

21.3 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.

21.4 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.

21.5 Remaining business at adjourned meetings

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

21.6 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.

22. Points of order

22.1 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).

22.2 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.

22.3 Contradictions

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

22.4 Point of order during division

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

22.5 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.

23. Notices of motion

23.1 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 administering organisation's 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 administering organisation's 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.

23.2 Refusal of notice of motion

The Chairperson may direct the administering organisation's 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 Board 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.

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

23.3 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.

23.4 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.

23.5 When notices of motion lapse

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

23.6 Repeat notices of motion

When a motion has been considered and rejected by the Board, 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 Board no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

24. Minutes

24.1 Minutes to be evidence of proceedings

The Board 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.

24.2 Matters recorded in minutes

The administering organisation's 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, 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.

24.3 No discussion on minutes

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

Members can request clarification regarding actions in the minutes.

24.4 Minutes of last meeting before term ends

The Chairperson and Deputy Chairperson must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the Board before the next term of members.

25. Keeping a record

25.1 Maintaining accurate records

The Board 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.

25.2 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.

25.3 Inspection

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

s. 51 LGOIMA.

25.4 Inspection of public excluded matters

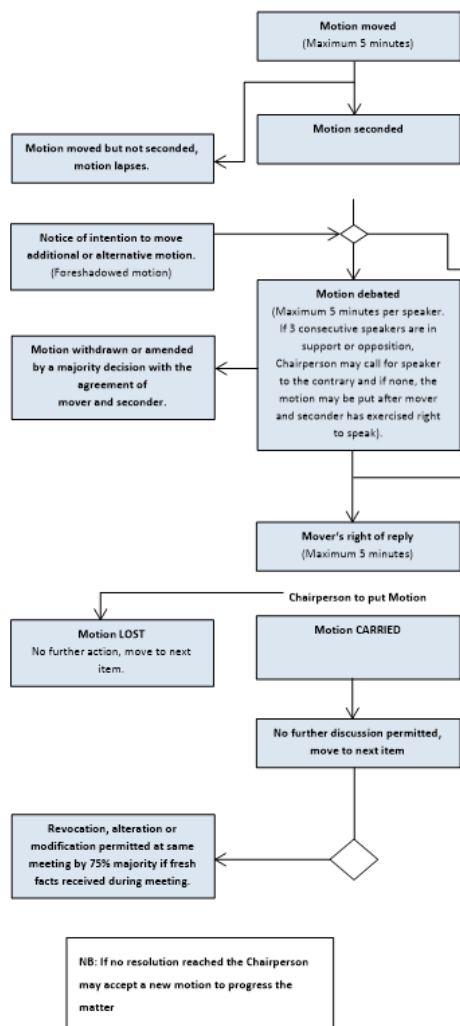
The administering organisation's chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

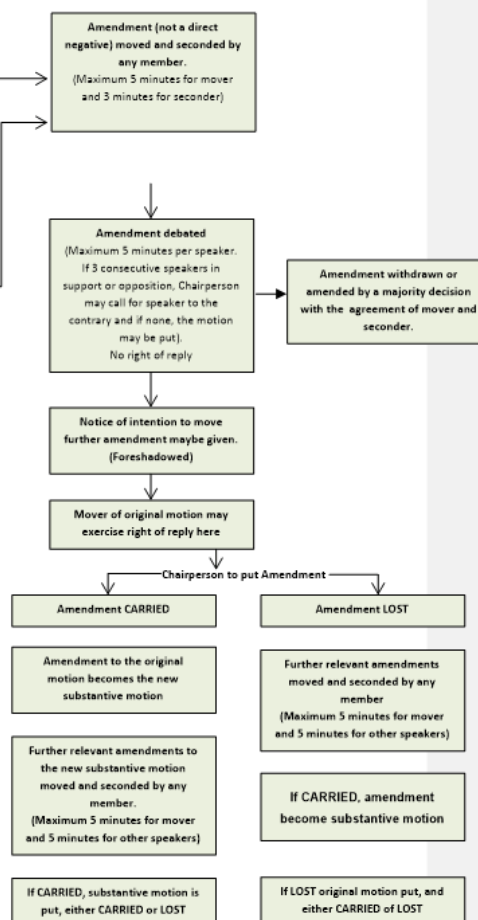
- Contract and Commercial Law Act 2017
- Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Public Records Act 2005
- Reserves Act 1977

Appendix 1: Motions and amendments

Motions without amendments



Motions with amendments



Appendix 2: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "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 3: Powers of a Chairperson

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

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the Board and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the Board may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the Board to any matter or subject within the role or function of the Board.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote but does not have a casting vote.

