



**I, Matthew Lawson, Tumu Whakarae | Chief Executive, hereby give notice that
an Ordinary Meeting of Council will be held on:**

Date: Tuesday, 16 December 2025
Time: 1:00pm
Location: Council Chamber, Wairoa District Council,
Coronation Square, Wairoa

AGENDA

Ordinary Council Meeting

16 December 2025

MEMBERSHIP: His Worship the Mayor Craig Little, Cr Trevor Waikawa, Cr Jeremy Harker, Cr Benita Cairns, Cr Roslyn Thomas, Cr Michelle Tahuri, Cr Sara Bird

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.

7 MINUTES OF THE PREVIOUS MEETING

Ordinary Meeting - 25 November 2025

**MINUTES OF WAIROA DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA
ON TUESDAY, 25 NOVEMBER 2025 AT 1:03 PM**

PRESENT: His Worship the Mayor Craig Little, Cr Trevor Waikawa, Cr Jeremy Harker, Cr Benita Cairns, Cr Roslyn Thomas, Cr Michelle Tahuri, Cr Sara Bird

IN ATTENDANCE: **Matthew Lawson** (Tumu Whakarae | Chief Executive), **Henare Mita** (Māori Standing Committee Chairperson), **Gary Borg** (Tumu Whakarae Tuarua | Deputy Chief Executive & Pouwhakarae – Pūtea/Tautāwhi Rangapū | Group Manager - Finance and Corporate Support), **Hinetaakoha Viriaere** (Pouwhakarae Whakamahere me te Waeture | Group Manager Planning and Regulatory), **Kamal Narang** (Pouwhakarae – Hua Pūmau | Group Manager - Assets and Infrastructure), **Te Aroha Cook** (Kaiarataki Whakaoranga | Recovery Manager & Group Manager - Community Services and Development), **Hinemoa Hubbard** (Kaiurungi Mana Ārahi | Governance Officer), **Frances Manase** (Kaiurungi Mana Ārahi | Governance Officer), **Kate Standring** (Executive Principal), **Hira Campbell** (Transport Asset Manager), **Martin Bacon** (Assistant Accountant)

1 KARAKIA

The opening karakia was given by Cr Tahuri.

2 APOLOGIES FOR ABSENCE

Nil.

3 DECLARATIONS OF CONFLICT OF INTEREST

Cr Harker declared a conflict of interest with Items:

- 10.1 - Policy Review.
- 10.2 - PX - Update on Specific Wairoa District Council Contracts.

Cr Bird and Cr Cairns declared a conflict of interest with Item 8.7 - Carry Forward Request.

4 CHAIRPERSON'S ANNOUNCEMENTS

Nil.

5 LATE ITEMS OF URGENT BUSINESS

Nil.

6 PUBLIC PARTICIPATION

Nil.

7 MINUTES OF THE PREVIOUS MEETING**RESOLUTION 2025/62**

Moved: His Worship the Mayor Craig Little

Seconded: Cr Trevor Waikawa

That the minutes of the Ordinary Meeting held on 29 October 2025 be confirmed.

CARRIED

8 GENERAL ITEMS**DEFERRED ITEMS****RESOLUTION 2025/63**

Moved: Cr Benita Cairns

Seconded: Cr Trevor Waikawa

That Council defers the following items to the December meeting to allow for the latest documents to be presented:

- 8.1 - Standing Orders / Ngā Tikanga Whakahaere Hui
- 8.2 - Elected Members Code of Conduct
- 8.3 - Declarations (Conflicts) of Interest
- 8.5 - Establishment of Committees and Adoption of Terms of Reference

AND That Item 8.4 - Legislation Affecting Members be removed from the agenda as the matter was covered at the Inaugural Meeting.

CARRIED

His Worship noted:

- Cr Thomas would serve as Chair of the Environment & Economic Development Committee.
- Cr Cairns would serve as Chair of the Assurance, Regulatory & Infrastructure Committee.
- Cr Bird had offered to sit on the Māori Standing Committee, prompting the recommendation to set the minimum membership at three.

8.6 MONTHLY FINANCIAL REPORT TO 31 OCTOBER 2025**RESOLUTION 2025/64**

Moved: Cr Benita Cairns

Seconded: Cr Jeremy Harker

That Council receives the report.

CARRIED

The Group Manager – Finance and Corporate Support introduced the report, noting significant variances arising from the recovery programme. It was highlighted that working capital is negative (on page 285 of the agenda), primarily due to \$8 million of debt maturing in April, which is required to be shown under current liabilities for reporting purposes.

Council:

- Queried the negative balance in the transport area; the Assistant Accountant advised this was an internal accounting matter.
- Noted the variances between actuals and budget on pages 279-282 of the agenda and requested future commentary on work in progress.
- Acknowledged the format of the report.

8.7 CARRY FORWARD REQUESTS

RESOLUTION 2025/65

Moved: Cr Roslyn Thomas

Seconded: Cr Jeremy Harker

That Council approves the budget carry forward amount and the associated variance of \$6,843,353 over 12 projects as detailed in the carry forward request.

CARRIED

The Group Manager – Finance and Corporate Support introduced the report, noting the 2024/25 capital works budget of \$56 million, and a rates impact on the 2026/27 financial year associated with the carry forward request.

Council:

- Queried whether the carry forward projects were expected to be completed this financial year. The Group Manager – Finance and Corporate Support confirmed confidence in delivery and acknowledged that financial reporting may be more complex as a result.
- Requested an update on the Archives Building project, noting the last update was in May 2024.
- Asked why the stadium floor refurbishment project includes commentary on the roof rather than the floor, and how the eight-month delivery timeframe aligns with the \$100,000 budget. Staff responded there had been roof leaks as well as warping in the floor.

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

Nil

10 PUBLIC EXCLUDED ITEMS

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2025/66

Moved: Cr Trevor Waikawa

Seconded: Cr Michelle Tahuri

That the public be excluded from the following parts of the proceedings of this meeting at 1:46pm.

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
10.1 - Policy Review	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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
10.2 - PX - Update on specific Wairoa District Council Contracts	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information 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

RESOLUTION 2025/67

Moved: Cr Sara Bird

Seconded: Cr Trevor Waikawa

That Council moves out of Closed Council into Open Council at 2:18pm.

CARRIED

The Meeting closed with a closing karakia by Cr Tahuri at 2:20 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 December 2025.

.....
CHAIRPERSON

8 GENERAL ITEMS

8.1 ROADING STOPPING- TINIROTO ROAD

Author: Claire Little, Planning and Regulatory Administrator

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices: 1. Title Plan LT606749 [↓](#)

PURPOSE

- 1.1 The purpose of this report is to provide information to Council, to enable Elected Members to determine whether Council can proceed with the road stopping of a section of the unformed Tiniroto Road Reserve.

RECOMMENDATION

The Planning and Regulatory Administrator RECOMMENDS that Council accepts the report and approves the road stopping of a section of the unformed Tiniroto Road Reserve.

BACKGROUND

- 1.2 Lloyd and Beth Wallace (the applicants) completed a five-lot subdivision in 2024 under Resource Consent RM240004. The subdivision created five allotments from three existing titles. The allotments are as follows: Lot 1 (80.22 hectares), Lot 2 (4.54 hectares), Lot 3 (8.09 hectares), Lot 4 (1.09 hectares, proposed to be vested as road), and Lot 5 (1.05 hectares, road to be stopped). Lot 4 contains the area where the physical road is currently formed. Lot 5 is the allotment which is subject to the road stopping process and extends through the applicants' property.

The road reserve (Lot 5) is shown as Tiniroto Road in Appendix A and the physical (and now vested as Road Reserve) Road (Lot 4) is shown as Lot 4 in Appendix A. Lot 5 runs across farmland and has existing structures, including a farm shed and a garage within it. Lot 5 does not follow any natural feature, and it is not readily identifiable on the ground, for people walking in the area.

The subdivision consent was granted on 8 March 2024. Certification under Sections 221, 223 and 224 of the Resource Management Act 1991 were issued on 27 January 2025. A condition of the consent (Section 224(c)) required Lot 4 to be vested in the Wairoa District Council for roading purposes. Lot 4 has now been vested, and road reserve now aligns with the formed Tiniroto Road.

The proposed road stopping area is 1.05 hectares, and the area of the formed (and now vested) road is 1.09 hectares. The areas are similar. This represents a straightforward exchange of land on a "like-for-like" basis. The proposal will stop a legal road that contains building encroachments and currently poses health and safety concerns due to providing legal access through a working farm and has realigned the road reserve to match the existing formed road, improving the clarity and functionality of the roading network along this part of Tiniroto Road. Essentially, the proposal will stop an unformed road reserve that is not and

cannot be practically formed or used. The formed road will replace it which is currently utilised as Tiniroto Road.

2. ROAD STOPPING PROCESS

- 2.1 Road stopping of local authority roads can be undertaken under either the Local Government Act 1974 (LGA) or the Public Works Act 1981 (PWA). The LGA is generally the standard procedure, involving a process that requires public notification, objection consideration by Council, and potential review by the Environment Court if objections persist.
- 2.2 In comparison, the PWA provides a more streamlined pathway, as the Minister of Lands (LINZ) has the authority to approve or decline road stopping proposals. For the subject property, the PWA is considered appropriate because the proposal is effectively a land exchange, and there are existing structures encroaching onto the unformed road, along with health and safety concerns associated with providing legal public access through an operational farm.
- 2.3 Should LINZ exercise its discretion to decline the application to stop the road, there is then the option to pursue the road stopping under the LGA. Both processes contain duplication of steps involved.

3. OPTIONS

- 3.1 The options identified are:
 - a. Resolve to approve the road stopping of the section of the unformed Tiniroto Road Reserve.
 - b. Resolve to decline the road stopping of the section of the unformed Tiniroto Road Reserve.
- 3.2 The preferred is option a.

4. CORPORATE CONSIDERATIONS

What is the change?

- 4.1 The change is to stop a section of the unformed Tiniroto road reserve and vest this land in the applicant.

Compliance with legislation and Council Policy

- 4.2 LINZS15002: Standard for stopping or resumption of road - The road stopping will be undertaken in accordance with this Standard.
- 4.3 Wairoa District Council Infrastructure Strategy – The proposal is in accordance with this policy.
- 4.4 Wairoa District Council Property Strategy – The proposal is in accordance with this policy.
- 4.5 Unformed Legal Roads Policy- The proposal is accordance with this policy.
- 4.6 The Local Government Act 1974 – The proposal will be undertaken in accordance with the LGA if applicable.
- 4.7 The Public Works Act 1981- The proposal will be undertaken in accordance with the PWA with applicable.

What are the key benefits?

- 4.8 The vesting of the formed section of Tiniroto Road, along with the stopping and vesting of the unformed road reserve to the applicant, provides benefits to both the Council and the landowners by correcting an existing inaccuracy and enabling the applicants to make more effective use of their land.

What is the cost?

- 4.9 All costs for the Road Stopping process are borne by the applicant

What is the saving?

- 4.10 There is no overall financial saving

Service delivery review

- 4.11 Not applicable

Maori Standing Committee

- 4.12 Not applicable

5. SIGNIFICANCE

- 5.1 The proposal will affect the Council's roading network and the adjoining properties, all of which are owned by the applicant. The existing vesting of the formed road, together with the stopping of the road reserve, will enhance the clarity and functionality of the roading network along this section of Tiniroto Road.

Who has been consulted?

The Council's Roding and Property Team has been consulted and support the proposed road stopping. First Light Network has also confirmed that the proposal will not affect their assets or restrict access to them. All adjoining properties are owned by the applicant. Should the road stopping proceed under the LGA, further public consultation will be carried out in accordance with the statutory requirements.

Further Information

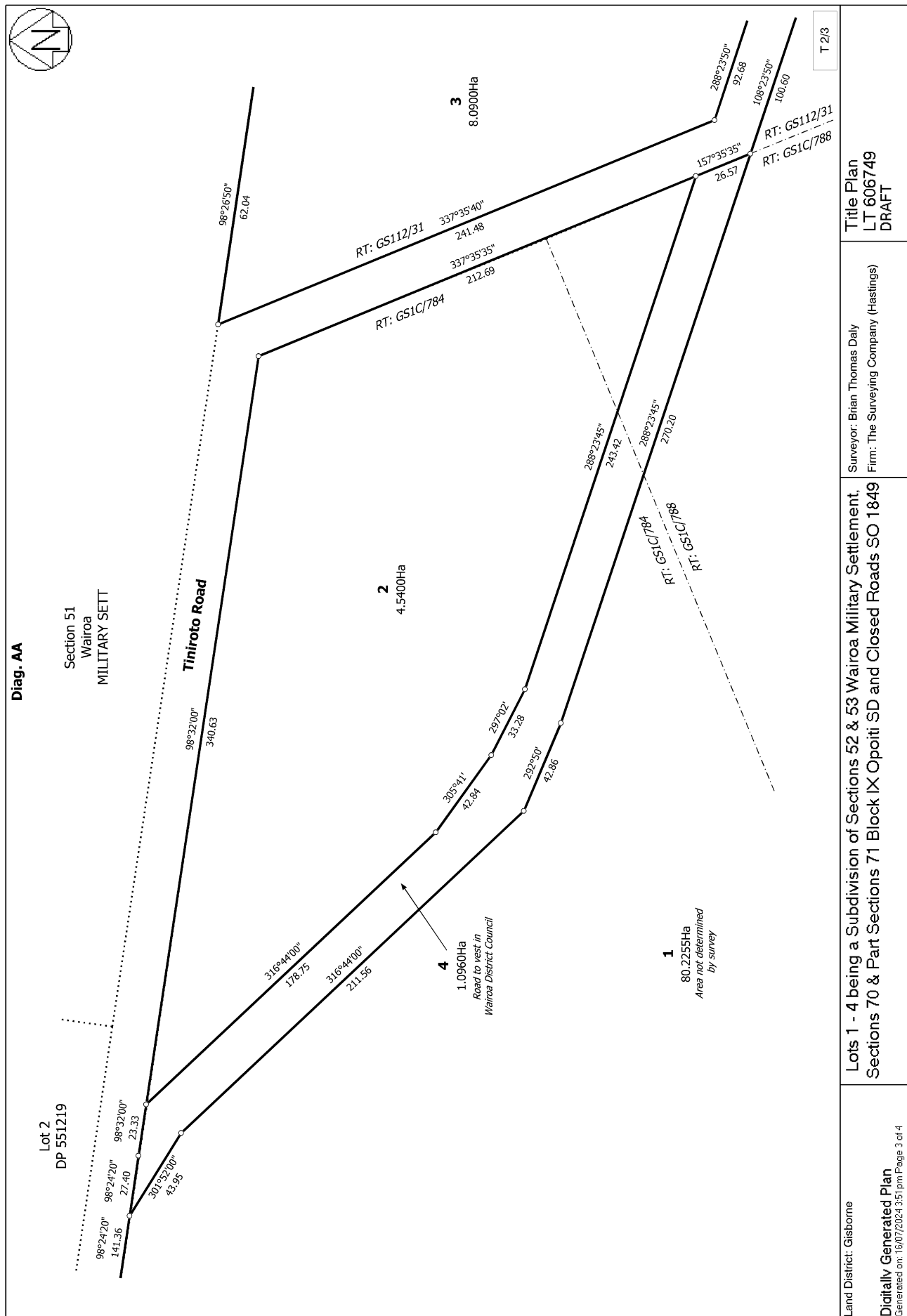
Further information regarding the road stopping process under the PWA can be found in Section 116 of the Public Works Act 1981.

Further information regarding the road stopping process under the LGA can be found in Section 342 of the Local Government Act 1974.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.



8.2 MEETING SCHEDULE FOR 2026

Author: Juanita Savage, Chief of Operations

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices: 1. Meeting Schedule 2026 [↓](#)

1. PURPOSE

- 1.1 This report seeks Council's decision on their Schedule of Meetings for 2026.
- 1.2 The attached meeting schedule shows Tuesdays as the dedicated day of the week for Council and Council Committees to meet.
- 1.3 The appendix document also includes Council Workshop and Council Forum dedicated day as Tuesday.
- 1.4 Meeting, Workshop and Forum start times are included in the appendix document.

RECOMMENDATION

The Chief of Operations RECOMMENDS that Council

- A) Adopt the meeting schedule for 2026.

CONFIRMATION OF STATUTORY COMPLIANCE

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Meeting Schedule for 2026

Ordinary Council	Environment & Economic Development Committee	Assurance, Regulatory & Infrastructure Committee	Māori Standing Committee
3 February	10 February	17 February	24 February
3 March		17 March	
7 April	14 April	21 April	28 April
5 May		19 May	
2 June	9 June	16 June	23 June
7 July		21 July	
4 August	11 August	18 August	25 August
1 September		15 September	
6 October	13 October	20 October	27 October
3 November		17 November	
1 December	8 December	15 December	8 December

- Council and Council Committee meeting start times to be 1pm.
- Agendas close the Tuesday prior to the meeting date.

Workshops and Forum

- Council Workshop/Forum start times to be 10am.
- Frequency is every Tuesday.

8.3 PLANNING AND REGULATORY REPORT - DECEMBER UPDATE 2025

Author: Hinetaakoha Viriaere, Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices: 1. Planning & Regulatory Report December Update 2025 [↓](#)

PURPOSE

1.1 This report provides information for Council on key matters from the Planning and Regulatory Group and includes updates regarding Planning and Resource Management, Building Control including Rapid Building Assessments and the Compliance and Licensing area.

RECOMMENDATION

The Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory RECOMMENDS that Council receive the report titled 'Planning and Regulatory Report – December 2025 Update'.

2. BACKGROUND

2.1 The Planning and Regulatory December Update 2025 report provides updates on the following matters for the September to November reporting period:

- Resource Consents
- Resource Management Reform
- Temporary Accommodation
- Granny Flats (Small Standalone Buildings)
- Development Levies
- Building Control Reform
- Earthquake Prone Buildings
- Building Consents
- LIMs
- Rapid Building Assessments
- ❖ Cyclone Gabrielle (Commercial and Residential)
- ❖ June Flood Event (Residential)
- Dog Control
- Stock Control
- Freedom Camping
- Alcohol Licensing

- Health Licensing and Trade Waste
- Noise

3. FURTHER INFORMATION

[Report from the Expert Advisory Group on Resource Management Reform | Ministry for the Environment](#)

[Building consent exemption conditions for granny flats | Building Performance](#)

[Attachment 1.6: Proposed provisions – New National Environmental Standards for Granny Flats \(Minor Residential Units\) Regulations | Ministry for the Environment](#)

[Going for Housing Growth: Reforming infrastructure funding | Beehive.govt.nz](#)

[Development levies consultation - dia.govt.nz](#)

[Earthquake-prone building system changes announced | Ministry of Business, Innovation & Employment](#)

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.



PŪRONGO WHAKAMAHERE ME WAETURE - PLANNING & REGULATORY REPORT DECEMBER UPDATE 2025

1. WHAKAMAHERE/PLANNING

1.1. RESOURCE CONSENTING

There has been minimal change overall in the number of resource consent and ancillary applications received between September to November, however, there has been a reduction in pre-application meetings over the reporting period.

Table 1: Planning Data September – November 2025

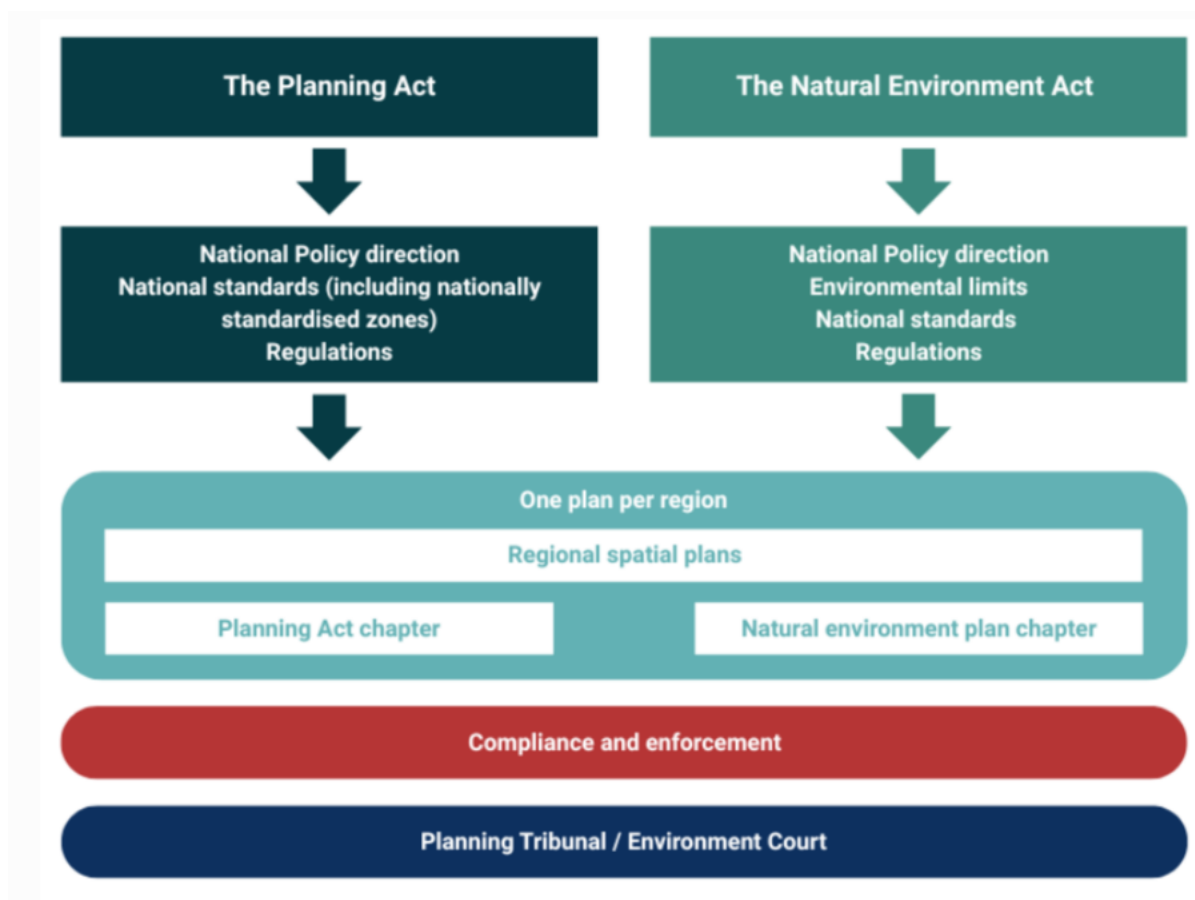
Resource Consents	September	October	November
Consent applications received	2	2	1
Ancillary applications received (COC, Sec 223, 224, 221 etc)	1	1	2
Ancillary applications granted (COC, Sec 223, 224, 221 etc)	0	2	1
Decisions notified	1	0	0
Proportion of consents processed within statutory timeframes	100%	100%	100%
Proportion of ancillary applications processed within statutory applications	100%	100%	100%
Onsite visits/inspections undertaken	4	4	1
RMA breaches recorded	1	0	0
Infringements issued	0	0	0
Pre application meetings (In person)	7	3	3

1.2 RESOURCE MANAGEMENT REFORM

The Government is replacing the Resource Management Act (RMA) with two Acts:

- a Natural Environment Act to establish a framework for the use, protection and enhancement of the natural environment.
- a Planning Act to establish a framework for planning and regulating the use, development and enjoyment of land.

The key components include:



Features of the proposed system agreed to by cabinet include:

- Two new Acts: one to enable urban development and infrastructure / other to manage environmental effects.
- Simplified national direction and cohesive national policy direction under each Act.
- A single combined plan per region with spatial, natural environment plans and land use plan chapters.
- A prescribed framework for environmental limits.
- Standardised planning provisions and performance standards, including nationally standardised zones.
- A shift from a precautionary to a more permissive approach will unlock development, streamline processes, and help New Zealand to meet its housing, infrastructure, and environmental objectives.
- The new system will manage a narrower scope of effects; define more closely what effects may be considered; raise the threshold of effects that are permitted; not control activities if land use effects are borne solely by the party undertaking the activity.
- Fewer activity categories and a higher threshold for determining affected persons.
- Higher threshold for adverse effects managed through consenting / permits.
- Shift away from consenting towards monitoring and enforcing national standards and consented activity.
- A Planning Tribunal for minor dispute resolution.
- Treaty of Waitangi settlements and Crown's obligations upheld.

Timeline:

- The Bills, presently named the Natural Environment Bill and the Planning Bill, are set to be released in late 2025.
- There will be a submission period.
- The Bills are intended to pass into law in 2026, subject to the parliamentary process.

1.3 TEMPORARY ACCOMMODATION

Temporary Housing units were placed to house whānau whose homes were affected by the severe weather events Cyclone Gabrielle in Feb 2023 and the June Flood 2024. *The Severe Weather Emergency Recovery (Temporary Accommodation) Order 2023* (Order) reclassifies certain temporary accommodation (following Cyclone Gabrielle) that breaches certain district plan rules as a permitted activity under specific conditions under the *Resource Management Act 1991*. In accordance with the Order the owner of land on which temporary accommodation is sited must either apply for a resource consent by 9th February 2026 to continue to have the temporary accommodation located onsite if the cabin does not comply with the relevant district plan rules and remove the temporary accommodation before the close of 9 August 2026.

Following the severe weather event 26th June Flood Event, temporary accommodation units were erected onsite to house whānau whose homes were affected by the event. On 12 September 2024, the global resource consent application was granted, allowing temporary accommodation across the Wairoa District, subject to conditions including the condition stating that Temporary accommodation means accommodation that can be removed or relocated to another site no later than two years from the date of its establishment on the site.

The above statutory obligations rest primarily with the landowner. Letters outlining the consenting requirements above have been sent out to the landowners and the agent of the temporary accommodation units Tātau Tātau o te Wairoa Trust. Meetings have been held with landowners on request, to discuss the consenting requirements if landowners are proposing to keep the temporary units onsite permanently.

1.4.1 GRANNY FLATS

The Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 (Amendment Act) was passed on 23 October 2025. Under the amendments it makes, in order for building work (including connections on site) to be exempt from the requirement for building consent it must:

- be stand-alone
- be new (not an addition or alteration to existing building work or an existing building)
- have a floor area that is equal to or less than 70m²
- have a single storey only (no mezzanine floor)
- meet the Building Code requirements (for a detached building)
- meet the other specific requirements in new Schedule 1A that include floor level, maximum height (4m above floor), cladding roof and frame material, location from boundary, specifications for water supply, sanitary plumbing and drainage requirements
- have all building work carried out or supervised by licensed building professionals
- have a Project Information Memorandum (PIM) issued for the site it will be located on, that has not lapsed
- be on land not subject to natural hazards, or not make adequate provision for natural hazards where the construction of the dwelling is likely to accelerate or worsen that hazard

- not built over the boundary of 2 or more allotments.

The exemption does not apply to tiny-homes on wheels or a moveable base, container homes or imported kitset or flat-pack designs which are not designed, engineered or built to meet the New Zealand Building Code.

There are also consequential changes to the Building Act to provide for the new exemption. These changes include:

- a specific record keeping requirement on territorial authorities in relation to non-consented small standalone dwellings
- protection for territorial authorities from civil proceedings for anything done in good faith related to their specific roles in the new regime
- an owner has the option to apply for a building consent even if the building could meet the criteria for the exemption, so an owner might choose to do this rather than relying on the exemption.

The building consent exemption for minor residential units (granny flats) will commence in early 2026, following the passage of the Building and Construction (Small Stand-alone Dwellings) Amendment Bill and supporting regulations.

1.4.2 NES – MINOR RESIDENTIAL UNITS

The Government intends to make ‘granny flats’ exempt from the need to obtain resource consent under the Resource Management Act 1991 (RMA). The proposed National Environment Standard (NES) for ‘minor residential units’ was consulted on earlier this year, will contain permitted activity standards that are to be applied across New Zealand, and is expected to be made by the end of 2025. The Amendment Act and the proposed NES are consistent in several ways. Under both the RMA and the Building Act a dwelling would require resource or building consent if it has greater than 70m² floor area or is set back less than 2m from buildings and 2m from the boundary. Granny flats to be constructed on land subject to natural hazards must be notified to a territorial authority and where construction is likely to accelerate, worsen or result in a natural hazard on the land or any other property, may only proceed if adequate protective measures are in place.

However, there are several additional requirements in the draft NES as consulted on and the exemption introduced by the Amendment Act. Under the proposed NES (but not under the Amendment Act):

- the ‘granny flat’ must be ancillary to a primary dwelling located on the same site
- there can only be one ‘granny flat’ per site
- maximum site coverage rules must be met
- ‘granny flats’ will only be exempt from consent requirements in certain zones under the RMA
- different, larger setback requirements apply in rural zones
- if resource consent is required by a rule dealing with section 6 matters then the district plan rules can still apply.

Those seeking to build ‘granny flats’ need to be aware that just because a granny flat is exempt from the requirement for building consent, that does not mean it is exempt from any applicable requirement for resource consent (and visa versa).

1.5 DEVELOPMENT LEVIES

The Government as part of its Going for Housing Growth programme is proposing changes to replace development contributions with a new development levies system. The Minister of Housing and the Minister of Local Government have announced a suite of reforms aimed at improving how infrastructure is funded and financed to support housing and growth across New Zealand.

The key changes will include:

- Separating levies for each infrastructure service (such as water supply, wastewater, and transport)
- Defining levy areas that are likely to cover larger, pre-defined areas than most current development contributions catchments
- Allowing councils to apply additional charges in high-cost areas
- Introducing a prescribed methodology that councils and infrastructure providers must use to calculate total growth-related costs and standardised growth units.
- In principle decisions have also been made by Cabinet for the Commerce Commission to be the independent regulator for councils charging development levies, subject to further work.
- These changes will be made through the Local Government (Infrastructure Funding) Amendment Bill, which has been published for feedback. The Government will introduce the Bill to Parliament in mid-2026.
- Closing date for submissions is 20th February 2026.

2. TŪTOHU WAIHANGA – BUILDING CONTROL

2.1 BUILDING CONTROL REFORM

2.1.1 EARTHQUAKE-PRONE BUILDINGS

The Government has announced proposed legislative changes aimed at making the earthquake-prone building (EPB) system more risk-based and proportionate, by focusing on higher seismic risk areas and high-risk buildings.

The proposed changes include:

- Removing low risk buildings and buildings in low seismic zones (Auckland, Northland and the Chatham Islands) from the EPB system.
- Introducing tiered risk mitigation requirements, making use of new engineering methodologies, based on location and building type.
- Allowing building owners to apply for deadline extensions, provided they can meet key criteria.
- Reducing barriers to seismic strengthening by removing the requirement for concurrent fire and accessibility upgrades.

In Wairoa we have an estimate of 40 potentially or identified Earthquake prone buildings.

The changes will be given effect through the Building (Earthquake-prone Building System Reform) Amendment Bill, which the Government aims to introduce as soon as possible.

2.2 BUILDING CONSENT UPDATE

Consenting numbers have remained steady for the last 2 months; this is largely to do with the new Te Raua Subdivision continuing. The BCA has had to utilise contractors to process many these new Building Consent applications due to increased workloads on inspections which accompany the increased number of consents.

Table 2: Building Control Data September – November 2025

Building Consents	September	October	November
Consents received	6	11	11
Consents granted	3	5	12
Residential consents issued	2	5	7
Total value of new building consent/work (received)	\$1,543,500.00	\$800,380.00	\$1,386,706.00
Proportion of building consents processed within statutory timeframes	66.7%	83.33%	100%
Proportion of CCC's issued within statutory timeframes	100%	84.6%	100%
Building consent exemptions issued	3	2	4
Inspections undertaken	113	93	75

2.3 LIM UPDATE

The November LIM not issued within the statutory timeframe was due to staff shortage.

Table 3: Property Data September – November 2025

Property Information	September	October	November
LIM's received	4	2	2
Proportion of LIM's issued within statutory timeframes	100%	100%	50%

2.4 GENERAL UPDATES

The number of inspections has settled for the last two months. This is largely due to the new subdivisions being passed the construction phase, which requires the large number of inspections.

2.5 RAPID BUILDING ASSESSMENTS (RBAS)**2.5.1 RBA DATA - CYCLONE GABRIELLE**

Rapid Building Assessments (RBAs) from those commercial and residential buildings affected by Cyclone Gabrielle during September – November are shown in Tables 4 and 5 below.

Table 4: RBAs (Cyclone Gabrielle) Commercial September – November 2025

Rapid Building Assessments Tally – February and March 2025	Commercial September	Commercial October	Commercial November
Red – entry prohibited	0	0	0
Yellow – restricted access	30	27	27
White – can be used	32	21	21

Table 5: RBAs (Cyclone Gabrielle) Residential September – November 2025

Rapid Building Assessments Tally – Residential February and March 2025	Residential September	Residential October	Residential November
Red – entry prohibited	3	3	3
Yellow – restricted access	66	65	61
White – can be used	130	120	102

2.4.2 RBA DATA – JUNE WEATHER EVENT

Rapid Building Assessments (RBAs) from the residential buildings affected by the June 2024 Rain Event are shown in Table 6 below. The number of yellow placards (June Flood event) for residential homes has decreased by 10 from September to November.

Table 6: RBAs (June Rain Event) Residential September – November 2025

Rapid Building Assessments Tally – February and March 2025	Residential September	Residential October	Residential November
Red – entry prohibited	0	0	0
Yellow – restricted access	77	76	67

3 TŪTOHU ME TE WHAKAAETANGA – COMPLIANCE & LICENSING

3.1 DOG CONTROL

In September, penalty fees were introduced for overdue dog registrations. The number of impounding activities increased from September to October, with a slight rise noted in November. The compliance team is actively communicating through various media channels and conducting extra patrols during school hours and on weekends.

The investigation into the recent attack is ongoing, with support being provided to the victim and their support network. Additionally, efforts are being made to raise community awareness about pet ownership responsibilities and obligations. There are also options for dog owners to have their pets de-sexed and to set up payment plans for those who wish to get a head start on the next annual registration.

More "Dogs on Lead" signs have been placed around the Central Business District (CBD), and similar signs will be stenciled on the footpaths to promote responsible pet ownership and ensure the safety and comfort of all pedestrians. Currently, there are a total of 2,602 dogs registered in the system, with more being added regularly.

Table 7: Dog Control September 2025 – November 2025

	September	October	November
Call outs received	29	29	40
Impounded	6	5	12
Warnings issued	8	111	112
Infringements issued	11	108	104
Pending court cases	1	1	1
Dogs destroyed	3	2	4
Dogs rehomed	1	1	0

3.2 STOCK CONTROL

From September to November, there was a noticeable reduction in the amount of stock that was out during after-hours calls compared to previous periods. Compliance and law enforcement collaborated within rural areas to address problematic issues. During this time, the Compliance team was pleased with stock owners and appreciated their cooperation, especially those who experienced incidents involving stock on their properties.

Table 8: Stock Control September -November 2025

	September	October	November
Call outs received (farm animals)	14	6	11
Impounded farm animals	0	0	0
Warning issued on stray farm animals	6	0	1
Invoice issued	0	0	0
Pending court cases	0	0	0
Animals destroyed	0	0	0

3.3 FREEDOM CAMPING

Compliance officers distribute pamphlets to travellers that include QR codes for updated camping information, along with details about MPI and DOC sites. In October, the Mahia area was very busy with compliance campers. Temporary signs were placed around the Mahia area to designate specific zones, ensuring that those who were there for the day had their space respected. The police also worked alongside the Compliance team to ensure that everyone enjoyed the long weekend.

Table 9: Freedom Camping September – November 2025

	September	October	November
Number of Patrols	0	10	0
Warnings issued	0	1	0
Infringements issued	0	0	0
Pending court cases	0	0	0

3.4 ENVIRONMENTAL HEALTH

3.4.1 ALCOHOL LICENSING

Table 10: Alcohol Licensing September – November 2025

	September	October	November
New licences Issued (Managers/club/on/off)	0	3	0
Renewals issued (Managers/club/on/off)	5	1	6
Special licences applied for	0	2	3
Proportion of licences issued within statutory timeframes	100%	100%	100%

3.4.2 HEALTH LICENSING AND TRADE WASTE

Most premises with Trade Waste licences are now organising cleaning of grease traps themselves and are on regular cleaning schedules with their chosen companies. This has meant a reduction in the need to inspect and direct them to engage the waste disposal companies.

Table 11: Health Licensing/Trade Waste – September – November 2025

	September	October	November
Health/Trade Waste licences Issued	4	0	0
Food Control Registration / NPs New	2	0	0
Food Control Plan Re: Registration	5	6	3
Premises visited for compliance	5	5	5
Proportion of licences issued within statutory timeframes	100%	100%	100%
Warnings Issued for compliance	0	0	0
Infringements issued	0	0	0

3.4.3 NOISE

The number of call outs received related to noise have increased over the reporting period as shown in Table 12 below.

Table 12: Noise Data September – November 2025

	September	October	November
Call outs received	3	3	9
Premises Visited	3	3	7
Warnings Issued/Items Seized	0	0	2
Infringements issued	0	0	0

8.4 UPDATE ON PLAYGROUNDS (MCLEAN ST, NORTH CLYDE AND TUAI) & PUBLIC TOILETS (NORTH CLYDE AND MARINE PARADE)

Author: Kamal Narang, Group Manager - Assets & Infrastructure

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices: Nil

1. PURPOSE

- 1.1 The purpose of this report is to provide an update to Council on three playgrounds, two public toilets and seek approval for procurement of equipment and contractors.

RECOMMENDATION

The Group Manager - Assets & Infrastructure RECOMMENDS that Council approve the progressing of the three playgrounds and two toilets as set out in the report and under option 6.1b.

EXECUTIVE SUMMARY

Council is progressing the development of three playgrounds and two public toilet facilities across separate locations. These projects aim to deliver safe, high-quality, inclusive play spaces that support the needs of our tamariki and wider whānau, while ensuring long-term resilience and consistency in design standards

2. BACKGROUND

- 2.1 Council is progressing the development of three playgrounds across separate locations:
- Lions St / McLean St Playground (Replacement)
 - Tuai Playground (Replacement)
 - North Clyde Playground (Proposed New Playground)
- 2.2 Total Funding for playgrounds is \$885,000 where;
- \$600,000 is from Mayoral Relief Fund
 - \$225,000 from approved previous year carry forwards into FY 2025/2026
 - \$75,000 is in FY 2025/2026
- 2.3 All three playgrounds are expected to be constructed in FY plan 2025/2026 & FY 2026/2027
- 2.4 The chosen design would prioritise inclusivity and accessibility, providing a safe, developmentally supportive, and welcoming space for Tamariki of all ages and abilities.

3. PLAYGROUND DESIGN & PROCUREMENT

- 3.1 Council is still confirming design finalisation and procurement of playground supplier.

- 3.2 Chosen design for Lions St / Mclean st will act as the baseline template for both the Tuai and North Clyde playground developments.
- 3.3 **Lion St / Mclean St (Replacement);** In the aftermath of the June 2024 flood, the Lion Street playground became a central spot for recovery, especially during the first few days. However, the playground's current equipment is now in such poor condition that it poses a real danger to children. The outdated and deteriorating structures could cause serious harm, and it is crucial that we replace them with new, safe and secure equipment.
- 3.4 **Tuai Playground (Replacement);** The Tuai Playground project has been under consideration for several years and has previously received external funding support. However, due to an inability to reach agreement on the preferred design and location between Council and local stakeholders in Tuai, the funding was subsequently reallocated to the Local Water Done Well programme. As a result, the playground project remains in the scoping and engagement phase, with further consultation required to determine a suitable site and design approach moving forward.
- 3.5 **North Clyde Playground (Proposed New Playground);** The North Clyde Playground is a newly proposed development and will also incorporate a set of new toilets. Proposal is for this to be either based at the War Memorial Park or to review a suitable area for development. The chosen site should also consider;
- Spatial integration opportunities of surrounding and receiving environment with the proposed playground
 - Ensuring access, circulation, and amenity upgrades complement the future play space
 - Avoiding duplication of work by aligning design thinking across both projects

3.6 Procurement

- 3.6.1 Two suppliers Playground People Ltd and Playground Centre Ltd. have been approached for quoting supply of playground equipment. Soft fall, wet pour, drainage and fencing works contractors would vary. Key procurement considerations are;
- Value for money by combining the procurement of all three-playground equipment. Noting that the Construction timeframes could differ and possibly change the Contractor of said works.
 - Whole-of-life cost management
 - Durability of materials
 - Compliance with NZ playground safety standards
 - Supplier experience with accessibility focused playgrounds
 - Ability to meet required timelines

4. TOILETS DESIGN & PROCUREMENT

- 4.1 Council is still confirming design finalisation, location and procurement of public toilet supplier.

- 4.2 **River Parade Toilet:** scope of works will include outside refurbishment, new internal plumbing, awning / shade and review of outside parking.
- 4.3 **North Clyde Toilet:** scope of works will be to construct a new public toilet in the North Clyde area with location to be confirmed and to compliment the proposed playground. Contractors would be either Permaloo / Exeloo / SuperKing ensuring that the public toilets can be easily maintained.

5. FINANCIAL

- 5.1 Estimated spend against budget is expected to be as set out in Table 1 below.

Asset	Facility	Estimated cost (construction, playground equipment & contingency)	Budget	Estimated timeline
Playground	Lion St / Mclean St	\$230,000	\$825,000	FY 2025/2026
	Tuai Playground	\$230,000		FY 2026/2027
	North Clyde Playground	\$230,000		FY 2026/2027
Public Toilets	North Clyde Toilets	\$270,000	\$0	FY 2026/2027
	River Parade Toilets	\$105,000	\$0	FY 2025/2026
	Total	\$1,065,000	\$825,000	
	Shortfall	\$240,000 +/- 10%		FY 2026/2027

- 5.2 It is anticipated by procuring the three playgrounds together that the shortfall would reduce than the estimated \$240,000 excluding GST.
- 5.3 The playground and public toilets are expected to be phased to accommodate the FY 2025/2026 budget as follows;
- All three playground equipment to be procured in FY 2025/2026 for approximately \$450,000
 - Lion St / Mclean St playground to be constructed in FY 2025/2026 for \$80,000 (construction costs only as equipment procured above)
 - River Parade public toilet refurbishment in FY 2025/2026 for \$105,000
 - North Clyde public toilet procurement in FY 2025/2026 for \$190,000
- 5.4 Annual plan for FY 2026/2027 to cater for;
- Tuai playground construction
 - North Clyde Playground and Public Toilet construction
- 5.5 It is to be noted that the cost and for FY 2026/2027 will be confirmed in April 2026.

6. OPTIONS

- 6.1 The options identified are:

- a. Council does not proceed with the recommendations. This is not recommended as there is funding available and previous commitments have been made by prior Council to the aging infrastructure.
- b. Council approves WDC Group Manager - Assets & Infrastructure and WDC Chief Executive awarding Contracts and approving Purchase orders and Payment claims for the purchase of equipment, consulting services, Contracting works for the said works as per the provided budgets in this report or Annual Plan. This is the **recommended option** as it allows for continuity of work and services.

6.2 The preferred option is 6.1b, this contributes to the following community outcomes

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

7. CORPORATE CONSIDERATIONS

What is the change?

7.1 Not Applicable

What is the cost?

7.2 This is as per the Annual plan and any shortfall is to be covered in FY 2026/2027

What is the saving?

7.3 Procuring all 3 playgrounds equipment and construction contracts together

Maori Standing Committee

7.4 This has not yet been referred to the Committee.

8. SIGNIFICANCE

8.1 There could be public interest in choosing location of playground and public toilet in North Clyde.

9. RISK MANAGEMENT

9.1 In accordance with the Council's Risk Management Policy the inherent risks associated with this matter are:

Human	Financial	Regulatory
Low	Low	Low
Operations	Employees	Image & Reputation
Considerable	Low	High

Who has been consulted?

Lion St / McClean st playground has been previously consulted upon in July 2025.

Further Information

Not Applicable

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

8.5 MONTHLY FINANCIAL REPORT TO 30 NOVEMBER 2025

Author: Martin Bacon, Assistant Accountant

Authoriser: Gary Borg, Tumu Whakarae Tuarua | Deputy Chief Executive & Group Manager - Finance and Corporate Support

Appendices: 1. Draft Monthly Report November 2025 [↓](#)

1. PURPOSE

- 1.1 This report provides information on Council's operating financial performance for the 5 months to 30 November 2025. No decisions are required at this stage. This is not the complete financial information as we are yet to finalise the November period. This information is subject to change.
- 1.2 This is an information report-only because it provides an update on Council's progress against objectives established and decisions previously made in the Long-term Plan 2024-27 and the Annual Plan for the year ending 30 June 2026.

RECOMMENDATION

The Assistant Accountant RECOMMENDS that Council receive the report.

2. BACKGROUND

- 2.1 Council's minimum statutory obligations regarding reporting, public accountability and financial management are contained in Part 6 of the Local Government Act 2002. Monitoring financial performance is integral to this.
- 2.2 Beyond this, regular performance reporting is good practice, keeping Council and the community informed of its financial performance and position.
- 2.3 In addition, reporting during the year provides an indication of full year outcomes and informs the decision-making process for each subsequent Annual Plan and Long-term Plan.
- 2.4 The Monthly Report to 30 November 2025, attached as **Appendix 1**, sets out the financial results.
- 2.5 We have included a draft format of the project update report. This is still a work in progress waiting on feedback from activity managers on what projects should be included.