Motion in writing

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

Motion in parts

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

Notice of motion

The Chairperson may direct the administering organisation's chief executive to refuse to accept any notice of motion in line with the relevant provisions in Standing Orders.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the Board, 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 Board, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the Board the revocation or alteration of all or part of any resolution previously passed, and the Board meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

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

Priority of speakers

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

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Deputy Chairperson are responsible for confirming the correctness of the minutes of the last meeting of the Board prior to the next term of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

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

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.

- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the Board may, at the Chairperson's request, remove or exclude that person from the meeting.

Appendix 4: Workshops

Definition of workshop

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

Application of standing orders to workshops

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

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) A resolution of the Board
- (b) The administering organisation's chief executive.

Process for calling workshops

The administering organisation's 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.

Record of workshop

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

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

Appendix 5: Process for raising matters for a decision

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

- Report of administering organisation's chief executive;
- Report of a Chairperson; or,
- 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 administering organisation's 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.

8.2 DRAFT CODE OF CONDUCT

Author: Charlotte Knight, Kaiarataki Kaupapa Here / Mana Ārahi Policy and Governance Team Leader

Authoriser: Kimberley Tuapawa, Pouwhakarae – Pārongo / Wheako Kiritaki Group Manager Information and Customer Experience

Appendices: 1. Draft Code of Conduct [↓](#)

1. PURPOSE

- 1.1 This report provides information for Committee on a draft Code of Conduct for the Board.

RECOMMENDATION

The Kaiarataki Kaupapa Here / Mana Ārahi Policy and Governance Team Leader RECOMMENDS that the Board adopt the draft Code of Conduct attached as Appendix One.

2. BACKGROUND

- 2.1 The draft Code of Conduct is based on the Local Government New Zealand (LGNZ) template for councils but has been amended for the Board's specific circumstances.
- 2.2 A Code of Conduct is not required by the Board under legislation; however, it contains additional information to the Standing Orders to govern conduct outside of meetings in the role of Board member. It sets out a common understanding for Board members on their conduct outside of the formal meetings.
- 2.3 In order to amend or adopt a new Code of Conduct after this has been adopted, the voting threshold would be 75% of the members present at the meeting. The document will remain in place until replaced by another or the resolution is revoked.



Further Information

None.

References

None.

Signatories

	
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Author Charlotte Knight	Approved by Kimberley Tuapawa
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Te Rohe o Te Wairoa Reserves Board – Matangirau

Code of Conduct

Adopted on the [meeting date]

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1. Introduction

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

- Enhance the effectiveness of the local authority;
- 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 applies to all members. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The administering organisation's 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 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 Board'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 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 Board, 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, , 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 Board operates.

4. Role and responsibilities

The Code of Conduct is designed to strengthen good governance. 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 Board includes:

- Representing the interests of the people of the community;
- Developing and adopting reserve management plans, policies and budgets;
- Monitoring the performance of the Board against stated goals and objectives; and,

4.2 Providing prudent stewardship of the Board's reservesAdministering Organisation's Chief Executive

The role of the administering organisation's Chief Executive includes:

- Implementing the decisions of the Board;

- Ensuring that all responsibilities delegated to the administering organisation's Chief Executive are properly performed or exercised;
 - Ensuring the effective and efficient management of the activities of the Board; and,
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Board. All concerns about the performance of an individual member of staff of the administering organisation must, in the first instance, be referred to the administering organisation's Chief Executive.

5. Relationships

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

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Board, 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 Board, the administering organisation's 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 administering organisation's Chief Executive;
- Raise any concerns about the performance or behaviour of the administering organisation's Chief Executive with the relevant Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee for that organisation;
- Treat all administering organisation's employees with courtesy and respect and not publicly criticise any administering organisation's employee; and

- Observe any protocols put in place by the administering organisation's Chief Executive concerning contact between members and the administering organisation's employees.