GROUP INCOME AND EXPENSE STATEMENT

	Whole of Council \$'000	Water Supply \$'000	Stormwater \$'000	Wastewater \$'000	Solid Waste \$'000	Transport \$'000	Community Facilities \$'000	Planning & Regulatory \$'000	Governance & Community \$'000	Corporate Services \$'000
Revenue										
Rates	12,377	1,373	453	1,716	604	2,401	1,981	1,739	1,414	695
Operational Subsidies and grants	8,673	(33)	-	-	(123)	6,376	11	2,043	110	288
Capital Subsidies and grants	8,248	-	-	21	-	8,120	90	-	-	17
Other Income	1,874	176	-	26	486	26	9	705	6	440
Internal Recoveries	3,099	-	-	-	-	-	-	210	-	2,889
Total revenue	34,271	1,516	453	1,763	967	16,923	2,091	4,697	1,530	4,329
Expense										
Consultancy	1,003	63	2	114	40	348	-	65	108	262
Depreciation and Amortisation	4,421	451	209	376	58	2,935	129	16	-	245
Electricity	145	90	3	29	1	1	9	-	-	12
Employee Benefit Expenses	3,126	10	-	1	3	(426)	288	721	554	1,974
Finance Costs	194	-	-	-	-	-	-	-	-	194
Insurance	191	28	20	18	-	-	-	2	-	123
Legal	8	-	-	-	-	-	-	4	-	4
Operating Expenses	1,285	87	8	255	598	53	139	19	18	108
Other Expenses	2,014	64	6	49	106	359	600	76	146	608
Recovery Office	898	-	-	-	-	-	-	898	-	-
Repairs and Maintenance	8,479	259	54	193	-	7,532	320	18	3	100
Internal Charges	3,099	262	90	190	133	660	440	853	333	136
Internal Interest Charges	-	-	-	-	-	-	-	-	-	-
Total expense	24,863	1,314	392	1,225	939	11,462	1,925	2,672	1,162	3,766
Work in Progress	13,891	127	532	300	2	12,794	(14)	118	90	(58)
Net surplus / (deficit)	(4,483)	75	(471)	238	26	(7,333)	180	1,907	278	621

	Water Supply				Stormwater				Wastewater			
	Actual \$000	Budget \$000	Variance \$	Variance %	Actual \$000	Budget \$000	Variance \$	Variance %	Actual \$000	Budget \$000	Variance \$	Variance %
Revenue												
Rates	1,373	1,378	(5)	0%	453	455	(2)	0%	1,716	1,723	(7)	0%
Operational Subsidies and grants	(33)	-	(33)	0%	-	-	-	0%	-	-	-	0%
Capital Subsidies and grants	-	-	-	0%	-	-	-	0%	21	-	21	0%
Other Income	176	143	33	23%	-	-	-	0%	26	11	15	136%
Internal Recoveries	-	-	-	0%	-	-	-	0%	-	-	-	0%
Total revenue	1,516	1,521	(5)	0%	453	455	(2)	0%	1,763	1,734	29	2%
Expense												
Consultancy	63	94	31	33%	2	4	2	50%	114	149	35	23%
Depreciation and Amortisation	451	504	53	11%	209	169	(40)	-24%	376	326	(50)	-15%
Electricity	90	99	9	9%	3	1	(2)	-200%	29	40	11	28%
Employee Benefit Expenses	10	4	(6)	-150%	-	-	-	0%	1	-	(1)	0%
Finance Costs	-	-	-	0%	-	-	-	0%	-	-	-	0%
Insurance	28	81	53	65%	20	29	9	31%	18	80	62	78%
Legal	-	-	-	0%	-	-	-	0%	-	-	-	0%
Operating Expenses	87	96	9	9%	8	23	15	65%	255	331	76	23%
Other Expenses	64	79	15	19%	6	9	3	33%	49	135	86	64%
Recovery Office	-	-	-	0%	-	-	-	0%	-	-	-	0%
Repairs and Maintenance	259	168	(91)	-54%	54	58	4	7%	193	213	20	9%
Internal Charges	262	262	-	0%	90	90	-	0%	190	190	-	0%
Internal Interest Charges	-	-	-	0%	-	-	-	0%	-	-	-	0%
Total expense	1,314	1,387	73	5%	392	383	(9)	-2%	1,225	1,464	239	16%
Work in Progress	127	2,409	2,282	95%	532	1,057	525	50%	300	2,083	1,783	86%
Net surplus / (deficit)	75	(2,275)	2,350	-103%	(471)	(985)	514	-52%	238	(1,813)	2,051	-113%

	Solid Waste			Transport				Community Facilities				
	Actual \$000	Budget \$000	Variance \$	Variance %	Actual \$000	Budget \$000	Variance \$	Variance %	Actual \$000	Budget \$000	Variance \$	Variance %
Revenue												
Rates	604	607	(3)	0%	2,401	2,411	(10)	0%	1,981	1,989	(8)	0%
Operational Subsidies and grants	(123)	175	(298)	-170%	6,376	14,410	(8,034)	-56%	11	14	(3)	-21%
Capital Subsidies and grants	-	49	(49)	-100%	8,120	10,977	(2,857)	-26%	90	338	(248)	-73%
Other Income	486	538	(52)	-10%	26	25	1	4%	9	86	(77)	-90%
Internal Recoveries	-	-	-	0%	-	-	-	0%	-	-	-	0%
Total revenue	967	1,369	(402)	-29%	16,923	27,823	(10,900)	-39%	2,091	2,427	(336)	-14%
Expense												
Consultancy	40	19	(21)	-111%	348	302	(46)	-15%	-	5	5	100%
Depreciation and Amortisation	58	102	44	43%	2,935	2,830	(105)	-4%	129	90	(39)	-43%
Electricity	1	4	3	75%	1	2	1	50%	9	10	1	10%
Employee Benefit Expenses	3	2	(1)	-50%	(426)	(553)	(127)	23%	288	294	6	2%
Finance Costs	-	-	-	0%	-	-	-	0%	-	-	-	0%
Insurance	-	7	7	100%	-	6	6	100%	-	128	128	100%
Legal	-	-	-	0%	-	-	-	0%	-	-	-	0%
Operating Expenses	598	850	252	30%	53	65	12	18%	139	157	18	11%
Other Expenses	106	220	114	52%	359	1,606	1,247	78%	600	393	(207)	-53%
Recovery Office	-	-	-	0%	-	-	-	0%	-	-	-	0%
Repairs and Maintenance	-	-	-	0%	7,532	13,888	6,356	46%	320	370	50	14%
Internal Charges	133	133	-	0%	660	660	-	0%	440	440	-	0%
Internal Interest Charges	-	-	-	0%	-	-	-	0%	-	-	-	0%
Total expense	939	1,337	398	30%	11,462	18,806	7,344	39%	1,925	1,887	(38)	-2%
Work in Progress	2	1,454	1,452	100%	12,794	11,129	(1,665)	-15%	(14)	549	563	103%
Net surplus / (deficit)	26	(1,422)	1,448	-102%	(7,333)	(2,112)	(5,221)	247%	180	(9)	189	-2100%

	Planning & Regulatory				Governance & Community				Corporate Services			
	Actual \$000	Budget \$000	Variance \$	Variance %	Actual \$000	Budget \$000	Variance \$	Variance %	Actual \$000	Budget \$000	Variance \$	Variance %
Revenue												
Rates	1,739	1,746	(7)	0%	1,414	1,420	(6)	0%	695	83	612	737%
Operational Subsidies and grants	2,043	116	1,927	1661%	110	-	110	0%	288	-	288	0%
Capital Subsidies and grants	-	-	-	0%	-	-	-	0%	17	271	(254)	-94%
Other Income	705	562	143	25%	6	14	(8)	-57%	440	578	(138)	-24%
Internal Recoveries	210	210	-	0%	-	-	-	0%	2,889	3,479	(590)	-17%
Total revenue	4,697	2,634	2,063	78%	1,530	1,434	96	7%	4,329	4,411	(82)	-2%
Expense												
Consultancy	65	66	1	2%	108	37	(71)	-192%	262	235	(27)	-11%
Depreciation and Amortisation	16	11	(5)	-45%	-	6	6	100%	245	225	(20)	-9%
Electricity	-	-	-	0%	-	-	-	0%	12	14	2	14%
Employee Benefit Expenses	721	832	111	13%	554	546	(8)	-1%	1,974	2,341	367	16%
Finance Costs	-	-	-	0%	-	-	-	0%	194	-	(194)	0%
Insurance	2	-	(2)	0%	-	-	-	0%	123	389	266	68%
Legal	4	14	10	71%	-	-	-	0%	4	26	22	85%
Operating Expenses	19	24	5	21%	18	34	16	47%	108	120	12	10%
Other Expenses	76	142	66	46%	146	195	49	25%	608	589	(19)	-3%
Recovery Office	898	116	(782)	-674%	-	-	-	0%	-	-	-	0%
Repairs and Maintenance	18	2	(16)	-800%	3	3	-	0%	100	107	7	7%
Internal Charges	853	891	38	4%	333	340	7	2%	136	136	-	0%
Internal Interest Charges	-	-	-	0%	-	-	-	0%	-	4	4	100%
Total expense	2,672	2,098	(574)	-27%	1,162	1,161	(1)	0%	3,766	4,186	420	10%
Work in Progress	118	564	446	79%	90	86	(4)	-5%	(58)	(23,754)	(23,696)	100%
Net surplus / (deficit)	1,907	(28)	1,935	-6911%	278	187	91	49%	621	23,979	(23,358)	-97%

HE TAUĀKĪ PŪTEA WHIWHI ME TE PŪTEA WHAKAHAERE STATEMENT OF COMPREHENSIVE REVENUE AND EXPENSE

For the period ended 30 November 2025

	YTD Actual \$000	YTD Annual Plan \$000	Variance			2026 Forecast \$000	2025 Actual \$000
			\$000	%			
Revenue							
Rates	12,377	11,812	565	5%		24,758	22,472
Subsidies and grants	16,921	26,350	(9,429)	-36%		49,570	50,832
Petrol tax	20	34	(14)	-41%		20	78
Construction Revenue	-	-	-	0%		-	-
Fees and charges	1,523	1,467	56	4%		3,199	4,843
Investment revenue	335	491	(156)	-32%		482	1,541
Miscellaneous Revenue	16	-	16	0%		16	220
Total revenue	31,192	40,154	(8,962)	-22%		78,045	79,986
Expense							
Water supply	1,315	1,387	72	5%		3,046	3,522
Stormwater	392	383	(9)	-2%		963	870
Wastewater	1,225	1,467	242	16%		4,014	4,107
Solid waste	940	1,336	396	30%		1,670	3,800
Transport	11,463	18,807	7,344	39%		23,261	33,938
Community facilities	1,925	1,887	(38)	-2%		4,398	3,720
Planning and regulatory	2,464	1,887	(577)	-31%		5,878	9,850
Governance & Community	1,162	1,161	(1)	0%		2,718	2,770
Corporate Services	879	705	(174)	-25%		1,735	1,547
Total expense	21,765	29,020	7,255	25%		47,683	64,124
Net surplus / (deficit) for the year	9,427	11,134	(16,217)	-146%		30,362	15,862

HE TAUĀKĪ TU PŪTEA

STATEMENT OF FINANCIAL POSITION

As at 30 November 2025

	YTD Actual \$000	YTD Annual Plan \$000	Variance			2026 Forecast \$000	2025 Actual \$000
			\$000	%			
Current assets							
Cash and cash equivalents	2,062	11,729	(9,667)	-82%		3,066	1,981
Inventories	71	51	20	39%		71	71
Trade and other receivables	4,416	5,794	(1,378)	-24%		9,025	13,545
Total current assets	6,549	17,574	(11,025)	-63%		12,162	15,597
Current liabilities							
Trade and other payables	7,245	9,800	2,555	26%		12,044	16,298
Employee benefit liabilities	946	610	(336)	-55%		609	967
Borrowings	8,556	-	(8,556)	0%		5,519	8,500
Total current liabilities	16,747	10,410	(6,337)	-61%		18,172	25,765
Working capital	(10,198)	7,164	17,362	242%			(10,168)
Non-current assets							
Property, plant and equipment	485,917	493,558	(7,641)	-2%		486,706	490,048
Work in progress	25,039	19,779	5,260	27%		42,284	11,149
Investment in subsidiary	1,250	1,250	-	0%		1,250	1,250
Loan to Subsidiary	985	1,026	(41)	-4%		985	1,037
Investment property	8,092	8,243	(151)	-2%		8,092	8,147
Biological asset - forestry	838	988	(150)	-15%		115	1,140
Total non-current assets	522,121	524,844	(2,723)	-1%		539,432	512,771
Non-current liabilities							
Trade and other payables	56	56	-	0%		56	56
Landfill aftercare	3,432	2,032	(1,400)	-69%		3,432	3,432
Borrowings	1,026	16,100	15,074	94%		3,026	1,124
Total non-current liabilities	4,514	18,188	13,674	75%		4,611	4,612
Net assets	507,409	513,820	965	0%		534,821	497,991

HE TAUĀKĪ KAPEWHITI STATEMENT OF CASHFLOWS

For the period ended 30 November 2025

	YTD Actual \$000	YTD Annual Plan \$000	Variance			2026 Forecast \$000	2025 Actual \$000
			\$000	%			
Cash flows from operating activities							
Receipts from rates revenue	12,806	13,812	(1,006)	-7%		26,351	21,765
Other revenue received	1,448	1,501	(53)	-4%		3,159	4,914
Subsidies and grants received	22,274	26,350	(4,076)	-15%		50,211	54,260
Investment Income	335	491	(156)	-32%		482	1,541
Payments to suppliers and employees	(22,435)	(18,969)	(3,466)	18%		(38,792)	(53,300)
Interest Paid	(194)	-	(194)	0%		(471)	(506)
Net cash flows from operating activities	14,234	23,185	(8,951)	-39%		40,940	28,674
Cash flows from investing activities							
Insurance Proceeds	16	-	16	0%		-	238
Purchase of property, plant and equipment	(14,126)	(18,275)	4,149	-23%		(38,776)	(27,836)
Net cash flows used in investing activities	(14,110)	(18,275)	4,165	-23%		(38,776)	(27,598)
Cash flows from financing activities							
Loans raised/(repaid)	(42)	2,966	(3,008)	-101%		(1,079)	(1,402)
Net cash flows (used in)from financing activities	(42)	2,966	(3,008)	-101%		(1,079)	(1,402)
Net increase/(decrease) in cash and cash equivalents	82	7,876	(7,794)	-99%		1,085	(326)
Cash and cash equivalents at beginning of year	1,981	3,853	(1,872)	-49%		1,981	2,307
Cash and cash equivalents at end of year	2,063	11,729	(9,666)	-82%		3,066	1,981
Made up of:							
Cash	2,062	11,729	(9,667)	-82%		3,066	1,981
Cash and cash equivalents at end of year	2,062	11,729	(9,667)	-82%		3,066	1,981

HE TAUĀKĪ WHAKAAWEAWE PŪTEA

FUNDING IMPACT STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER, 2025

Understanding Funding Impact Statements

These statements set out Council's sources of operating and capital funding and how this funding is applied.

Council's sources of capital funding include items such as subsidies and grants for capital expenditure, and its applications of capital funding include capital expenditure to improve levels of service or replace existing assets. The difference between the value of total capital funding and application of this funding is the amount that Council needs to generate from rating for depreciation, both in the current year and from reserves which have built up over several years. These statements do not include depreciation. This is because it is a non-cash item.

The Whole of Council Funding Impact Statement provides combined totals of all Council's sources of operating and capital funding and application, and activity-level funding impact statements which separates this information into Council's defined activity groups such as water supply and waste management.

FUNDING IMPACT STATEMENT

WHOLE OF COUNCIL

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	14,823	15,248	8,065	8,645
Targeted rates	7,475	7,223	3,747	3,731
Subsidies and grants for operating purposes	12,423	32,666	14,715	8,687
Fees and charges	3,447	4,666	1,467	1,510
Interest and dividends from Investments	1,353	1,413	444	316
Local authorities fuel tax, fines, infringement fees, and other receipts	210	427	82	55
Total operating funding (A)	39,731	61,643	28,520	22,944
Applications of operating funding				
Payments to staff and suppliers	34,946	52,281	24,757	17,150
Finance costs	865	506	-	194
Other operating funding applications	-	-	-	-
Total Applications of operating funding (B)	35,811	52,787	24,757	17,344
Surplus (deficit) of operating funding (A - B)	3,920	8,856	3,763	5,600
Sources of capital funding				
Subsidies and grants for capital expenditure	38,071	18,343	11,635	8,248
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	9,698	(1,402)	2,973	237
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	47,769	16,941	14,608	8,485
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	15,360	12,903	12,291	8,906
• to replace existing assets	41,142	13,632	7,488	5,179
Increase (decrease) in reserves	(4,813)	(738)	(1,408)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	51,689	25,797	18,371	14,085
Surplus (deficit) of capital funding (C-D)	(3,920)	(8,856)	(3,763)	(5,600)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

WATER SUPPLY

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	260	251	138	137
Targeted rates	2,342	2,263	1,240	1,235
Subsidies and grants for operating purposes	-	33	-	(33)
Fees and charges	331	521	143	176
Internal charges and overheads recovered	-	-	-	-
Other operating funding	-	-	-	-
Total operating funding (A)	2,933	3,068	1,521	1,515
Applications of operating funding				
Payments to staff and suppliers	1,572	1,920	621	602
Internal Finance costs	147	122	-	147
Internal charges applied	368	332	262	262
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	2,087	2,374	883	1,011
Surplus (deficit) of operating funding (A - B)	846	694	638	504
Sources of capital funding				
Subsidies and grants for capital expenditure	-	-	-	-
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	2,337	741	1,328	(378)
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	2,337	741	1,328	(378)
Application of capital funding				
Capital expenditure	-	-	-	-
• to meet additional demand	245	36	129	(4)
• to improve the level of service	5,353	1,134	2,280	130
• to replace existing assets	(2,415)	265	(443)	-
Increase (decrease) in reserves	-	-	-	-
Increase (decrease) of investments	3,183	1,435	1,966	126
Total applications of capital funding (D)				
Surplus (deficit) of capital funding (C-D)	(846)	(694)	(638)	(504)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

STORMWATER

	2023/24 Actual \$000	2024/25 LTP \$000	2024/25 AP \$000	2025/26 AP YTD \$000
Sources of operating funding				
General rates	71	69	46	46
Targeted rates	637	616	410	408
Subsidies and grants for operating purposes	-	-	-	-
Fees and charges	-	-	-	-
Internal charges and overheads recovered	-	-	-	-
Other operating funding	-	-	-	-
Total operating funding (A)	708	685	456	454
Applications of operating funding				
Payments to staff and suppliers	264	311	124	93
Internal Finance costs	114	77	-	-
Internal charges applied	68	70	90	180
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	446	458	214	273
Surplus (deficit) of operating funding (A - B)	262	227	242	181
Sources of capital funding				
Subsidies and grants for capital expenditure	-	-	-	-
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	1,125	417	781	351
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	1,125	417	781	351
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	511	233	841	322
• to replace existing assets	965	472	217	210
Increase (decrease) in reserves	(89)	(61)	(35)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	1,387	644	1,023	532
Surplus (deficit) of capital funding (C-D)	(262)	(227)	(242)	(181)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

WASTEWATER

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	364	351	172	171
Targeted rates	3,277	3,166	1,551	1,544
Subsidies and grants for operating purposes	-	-	-	-
Fees and charges	25	21	11	26
Internal charges and overheads recovered	-	-	-	-
Other operating funding	-	-	-	-
Total operating funding (A)	3,666	3,538	1,734	1,741
Applications of operating funding				
Payments to staff and suppliers	2,226	2,356	950	657
Internal Finance costs	351	302	-	285
Internal charges applied	562	577	190	190
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	3,139	3,235	1,140	1,132
Surplus (deficit) of operating funding (A - B)	527	303	594	609
Sources of capital funding				
Subsidies and grants for capital expenditure	-	4	-	21
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	1,708	210	1,338	(330)
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	1,708	214	1,338	(309)
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	-	107	1,802	176
• to replace existing assets	2,910	408	280	124
Increase (decrease) in reserves	(675)	2	(150)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	2,235	517	1,932	300
Surplus (deficit) of capital funding (C-D)	(527)	(303)	(594)	(609)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

WASTE MANAGEMENT

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	135	131	61	60
Targeted rates	1,219	1,178	546	544
Subsidies and grants for operating purposes	-	181	175	(123)
Fees and charges	1,288	1,969	538	486
Internal charges and overheads recovered	-	-	-	-
Other operating funding	-	-	-	-
Total operating funding (A)	2,642	3,459	1,320	967
Applications of operating funding				
Payments to staff and suppliers	2,276	2,634	1,101	749
Internal Finance costs	122	96	-	71
Internal charges applied	198	170	133	133
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	2,596	2,900	1,234	953
Surplus (deficit) of operating funding (A - B)	46	559	86	14
Sources of capital funding				
Subsidies and grants for capital expenditure	1,657	19	94	-
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	1,701	(578)	1,130	(12)
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	3,358	(559)	1,224	(12)
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	3,403	24	1,454	2
• to replace existing assets	20	-	-	-
Increase (decrease) in reserves	(19)	(24)	(144)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	3,404	-	1,310	2
Surplus (deficit) of capital funding (C-D)	(46)	(559)	(86)	(14)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

TRANSPORT

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	5,352	5,025	2,411	2,401
Targeted rates	-	-	-	-
Subsidies and grants for operating purposes	12,224	24,258	14,410	6,389
Fees and charges	59	101	25	12
Internal charges and overheads recovered	-	-	-	-
Other operating funding	-	-	-	-
Total operating funding (A)	17,635	29,384	16,846	8,802
Applications of operating funding				
Payments to staff and suppliers	14,073	24,631	15,317	7,868
Internal Finance costs	148	314	-	152
Internal charges applied	1,939	1,970	660	660
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	16,160	26,915	15,977	8,680
Surplus (deficit) of operating funding (A - B)	1,475	2,469	869	122
Sources of capital funding				
Subsidies and grants for capital expenditure	27,309	15,287	11,067	8,120
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	1,578	765	(1,155)	4,552
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	28,887	16,052	9,912	12,672
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	5,414	7,112	6,943	8,303
• to replace existing assets	25,403	10,967	4,186	4,491
Increase (decrease) in reserves	(455)	442	(348)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	30,362	18,521	10,781	12,794
Surplus (deficit) of capital funding (C-D)	(1,475)	(2,469)	(869)	(122)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

COMMUNITY FACILITIES

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	3,561	3,437	1,989	1,980
Targeted rates	-	-	-	-
Subsidies and grants for operating purposes	25	180	14	11
Fees and charges	191	287	86	9
Internal charges and overheads recovered	-	-	-	-
Other operating funding	-	-	-	-
Total operating funding (A)	3,777	3,904	2,089	2,000
Applications of operating funding				
Payments to staff and suppliers	2,881	2,925	1,357	1,356
Internal Finance costs	46	(65)	-	(106)
Internal charges applied	634	582	440	440
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	3,561	3,442	1,797	1,690
Surplus (deficit) of operating funding (A - B)	216	462	292	310
Sources of capital funding				
Subsidies and grants for capital expenditure	5,880	1,144	347	90
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	887	45	(198)	(416)
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	6,767	1,189	149	(326)
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	2,163	1,177	404	(39)
• to replace existing assets	5,257	382	145	23
Increase (decrease) in reserves	(437)	92	(108)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	6,983	1,651	441	(16)
Surplus (deficit) of capital funding (C-D)	(216)	(462)	(292)	(310)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

PLANNING & REGULATORY

	2024/25 LTP \$000	2024/25 Actual \$000	2024/25 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	3,073	2,940	1,746	1,739
Targeted rates	-	-	-	-
Subsidies and grants for operating purposes	175	7,262	116	2,043
Fees and charges	1,329	1,336	562	705
Internal charges and overheads recovered	244	207	210	210
Other operating funding	-	-	-	-
Total operating funding (A)	4,821	11,745	2,634	4,697
Applications of operating funding				
Payments to staff and suppliers	2,617	8,025	1,196	1,805
Internal Finance costs	(4)	107	-	178
Internal charges applied	2,204	1,892	891	853
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	4,817	10,024	2,087	2,836
Surplus (deficit) of operating funding (A - B)	4	1,721	547	1,861
Sources of capital funding				
Subsidies and grants for capital expenditure	-	-	-	-
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	150	(342)	(60)	(1,744)
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	150	(342)	(60)	(1,744)
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	-	1,346	409	31
• to replace existing assets	180	38	155	86
Increase (decrease) in reserves	(26)	(5)	(77)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	154	1,379	487	117
Surplus (deficit) of capital funding (C-D)	(4)	(1,721)	(547)	(1,861)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

LEADERSHIP & GOVERNANCE

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	2,456	2,371	1,420	1,414
Targeted rates	-	-	-	-
Subsidies and grants for operating purposes	-	352	-	110
Fees and charges	34	4	14	6
Internal charges and overheads recovered	-	-	-	-
Other operating funding	-	-	-	-
Total operating funding (A)	2,490	2,727	1,434	1,530
Applications of operating funding				
Payments to staff and suppliers	1,623	1,957	791	828
Internal Finance costs	5	71	-	99
Internal charges applied	840	738	340	333
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	2,468	2,766	1,131	1,260
Surplus (deficit) of operating funding (A - B)	22	(39)	303	270
Sources of capital funding				
Subsidies and grants for capital expenditure	1,450	1,671	-	-
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	(22)	405	(260)	(180)
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	1,428	2,076	(260)	(180)
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	1,450	2,037	31	77
• to replace existing assets	205	31	55	13
Increase (decrease) in reserves	(205)	(31)	(43)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	1,450	2,037	43	90
Surplus (deficit) of capital funding (C-D)	(22)	39	(303)	(270)
Funding balance ((A-B) + (C-D))	-	-	-	-

FUNDING IMPACT STATEMENT

CORPORATE FUNCTIONS

	2024/25 LTP \$000	2024/25 Actual \$000	2025/26 YTD AP \$000	2025/26 YTD Actual \$000
Sources of operating funding				
General rates	(450)	671	83	695
Targeted rates	-	-	-	-
Subsidies and grants for operating purposes	-	400	-	288
Fees and charges	190	426	87	89
Internal charges and overheads recovered	8,464	7,877	3,475	2,889
Other operating funding	1,563	1,839	526	371
Total operating funding (A)	9,767	11,213	4,171	4,332
Applications of operating funding				
Payments to staff and suppliers	7,414	7,731	3,553	3,193
Internal Finance costs	1,031	603	-	(721)
Internal charges applied	799	423	136	136
Other operating funding applications	-	-	-	-
Total applications of operating funding (B)	9,244	8,757	3,689	2,608
Surplus (deficit) of operating funding (A - B)	523	2,456	482	1,724
Sources of capital funding				
Subsidies and grants for capital expenditure	1,775	220	271	17
Development and financial contributions	-	-	-	-
Increase (decrease) in debt	235	(3,064)	(364)	(1,606)
Gross proceeds from sale of assets	-	-	-	-
Total sources of capital funding (C)	2,010	(2,844)	(93)	(1,589)
Application of capital funding				
Capital expenditure				
• to meet additional demand	-	-	-	-
• to improve the level of service	2,175	831	278	35
• to replace existing assets	849	200	170	100
Increase (decrease) in reserves	(491)	(1,419)	(59)	-
Increase (decrease) of investments	-	-	-	-
Total applications of capital funding (D)	2,533	(388)	389	135
Surplus (deficit) of capital funding (C-D)	(523)	(2,456)	(482)	(1,724)
Funding balance ((A-B) + (C-D))	-	-	-	-

PROJECT UPDATES

Project Name	Start Date	End Date	WIP b/f	Cost to Date	Forecasted Cost	Full Budget	Variance		Project Status	Scope	Schedule	Budget	Issues	Overall	Go to Green Plan
							\$	%							
Carry Forward Archives Building	01/07/2025	30/06/2026	0	0	0	50,000	50,000	100%	2	2	1	3	1	2	
Carry Forward Fence Renewal	01/07/2025	30/06/2026	0	0	0	25,000	25,000	100%	2	2	1	3	1	2	
Carry Forward Future Capital Requirements	01/07/2025	30/06/2026	0	16,053	48,133	22,187	-25,946	-117%	3	1	1	3	2	2	
Carry Forward Mahia Beach Sewerage System	01/07/2025	30/06/2026	19,817	21,192	83,394	2,576,449	2,493,055	97%	1	2	2	3	1	2	
Carry Forward Marine Parade Replacement Main	01/07/2025	30/06/2026	0	0	104,000	1,900,000	1,796,000	95%	2	1	3	3	1	2	
Carry Forward New - Improvements - Resilience And Capacity	01/07/2025	30/06/2026	109,845	321,035	430,880	1,950,155	1,519,275	78%	3	3	1	3	1	2	
Carry Forward Playground Renewals	01/07/2025	30/06/2026	0	0	225,000	225,000	0	0%	1	3	2	1	1	1	Waiting council approval for plan
Carry Forward Purchase Vehicles	01/07/2025	30/06/2026	0	86,462	120,088	103,840	-16,248	-16%	1	1	1	1	1	1	Spend Complete.
Carry Forward Recycling Centre Upgrade	01/07/2025	30/06/2026	0	2,394	2,394	2,546,191	2,543,797	100%	2	2	1	3	1	2	
Carry Forward Refurbish - Exit Of Isite	01/07/2025	30/06/2026	31,478	13,138	44,616	28,522	-16,094	-56%	2	2	1	2	1	2	
Carry Forward Renewal Pump Stations	01/07/2025	30/06/2026	0	124,043	124,043	611,515	487,472	80%	2	2	1	3	1	2	
Carry Forward Stadium Floor Refurbishment	01/07/2025	30/06/2026	0	0	0	100,000	100,000	100%	2	2	1	3	1	2	
Cbd Refresh	01/07/2025	30/06/2026	0	0	0	102,300	102,300	100%	1	2	3	3	3	2	
Dog Pound	01/07/2025	30/06/2026	28,611	6,228	47,319	1,227,600	1,180,282	96%	2	1	1	3	1	2	
Kerbside Expansion	01/07/2025	30/06/2026	0	0	0	481,230	481,230	100%	1	3	3	3	2	2	
Landfill Closure	01/07/2025	30/06/2026	0	0	0	309,785	309,785	100%	2	2	1	3	3	2	
Mahia Recycling Centre	01/07/2025	30/06/2026	43,298	0	43,298	153,450	110,152	72%	1	2	3	3	2	2	
Main Office Seismic Assessments And Strengthening	01/07/2025	30/06/2026	0	15,411	15,411	90,690	75,279	83%	2	1	1	3	3	2	
New Isite Building	01/07/2025	30/06/2026	2,985,871	51,745	3,038,960	0	-3,038,960	100%	1	2	1	3	3	2	
Plan Development	01/07/2025	30/06/2026	0	26,228	78,708	200,000	121,292	61%	2	1	1	2	1	1	
Recovery 24 Climate Change	01/07/2025	30/06/2026	0	0	0	511,500	511,500	100%	3	3	1	3	1	2	
Roading Bridge Capital Works	01/07/2025	30/06/2026	0	0	0	0	0	100%	1	3	2	3	1	2	
Roading Capital Works	01/07/2025	30/06/2026	173,535	2,813,781	9,411,964	7,170,916	-2,241,048	-31%	2	2	3	1	2	2	
Roading Emergency Works	01/07/2025	30/06/2026	0	5,844,775	8,068,845	32,362,551	24,293,706	75%	3	1	1	3	3	2	
Roading Nuhaka Blowhole Repair	01/07/2025	30/06/2026	660,112	0	660,112	0	-660,112	100%	1	2	2	3	1	2	
Roading Nuhaka Costal Erosion	01/07/2025	30/06/2026	418,993	35,002	453,995	3,581,784	3,127,789	87%	2	1	3	3	2	2	
Roading Opertaional Works	01/07/2025	30/06/2026	0	1,972,000	6,406,851	4,172,702	-2,234,149	-54%	3	3	1	2	3	2	
Roading Sealed Pavement Maintenance	01/07/2025	30/06/2026	0	539,667	543,080	1,929,831	1,386,751	72%	1	3	2	3	1	2	
Roading Sh38	01/07/2025	30/06/2026	0	463,028	902,496	1,126,382	223,886	20%	3	1	1	1	2	2	
Roading Unsealed Pavement Maintenance	01/07/2025	30/06/2026	0	1,666,037	1,666,037	2,530,857	864,820	34%	3	1	1	2	1	2	
Runway Extension	01/07/2025	30/06/2026	347,687	495	349,172	1,767,550	1,418,378	80%	1	2	2	3	3	2	

Project Name	Start Date	End Date	WIP b/f	Cost to Date	Forecasted Cost	Full Budget	Variance		Project Status	Scope	Schedule	Budget	Issues	Overall	Go to Green Plan
							\$	%							
Silt & Debris	01/07/2025	30/06/2026	0	423,303	1,265,285	0	-1,265,285	100%	2	1	3	3	1	2	
Te Reinga Bridge	01/07/2025	30/06/2026	5,042,047	4,177,134	15,203,748	8,000,000	-7,203,748	-90%	3	3	1	3	2	2	
Tuai Playgrounds	01/07/2025	30/06/2026	0	0	0	300,000	300,000	100%	1	3	2	3	3	2	
Tuai Water Supply	01/07/2025	30/06/2026	0	0	0	214,644	214,644	100%	2	2	3	3	1	2	
Wairoa Pipelines Renewals	01/07/2025	30/06/2026	104,254	125,462	2,201,040	3,707,600	1,506,560	41%	1	2	2	2	2	2	
Wastewater Storage	01/07/2025	30/06/2026	0	5,828	22,683	1,352,000	1,329,317	98%	3	3	1	3	1	2	
Wastewater Wairoa Reticulation	01/07/2025	30/06/2026	0	130,960	130,960	342,160	211,200	62%	1	3	2	2	2	2	



8.6 ELECTED MEMBERS CODE OF CONDUCT

Author: Te Aroha Cook, Group Manager – Community Services and Development

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices:

1. **Appendix 1 Te Tikanga Whanonga a LGNZ - The Local Government Code of Conduct** [↓](#)
2. **Appendix 2 Wairoa District Council Code of Conduct 2022** [↓](#)

1. PURPOSE

- 1.1 The purpose of this report is for Council to re-adopt the Elected Members Code of Conduct (Code of Conduct) for Wairoa District Council.
- 1.2 This issue arises from the requirements of the Local Government Act 2002 (the Act) for all Councils to have adopted a Code of Conduct under Clause 15, Schedule 7, of the Act.

RECOMMENDATION

The Group Manager – Community Services and Development RECOMMENDS that Council receives the report and adopt the existing Wairoa District Council Code of Conduct (**Appendix 2**)

2. BACKGROUND

- 2.1 Clause 15 of Schedule 7 of the Local Government Act 2002 (LGA) requires Council to have a Code of Conduct.
- 2.2 Council adopted the Code of Conduct including the policy for assessing breaches of the Code of Conduct as produced by LGNZ (**Appendix 1**) following the 2022 triennial elections on 8 November 2022.
- 2.3 The reviewed 2022 LGNZ template made provisions for addressing matters not clearly define in previous versions of the Code, or that had arisen as a result of amendments to legislation, terminology, processes, procedures, or best practice. The most significant amendment related to a focus on managing specific types of behaviour, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members.
- 2.4 A code of conduct sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards.
- 2.5 Once adopted, the code continues in force until amended by the Council/elected members. It can be amended at any time but cannot be revoked unless the Government replaces it with another code. Amendments require a resolution supported by 75% of the elected members present at the council meeting at which the amendment is considered.

3. CURRENT SITUATION

- 3.1 While a Council is only required to adopt a Code of Conduct once, Council are encouraged to formally review their existing code and either amend or re-adopt it as soon as practicable after the beginning of each triennium, to ensure that the code is fully endorsed by all members.

- 3.2 The Code of Conduct represents an agreement amongst elected members as to the appropriate behaviours toward one another, staff, and members of the public.
- 3.3 A copy of the current Wairoa District Council Code of Conduct adopted on 8 November 2022 is attached as **Appendix 2**.
- 3.4 In February 2025, the Local Government Commission was directed by the Minister of Local Government to develop a standardised code of conduct for local authorities. Feedback on the proposed Draft Code of Conduct was sought in August and was due by 26th September 2025. Feedback received will be considered by Commissioners to inform the final code, and a recommended code of conduct reported to the Minister by 20 December 2025.
- 3.5 There is an option for members to delay adopting a Code of Conduct until the Draft Standardised Code of Conduct receives sign off from the Minister, however the timeframe to achieve this has not been defined, and would result in the current Elected Members Code of Conduct not being fully endorsed by all members

4. OPTIONS

- 4.1 The options identified are:
- Council adopts the existing Wairoa District Council Code of Conduct (**Appendix 2**) without amendments.
 - Council adopts the Code of Conduct including the policy for assessing breaches of the Code of Conduct as produced by LGNZ (**Appendix 1**) with amendments.
- 4.2 Option A – Adopting the existing Wairoa District Council Code of Conduct, enables Council to meet legislative requirements until such time that the Local Government Commission and Minister of Local Government finalise the standardised code of conduct for local authorities.
- 4.3 Option B - Adopting the Code of Conduct including the policy for assessing breaches of the Code of Conduct as produced by LGNZ with amendments, provides members the opportunity to consider and discuss amendments they may wish to include in their Code of Conduct.
- 4.4 The preferred option is Option A – that Council reaffirms the existing Wairoa District Council Code of Conduct. This ensures that Council meets its legislative requirements, and that members recognise the importance of the principals of good governance and contributes to the following community outcomes.

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

5. CORPORATE CONSIDERATIONS

What is the change?

- 5.1 If reaffirmed without amendment, a minor change to reflect the affirmation date.

Compliance with legislation and Council Policy

5.2 Local Government Act 2002

What is the cost?

5.3 There are no financial implications for Council.

Māori Standing Committee

5.4 This matter has not been referred to the Māori Standing Committee, as it is an administrative matter for the Council.

6. SIGNIFICANCE

6.1 The adoption of the Code of Conduct is administrative and therefore of low significance.

7. RISK MANAGEMENT

7.1 In accordance with the Council's Risk Management Policy the inherent risks associated with this matter. Risk has been assessed as low.

Human	Financial	Regulatory
Low	Low	Low
Operations	Employees	Image & Reputation
Low	Low	Low

Who has been consulted?

Public consultation is not required under Council's Significance & Engagement Policy or relevant legislation, as this is an administrative matter for Council.

References (to or from other Committees)

Council 8 November 2022 – Elected Member's Code of Conduct

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.



TE TIKANGA WHANONGA A LGNZ: THE LOCAL GOVERNMENT CODE OF CONDUCT

Part 1: The LGNZ Code of Conduct template

Part 2: Draft policy for dealing with alleged breaches

Part 3: Attachments

// OCTOBER 2022



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Introduction Kupu whakataki

Congratulations on being elected as a member of local government. Your community has bestowed a unique and special honour on you to represent them and make decisions on their behalf that will provide benefit for current and future generations. It's an honour that should not be taken lightly. The way you conduct yourself while participating as a member of your council (kaunihera) should reflect the responsibility you have been given and requires you to be inclusive of all, respectful, and to uphold the mana of your position.

The Code of Conduct is designed to ensure that the governance of our local authorities is undertaken with the highest degree of integrity while also providing a safe and rewarding environment in which all elected members can thrive.

All kaunihera have a statutory obligation under the Local Government Act 2002, to adopt a code of conduct. This guide has been prepared to assist kaunihera in meeting that obligation and includes:

- A code of conduct template.
- A draft policy for assessing alleged breaches of the Code of Conduct.
- Supplementary information, including an overview of the legislation that sets standards for ethical behaviour, criteria for assessing alleged breaches and actions that local authorities can take where a complaint has been upheld.

Why a code of conduct? He aha te take o te tikanga whanonga?

Codes of conduct are common features in local government. They complement specific statutes, such as the Local Government and Meetings Act 1987 (LGOIMA), designed to ensure openness and transparency. Codes of conduct are an important part of building community confidence in our system and processes, and contribute to:

- good governance of the city, district, or region,
- effective decision-making and community engagement,
- the credibility and accountability of the local authority to its communities, and
- a culture of mutual trust and respect between members of the local authority and with management.

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Codes of conduct should promote effective working relationships within a local authority and between the authority and its community. It should promote free and frank debate which should in turn result in good decision making.

Codes of conduct are not a means of preventing members from expressing their personal views provided they are clearly signaled as personal views. Rather the code is designed to promote robust debate and the expression of all views by providing a framework to ensure that debate is conducted in a civil and respectful way.

A code of conduct sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards.

Codes of conduct cannot stand alone

Codes of conduct work best when they are supported by other mechanisms. For example, codes should be linked to other procedural documents, such as Standing Orders, which provide rules for the conduct for meetings, while a code governs day-to-day and less formal relationships.

Matters to consider before adopting a code of conduct

To be effective a code needs to be “owned” by elected members; members must be comfortable with the content and the processes for investigating breaches. Nothing is more likely to promote non-compliance than elected members being expected to adhere to something they have had no input into. To reinforce the importance of the code, the Local Government Commission, in its report on codes of conduct to the Minister of Local Government, recommends that the code is included in the statutory briefing made at each local authority’s inaugural meeting.¹

In addition, members should discuss the nature of good governance and the code at their council-organised induction workshop, usually held in the months immediately following local authority elections. It is also recommended that a review of the code is undertaken part way through the triennium, assisted by an independent facilitator.

Review and amendment

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

¹ Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <https://www.lgc.govt.nz/other-commission-work/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

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Kaunihera are encouraged to formally review their existing code and either amend or re-adopt it as soon as practicable after the beginning of each triennium, to ensure that the code is fully endorsed by all members.

Changes to the 2019 LGNZ Code of Conduct template

A significant change to the 2022 template is the focus on managing specific types of behaviors, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members. The following have also been added to the template:

- An explicit description of unacceptable behaviours.
- An acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to kaunihera.
- An acknowledgement of the principles of good governance (the Nolan principles), drawn from the UK Government's Committee on Standards in Public Life and the findings of the 1994 Nolan Inquiry²
- An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.

² <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

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Part One: Code of Conduct Wāhanga Tuatahi: Anga Tikanga Whanonga

The [council, local, or community board] Code of Conduct has been adopted in accordance with the requirements of the Clause 15, Schedule 7 of the LGA 2002, which requires every local authority to adopt a code of conduct for members of the local authority.

Members' commitment Ngā herenga a ngā mema

These commitments apply when conducting the business of the local authority as its representative or the representative of an electorate, and communicating with other members, the media, the public, or staff. By adopting the Code of Conduct members agree that they will:

1. treat all people fairly,
2. treat all other members, staff, and members of the public, with respect,
3. share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties,
4. operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi,
5. make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the local authority,
6. take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
7. not bully, harass, or discriminate unlawfully against any person,
8. not bring the local authority into disrepute,
9. not use their position to improperly advantage themselves or anyone else or disadvantage another person,
10. not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority,
11. not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

Please note: a failure to act in accordance with these commitments may result in a complaint being taken against you.

The Code of Conduct sets standards for the behaviour of members towards other members, staff, the public, and the media. It is also concerned with the disclosure of information that members receive in their capacity as members. Members of a local authority must comply with the Code of Conduct of that local authority. More detail explaining the Code of Conduct is set out in Appendix 1.

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A copy of clause 15 of Schedule 7 of the LGA, which sets out the requirements for a code of conduct, is contained in Appendix 2.

Appendix 1: The Code of Conduct explained He whakamārama mō te Tikanga Whanonga

1. Definitions

For the purposes of this Code “member” means an elected or appointed member of:

- the governing body of the local authority,
- any committee or sub-committee of the local authority,
- any local board of the local authority, or
- any community board of the local authority.

Local authority means the kaunihera, local board or community board which has adopted this Code.

2. Te Tiriti o Waitangi

The [name] kaunihera commits to operating in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and acknowledges the following principles:

1. Tino Rangatiratanga: The principle of self-determination provides for Māori self-determination and mana motuhake. This requires local authorities to be open to working with mana whenua partners in the design and delivery of their work programmes,
2. Partnership: The principle of partnership implies that local authorities will seek to establish a strong and enduring relationship with iwi and Māori, within the context of iwi and Māori expectations. Kaunihera should identify opportunities, and develop and maintain ways, for Māori to contribute to kaunihera decisions, and consider ways kaunihera can help build Māori capacity to contribute to council decision-making,
3. Equity: The principle of equity requires local authorities to commit to achieving the equitable delivery of local public services,
4. Active protection: The principle of active protection requires local authorities to be well informed on the wellbeing of iwi, hapū and whanau within their respective rohe,
5. Options: The principle of options requires local authorities to ensure that its services are provided in a culturally appropriate way that recognises and supports the expression of te ao Māori.

3. Principles of good governance

Members recognise the importance of the following principles of good governance.

- **Public interest:** members should act solely in the public interest.

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- **Integrity:** members should not act or take decisions to gain financial or other benefits for themselves, their family, or their friends, or place themselves under any obligation to people or organisations that might inappropriately influence them in their work.
- **Tāria te wā and kaitiakitanga/stewardship:** members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
- **Objectivity:** members should act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.
- **Accountability:** members will be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
- **Openness:** members should act and take decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** members should be truthful and not misleading.
- **Leadership:** members should not only exhibit these principles in their own behaviour but also be willing to challenge poor behaviour in others, wherever it occurs.

4. Behaviours

To promote good governance and build trust between the local authority, its members, and citizens, members **agree** to the following standards of conduct when they are:

- conducting the business of the local authority,
- acting as a representative of the local authority,
- acting as a representative of their electorate,
- communicating with other members, the media, the public and staff, and
- using social media and other communication channels.³

Where a member's conduct falls short of these standards, members accept that they may be subject to a complaint made under the council's "Policy for alleged breaches of the Code of Conduct".

Respect

Members will treat all other members, staff, and members of the public, with respect.

Respect means politeness and courtesy in behaviour, speech, and writing. Debate and differences are all part of a healthy democracy. As a member of a local authority you can challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You must not, however, subject individuals, groups of people or organisations to personal attack.

³ Please refer to the Guidelines for the responsible use of social media in the LGNZ Good Governance Guide

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In your contact with the public, you should treat them politely and courteously. Offensive behaviour lowers the public's expectations of, and confidence in, your local authority. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

Bullying, harassment, and discrimination

Members will treat all people fairly and will not:

- bully any person,
- harass any person, or
- discriminate unlawfully against any person.

For the purpose of the Code of Conduct, bullying is offensive, intimidating, malicious, or insulting behaviour. It represents an abuse of power through means that undermine, humiliate, denigrate, or injure another person. It may be:

- a regular pattern of behaviour, or a one-off incident,
- occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
- may not always be obvious or noticed by others.

Harassment means conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following⁴:

age	skin, hair, or eye colour	race
disability	employment status	ethical belief
ethnic or national origin	family status	marital status
political opinion	religious belief	gender identity
sex	sexual orientation.	

⁴ See Human Rights Commission <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>

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Sharing information

Members will share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.

Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their kaunihera to properly perform its statutory duties. Where this occurs members will disclose any such information to other members and, where appropriate, the chief executive. Members who are offered information on the condition that it remains confidential will inform the person making the offer that they are under a duty to disclose such information, for example, to a governing body meeting in public exclusion.

Expressing personal views publicly

Members, except when authorised to speak on behalf of the local authority, will make it clear, when speaking to the media, on social media, or in hui and presentations, that statements reflect their personal view.

The media play an important role in the operation and efficacy of our local democracy and need accurate and timely information about the affairs of the local authority to fulfil that role. Members are free to express a personal view to the media and in other public channels at any time, provided the following rules are observed:

- they do not purport to talk on behalf of the local authority, if permission to speak on behalf of the authority has not been given to them
- their comments must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff, and
- their comments must not purposefully misrepresent the views of the local authority or other members.

Members will abide by the social media protocols described in Attachment A, LGNZ's Good Governance Guide, available at <https://www.lgnz.co.nz/assets/Induction/The-Good-Governance-Guide.pdf>

Provide equitable contribution

Members will take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of them.

Being a member is a position of considerable trust, given to you by your community to act on their behalf. To fulfil the expectations of your constituents and contribute to the good governance of your area it is important that you make all reasonable efforts to attend meetings and workshops, prepare for meetings, attend civic events, and participate in relevant training seminars.

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The local government workload can be substantial, and it is important that every member contributes appropriately. This requires members to often work as a team and avoid situations where the majority of the work falls on the shoulders of a small number of members.