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

5.3 Relationship with the public

It is important that the Board has the respect and trust of their community. To facilitate trust and respect in their Board members will:

- Ensure their interactions with the community are fair, honest and respectful;
- Be available to listen and respond openly and honestly to community concerns;
- Represent the views of the public and other organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with communities uphold the reputation of the Board.

6. Media and social media

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 members must clarify whether they are communicating a view endorsed by their organisation they were selected by, the 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 Board or the views of other members;
 - Social media pages controlled by members and used for making observations relevant to their role as a member should be open and transparent, except where abusive or inflammatory content is being posted; and
 - Social media posts about other members, the administering organisation's staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

7. Information

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

7.1 Confidential information

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

7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Board 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 administering organisation's chief executive as soon as practicable.

8. Conflicts of Interest

Members will maintain a clear separation between their personal interests and their duties as 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 Board 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 Board. 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 administering organisation's 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 Board. Failure to observe these requirements could also leave the member open to prosecution (see **Appendix B**).

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 administering organisation. 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 administering organisation's 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 any lawful policy of the Board;
- Not influence, or attempt to influence, any administering organisation's employee, officer or another Board member in order to benefit their own, or families, personal or business interests;
- Only use the Board'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 administering organisation's 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 administering organisation's 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-selection induction programmes organised by the administering organisation for the purpose of facilitating agreement on the Board'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 Board's performance and operating style
- Taking all reasonable steps to acquire the required skills and knowledge to effectively contribute to the good governance of the reserves.

12. Breaches of the Code

Members must comply with the provisions of the code. Any member, or the administering organisation's Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles

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

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

12.2 Complaints

All complaints made under the code must be made in writing and forwarded to the administering organisation's Chief Executive. On receipt of a complaint the administering organisation's 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 agreed in advance.

Please note, only members and the administering organisation's 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 administering organisation's Chief Executive who will forward it, along with any recommendations made by the Chair, to the Board.

If the Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the administering organisation's 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 administering organisation's 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 Board. The process, following receipt of a complaint, will follow the steps outlined in **Appendix C**.

12.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Chair or independent investigator, it would bring the Board 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.

13. Penalties and actions

Where a complaint is determined to be material and referred to the Board, 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 Board 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 Board-funded privileges (such as attendance at conferences);
4. Removal of responsibilities;
5. Restricted entry to administering organisation's offices, such as no access to the administering organisation's staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with the administering organisation's staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from other bodies to which the member has been appointed by the Board; or
9. Invitation to the member to consider resigning from the Board.

The Board 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); or,
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the member liable for criminal prosecution).

14. Review

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

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

Appendix A: Guidelines on the personal use of social media

There's a big difference in speaking "on behalf of the Board" and speaking "about" the Board. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to the Board.

1. **Adhere to the Code of Conduct and other applicable policies.** Board policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Board or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Board's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Board, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Board or its activities online that you believe are important you are encouraged to share them with the Board.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Board or its activities you should consider referring the posts to the Board's authorised spokesperson, unless that is a role you hold, in which case consider liaising with the **administering organisation's** communications staff before responding.
5. **Take care mixing your Board and personal lives.** members need to take extra care when participating in social media. The public may find it difficult to separate personal and Board personas. Commenting online in any forum, particularly if your opinion is at odds with what the Board is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Board, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Members' social media pages should be open and transparent.** When commenting on matters related to the Board no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Board into disrepute.

Appendix B: Legislation bearing on the role and conduct of members

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

The Local Authorities (Members' Interests) Act 1968

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

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 a members' family trust and the Board.

Determining whether a pecuniary interest exists

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 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 Board's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Board if the total payments made, or to be made, by or on behalf of the Board 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 Board 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.

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 members is the fact that the chairperson has the responsibility to maintain order at meetings, but all members should accept a personal responsibility to maintain acceptable standards of address and debate. No member should:

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

See Standing Orders for more detail.

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

Step 1: Administering Organisation's 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 administering organisation's Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the term. The administering organisation's 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 administering organisation's Chief Executive. On receiving the investigator's preliminary assessment the they 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 administering organisation's 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 administering organisation's 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 administering organisation's 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 Board.

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 administering organisation's Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Board 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 administering organisation's 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 administering organisation's 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 Board noting that the process will meet the principles set out in section 12.1 of the Code.

The Board will consider the administering organisation's 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 Board 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 will be heard and accepted by the Board in open session, unless grounds for excluding the public exist, without debate.