Disrepute

Members will not bring the local authority into disrepute.

Members are trusted to make decisions on behalf of their communities and as such their actions and behaviours are subject to greater scrutiny than other citizens. Members' actions also reflect on the local authority as well as themselves and can serve to either boost or erode public confidence in both.

Behaviours that might bring a local authority into disrepute, and diminish its ability to fulfil its statutory role, include behaviours that are dishonest and/or deceitful. Adhering to this Code does not in any way limit a member's ability to hold the local authority and fellow members to account or constructively challenge and express concerns about decisions and processes undertaken by their local authority.

Use of position for personal advantage

Members will not use, or attempt to use, their position to improperly advantage themselves or anyone else, or disadvantage another person.

Being a member of a local authority comes with certain opportunities and privileges, including the power to make choices that can impact on others. Members must not take advantage of such opportunities to further their own or others' private interests or to disadvantage anyone unfairly. A member found to have personally benefited by information gained as an elected member may be subject to the provisions of the Secret Commissions Act 2010.

Impartiality

Members will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They must not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers to gain understanding of their thinking and decision-making, however, they must not seek to influence officials to change their advice or alter the content of a report, other than in a meeting or workshop, if doing so would prejudice their professional integrity. Members should:

- make themselves aware of the obligations that the local authority and chief executive have as employers and always observe these requirements, such as the obligation to be a good employer, and

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- observe any protocols put in place by the chief executive concerning contact between members and employees, and not publicly criticise individual staff.

If you have concerns about the behaviour of an official, whether permanent or contracted, you should raise your concerns with the local authority's chief executive, or, if the concerns are to do with the chief executive, raise them with the mayor, the council chairperson, or chief executive performance committee.

Maintaining confidentiality

Members will not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless.

1. they have the consent of a person authorised to give it,
2. they are required by law to do so,
3. the disclosure is to a third party to obtain professional legal advice, and that the third party agrees not to disclose the information to any other person, or
4. the disclosure is reasonable and in the public interest, is made in good faith, and in compliance with the reasonable requirements of the local authority.



Appendix 2: Requirement for a code of conduct Te herenga kia whai tikanga whanonga

Clause 15, Schedule 7 of the Local Government Act 2002 requires every local authority to adopt a code of conduct for members of the local authority. It states:

15 Code of conduct

A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

The code of conduct must set out –

1. understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including:
 - a. behaviour towards one another, staff, and the public; and
 - b. disclosure of information, including (but not limited to) the provision of any document, to elected members that –
 - i. is received by, or is in possession of, an elected member in his or her capacity as an elected member; and
 - ii. relates to the ability of the local authority to give effect to any provision of this Act; and
 - c. a general explanation of –
 - i. the Local Government Official Information and Meetings Act 1987; and
 - ii. any other enactment or rule of law applicable to members.
2. A local authority may amend or replace its code of conduct but may not revoke it without replacement.
3. A member of a local authority must comply with the code of conduct of that local authority.
4. A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
5. After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
6. To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.



Part 2: Policy for dealing with alleged breaches of the Code

Te kaupapahere hei whakahaere i ngā whakapae i takahia te Tikanga

Introduction

In its 2006 report on codes of conduct, the Office of the Auditor General (OAG) noted that many kaunihera lacked a process for distinguishing between trivial and serious breaches of the code and consequently spent considerable time and resource hearing complaints on inconsequential matters. Many other issues have also arisen, such as:

- failure to adequately guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint,
- examples of members of the public making complaints about the behaviour of individual members for reasons that appear to be more concerned with settling 'political' differences, and
- lack of preparedness. Many kaunihera discover, when faced with a code of conduct complaint, that they have failed to establish in advance the processes for handling the complaint, thus exacerbating the original issue.

Processes need to be put in place for investigating and resolving breaches of the code and the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the code.

Public Interest

In their report on codes of conduct, the Local Government Commission noted a lack of consistency in the way in which information about complaints and sanctions is communicated to the public. It stated that *"codes should provide for the proactive release of investigation outcomes in a timely manner and consistent fashion, in line with LGOIMA"* (LGC p.16).⁵ Reflecting the Commission's sentiments, the draft template for dealing with alleged breaches does not require minor breaches, or those that can be resolved through mediation, to be reported to the kaunihera. Maintaining confidentiality should reduce the incentive to use a code of conduct for political purposes.

Where a complaint has been referred to an independent investigator the draft policy recommends that the investigator's full report should be tabled at a kaunihera meeting and that should be public unless grounds to exclude the public exist. This reflects the likelihood that complaints that have been

⁵ Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <https://www.lgc.govt.nz/other-commission-work/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

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found to be material, and which have not been able to be resolved through mediation, or less, will of necessity be of high public interest.

Applying a penalty or sanction under the Code of Conduct should ideally be the last, rather than the first response. Most situations should be able to be resolved without the need for sanctions – frequently an apology is all it will take to resolve an issue.

Matters to consider when adopting a policy for dealing with alleged breaches

Having adopted the Code of Conduct members should consider adopting a policy for dealing with alleged breaches of the code. A policy to investigate and assess alleged breaches needs to be tailored to the circumstances of each kaunihera, given the diversity in capacity, resources, and cultural context.

The following policy template sets out procedures for investigating and assessing alleged breaches of the Code of Conduct. To ensure the policy is appropriate for the different scale and circumstances of kaunihera, the template provides a range of procedural options that need to be considered before the Policy should be adopted. The options are:

Decision 1 - A single step or two step assessment process?

This option is concerned with the process that should be followed once a complaint is received. Both are independent of the local authority; however the two-step process is designed to quickly address those complaints that have a low level of materiality, and with a minimum expense to the kaunihera. (See Attachment 3.3 for guidance on selecting the initial assessor and independent investigator.)

1. A **single step process**, in which the chief executive refers all complaints to an independent investigator who determines whether the complaint is valid and, if so, recommends an action(s) appropriate to the level of materiality or significance of the breach.
2. A **two-step process**, in which the chief executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to a chairperson or recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.

Please Note: The LGNZ template employs the two-step process which will need to be removed if a kaunihera chooses a single step process, or a third option.

Decision 2 – Binding or non-binding recommendations from an investigator?

A key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations is designed to achieve that independence, however, the perception of independence and objectivity may be lost if it is elected members who decide the nature of the action to be taken when a complaint is upheld, particularly in kaunihera with small numbers of elected members.

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One solution is for a local authority to agree to be bound by an independent investigator's recommendations. A slight variation would be to create an independent committee to consider an independent investigator's recommendations and either endorse or amend them. The local authority would agree to be bound by that external committee's recommendations.

Please note: The draft template policy (below) makes an investigator's recommendations binding as the default. Before adopting the template, local authorities need to make sure they are comfortable with this option or amend it as appropriate.

Process for adopting a policy for dealing with alleged breaches

Whether discussed at a council's induction, a stand-alone workshop, or at a local authority meeting, choices are available, for example:

- The Code of Conduct may be adopted without a policy for dealing with breaches, which may be left for further discussion at a later date.
- The Code of Conduct and the breach policy are adopted together, after members have made decisions about the investigation process (one or two step) and recommendations (binding or not) have been made.

The Attachments (set out in Part 3) are not part of the Code of Conduct or the breach policy, except where they are referenced explicitly. They have been prepared to assist members and officials implement the Code of Conduct and the breach policy.

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The [name] Council policy for investigating and ruling on alleged breaches of the Code of Conduct Te kaupapahere o te Kaunihera o [ingoa] hei tiroiro me te whakatau i ngā whakapae kua takahia te Tikanga Whanonga

Principles

The following principles will guide the investigation into, and assessment of, complaints made against a member for breaching the Code of Conduct:

- The complaints process will be independent, impartial, and respect members' privacy.
- Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- Members will have a right to seek independent advice, be represented, and, if they choose, be accompanied by a support person throughout the process.
- Complaints will be resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement.
- Complainants, and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution⁶.

Who can make a complaint?

The Code of Conduct is designed to be a self-regulatory instrument and complaints regarding a breach of the Code can only be made by members themselves, or the chief executive, who can make a complaint on behalf of their staff. On receipt of a complaint, the chief executive must forward the complaint to an independent person, either an independent investigator or an initial assessor, for an assessment.

Role of the initial assessor⁷

On receipt of a complaint an initial assessor will undertake an assessment to determine the relative merit and seriousness of the complaint, and the nature of the subsequent process that will be followed. The complaint may be dismissed if the initial assessor finds them to be trivial, vexatious, frivolous, or politically motivated.

⁶ For example, by enabling both parties to access a council's Employee Assistance Programme (EAP) or elected members' equivalent.

⁷ See Attachment 3.2 for advice on the appointment of an Initial Assessor.

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If a complaint is not dismissed, the initial assessor (or independent investigator in a one-step process) may initiate one of the following:

1 Refer to a chair or mayor

In the case of a breach that is not serious or amendable to mediation, the initial assessor may refer the person responsible for the alleged breach to the chair or mayor for their advice and guidance. These will not be reported to the local authority. A meeting or meetings with the chair will be regarded as sufficient to resolve the complaint. Where a member is referred to the chair, the initial assessor may also recommend, for the chair's consideration:

- That the member attends a relevant training course.
- That the member work with a mentor for a period.
- That the member tenders an apology.

2 Mediation

If the complaint concerns a dispute between two members, or between a member and another party, the initial assessor may recommend mediation. If mediation is agreed by both parties, then its completion will represent the end of the complaints process. The outcomes of any mediation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to the local authority unless the complaint is referred to an independent investigator, usually due to a failure of the mediation.

3 Refer to an independent investigator

Where the initial assessor finds that the complaint is serious or no resolution can be reached and/or mediation is refused, the initial assessor will refer the complaint to an independent investigator. The independent investigator will be selected from the local authority's independent investigators' panel assembled by the chief executive, or an independent investigator service that is contracted to the kaunihera. Complaints that involve a chairperson or chief executive will be referred directly to the independent investigator.

Complaints that are dismissed, referred to a chairperson, or resolved by mediation, will not be reported to the local authority.

Role of the independent investigator⁸

The independent investigator will:

- determine whether a breach has occurred,

⁸ See Attachment 3.2 for advice on the appointment of an Independent Investigator.

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- if so, determine the seriousness of the breach, and
- determine actions that a local authority should take in response to the breach.

Any recommended actions made in response to a complaint that has been upheld are binding on the local authority. This is to ensure the process for investigation is free of any suggestion of bias and reduces the cost of the complaints process, by reducing the time spent on it, by members and officials.

Determining the significance of an alleged breach

The independent investigator may take whatever actions they need to determine the significance of a complaint, within the budgetary constraints set down, including re-assessing the complaint.

The independent investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the chief executive which will set out the rationale for their findings and may include recommendations for resolving the breach and appropriate penalties.

When considering the issue of significance, the independent investigator will need to consider a range of factors before deciding, such as:

- Was the breach intentional or unintentional?
- Did it occur once or is there a pattern of recurring behaviour?
- Does the breach have legal or financial ramifications for the kaunihera?
- What is the impact of the breach on other elected members, on kaimahi (officials) and on the community in general?

Independent investigator can make a binding rule

On completing their investigation, an independent investigator may dismiss a complaint or make a binding ruling which the governing body will implement. The independent investigator's ruling will be contained in a report to the kaunihera chief executive which will form the basis of a consequent report to the governing body to inform them of the decision and the actions that they may be required to take.

Please note: All actions taken in the implementation of a policy must be consistent with the Bill of Rights Act 1990. No appeal right is included in the Code of Conduct. Members who are unhappy with an independent investigator's decision have access to judicial review and/or the Ombudsman's Office.

Costs and support

Kaunihera must ensure that members who make a complaint are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support.

The costs of assessment and investigatory services will be met by the relevant kaunihera.

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Part 3: Attachments Ngā tāpiritanga

3.1: Process for determining and investigating complaints Te tukanga whakatau me te tiroiro i ngā amuamu

Step 1: Chief executive receives complaint

All complaints made under this Code of Conduct must be made in writing and forwarded to the chief executive who will refer the complaint to the initial assessor. The chief executive will also:

- inform the complainant that the complaint has been referred to the independent person (named) and refer them to the process for dealing with complaints as set out in the Code of Conduct; and
- inform the respondent that a complaint has been made against them and the name of the independent investigator overseeing the process and refer them to the policy for dealing with complaints as set out in the Code of Conduct.

Step 2: Initial assessor makes an assessment and arranges mediation

1. The initial assessor will undertake an assessment of the merits of the complaint. If they consider it is not valid, the complaint will be dismissed. The complainant will have no recourse or appeal. Grounds for concluding that a complaint has no merit include that it is trivial, vexatious, frivolous, or politically motivated.
2. If deemed to have merit, the initial assessor will contact the parties to seek their agreement to independently facilitated mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required.
3. If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the initial assessor will refer the complaint to an independent investigator selected from a panel established by the chief executive at the start of the triennium, or service contracted to the local authority. The initial assessor will also inform the complainant and the respondent that the complaint has been referred to the independent investigator and the name of the independent investigator.

Step 3: Independent investigator to inquire and conclude on the matter

If the complaint is found to be a breach of the Code of Conduct the independent investigator will inform the initial assessor, who will inform the complainant and respondent. The independent investigator will then assess the nature and effect of the breach and prepare a report for the kaunihera on the seriousness of the breach and recommend actions commensurate with that breach. In preparing that report the independent investigator may:

- consult with the complainant, respondent, and any affected parties,
- undertake a hearing with relevant parties, and/or

- refer to any relevant documents or information.

At any stage in their inquiry the independent investigator may find that a breach has not occurred, or the matter should be referred to a relevant agency. If this is the case the independent investigator will inform the initial assessor who will inform the complainant and respondent that the complaint is dismissed or has been referred to a relevant named agency.

On receipt of the independent investigator's report the chief executive, or initial assessor, will prepare a report for the kaunihera, which will meet to consider the findings and implement any recommended actions. The report will include the full report prepared by the investigator.

Step 4: Process for considering the investigator's report

The process for responding to the independent investigator's report will vary according to the adopted Policy for determining and investigating complaints.

Process if the independent investigator's recommendations are binding

Where the council's policy for determining and investigating complaints provides for an independent investigator's recommendations to be binding on the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and their full report, will be presented to the governing body for its information only.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.

Process if the independent investigator's recommendations are non-binding

Where the council's Policy for determining and investigating complaints give an independent investigator the power to make recommendations to the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and report, will be presented to the governing body, or committee/sub-committee with delegated authority to consider code of conduct complaints,
- The governing body, or local/community board, will ensure that members with an interest in the complaint are not present during the discussion on the independent investigator's recommendations.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The governing body, local/community board, or committee/sub-committee with delegated authority, may accept the investigator's recommendations or, if they believe it is justified,

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amend the independent investigator's recommendations. As part of these considerations the complainant may be asked to appear before the governing body, board or committee and answer questions from members.

- The penalty or sanction that might be applied will depend on the seriousness of the breach and may include actions set out in Attachment Three.

3.2: Selecting the initial assessor and independent investigator Te kōwhiri i te tangata motuhake me te kaitirotiro motuhake

Selecting an initial assessor

The chief executive is responsible for this. In selected the initial assessor, the chief executive will consult with the local authority.

The initial assessor should be a person, or a position, that is independent of a local authority's political governance, while also being easily accessible, as their role is crucial if complaints are to be expedited quickly and without controversy. For example:

- The external appointee on a kaunihera's Audit and Risk Committee.
- A member of staff, such as an internal ombudsman or ethics adviser, as long as they have operational independence from the chief executive (similar to the independence afforded an Electoral Officer).
- A retired local authority chief executive.
- A retired local authority politician.
- A member of the public with relevant experience and competency.

Selecting an independent investigator⁹

The chief executive is responsible for compiling a panel or list of independent investigators.

At the beginning of each triennium the chief executive, in consultation with the kaunihera, will compile a list of independent investigators. In selecting them, a chief executive may consider:

- the council's legal advisers,
- a national service specialising in public sector integrity,
- a national service providing assessment and investigation services, or
- an individual with relevant skills and competencies.

Please note: Given the litigious nature of some code of conduct disputes independent investigators should have relevant liability insurance, provide on their own behalf or by the local authority. The chief executive also needs to ensure that investigations are undertaken within budgetary limits negotiated in advance.

⁹ At time of publication LGNZ is exploring options for the establishment of a national investigation and assessment service.

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3.3: Actions that may be applied when a breach has been confirmed Ngā mahi ka whāia pea ina whakatauhia tētahi takahanga

Where a complaint that the Code of Conduct was breached has been upheld, any actions taken against the member found to be in breach should be consistent with the following principles.

- Actions should be commensurate with the seriousness of the breach.
- Actions should be applied in a manner that is culturally appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the local authority by focusing on constructive mediation, learning, and member improvement.

In determining a response to a breach of the Code of Conduct, one or more of the following could be selected:

1. That no action is required.
2. That the member meets with the mayor/chair for advice.
3. That the member attends a relevant training course.
4. That the member agrees to cease the behaviour.
5. That the member work with a mentor for a period.
6. That the member tenders an apology.
7. That the member participates in voluntary mediation (if the complaint involves a conflict between two members).
8. That the local authority sends a letter of censure to the member.
9. That the local authority passes a vote of no confidence in the member.
10. That the member loses certain kaunihera-funded privileges (such as attendance at conferences).
11. That the member loses specific responsibilities, such as committee chair, deputy committee chair or portfolio holder.
12. That the member be subject to restricted entry to kaunihera offices, such as no access to staff areas (where restrictions may not previously have existed).
13. That the member be subject to limitations on their dealings with kaunihera staff, other than the chief executive or identified senior manager.
14. That the member be suspended from committees or other bodies to which the member has been appointed.
15. That the member be invited to consider resigning from the council.

Please note: Actions 1-6 will typically not be reported to the local authority. Actions 7-15, which have a high degree of public interest, namely democratic representation, should be considered in an open meeting, unless there are grounds, such as those set out in LGOIMA, for not doing so.

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Responses to statutory breaches

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

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

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3.4: Legislation which sets standards for ethical behaviour Ngā ture e whakatakoto ana i ngā paerewa mō ngā whanonga matatika

Clause 15 of Schedule 7 of the Local Government Act (the Act) 2002, requires that the Code of Conduct provides members with a general explanation of the Local Government Official Information and Meetings Act 1987, and any other enactment or rule of law that affects members.

The key statutes that promote ethical behaviour are the Local Government Act 2002 (LGA), Local Government Official Information Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968 (LAMIA), the Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

The Local Government Act 2002

The LGA 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning kaunihera decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the chief executive which is:

1. implementing the decisions of the local authority,
2. providing advice to members of the local authority and to its community boards, if any and
3. ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised,
4. ensuring the effective and efficient management of the activities of the local authority,
5. facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
6. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
7. providing leadership for the staff of the local authority,
8. employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
9. negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Local Government Official Information and Meetings act 1987

The LGOIMA sets rules for ensuring the public are able to access official information unless there is a valid reason for withholding it. All information should be considered public and released accordingly unless there is a compelling case for confidentiality. Even where information has been classified as confidential, best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

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There are both conclusive and other reasons for withholding information set out in sections 6 and 7 of LGOIMA, which include:

Conclusive reasons for withholding – if making the information available would likely:

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

Other reasons for withholding – withholding the information is necessary to:

- protect the privacy of natural persons, including that of deceased natural persons;
- protect information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- in the case of an application for resource consents or certain orders under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu;
- protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- avoid prejudice to measures protecting the health or safety of members of the public;
- avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- maintain the effective conduct of public affairs through free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- maintain legal professional privilege;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these 'other' reasons, a public interest balancing test applies. In these cases the kaunihera must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately authorised people within each kaunihera, and elected members must work within the rules adopted by each kaunihera.

The LGOIMA also sets the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

The role of the Ombudsman

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament. An Ombudsman's primary role under the Ombudsmen Act 1975 is to

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independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under LGOIMA.

Anyone who has a complaint of that nature about a local authority may ask an Ombudsman to investigate that complaint. Investigations are conducted in private. The Ombudsman may obtain whatever information is considered necessary, whether from the complainant, the chief executive of the local body involved, or any other party. The Ombudsman's decision is provided in writing to both parties.

If a complaint is sustained, the Ombudsman may recommend the local authority takes whatever action the Ombudsman considers would be an appropriate remedy. Any such recommendation is, however, not binding. Recommendations made to the local authority under this Act will, in general, become binding unless the local authority resolves otherwise. However, any such resolution must be recorded in writing and be made within 20 working days of the date of the recommendation.

The Local Authorities (Members' Interests) Act 1968

Pecuniary interests

The LAMIA provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA has two main rules, referred to here as the contracting rule (in section 3 of the LAMIA) and the participation rule (in section 6 of the LAMIA).

- The **contracting rule** prevents a member from having interests in contracts with the local authority that are worth more than \$25,000 in any financial year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office.
- The **participation rule** prevents a member from voting or taking part in the discussion of any matter in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence, and conviction results in automatic disqualification from office.

Both rules have a complex series of subsidiary rules about their scope and exceptions.

The LAMIA does not define when a person is "concerned or interested" in a contract (for the purposes of section 3) or when they are interested "directly or indirectly" in a decision (for the purposes of section 6). However, it does set out two situations where this occurs. These are broadly where:

- a person's spouse or partner is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person or their spouse or 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.

However, in some situations outside the two listed in the Act a person can be “concerned or interested” in a contract or have a pecuniary interest in a decision, for example, where a contract is between the members family trust and the kaunihera.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, which are addressed through the LAMIA, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider this question: 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. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any 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:

- statements or conduct indicate that a member has predetermined the decision before hearing all relevant information (that is, they have a “closed mind”), or
- a member has close relationship or involvement with an individual or organisation affected by the decision.

Seeking exemption from the Auditor-General

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

1. Section 6(3)(f) allows the Auditor-General to grant an exemption if, in their opinion, a member’s interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor when voting or taking part in the discussion.
2. Section 6(4) allows the Auditor-General to grant a declaration enabling a member to participate if they are satisfied that:
 - a. the application of the rule would impede the transaction of business by the council; or
 - b. it would be in the interests of the electors or residents of the district/region that the rule should not apply.

More information on non-pecuniary conflicts of interest and how to manage them can be found in the Auditor-General’s Guidance for members of local authorities about the law on conflicts of interest.

Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 is designed to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns. A protected disclosure occurs when the discloser believes, on reasonable grounds, that there is, or has been, **serious wrongdoing** in or by their organisation, they disclose in accordance with the Act, and they do not disclose in bad faith.

A discloser is a person who has an employment type relationship with the organisation they are disclosing about and includes current and former employees, homeworkers, secondees, contractors, volunteers, and board members. Serious wrongdoing includes:

- an offence
- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment
- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial
- an unlawful, corrupt, or irregular use of public funds or public resources
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation or the Government

Kaunihera need to have appropriate internal procedures that identify who in the organisation a protected disclosure may be made to, describe the protections available under the Act, and explain how the organisation will provide practical assistance and advice to disclosers. A discloser does not have to go through their organisation first. An appropriate authority can include the head of any public sector organisation and any officer of Parliament, such as the Ombudsman and Controller and Auditor-General. Ombudsmen are also an “appropriate authority” under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

The Serious Fraud Office Act 1990

The Serious Fraud Office (SFO) is the lead law enforcement agency for investigating and prosecuting serious financial crime, including bribery and corruption. The SFO has an increasing focus on prevention by building awareness and understanding of the risks of corruption – noting that the extent of corruption is influenced by organisational frameworks and support given to staff. The SFO encourages organisations to adopt appropriate checks and balances and build a culture based on ethics and integrity.

The four basic elements of best practice organisational control promoted by the SFO involve:

- Operations people with the right skills and experience in the relevant areas, with clear accountability lines.

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- Risk mitigation to manage risks that can't be eliminated through segregation, discretion reduction, delegations, management oversight, and audit.
- Basic standards of behaviour moderated by a Code of Conduct, ongoing interests and gift processes (not simply annual declaration), plenty of opportunities and ways to speak up, disciplinary options, training and support.
- Design and oversight based on a clear understanding of operational realities (design, governance, management, audit, investigation, business improvement, and legal).

The Local Government (Pecuniary Interests Register) Act 2022

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

The Health and Safety Act at Work Act 2015

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) - all involved in work, including elected members, are required to have a duty of care. Elected members are “officers” under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- stepping up and being accountable,
- identifying and managing your risks,
- making health and safety part of your organisation’s culture, and
- getting your workers involved.

Councils have wide discretion about how these matters might be applied, for example:

- adopting a charter setting out the elected members’ role in leading health and safety – with your chief executive,
- publishing a safety vision and beliefs statement,
- establishing health and safety targets for the organisation with your chief executive,
- ensuring there is an effective linkage between health and safety goals and the actions and priorities of your chief executive and their senior management, or
- having effective implementation of a fit-for-purpose health and safety management system.

Elected members, through their chief executive need to ensure their organisations have sufficient personnel with the right skill mix and support, to meet the health and safety requirements. This includes making sure that funding is sufficient to effectively implement and maintain the system and its improvement programmes.

The Harmful Digital Communications Act 2015

The Harmful Digital Communications Act (HDCA) was passed to help people dealing with serious or repeated harmful digital communications. The Act covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the Act a digital communication should not:

- disclose sensitive personal facts about an individual
- be threatening, intimidating, or menacing
- be grossly offensive to a reasonable person in the position of the affected individual
- be indecent or obscene
- be used to harass an individual
- make a false allegation
- contain a matter that is published in breach of confidence

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- incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
- incite or encourage an individual to commit suicide
- denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

More information about the Act can be found at [Netsafe](#).

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3.5: Case studies for assessing potential breaches: Ngā rangahau whakapūaho mō te aromatawai i ngā tūpono takahanga

Example one: staff accused of improper motives

Councillor Smith was elected on a platform of stopping the sale of kaunihera housing. The kaunihera has made a decision to sell the kaunihera housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that kaunihera staff advising on the sale “must have owned shares” in the company that proposed to buy the houses.

Cr Smith’s actions in releasing a media statement criticising a decision after it has been made would probably not in and of itself constitute a breach of a reasonable code of conduct. Cr Smith has a right to express a viewpoint and, provided that he makes it clear he is expressing a personal view, then issuing a critical press statement is an action he is entitled to take. If his statements failed to make it clear that he was expressing a personal or minority view then it may be a non-material breach of the Code, probably one where censure would be the appropriate response.

However, this media statement includes an allegation that staff advice was based on improper motives or corruption. This is a breach of most codes of conduct. It is most likely to be a material breach given the potential impact on the kaunihera’s reputation and the reputation of staff.

Also, there is no qualified privilege attached to public statements about employees which are false and damaging. In other words, elected members may be sued for defamatory statements made about employees.

Example two: leak of confidential information

Cr Jones is on the kaunihera’s Works and Services Committee. The Committee is currently considering tenders for the construction of a new wastewater treatment plant and has received four tenders in commercial confidence. The Committee has recommended to kaunihera that they award the contract to the lowest tenderer. Cr Jones is concerned the lowest tender proposes to treat sewage to a lesser standard than others. She leaks all four tenders to the local media. A subsequent investigation by the kaunihera conclusively traces the leak back to her.

In leaking the tender information to the media, Cr Jones will have breached most codes of conduct. This breach has potentially serious consequences for the kaunihera as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the kaunihera, which may lead to them not dealing with council in future, or even complaints under the Privacy Act 2020.

In circumstances such as these where an elected member fails to respect a commercial confidence censure and removal from the committee is an obvious first step. The kaunihera may be liable for prosecution under the Privacy Act 2020 and even to civil litigation.

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In the event that the kaunihera suffers financial loss it may elect to ask the Auditor-General to prepare a report on the loss (or the Audit Office may do so on their own initiative), which may result in Cr Jones having to make good the loss from her own pocket.

Example three: member purports to speak on behalf of kaunihera

Eastland Regional Council is conducting a performance review of the chief executive. It has established a chief executive Performance Management Committee to conduct the review. In the course of that review the committee meets informally with the chief executive to review which performance targets were met and which were not. The meeting notes that the chief executive has been unable to meet two of his twenty targets and resolves to formally report this to the full kaunihera for its consideration. At the conclusion of that meeting Councillor Black leaves to find a local reporter waiting outside and makes the comment that “Jack White won’t be getting a pay increase this year because he didn’t meet all his targets”.

This action will probably constitute a breach of most codes of conduct in that it:

- breached a confidence,
- presumed to speak on behalf of council,
- purported to commit council to a course of action before the council and made a decision (or even met to consider the matter), and
- failed to treat a staff member with respect and/or courtesy.

In addition to the provisions of the Code of Conduct, Cr Black’s actions will severely undermine the relationship between the chief executive and the kaunihera, which may well constitute grounds for litigation against the kaunihera both in terms of employment and privacy law.

Example four: member criticises staff performance in media

Cr Mary Fogg, concerned about the failure of her kaunihera to respond quickly to resident complaints about flooding in their neighbourhood, expressed her frustration when speaking at a public meeting and, as part of her response to questions stated that kaunihera staff had dropped the ball and failed to take residents’ concerns seriously.

The councillor’s remarks were reported in the local suburban paper and were read by kaunihera staff, some of whom felt that they had been unfairly criticised and raised the matter with their chief executive. The chief executive felt it necessary to lodge a complaint under the council’s Code of Conduct because the member’s comments were disrespectful of staff.

The question for the initial assessor is whether, publicly expressing disappointment in the performance of the staff is a breach of the Code of Conduct. Considerations might include:

- Whether there was a basis of fact for the member’s comments.
- How the member’s views were expressed, that is, as a form of constructive criticism or not.

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- The right of an employer (staff are employed by the local authority) to express a view should an organisation fail to live up to expectations.
- Whether a general statement about the performance of staff is in anyway comparable to a public criticism of an individual staff member, which would be a clear breach and might be an example of intimidation or harassment.

In this case the initial assessor concluded that it was not unreasonable for a member to make general statement about the performance of staff as a collective, indeed, one of her pre-election commitments was to improve the responsiveness of kaunihera staff. However, the assessor also concluded that the article lacked sufficient context to explain why she was disappointed, especially when some of the concerns were outside the control of staff and recommended that the member meet with the mayor to get guidance on how to raise such concerns in the future.

Example five: member accused of using sexist language and humour

Towards the end of the first year of the new triennium, the chief executive received a complaint, signed by four councillors, alleging that Cr Rob Jones regularly used sexist language in meetings, workshops and other official engagements. The councillors who made the complaint alleged that his tendency to call female colleagues 'girls'; interrupt them while speaking or ignore their comments; and that his use of sexist humour was demeaning to women and inconsistent with the behaviours set out in the Code of Conduct; the commitment to treat other members, staff and members of the public with respect. The chief executive forwarded the complaint to the independent investigator.

The investigator, having access to minutes, video recordings and the testimony of other members, was able to easily confirm that the complaint was justified and that both Cr Jones' language and behaviour was inconsistent with the Code. That left the Investigator with the task of determining how serious the breach was and what actions should be taken. Factors that the investigator took into consideration included:

- that the issue had been raised with Cr Jones earlier in the year by a colleague, with no obvious change in behaviour
- that Cr Jones was one of the kaunihera's representatives on its Youth Committee, bringing him into regular contact with young people
- that the kaunihera had adopted a specific policy to be a safe and supportive workplace for both elected members and staff.

Taking these factors into account the Investigator recommended that Cr Jones be removed from his role as a kaunihera representative on the Youth Committee; should be enrolled in a relevant course to better understand offensive behaviour and its impacts; and meet monthly with mayor to monitor his behaviour.

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Example six: Councillor Facebook page used to disparage others

Councillors Sarah Smith and William Getty share political views in common and have recently established a Facebook group through which they promote debate and discussion with like-minded people in their district. Some of the participants in that Facebook Group make posts that include explicit criticism of other councillors, sometimes using explicit language, commenting on things like the way they voted, their motivations and personal matters. Some of the councillors targeted by the abuse complained to Cllrs Smith and Getty who, in response, closed the Facebook page to other councillors, preventing them from joining or viewing the content.

Rather than solve the concerns the decision to close the Facebook to others created additional anxiety for some councillors who became concerned that the page may be sharing their personal details and mis-representing their views. A complaint was made to the chief executive that the Code of Conduct had been breached, on the basis that the decision to exclude them from the website, and the fact that it appeared to me unmoderated, was intimidating, potentially exposed them to harm and allowed promoted statements about them and the council that were clearly untrue. The chief executive referred the complaint to the council's independent investigator.

The investigator found that, while Cllrs Smith and Getty were not directly mis-representing the views of their colleagues, they were indirectly encouraging it, which breached the Code. Because this was the first complaint, and because the two councillors believed that by limiting access to the website, they had addressed the initial concerns, the investigator did not regard the breach as material. She recommended that the two councillors remove the block preventing other councillors from joining or accessing the site and install a system for approving posts, such as a moderator, before they are published.



WAIROA DISTRICT COUNCIL

CODE OF CONDUCT

Adopted on 8th November 2022

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Introduction - Kupu whakataki

Congratulations on being elected as a member of local government. Your community has bestowed a unique and special honour on you to represent them and make decisions on their behalf that will provide benefit for current and future generations. It's an honour that should not be taken lightly. The way you conduct yourself while participating as a member of your council (kaunihera) should reflect the responsibility you have been given and requires you to be inclusive of all, respectful, and to uphold the mana of your position.

The Code of Conduct is designed to ensure that the governance of our local authorities is undertaken with the highest degree of integrity while also providing a safe and rewarding environment in which all elected members can thrive.

All kaunihera have a statutory obligation under the Local Government Act 2002, to adopt a code of conduct. This guide has been prepared to assist kaunihera in meeting that obligation and includes:

- A code of conduct template.
- A draft policy for assessing alleged breaches of the Code of Conduct.
- Supplementary information, including an overview of the legislation that sets standards for ethical behaviour, criteria for assessing alleged breaches and actions that local authorities can take where a complaint has been upheld.

Why a code of conduct? - He aha te take o te tikanga whanonga?

Codes of conduct are common features in local government. They complement specific statutes, such as the Local Government and Meetings Act 1987 (LGOIMA), designed to ensure openness and transparency. Codes of conduct are an important part of building community confidence in our system and processes, and contribute to:

- good governance of the city, district, or region,
- effective decision-making and community engagement,
- the credibility and accountability of the local authority to its communities, and
- a culture of mutual trust and respect between members of the local authority and with management.

Codes of conduct should promote effective working relationships within a local authority and between the authority and its community. It should promote free and frank debate which should in turn result in good decision making.

Codes of conduct are not a means of preventing members from expressing their personal views provided they are clearly signaled as personal views. Rather the code is designed to promote robust debate and the expression of all views by providing a framework to ensure that debate is conducted in a civil and respectful way.

A code of conduct sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards.

Codes of conduct cannot stand alone

Codes of conduct work best when they are supported by other mechanisms. For example, codes should be linked to other procedural documents, such as Standing Orders, which provide rules for the conduct for meetings, while a code governs day-to-day and less formal relationships.

Matters to consider before adopting a code of conduct

To be effective a code needs to be “owned” by elected members; members must be comfortable with the content and the processes for investigating breaches. Nothing is more likely to promote non-compliance than elected members being expected to adhere to something they have had no input into. To reinforce the importance of the code, the Local Government Commission, in its report on codes of conduct to the Minister of Local Government, recommends that the code is included in the statutory briefing made at each local authority’s inaugural meeting.¹

In addition, members should discuss the nature of good governance and the code at their council-organised induction workshop, usually held in the months immediately following local authority elections. It is also recommended that a review of the code is undertaken part way through the triennium, assisted by an independent facilitator.

Review and amendment

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

Kaunihera are encouraged to formally review their existing code and either amend or re-adopt it as soon as practicable after the beginning of each triennium, to ensure that the code is fully endorsed by all members.

Changes to the 2019 LGNZ Code of Conduct template

A significant change to the 2022 template is the focus on managing specific types of behaviors, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members. The following have also been added to the template:

- An explicit description of unacceptable behaviours.
- An acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to kaunihera.

¹ Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <https://www.lgc.govt.nz/other-commission-work/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

- An acknowledgement of the principles of good governance (the Nolan principles), drawn from the UK Government's Committee on Standards in Public Life and the findings of the 1994 Nolan Inquiry²
- An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.

² <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

Part One: Code of Conduct - Anga Tikanga Whanonga

The [council, local, or community board] Code of Conduct has been adopted in accordance with the requirements of the Clause 15, Schedule 7 of the LGA 2002, which requires every local authority to adopt a code of conduct for members of the local authority.

Ngā herenga a ngā mema **Members' commitment**

These commitments apply when conducting the business of the local authority as its representative or the representative of an electorate, and communicating with other members, the media, the public, or staff. By adopting the Code of Conduct members agree that they will:

1. treat all people fairly,
2. treat all other members, staff, and members of the public, with respect,
3. share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties,
4. operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi,
5. make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the local authority,
6. take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
7. not bully, harass, or discriminate unlawfully against any person,
8. not bring the local authority into disrepute,
9. not use their position to improperly advantage themselves or anyone else or disadvantage another person,
10. not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority,
11. not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

Please note: a failure to act in accordance with these commitments may result in a complaint being taken against you.

The Code of Conduct sets standards for the behaviour of members towards other members, staff, the public, and the media. It is also concerned with the disclosure of information that members receive in their capacity as members. Members of a local authority must comply with the Code of Conduct of that local authority. More detail explaining the Code of Conduct is set out in Appendix 1.

A copy of clause 15 of Schedule 7 of the LGA, which sets out the requirements for a code of conduct, is contained in Appendix 2.

Appendix 1: The Code of Conduct explained Definitions - He whakamārama mō te Tikanga Whanonga

For the purposes of this Code “member” means an elected or appointed member of:

- the governing body of the local authority,
- any committee or sub-committee of the local authority,
- any local board of the local authority, or
- any community board of the local authority.

Local authority means the kaunihera, local board or community board which has adopted this Code.

1. The Treaty of Waitangi - Te Tiriti o Waitangi

The [name] kaunihera commits to operating in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and acknowledges the following principles:

1. Tino Rangatiratanga: The principle of self-determination provides for Māori self-determination and mana motuhake. This requires local authorities to be open to working with mana whenua partners in the design and delivery of their work programmes,
2. Partnership: The principle of partnership implies that local authorities will seek to establish a strong and enduring relationship with iwi and Māori, within the context of iwi and Māori expectations. Kaunihera should identify opportunities, and develop and maintain ways, for Māori to contribute to kaunihera decisions, and consider ways kaunihera can help build Māori capacity to contribute to council decision-making,
3. Equity: The principle of equity requires local authorities to commit to achieving the equitable delivery of local public services,
4. Active protection: The principle of active protection requires local authorities to be well informed on the wellbeing of iwi, hapū and whanau within their respective rohe,
5. Options: The principle of options requires local authorities to ensure that its services are provided in a culturally appropriate way that recognises and supports the expression of te ao Māori.

2. Principles of good governance

Members recognise the importance of the following principles of good governance.

- **Public interest:** members should act solely in the public interest.
- **Integrity:** members should not act or take decisions to gain financial or other benefits for themselves, their family, or their friends, or place themselves under any obligation to people or organisations that might inappropriately influence them in their work.
- **Tāria te wā and kaitiakitanga/stewardship:** members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
- **Objectivity:** members should act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.

- **Accountability:** members will be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
- **Openness:** members should act and take decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** members should be truthful and not misleading.
- **Leadership:** members should not only exhibit these principles in their own behaviour but also be willing to challenge poor behaviour in others, wherever it occurs.

3. Behaviours

To promote good governance and build trust between the local authority, its members, and citizens, members **agree** to the following standards of conduct when they are:

- conducting the business of the local authority,
- acting as a representative of the local authority,
- acting as a representative of their electorate,
- communicating with other members, the media, the public and staff, and
- using social media and other communication channels.³

Where a member's conduct falls short of these standards, members accept that they may be subject to a complaint made under the council's "Policy for alleged breaches of the Code of Conduct".

Respect

Members will treat all other members, staff, and members of the public, with respect.

Respect means politeness and courtesy in behaviour, speech, and writing. Debate and differences are all part of a healthy democracy. As a member of a local authority you can challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You must not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Offensive behaviour lowers the public's expectations of, and confidence in, your local authority. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

Bullying, harassment, and discrimination

Members will treat all people fairly and will not:

- bully any person,

³ Please refer to the Guidelines for the responsible use of social media in the LGNZ Good Governance Guide

- harass any person, or
- discriminate unlawfully against any person.

For the purpose of the Code of Conduct, bullying is offensive, intimidating, malicious, or insulting behaviour. It represents an abuse of power through means that undermine, humiliate, denigrate, or injure another person. It may be:

- a regular pattern of behaviour, or a one-off incident,
- occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
- may not always be obvious or noticed by others.

Harassment means conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following⁴:

age	skin, hair, or eye colour	race
disability	employment status	ethical belief
ethnic or national origin	family status	marital status
political opinion	religious belief	gender identity
sex	sexual orientation.	

Sharing information

Members will share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.

Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their kaunihera to properly perform its statutory duties. Where this occurs members will disclose any such information to other members and, where appropriate, the chief executive. Members who are offered information on the condition that it remains confidential will inform the person making the offer that they are under a duty to disclosure such information, for example, to a governing body meeting in public exclusion.

⁴ See Human Rights Commission <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>

Expressing personal views publicly

Members, except when authorised to speak on behalf of the local authority, will make it clear, when speaking to the media, on social media, or in hui and presentations, that statements reflect their personal view.

The media play an important role in the operation and efficacy of our local democracy and need accurate and timely information about the affairs of the local authority to fulfil that role. Members are free to express a personal view to the media and in other public channels at any time, provided the following rules are observed:

- they do not purport to talk on behalf of the local authority, if permission to speak on behalf of the authority has not been given to them
- their comments must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff, and
- their comments must not purposefully misrepresent the views of the local authority or other members.

Members will abide by the social media protocols described in Attachment Two.

Provide equitable contribution

Members will take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of them.

Being a member is a position of considerable trust, given to you by your community to act on their behalf. To fulfil the expectations of your constituents and contribute to the good governance of your area it is important that you make all reasonable efforts to attend meetings and workshops, prepare for meetings, attend civic events, and participate in relevant training seminars.

The local government workload can be substantial, and it is important that every member contributes appropriately. This requires members to often work as a team and avoid situations where the majority of the work falls on the shoulders of a small number of members.

Disrepute

Members will not bring the local authority into disrepute.

Members are trusted to make decisions on behalf of their communities and as such their actions and behaviours are subject to greater scrutiny than other citizens. Members' actions also reflect on the local authority as well as themselves and can serve to either boost or erode public confidence in both.

Behaviours that might bring a local authority into disrepute, and diminish its ability to fulfil its statutory role, include behaviours that are dishonest and/or deceitful. Adhering to this Code does not in any way limit a member's ability to hold the local authority and fellow members to account or constructively challenge and express concerns about decisions and processes undertaken by their local authority.

Use of position for personal advantage

Members will not use, or attempt to use, their position to improperly advantage themselves or anyone else, or disadvantage another person.

Being a member of a local authority comes with certain opportunities and privileges, including the power to make choices that can impact on others. Members must not take advantage of such opportunities to further their own or others' private interests or to disadvantage anyone unfairly. A member found to have personally benefited by information gained as an elected member may be subject to the provisions of the Secret Commissions Act 2010.

Impartiality

Members will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They must not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers to gain understanding of their thinking and decision-making, however, they must not seek to influence officials to change their advice or alter the content of a report, other than in a meeting or workshop, if doing so would prejudice their professional integrity. Members should:

- make themselves aware of the obligations that the local authority and chief executive have as employers and always observe these requirements, such as the obligation to be a good employer, and
- observe any protocols put in place by the chief executive concerning contact between members and employees, and not publicly criticise individual staff.

If you have concerns about the behaviour of an official, whether permanent or contracted, you should raise your concerns with the local authority's chief executive, or, if the concerns are to do with the chief executive, raise them with the mayor, the council chairperson, or chief executive performance committee.

Maintaining confidentiality

Members will not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless.

1. they have the consent of a person authorised to give it,
2. they are required by law to do so,
3. the disclosure is to a third party to obtain professional legal advice, and that the third party agrees not to disclose the information to any other person, or
4. the disclosure is reasonable and in the public interest, is made in good faith, and in compliance with the reasonable requirements of the local authority.

Appendix 2: Requirement for a code of conduct - Te herenga kia whai tikanga whanonga

Clause 15, Schedule 7 of the Local Government Act 2002 requires every local authority to adopt a code of conduct for members of the local authority. It states:

15 Code of conduct

A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

The code of conduct must set out –

1. understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including:
 - a. behaviour towards one another, staff, and the public; and
 - b. disclosure of information, including (but not limited to) the provision of any document, to elected members that –
 - i. is received by, or is in possession of, an elected member in his or her capacity as an elected member; and
 - ii. relates to the ability of the local authority to give effect to any provision of this Act; and
 - c. a general explanation of –
 - i. the Local Government Official Information and Meetings Act 1987; and
 - ii. any other enactment or rule of law applicable to members.
2. A local authority may amend or replace its code of conduct but may not revoke it without replacement.
3. A member of a local authority must comply with the code of conduct of that local authority.
4. A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
5. After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
6. To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

Part 2: Policy for dealing with alleged breaches of the Code -

Te kaupapahere hei whakahaere i ngā whakapae i takahia te Tikanga

Introduction

In its 2006 report on codes of conduct, the Office of the Auditor General (OAG) noted that many kaunihera lacked a process for distinguishing between trivial and serious breaches of the code and consequently spent considerable time and resource hearing complaints on inconsequential matters. Many other issues have also arisen, such as:

- failure to adequately guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint,
- examples of members of the public making complaints about the behaviour of individual members for reasons that appear to be more concerned with settling ‘political’ differences, and
- lack of preparedness. Many kaunihera discover, when faced with a code of conduct complaint, that they have failed to establish in advance the processes for handling the complaint, thus exacerbating the original issue.

Processes need to be put in place for investigating and resolving breaches of the code and the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the code.

Public Interest

In their report on codes of conduct, the Local Government Commission noted a lack of consistency in the way in which information about complaints and sanctions is communicated to the public. It stated that “*codes should provide for the proactive release of investigation outcomes in a timely manner and consistent fashion, in line with LGOIMA*” (LGC p.16).⁵ Reflecting the Commission’s sentiments, the draft template for dealing with alleged breaches does not require minor breaches, or those that can be resolved through mediation, to be reported to the kaunihera. Maintaining confidentiality should reduce the incentive to use a code of conduct for political purposes.

Where a complaint has been referred to an independent investigator the draft policy recommends that the investigator’s full report should be tabled at a kaunihera meeting and that should be public unless grounds to exclude the public exist. This reflects the likelihood that complaints that have been found to be material, and which have not been able to be resolved through mediation, or less, will of necessity be of high public interest.

⁵ Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <https://www.lgc.govt.nz/other-commission-work/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

Applying a penalty or sanction under the Code of Conduct should ideally be the last, rather than the first response. Most situations should be able to be resolved without the need for sanctions – frequently an apology is all it will take to resolve an issue.