8.3 BUDGET FOR 2020-2021

Author: Gary Borg, Pouwhakarae – Pūtea / Tautāwhi Rangapū Group Manager
Finance and Corporate Support

Authoriser: Steven May, Tumu Whakarae Chief Executive Officer

Appendices: 1. Draft Budget 2020/21 [↓](#)

1. PURPOSE

- 1.1 For the Board to consider the proposed budget for the 2020-2021 financial year, and the mechanism for requesting of funds from Wairoa District Council and Tātau Tātau o Te Wairoa Trust.

RECOMMENDATION

The Pouwhakarae – Pūtea / Tautāwhi Rangapū Group Manager Finance and Corporate Support RECOMMENDS that the Board:

- a. Receives the estimated budget for 2020-2021 attached as Appendix 1

2. BACKGROUND

- 2.1 The proposed budget attached as Appendix 1 outlines the estimated administration costs for supporting the Board.
- 2.2 Currently the Board has no planned budget or confirmed funding for its activities. As a separate entity to both Wairoa District Council and Tātau Tātau o Te Wairoa Trust it cannot be absorbed into either organisations' accounting and reporting frameworks.
- 2.3 It is incumbent on the Board to make the necessary approaches to these entities, and any external sources, in order to secure funding for its activities.

3. CORPORATE CONSIDERATIONS

What is the change?

- 3.1 A budget for the 2020-2021 financial year for the Board will be able to be established, subject to confirmation of funding mechanisms.

What are the key benefits?

- 3.2 The Board will have a budget that can be monitored and reported on.
- 3.3 Request for any funding from Wairoa District Council will meet their Annual Plan timeframes.

What is the cost?

- 3.4 The total estimated cost for the 2020-2021 period is \$62,660.

What is the saving?

- 3.5 Not applicable



Further Information

None.

References (to or from other Committees)

None.

Signatories

	
Author Gary Borg	Approved by Steven May

Te Rohe o Te Wairoa Reserves Board Matangirau
Estimated Expenditure for the Year Ending 30 June 2021.

For the financial year commencing 1 July 2020 and concluding 30 June 2021 the Board's costs are estimated to be:

Account	Proposed Budget 2020-2021
<i>RB1010 Advertising</i>	\$900 Public notification for scheduled meetings (not workshops), consultation notifications
<i>RB1025 Hui Expenses</i>	\$6,760 Sitting fees (\$2,760), catering (\$1,800), venue hire (\$1,000), koha (\$1,200)
<i>RB1035 General Expenses</i>	\$2,000 Miscellaneous expenses
<i>RB1040 Photocopying Costs</i>	\$3,000 Printing and photocopying costs
<i>RB1075 Communications</i>	\$10,000 Media releases including drafting
<i>RB1080 Meeting Travel Expenses</i>	\$4,000 Mileage
<i>RB2025 Consultancy</i>	\$10,000 Costs will be dependent upon projects and available resourcing from WDC, includes any legal advice requested by the Board (not legal advice requested by WDC or Tatau Tatau about the Board)
<i>RB25051 WDC Salaries & Wages</i>	\$20,000 Approximate cost of resourcing from WDC for all work related to the Board
<i>RB39051 Corporate Overheads</i>	\$4,000
<i>RB39052 Engineering Overheads</i>	\$1,000

As the Board has not been operational for a full year and the work programme has not yet been developed these estimates are based on the following assumptions:

- 12 meetings (workshops/official meetings) during the year
- Sitting fee costs – shows cost for one member at rate of \$230 per meeting. Sitting fee costs are an unconfirmed matter currently under the Funding Memorandum of Understanding. The budget would be adjusted to reflect the final outcome of that decision
- Travel expenses for members will be a matter connected to the outcome of the sitting fees
- Allowance has been made for if the Board wish to have a meeting or meetings at an alternative venue to Council Chambers
- A budget for koha from the Board has been included

8.4 DRAFT STRATEGIC PLAN

Author: Charlotte Knight, Kaiarataki Kaupapa Here / Mana Ārahi Policy and Governance Team Leader

Authoriser: Kitea Tipuna, Pouwhakarae – Hapori / Whakatūtaki Group Manager Community and Engagement

Appendices: 1. Draft Strategic Plan [↓](#)

1. PURPOSE

1.1 For the Board to consider a draft strategic plan document for adoption.

RECOMMENDATION

The Kaiarataki Kaupapa Here / Mana Ārahi Policy and Governance Team Leader RECOMMENDS that Board adopts a strategic plan and provides any amendments to the draft document attached as Appendix 1.