Matters to consider when adopting a policy for dealing with alleged breaches

Having adopted the Code of Conduct members should consider adopting a policy for dealing with alleged breaches of the code. A policy to investigate and assess alleged breaches needs to be tailored to the circumstances of each kaunihera, given the diversity in capacity, resources, and cultural context.

The following policy template sets out procedures for investigating and assessing alleged breaches of the Code of Conduct. To ensure the policy is appropriate for the different scale and circumstances of kaunihera, the template provides a range of procedural options that need to be considered before the Policy should be adopted. The options are:

Decision 1 - A single step or two step assessment process?

This option is concerned with the process that should be followed once a complaint is received. Both are independent of the local authority; however the two-step process is designed to quickly address those complaints that have a low level of materiality, and with a minimum expense to the kaunihera. (See Attachment 3.3 for guidance on selecting the initial assessor and independent investigator.)

1. A **single step process**, in which the chief executive refers all complaints to an independent investigator who determines whether the complaint is valid and, if so, recommends an action(s) appropriate to the level of materiality or significance of the breach.
2. A **two-step process**, in which the chief executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to a chairperson or recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.

Please Note: The LGNZ template employs the two-step process which will need to be removed if a kaunihera chooses a single step process, or a third option.

Decision 2 – Binding or non-binding recommendations from an investigator?

A key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations is designed to achieve that independence, however, the perception of independence and objectivity may be lost if it is elected members who decide the nature of the action to be taken when a complaint is upheld, particularly in kaunihera with small numbers of elected members.

One solution is for a local authority to agree to be bound by an independent investigator's recommendations. A slight variation would be to create an independent committee to consider an independent investigator's recommendations and either endorse or amend them. The local authority would agree to be bound by that external committee's recommendations.

Please note: The draft template policy (below) makes an investigator's recommendations binding as the default. Before adopting the template, local authorities need to make sure they are comfortable with this option or amend it as appropriate.

Process for adopting a policy for dealing with alleged breaches

Whether discussed at a council's induction, a stand-alone workshop, or at a local authority meeting, choices are available, for example:

- The Code of Conduct may be adopted without a policy for dealing with breaches, which may be left for further discussion at a later date.
- The Code of Conduct and the breach policy are adopted together, after members have made decisions about the investigation process (one or two step) and recommendations (binding or not) have been made.

The Attachments (set out in Part 3) are not part of the Code of Conduct or the breach policy, except where they are referenced explicitly. They have been prepared to assist members and officials implement the Code of Conduct and the breach policy.

The Wairoa District Council policy for investigating and ruling on alleged breaches of the Code of Conduct

Te kaupapahere o te Kaunihera o te Wairoa hei tiro tiro me te whakatau i ngā whakapae kua takahia te Tikanga Whanonga

Principles

The following principles will guide the investigation into, and assessment of, complaints made against a member for breaching the Code of Conduct:

- The complaints process will be independent, impartial, and respect members' privacy.
- Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- Members will have a right to seek independent advice, be represented, and, if they choose, be accompanied by a support person throughout the process.
- Complaints will be resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement.
- Complainants, and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution⁶.

Who can make a complaint?

The Code of Conduct is designed to be a self-regulatory instrument and complaints regarding a breach of the Code can only be made by members themselves, or the chief executive, who can make a complaint on behalf of their staff. On receipt of a complaint, the chief executive must forward the complaint to an independent person, either an independent investigator or an initial assessor, for an assessment.

Role of the initial assessor⁷

On receipt of a complaint an initial assessor will undertake an assessment to determine the relative merit and seriousness of the complaint, and the nature of the subsequent process that will be followed. The complaint may be dismissed if the initial assessor finds them to be trivial, vexatious, frivolous, or politically motivated.

⁶ For example, by enabling both parties to access a council's Employee Assistance Programme (EAP) or elected members' equivalent.

⁷ See Attachment 3.2 for advice on the appointment of an Initial Assessor.

If a complaint is not dismissed, the initial assessor (or independent investigator in a one-step process) may initiate one of the following:

1 Refer to a chair or mayor

In the case of a breach that is not serious or amendable to mediation, the initial assessor may refer the person responsible for the alleged breach to the chair or mayor for their advice and guidance. These will not be reported to the local authority. A meeting or meetings with the chair will be regarded as sufficient to resolve the complaint. Where a member is referred to the chair, the initial assessor may also recommend, for the chair's consideration:

- That the member attends a relevant training course.
- That the member work with a mentor for a period.
- That the member tenders an apology.

2 Mediation

If the complaint concerns a dispute between two members, or between a member and another party, the initial assessor may recommend mediation. If mediation is agreed by both parties, then its completion will represent the end of the complaints process. The outcomes of any mediation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to the local authority unless the complaint is referred to an independent investigator, usually due to a failure of the mediation.

3 Refer to an independent investigator

Where the initial assessor finds that the complaint is serious or no resolution can be reached and/or mediation is refused, the initial assessor will refer the complaint to an independent investigator. The independent investigator will be selected from the local authority's independent investigators' panel assembled by the chief executive, or an independent investigator service that is contracted to the kaunihera. Complaints that involve a chairperson or chief executive will be referred directly to the independent investigator.

Complaints that are dismissed, referred to a chairperson, or resolved by mediation, will not be reported to the local authority.

Role of the independent investigator⁸

The independent investigator will:

- determine whether a breach has occurred,
- if so, determine the seriousness of the breach, and
- determine actions that a local authority should take in response to the breach.

⁸ See Attachment 3.2 for advice on the appointment of an Independent Investigator.

Any recommended actions made in response to a complaint that has been upheld are binding on the local authority. This is to ensure the process for investigation is free of any suggestion of bias and reduces the cost of the complaints process, by reducing the time spent on it, by members and officials.

Determining the significance of an alleged breach

The independent investigator may take whatever actions they need to determine the significance of a complaint, within the budgetary constraints set down, including re-assessing the complaint.

The independent investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the chief executive which will set out the rationale for their findings and may include recommendations for resolving the breach and appropriate penalties.

When considering the issue of significance, the independent investigator will need to consider a range of factors before deciding, such as:

- Was the breach intentional or unintentional?
- Did it occur once or is there a pattern of recurring behaviour?
- Does the breach have legal or financial ramifications for the kaunihera?
- What is the impact of the breach on other elected members, on kaimahi (officials) and on the community in general?

Independent investigator can make a binding rule

On completing their investigation, an independent investigator may dismiss a complaint or make a binding ruling which the governing body will implement. The independent investigator's ruling will be contained in a report to the kaunihera chief executive which will form the basis of a consequent report to the governing body to inform them of the decision and the actions that they may be required to take.

Please note: All actions taken in the implementation of a policy must be consistent with the Bill of Rights Act 1990. No appeal right is included in the Code of Conduct. Members who are unhappy with an independent investigator's decision have access to judicial review and/or the Ombudsman's Office.

Costs and support

Kaunihera must ensure that members who make a complaint are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support.

The costs of assessment and investigatory services will be met by the relevant kaunihera.

Part 3: Attachments - Ngā tāpiritanga

3.1: Process for determining and investigating complaints - Te tukanga whakatau me te tiro tiro i ngā amuamu

Step 1: Chief executive receives complaint

All complaints made under this Code of Conduct must be made in writing and forwarded to the chief executive who will refer the complaint to the initial assessor. The chief executive will also:

- inform the complainant that the complaint has been referred to the independent person (named) and refer them to the process for dealing with complaints as set out in the Code of Conduct; and
- inform the respondent that a complaint has been made against them and the name of the independent investigator overseeing the process and refer them to the policy for dealing with complaints as set out in the Code of Conduct.

Step 2: Initial assessor makes an assessment and arranges mediation

1. The initial assessor will undertake an assessment of the merits of the complaint. If they consider it is not valid, the complaint will be dismissed. The complainant will have no recourse or appeal. Grounds for concluding that a complaint has no merit include that it is trivial, vexatious, frivolous, or politically motivated.
2. If deemed to have merit, the initial assessor will contact the parties to seek their agreement to independently facilitated mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required.
3. If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the initial assessor will refer the complaint to an independent investigator selected from a panel established by the chief executive at the start of the triennium, or service contracted to the local authority. The initial assessor will also inform the complainant and the respondent that the complaint has been referred to the independent investigator and the name of the independent investigator.

Step 3: Independent investigator to inquire and conclude on the matter

If the complaint is found to be a breach of the Code of Conduct the independent investigator will inform the initial assessor, who will inform the complainant and respondent. The independent investigator will then assess the nature and effect of the breach and prepare a report for the kaunihera on the seriousness of the breach and recommend actions commensurate with that breach. In preparing that report the independent investigator may:

- consult with the complainant, respondent, and any affected parties,
- undertake a hearing with relevant parties, and/or
- refer to any relevant documents or information.

At any stage in their inquiry the independent investigator may find that a breach has not occurred, or the matter should be referred to a relevant agency. If this is the case the independent investigator will inform the initial assessor who will inform the complainant and respondent that the complaint is dismissed or has been referred to a relevant named agency.

On receipt of the independent investigator's report the chief executive, or initial assessor, will prepare a report for the kaunihera, which will meet to consider the findings and implement any recommended actions. The report will include the full report prepared by the investigator.

Step 4: Process for considering the investigator's report

The process for responding to the independent investigator's report will vary according to the adopted Policy for determining and investigating complaints.

Process if the independent investigator's recommendations are binding

Where the council's policy for determining and investigating complaints provides for an independent investigator's recommendations to be binding on the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and their full report, will be presented to the governing body for its information only.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.

Process if the independent investigator's recommendations are non-binding

Where the council's Policy for determining and investigating complaints give an independent investigator the power to make recommendations to the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and report, will be presented to the governing body, or committee/sub-committee with delegated authority to consider code of conduct complaints,
- The governing body, or local/community board, will ensure that members with an interest in the complaint are not present during the discussion on the independent investigator's recommendations.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The governing body, local/community board, or committee/sub-committee with delegated authority, may accept the investigator's recommendations or, if they believe it is justified, amend the independent investigator's recommendations. As part of these considerations the complainant may be asked to appear before the governing body, board or committee and answer questions from members.
- The penalty or sanction that might be applied will depend on the seriousness of the breach and may include actions set out in Attachment Three.

3.2: Selecting the initial assessor and independent investigator - Te kōwhiri i te tangata motuhake me te kaitirotiro Motuhake

Selecting an initial assessor

The chief executive is responsible for this. In selected the initial assessor, the chief executive will consult with the local authority.

The initial assessor should be a person, or a position, that is independent of a local authority's political governance, while also being easily accessible, as their role is crucial if complaints are to be expedited quickly and without controversy. For example:

- The external appointee on a kaunihera's Audit and Risk Committee.
- A member of staff, such as an internal ombudsman or ethics adviser, as long as they have operational independence from the chief executive (similar to the independence afforded an Electoral Officer).
- A retired local authority chief executive.
- A retired local authority politician.
- A member of the public with relevant experience and competency.

Selecting an independent investigator⁹

The chief executive is responsible for compiling a panel or list of independent investigators.

At the beginning of each triennium the chief executive, in consultation with the kaunihera, will compile a list of independent investigators. In selecting them, a chief executive may consider:

- the council's legal advisers,
- a national service specialising in public sector integrity,
- a national service providing assessment and investigation services, or
- an individual with relevant skills and competencies.

Please note: Given the litigious nature of some code of conduct disputes independent investigators should have relevant liability insurance, provide on their own behalf or by the local authority. The chief executive also needs to ensure that investigations are undertaken within budgetary limits negotiated in advance.

⁹ At time of publication LGNZ is exploring options for the establishment of a national investigation and assessment service.

3.3: Actions that may be applied when a breach has been confirmed - Ngā mahi ka whāia pea ina whakatauhia tētahi takahanga

Where a complaint that the Code of Conduct was breached has been upheld, any actions taken against the member found to be in breach should be consistent with the following principles.

- Actions should be commensurate with the seriousness of the breach.
- Actions should be applied in a manner that is culturally appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the local authority by focusing on constructive mediation, learning, and member improvement.

In determining a response to a breach of the Code of Conduct, one or more of the following could be selected:

1. That no action is required.
2. That the member meets with the mayor/chair for advice.
3. That the member attends a relevant training course.
4. That the member agrees to cease the behaviour.
5. That the member work with a mentor for a period.
6. That the member tenders an apology.
7. That the member participates in voluntary mediation (if the complaint involves a conflict between two members).
8. That the local authority sends a letter of censure to the member.
9. That the local authority passes a vote of no confidence in the member.
10. That the member loses certain kaunihera-funded privileges (such as attendance at conferences).
11. That the member loses specific responsibilities, such as committee chair, deputy committee chair or portfolio holder.
12. That the member be subject to restricted entry to kaunihera offices, such as no access to staff areas (where restrictions may not previously have existed).
13. That the member be subject to limitations on their dealings with kaunihera staff, other than the chief executive or identified senior manager.
14. That the member be suspended from committees or other bodies to which the member has been appointed.
15. That the member be invited to consider resigning from the council.

Please note: Actions 1-6 will typically not be reported to the local authority. Actions 7-15, which have a high degree of public interest, namely democratic representation, should be considered in an open meeting, unless there are grounds, such as those set out in LGOIMA, for not doing so.

Responses to statutory breaches

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

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

3.4 Legislation which sets standards for ethical behaviour - Ngā ture e whakatakoto ana i ngā paerewa mō ngā whanonga matatika

Clause 15 of Schedule 7 of the Local Government Act (the Act) 2002, requires that the Code of Conduct provides members with a general explanation of the Local Government Official Information and Meetings Act 1987, and any other enactment or rule of law that affects members.

The key statutes that promote ethical behaviour are the Local Government Act 2002 (LGA), Local Government Official Information Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968 (LAMIA), the Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

The Local Government Act 2002

The LGA 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning kaunihera decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the chief executive which is:

1. implementing the decisions of the local authority,
2. providing advice to members of the local authority and to its community boards, if any and
3. ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised,
4. ensuring the effective and efficient management of the activities of the local authority,
5. facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
6. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
7. providing leadership for the staff of the local authority,
8. employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
9. negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Local Government Official Information and Meetings Act 1987

The LGOIMA sets rules for ensuring the public are able to access official information unless there is a valid reason for withholding it. All information should be considered public and released accordingly unless there is a compelling case for confidentiality. Even where information has been classified as confidential, best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

There are both conclusive and other reasons for withholding information set out in sections 6 and 7 of LGOIMA, which include:

Conclusive reasons for withholding – if making the information available would likely:

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

Other reasons for withholding – withholding the information is necessary to:

- protect the privacy of natural persons, including that of deceased natural persons;
- protect information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- in the case of an application for resource consents or certain orders under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu;
- protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- avoid prejudice to measures protecting the health or safety of members of the public;
- avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- maintain the effective conduct of public affairs through free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- maintain legal professional privilege;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these ‘other’ reasons, a public interest balancing test applies. In these cases the kaunihera must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately authorised people within each kaunihera, and elected members must work within the rules adopted by each kaunihera.

The LGOIMA also sets the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

The role of the Ombudsman

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament. An Ombudsman’s primary role under the Ombudsmen Act 1975 is to independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under LGOIMA.

Anyone who has a complaint of that nature about a local authority may ask an Ombudsman to investigate that complaint. Investigations are conducted in private. The Ombudsman may obtain

whatever information is considered necessary, whether from the complainant, the chief executive of the local body involved, or any other party. The Ombudsman's decision is provided in writing to both parties.

If a complaint is sustained, the Ombudsman may recommend the local authority takes whatever action the Ombudsman considers would be an appropriate remedy. Any such recommendation is, however, not binding. Recommendations made to the local authority under this Act will, in general, become binding unless the local authority resolves otherwise. However, any such resolution must be recorded in writing and be made within 20 working days of the date of the recommendation.

The Local Authorities (Members' Interests) Act 1968

Pecuniary interests

The LAMIA provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA has two main rules, referred to here as the contracting rule (in section 3 of the LAMIA) and the participation rule (in section 6 of the LAMIA).

- The **contracting rule** prevents a member from having interests in contracts with the local authority that are worth more than \$25,000 in any financial year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office.
- The **participation rule** prevents a member from voting or taking part in the discussion of any matter in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence, and conviction results in automatic disqualification from office.

Both rules have a complex series of subsidiary rules about their scope and exceptions.

The LAMIA does not define when a person is "concerned or interested" in a contract (for the purposes of section 3) or when they are interested "directly or indirectly" in a decision (for the purposes of section 6). However, it does set out two situations where this occurs. These are broadly where:

- a person's spouse or partner is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person or their spouse or 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.

However, in some situations outside the two listed in the Act a person can be "concerned or interested" in a contract or have a pecuniary interest in a decision, for example, where a contract is between the members family trust and the kaunihera.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, which are addressed through the LAMIA, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider

this question: 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. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any 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:

- statements or conduct indicate that a member has predetermined the decision before hearing all relevant information (that is, they have a “closed mind”), or
- a member has close relationship or involvement with an individual or organisation affected by the decision.

Seeking exemption from the Auditor-General

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

1. Section 6(3)(f) allows the Auditor-General to grant an exemption if, in their opinion, a member’s interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor when voting or taking part in the discussion.
2. Section 6(4) allows the Auditor-General to grant a declaration enabling a member to participate if they are satisfied that:
 - a. the application of the rule would impede the transaction of business by the council; or
 - b. it would be in the interests of the electors or residents of the district/region that the rule should not apply.

More information on non-pecuniary conflicts of interest and how to manage them can be found in the Auditor-General’s Guidance for members of local authorities about the law on conflicts of interest.

Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 is designed to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns. A protected disclosure occurs when the discloser believes, on reasonable grounds, that there is, or has been, **serious wrongdoing** in or by their organisation, they disclose in accordance with the Act, and they do not disclose in bad faith.

A discloser is a person who has an employment type relationship with the organisation they are disclosing about and includes current and former employees, homeworkers, secondees, contractors, volunteers, and board members. Serious wrongdoing includes:

- an offence

- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment
- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial
- an unlawful, corrupt, or irregular use of public funds or public resources
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation or the Government

Kaunihera need to have appropriate internal procedures that identify who in the organisation a protected disclosure may be made to, describe the protections available under the Act, and explain how the organisation will provide practical assistance and advice to disclosers. A discloser does not have to go through their organisation first. An appropriate authority can include the head of any public sector organisation and any officer of Parliament, such as the Ombudsman and Controller and Auditor-General. Ombudsmen are also an “appropriate authority” under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

The Serious Fraud Office Act 1990

The Serious Fraud Office (SFO) is the lead law enforcement agency for investigating and prosecuting serious financial crime, including bribery and corruption. The SFO has an increasing focus on prevention by building awareness and understanding of the risks of corruption – noting that the extent of corruption is influenced by organisational frameworks and support given to staff. The SFO encourages organisations to adopt appropriate checks and balances and build a culture based on ethics and integrity.

The four basic elements of best practice organisational control promoted by the SFO involve:

- Operations people with the right skills and experience in the relevant areas, with clear accountability lines.
- Risk mitigation to manage risks that can’t be eliminated through segregation, discretion reduction, delegations, management oversight, and audit.
- Basic standards of behaviour moderated by a Code of Conduct, ongoing interests and gift processes (not simply annual declaration), plenty of opportunities and ways to speak up, disciplinary options, training and support.
- Design and oversight based on a clear understanding of operational realities (design, governance, management, audit, investigation, business improvement, and legal).

The Local Government (Pecuniary Interests Register) Act 2022

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The purpose of the register is to record members’ interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

The Health and Safety Act at Work Act 2015

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) - all involved in work, including elected members, are required to have a duty of care. Elected members are “officers” under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- stepping up and being accountable,
- identifying and managing your risks,
- making health and safety part of your organisation’s culture, and
- getting your workers involved.

Councils have wide discretion about how these matters might be applied, for example:

- adopting a charter setting out the elected members’ role in leading health and safety – with your chief executive,
- publishing a safety vision and beliefs statement,
- establishing health and safety targets for the organisation with your chief executive,

- ensuring there is an effective linkage between health and safety goals and the actions and priorities of your chief executive and their senior management, or
- having effective implementation of a fit-for-purpose health and safety management system.

Elected members, through their chief executive need to ensure their organisations have sufficient personnel with the right skill mix and support, to meet the health and safety requirements. This includes making sure that funding is sufficient to effectively implement and maintain the system and its improvement programmes.

The Harmful Digital Communications Act 2015

The Harmful Digital Communications Act (HDCA) was passed to help people dealing with serious or repeated harmful digital communications. The Act covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the Act a digital communication should not:

- disclose sensitive personal facts about an individual
- be threatening, intimidating, or menacing
- be grossly offensive to a reasonable person in the position of the affected individual
- be indecent or obscene
- be used to harass an individual
- make a false allegation
- contain a matter that is published in breach of confidence
- incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
- incite or encourage an individual to commit suicide
- denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

More information about the Act can be found at [Netsafe](https://www.netsafe.org.nz/).

3.5: Case studies for assessing potential breaches - Ngā rangahau whakapūaho mō te aromatawai i ngā tūpono takahanga

Example one: staff accused of improper motives

Councillor Smith was elected on a platform of stopping the sale of kaunihera housing. The kaunihera has made a decision to sell the kaunihera housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that kaunihera staff advising on the sale “must have owned shares” in the company that proposed to buy the houses.

Cr Smith’s actions in releasing a media statement criticising a decision after it has been made would probably not in and of itself constitute a breach of a reasonable code of conduct. Cr Smith has a right to express a viewpoint and, provided that he makes it clear he is expressing a personal view, then issuing a critical press statement is an action he is entitled to take. If his statements failed to make it clear that he was expressing a personal or minority view then it may be a non-material breach of the Code, probably one where censure would be the appropriate response.

However, this media statement includes an allegation that staff advice was based on improper motives or corruption. This is a breach of most codes of conduct. It is most likely to be a material breach given the potential impact on the kaunihera’s reputation and the reputation of staff.

Also, there is no qualified privilege attached to public statements about employees which are false and damaging. In other words, elected members may be sued for defamatory statements made about employees.

Example two: leak of confidential information

Cr Jones is on the kaunihera’s Works and Services Committee. The Committee is currently considering tenders for the construction of a new wastewater treatment plant and has received four tenders in commercial confidence. The Committee has recommended to kaunihera that they award the contract to the lowest tenderer. Cr Jones is concerned the lowest tender proposes to treat sewage to a lesser standard than others. She leaks all four tenders to the local media. A subsequent investigation by the kaunihera conclusively traces the leak back to her.

In leaking the tender information to the media, Cr Jones will have breached most codes of conduct. This breach has potentially serious consequences for the kaunihera as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the kaunihera, which may lead to them not dealing with council in future, or even complaints under the Privacy Act 2020.

In circumstances such as these where an elected member fails to respect a commercial confidence censure and removal from the committee is an obvious first step. The kaunihera may be liable for prosecution under the Privacy Act 2020 and even to civil litigation.

In the event that the kaunihera suffers financial loss it may elect to ask the Auditor-General to prepare a report on the loss (or the Audit Office may do so on their own initiative), which may result in Cr Jones having to make good the loss from her own pocket.

Example three: member purports to speak on behalf of kaunihera

Eastland Regional Council is conducting a performance review of the chief executive. It has established a chief executive Performance Management Committee to conduct the review. In the course of that review the committee meets informally with the chief executive to review which performance targets were met and which were not. The meeting notes that the chief executive has been unable to meet two of his twenty targets and resolves to formally report this to the full kaunihera for its consideration. At the conclusion of that meeting Councillor Black leaves to find a local reporter waiting outside and makes the comment that “Jack White won’t be getting a pay increase this year because he didn’t meet all his targets”.