2. BACKGROUND

2.1 The Board held a workshop on the 2 December to discuss their strategic direction. The draft document reflects the discussions had at the workshop for consideration.

2.2 Once the wording is adopted by the Board the document can be formatted and made available to the public.

3. CORPORATE CONSIDERATIONS

What is the change?

3.1 The Board will adopt a strategic framework.

What are the key benefits?

3.2 Framework to base action plan and work programmes on

3.3 Strategic direction going forward for the Board

3.4 Transparent public document outlining the Board's vision and goals

3.5 Goals to report against and track

What is the cost?

3.6 Actions have yet to be scoped based on this document so there is no identified cost yet.

What is the saving?

3.7 Not applicable.

Who has been consulted?

There has been no public consultation on this document.



Further Information

None.

References

None.

Signatories

	
Author Charlotte Knight	Approved by Kitea Tipuna

Reserves Board Strategic Plan

Vision: Biodiverse and accessible reserves for everyone that celebrate our stories.

Potential alternative wording incorporating the same key ideas.

- *A biodiverse ecosystem that is enjoyed by everyone where nature flourishes and our stories are told.*
- *Our reserves provide a unique experience that showcase our stories and are a thriving native flora and fauna ecosystem.*

Mission: To protect, enhance, and celebrate our reserves for the benefit of the whole community.

Strategic goals:

1. Our reserves are:
 - a. free of invasive exotic flora
 - b. home to a variety of native flora and fauna
 - c. rich in biodiversity of flora and fauna
 - d. free of predators
 - e. protected from the negative impacts of the reserve users
2. The Board builds and maintains strong relationships with other stakeholders in order to achieve the best outcome for our reserves and their surrounding environment

Alternative wording to make it a goal rather than action

- *Our Board is a proactive and collaborative partner with other stakeholders*

3. The Board changes the negative behaviour of users of our reserves through community education

Alternative wording to make it a goal rather than an action

- *Our reserves are treated respectfully by all users*

4. The Board designs and implements practical and sustainable solutions that meet the needs of our reserves and community currently and into the future

Alternative wording to make it a goal rather than a principle

- *Our reserves have features that are practical, sustainable and work with nature*

5. The Board tells our community and tangata whenua stories in a way that promotes different versions, celebrates our history and whakapapa, and enhances our natural environment
[May be a strategic action rather than goal]

Alternative wording to make it a goal rather than action

- *Our reserves tell our stories*

Principles that underpin what we do

- Transparency – Our decisions and actions are available to the public
- Inclusiveness – Our decisions and actions consider a variety of perspectives and treat them all fairly and equally
- Work with nature – Our decisions and actions work with the forces of nature
- Sustainable – Our decisions and actions are practical and sustainable to meet the needs of our reserves and community currently and into the future
- Tikanga – Our decisions and actions are conducted in accordance with tikanga
- Hapu engagement – Our decisions and actions reflect hapu aspirations
- Kaitiakitanga – Our decisions and actions protect and enhance our reserves
- Waahi tapu – Our decisions and actions respect and acknowledge waahi tapu
- Engagement – Our decisions and actions are conducted in a way that brings people on the journey with us
- Collaboration – Our decisions and actions are collaborative with other stakeholders
- Tiriti o Waitangi – Our decisions and actions uphold the principles of Tiriti o Waitangi

Benefits

The benefits of having a reserves board where the board members are appointed by Wairoa District Council and Tātau Tātau o Te Wairoa Trust (3 appointments each) are:

- Cooperation
- Collaborative working

Challenges

In carrying out our work there will be a number of challenges to consider including:

- Upholding the principles of Tiriti o Waitangi
- Legislation
- Funding
- Community buy-in
- Buy-in from other stakeholders
- Tangata whenua buy-in
- Different versions of stories
- Behavioural change e.g. fly dumping
- Wastewater spillover

- Natural forces e.g. bar moving, storms, erosion
- Fragile ecosystems e.g. impact of current bar position on the Whakamahi lagoon