This action will probably constitute a breach of most codes of conduct in that it:

- breached a confidence,
- presumed to speak on behalf of council,
- purported to commit council to a course of action before the council and made a decision (or even met to consider the matter), and
- failed to treat a staff member with respect and/or courtesy.

In addition to the provisions of the Code of Conduct, Cr Black’s actions will severely undermine the relationship between the chief executive and the kaunihera, which may well constitute grounds for litigation against the kaunihera both in terms of employment and privacy law.

Example four: member criticises staff performance in media

Cr Mary Fogg, concerned about the failure of her kaunihera to respond quickly to resident complaints about flooding in their neighbourhood, expressed her frustration when speaking at a public meeting and, as part of her response to questions stated that kaunihera staff had dropped the ball and failed to take residents’ concerns seriously.

The councillor’s remarks were reported in the local suburban paper and were read by kaunihera staff, some of whom felt that they had been unfairly criticised and raised the matter with their chief executive. The chief executive felt it necessary to lodge a complaint under the council’s Code of Conduct because the member’s comments were disrespectful of staff.

The question for the initial assessor is whether, publicly expressing disappointment in the performance of the staff is a breach of the Code of Conduct. Considerations might include:

- Whether there was a basis of fact for the member’s comments.
- How the member’s views were expressed, that is, as a form of constructive criticism or not.
- The right of an employer (staff are employed by the local authority) to express a view should an organisation fail to live up to expectations.
- Whether a general statement about the performance of staff is in anyway comparable to a public criticism of an individual staff member, which would be a clear breach and might be an example of intimidation or harassment.

In this case the initial assessor concluded that it was not unreasonable for a member to make general statement about the performance of staff as a collective, indeed, one of her pre-election commitments was to improve the responsiveness of kaunihera staff. However, the assessor also concluded that the article lacked sufficient context to explain why she was disappointed, especially when some of the concerns were outside the control of staff and recommended that the member meet with the mayor to get guidance on how to raise such concerns in the future.

Example five: member accused of using sexist language and humour

Towards the end of the first year of the new triennium, the chief executive received a complaint, signed by four councillors, alleging that Cr Rob Jones regularly used sexist language in meetings, workshops and other official engagements. The councillors who made the complaint alleged that his tendency to call female colleagues 'girls'; interrupt them while speaking or ignore their comments; and that his use of sexist humour was demeaning to women and inconsistent with the behaviours set out in the Code of Conduct; the commitment to treat other members, staff and members of the public with respect. The chief executive forwarded the complaint to the independent investigator.

The investigator, having access to minutes, video recordings and the testimony of other members, was able to easily confirm that the complaint was justified and that both Cr Jones' language and behaviour was inconsistent with the Code. That left the Investigator with the task of determining how serious the breach was and what actions should be taken. Factors that the investigator took into consideration included:

- that the issue had been raised with Cr Jones earlier in the year by a colleague, with no obvious change in behaviour
- that Cr Jones was one of the kaunihera's representatives on its Youth Committee, bringing him into regular contact with young people
- that the kaunihera had adopted a specific policy to be a safe and supportive workplace for both elected members and staff.

Taking these factors into account the Investigator recommended that Cr Jones be removed from his role as a kaunihera representative on the Youth Committee; should be enrolled in a relevant course to better understand offensive behaviour and its impacts; and meet monthly with mayor to monitor his behaviour.

Example six: Councillor Facebook page used to disparage others

Councillors Sarah Smith and William Getty share political views in common and have recently established a Facebook group through which they promote debate and discussion with like-minded people in their district. Some of the participants in that Facebook Group make posts that include explicit criticism of other councillors, sometimes using explicit language, commenting on things like the way they voted, their motivations and personal matters. Some of the councillors targeted by the abuse complained to Cllrs Smith and Getty who, in response, closed the Facebook page to other councillors, preventing them from joining or viewing the content.

Rather than solve the concerns the decision to close the Facebook to others created additional anxiety for some councillors who became concerned that the page may be sharing their personal details and

mis-representing their views. A complaint was made to the chief executive that the Code of Conduct had been breached, on the basis that the decision to exclude them from the website, and the fact that it appeared to me unmoderated, was intimidating, potentially exposed them to harm and allowed promoted statements about them and the council that were clearly untrue. The chief executive referred the complaint to the council's independent investigator.

The investigator found that, while Cllrs Smith and Getty were not directly mis-representing the views of their colleagues, they were indirectly encouraging it, which breached the Code. Because this was the first complaint, and because the two councillors believed that by limiting access to the website, they had addressed the initial concerns, the investigator did not regard the breach as material. She recommended that the two councillors remove the block preventing other councillors from joining or accessing the site and install a system for approving posts, such as a moderator, before they are published.

8.7 ESTABLISHMENT OF COMMITTEES AND ADOPTION OF TERMS OF REFERENCE

Author: Te Aroha Cook, Group Manager – Community Services and Development

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices: 1. **Appendix 1 DRAFT Terms of Reference for Council Committees** [↓](#)

1. PURPOSE

1.1 The purpose of this report is to establish several Committees and Standing Committees of Council for the 2025 – 2028 Triennium, and to adopt the Terms of Reference for each of these Committees.

1.2 Once all committees have been established, the Governance Team will compile the Terms of Reference into a single document for ease of reference, and to manage future amendments to Terms of Reference or changes to Council Committee structures

RECOMMENDATION

The Group Manager – Community Services and Development **RECOMMENDS** that Council receives the report, confirms the appointment of the Chairs and members to each Council Committee, and adopts the Terms of Reference for; the Environmental and Economic Development Committee, Assurance, Risk and Infrastructure Committee, Chief Executives Performance Review Committee, and the Māori Standing Committee.

2. BACKGROUND

2.1 Council has many functions, powers and responsibilities, which for efficiency and effectiveness, may be delegated to Committees, or other subordinate decision making bodies, an elected member, or the Chief Executive

2.2 The Mayor has the power to establish the Council Committee structure and to appoint the Chair of each committee under s.41A of the Local Government Act 2002.

2.3 To operate effectively each committee must have a Terms of Reference established by Council. The Terms of reference must specify the committees membership, quorum, functions/responsibilities, and delegations.

2.4 **Council Committee Structure and Membership** The Mayor has engaged in discussion with all elected members of the proposed committee structure for the new triennium and has exercised his power to appoint elected members to the following Committees and Standing Committees of Council.

3.1.1 The purpose of the **Chief Executive Performance Review Committee** is to act as the primary point of contact between the Chief Executive and Council and is responsible for acting for and advising Council on matters pertaining to the employment and performance of the Council's Chief Executive Officer.

Chair: Deputy Mayor Cairns

Members: Councillor Bird
Councillor Harker

- 3.1.2 The purpose of the **Environmental and Economic Development Committee** is to guide and support sustainable economic development that strengthens local businesses, fosters new opportunities, and contributes to population and workforce growth, while safeguarding the district's natural resources and environmental wellbeing for future generations. Any other elected member may attend a meeting of this committee.

Chair: Councillor Thomas

Members: Councillor Harker
Councillor Tahuri

- 3.1.3 The purpose of the **Assurance, Risk and Infrastructure Committee** is to monitor overall financial management and the performance of the Council; provide strategic direction on Council's infrastructure, and, to act as a liaison point with the Council's auditors in order to ensure robust financial audits and reviews of Wairoa District Council.

Chair: Deputy Mayor Cairns

Members: Mayor Little
Councillor Bird
Councillor Harker
Councillor Tahuri
Councillor Thomas
Councillor Waikawa

Note: This committee has evolved from combining two committees from the previous triennium, the Finance, Risk and Audit Committee, and the Infrastructure and Regulatory Committee.

- 3.1.4 The purpose of the **Māori Standing Committee** is to provide a Māori perspective to guide Council with its legislative responsibilities in the implementation of policies and work programmes to enable effective governance, engagement, and service delivery for all people within the district.

Chair: (To be Appointed at the first meeting of this Committee)

Members: Deputy Mayor Cairns
Councillor Tahuri
Councillor Waikawa

Note: The Chair of the Māori Standing Committee (MSC) is appointed by the Takiwā representatives of this committee. It is envisaged appointment of Takiwā members to this committee for the 2025-2028 Triennium will be finalised in February/March 2026. Council has determined that current MSC members will remain in office until the nomination and appointment process for the new triennium is completed. This will ensure continuity in effective governance and engagement with Māori.

Any other Elected Member may attend a meeting of this committee.

- 3.1.5 The purpose of the **Youth Council** is to provide Council with an independent youth voice to support the decision-making process at the Local Government level. This voice allows younger Rangatahi to let Council hear their thoughts on the impacts of Councils decisions on their own generation as the future ratepayers of Wairoa.

Chair: (To be appointed at the first meeting of this committee)

Members: Councillor Tahuri
Councillor Waikawa

Note: The Chair of the Youth Council is appointed by the Rangatahi/Youth Members. It is envisaged that the appointment of Rangatahi members to the Youth Council will be finalised in February/March 2026 to align with commencement of the new year for educational/training providers.

3. TERMS OF REFERENCE

- 3.1 Terms of Reference (**Appendix 1**) for Committees and Standing Committees of Council have been reviewed at several Council workshops and are attached for Council's adoption. Council may make any further changes required as part of this meeting, or may request the Terms of Reference for any Committee to be reviewed, and/or amended, at any time during the 2025 – 2028 Triennium.
- 3.2 The Terms of Reference (TOR) for the Māori Standing Committee (MSC) have been reviewed by current Māori Standing Committee members, and Elected Members. The Draft of these TOR following review have been circulated and endorsed for forwarding to Council for adoption at a full meeting of Council.
- 3.3 The Terms of Reference for the Youth Council have not been included, as a meeting between the appointed Councillor's and Youth/Rangatahi to discuss expectations, will be scheduled in February/March 2026.

4. OPTIONS

- 4.1 The options identified are:
- A. Confirm the appointments for the Chairs and members to each Council Committee, and adopt the Terms of Reference for; the Environmental and Economic Development Committee, Assurance, Risk and Infrastructure Committee, Chief Executives Performance Review Committee, and the Māori Standing Committee.
 - B. Confirm the appointments for the Chairs and members to each Council Committee and adopt the Terms of Reference for; the Environmental and Economic Development Committee, Assurance, Risk and Infrastructure Committee, Chief Executives Performance Review Committee, and the Māori Standing Committee with amendments to membership and/or the Terms of Reference.
 - C. Do not confirm appointments, and not adopt the Terms of Reference for the proposed Council Committee and Standing Committee Structure.
- 4.2 **Option A - Confirm the appointments for the Chairs and members to each Council Committee and adopt the Terms of Reference for; the Environmental and Economic Development Committee, Assurance, Risk and Infrastructure Committee, Chief Executives Performance Review Committee, and the Māori Standing Committee.**

Adopting **Option A** recognises the Mayors legislative power to establish a committee structure and to appoint a Chair and Members to each of those committees. It also acknowledges that the proposed Terms of Reference (TORs) for each committee have been reviewed by elected members at several workshops and that recommended amendments have been included in the reviewed TORs attached as Appendix 1.

4.3 Option B – Confirm the appointments for the Chairs and members to each Council Committee, and adopt the Terms of Reference for; the Environmental and Economic Development Committee, Assurance, Risk and Infrastructure Committee, Chief Executives Performance Review Committee, and the Māori Standing Committee with amendments to membership and/or the Terms of Reference.

Option B provides an opportunity for any further amendments to be made to the Terms of Reference, if required. Option B also provides an opportunity for the Mayor to consider any suggestions to amend the proposed membership, however the Mayor is not obligated to agree to any suggested change in membership.

4.4 Option C - Do not confirm appointments and not adopt the Terms of Reference for the proposed Council Committee and Standing Committee Structure.

Option C would prohibit any of the proposed committees from being able to meet, as membership of each committee and a Terms of Reference must be approved by Council.

5.5 The preferred option is Option A - Confirm the appointments for the Chairs and members to each Council Committee and adopt the Terms of Reference for; the Environmental and Economic Development Committee, Assurance, Risk and Infrastructure Committee, Chief Executives Performance Review Committee, and the Māori Standing Committee.

5. CORPORATE CONSIDERATIONS

Compliance with Legislation and Council Policy

5.1 Local Government Act 2002

What is the cost?

5.2 There are no financial implications to Council as associated costs are provided for in the 2025/2026 Annual Plan. Consideration will need to be given in preparing budgets for the 2026/2027 Annual Plan for additional expenses that may be incurred by members of the Māori Standing Committee, and any independent member/advisor to the Chief Executive Performance Review Committee, and the Assurance, Risk and Infrastructure Committee.

Māori Standing Committee

- 6.3 The report has not been referred to the Māori Standing Committee, however the Terms of Reference for the Māori Standing Committee have been provided to the current committee takiwā representatives, and resulting amendments requested, included within the proposed Terms of reference.

6. SIGNIFICANCE

- 6.1 The level of significance has been assessed as low as this report is of an administrative nature and does not require consultation.

7. RISK MANAGEMENT

- 7.1 Risk has been considered and is considered **Low** if **Options A or B** are supported. Risk would be considered **High** if Council were to select **Option C - Do not confirm appointments, and not adopt the Terms of Reference for the proposed Council Committee and Standing Committee Structure** as there would be reputational risk with the Takiwā of the Wairoa Districty, and wider Wairoa Communitiy as there would be no forum in which to engage with Māori effectively in governance matters. In addition, all matters requiring consideration of reports would need to go to an ordinary Meeting of Council risking the ability to meet all legislative responsibilities.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

DRAFT Terms of Reference

Version: 1.0

Chief Executive Performance Review Committee

Reports To: The Council

Chairperson: Deputy Mayor

Ngā Mematanga / Membership: The Mayor (ex-officio) and (3) three Councillors
A human resources management specialist may be co-opted to provide advice to the Committee but is not a member

Te Kōrama / Quorum: The Chairperson and any two members

Ngā Wā Hui / Meeting Frequency: Three (3) times a year / As required

Te Kaupapa / Purpose:

The Chief Executive Performance Review Committee is the primary point of contact between the Chief Executive and Council and is responsible for acting for and advising Council on matters pertaining to the employment and performance of the Council's Chief Executive Officer.

Ngā Kawenga / Responsibilities

- To manage the recruitment and selection process of a Chief Executive.
- To develop and consult with Council annually on performance targets and key performance indicators for the Chief Executive, including associated methods of measurement and the review process.
- To negotiate annually with the Chief Executive performance targets and key performance indicators including associated methods of measurement and the review process.
- To conduct an annual review of the Chief Executives performance and remuneration.
- To develop and consult with Council, appropriate amendments or adjustments to the terms and conditions of employment and remuneration of the Chief Executive arising from the annual review.
- To negotiate and determine any agreed amendments or adjustments to the terms and conditions of employment and remuneration with the Chief Executive annually.
- To develop and agree with the Chief Executive, an annual development plan to address any training needs.
- To meet with the Chief Executive three times a year to discuss progress on performance targets and key result areas and the agreed personal development plan and negotiate any revision or change as is considered necessary.
- To consider and advise council on all matters relevant to the employment of Council's Chief Executive.
- To represent Council in regard to any issue which may arise in respect to the Chief Executive's position description, agreement, performance objectives or other similar matters.
- To conduct and complete a review of employment under clause 35, schedule 7, of the Local Government Act 2002, and make recommendation to Council as to the continued appointment or vacancy under clause 34, schedule 7, of the Local Government Act 2002.

DRAFT Terms of Reference

Version: 1.0

Delegated Authority

The Committee is delegated the following powers to act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to limitations imposed.
- To negotiate and recommend to Council on performance and agreement measures and annual remuneration.
- To engage an external advisor / advisors where required in order to fulfil its responsibilities.

The Committee are delegated authority to act on all matters within its Terms of Reference except those excluded by Clause 32(1) schedule 7, of the the Local Government Act 2002.

The Committee **IS NOT** delgated authority to:

- Appoint the Chief Executive; or
- Approve the Chief Executive's annual remuneration

Ngā Tukunga / Procedures

- Minutes are submitted to Council for receipt (Public Excluded)
- There will be an appropriate induction for new members of the Committee

DRAFT Terms of Reference

Version: 1.0

Assurance, Risk and Infrastructure Committee

Reports To: The Council

Chairperson: Appointed by the Mayor

Ngā Mematanga / Membership: Full Council
Independent (Financial/Infrastructure) Advisor/s
- Advisor/s appointed as required

Te Kōrama / Quorum: The Chairperson and any three elected members

Ngā Wā Hui / Meeting Frequency: Every 3rd Tuesday of the month

Te Kaupapa / Purpose:

To monitor overall financial management and the performance of the Council; and act as a liaison point with the Council's auditors in order to ensure robust financial audits and reviews of Wairoa District Council.

To provide strategic direction on Council's ageing infrastructure, and the infrastructure climate change mitigation and adaptation programme of works.

To provide strategic direction on Council's procurement framework and related documentation and to finalise procurement for contracts under \$100,000.

Ngā Kawenga / Responsibilities

- Ensure that the work of the Committee is carried out in a way that enhances the social, economic, cultural, and environmental wellbeing of the Wairoa district
- Monitor the Council's external and internal audit work programmes and processes.
- Provide a communication link between management, internal/external auditors and the Council.
- Receive the Auditor's Management Report and make recommendations (if any) to Council on any suggested actions by the Auditor.
- Monitor the response to audit reports and the implementation of recommendations made by auditors.
- Monitor integrity and reliability of financial and other measures of performance and service levels.
- Monitor existing corporate policies and recommend to Council new corporate policies to prohibit unethical, questionable or illegal activities.
- Oversee the Health & Safety work programme
- Provide objective advice and recommendations to Council regarding the sufficiency, quality and results of assurance activity on the adequacy and functioning of the Council's risk management, control and governance frameworks and processes.
- Oversee the compilation and recommend the Annual Report to Council.
- Review the development of the financial strategies and policies as required by the long-term plan.
- Monitor the financial and non-financial performance and governance of Council Controlled Organisations – annual report and statement of intent to go to Council.
- To provide strategic direction on Council's procurement framework and related

DRAFT Terms of Reference

Version: 1.0

documentation to ensure that contracts are procured to meet the current and future needs of communities in the Wairoa district.

- To make a decision on procurement for contracts under \$100,000. Contracts over \$100,000 are decided by Council.
- Monitor the implementation of the Council's Asset Management Plans and Infrastructure Strategy
- To provide direction on strategic priorities and resourcing on Council's infrastructure climate change mitigation and adaptation programme of works for the current and future needs of communities in the Wairoa district
- To provide direction on strategic priorities and resourcing on Council's ageing infrastructure programme of works for the current and future needs of communities in the Wairoa district

Ngā Tuku Mana / Delegated Authority

The Committee is delegated the following powers to act:

- Provide Council with recommendations on the scope, terms, and arrangements of the external audit programme, as confirmed with the external auditor.
- Review and authorise expenditure in situations where an actual or perceived conflict of interest may arise.

The Committee are delegated authority to act on all matters within its Terms of Reference except those excluded by Clause 32(1) schedule 7, of the the Local Government Act 2002.

Ngā Tukunga / Procedures

- Minutes are submitted to Council for receipt
- There will be an appropriate induction for new members of the Committee

INDEPENDENT ADVISOR/S – Assurance, Risk and Infrastructure Committee

Purpose

The independent Advisor/s of the Assurance, Risk and Infrastructure Committee provides/provide independent technical and specialist advice on matters that the Committee has responsibility for.

Expectations

- Conduct is consistent with the Council's Code of Conduct
- Ability to act independently and objectively
- Work constructively with management to achieve improvements
- A no surprises approach with other Committee members and Council staff
- Regular attendance at meetings (via audiovisual/audio or in person)
- Appropriate diligence, time, effort and commitment
- Carrying out the work of the committee in a timely manner
- Proactive approach to advising the committee and Chief Executive Officer of matters that require further attention

Experience Required

- Financial reporting (particularly in public entities with more complex financial reporting requirements)
- Broad governance
- Familiarity with risk management disciplines (identification, evaluation and management)
- Understanding of internal control and assurance frameworks
- A good understanding of the roles of internal and external audit
- Industry or sector expertise
- Local government experience in finance, risk, management, audit
- The ability to explain technical matters in their field to other Committee members
- Advocate for and experience in managing climate change related infrastructure responses

DRAFT Terms of Reference

Version: 1.0

Environmental and Economic Development Committee

Reports To: The Council

Chairperson: Appointed by the Mayor

Ngā Mematanga / Membership: The Mayor
3 Councillors
1 Māori Standing Committee Representative
Co-opted members where appropriate

Te Kōrama / Quorum: Three committee members

Ngā Wā Hui / Meeting Frequency: Every 6 weeks

Te Kaupapa / Purpose:

To guide and support sustainable economic development that strengthens local businesses, fosters new opportunities, and contributes to population and workforce growth, while safeguarding the district's natural resources and environmental wellbeing for future generations.

Ngā Kawenga / Responsibilities

- Provide strategic leadership and direction for district-wide economic development.
- Promote the social, economic, cultural, and environmental wellbeing of the Wairoa District by recognising, valuing, and leveraging Wairoa's unique natural landscapes, cultural heritage, and community strengths throughout committee activities.
- Facilitate and support the growth of local businesses through targeted initiatives and resources.
- Develop strategies to attract and retain residents, supporting sustainable population growth to encourage the establishment of new enterprises to diversify the local economy and create job opportunities.
- Strengthen engagement with tangata whenua and support the development of the Māori economy, ensuring alignment with broader economic strategies

Ngā Tuku Mana / Delegated Authority

The Committee is delegated the following powers to act:

- Co-opt additional members when required.
- Establish relevant stakeholder groups.
- Set strategic priorities and work plans for economic development initiatives.
- Oversee and report on project progress.
- Engage with businesses, community groups, and key stakeholders.
- Coordinate funding applications and resource allocation for development projects.
- Monitor economic trends and report insights to the committee.

The Committee are delegated authority to act on all matters within its Terms of Reference except those excluded by Clause 32(1) schedule 7, of the the Local Government Act 2002.

Ngā Tukunga / Procedures

- Minutes are submitted to Council for receipt
- There will be an appropriate induction for new members of the Committee

CO-OPTED MEMBER - Environmental and Economic Development Committee**Purpose**

A co-opted member of the Economic Development Committee provides independent technical and specialist advice, or another organisation's/group's perspective on matters that the Committee have responsibilities for.

Expectations

- Conduct is consistent with the Council's Code of Conduct
- Ability to act independently and objectively
- Work constructively with management to achieve improvements
- A no surprises approach with other Committee members and Council staff
- Regular attendance at meetings (via audiovisual/audio or in person)
- Appropriate diligence, time, effort and commitment
- Carrying out the work of the committee in a timely manner
- Proactive approach to advising the committee and Chief Executive Officer of matters that require further attention

DRAFT Terms of Reference

Version: 1.0

Māori Standing Committee

Reports To:	The Council
Chairperson:	Appointed by the Committee at Inaugural Meeting
Ngā Mematanga / Membership:	8 Takiwā Representatives (one representative per takiwā) The Mayor Minimum of 3 Councillors
Te Kōrama / Quorum:	50% of appointed takiwā representatives (excluding vacancies) 1 elected member
Ngā Wā Hui / Meeting Frequency:	Every 6 weeks (Meeting location to include takiwā marae)

Te Kaupapa / Purpose:

To provide a Māori perspective to guide Council with its responsibilities in the implementation of policies and work programmes to enable effective governance, engagement, and service delivery for all people within the district.

Ngā Kawenga / Responsibilities

- Provide advice to Council on matters relating to wāhi tapu, papakāinga, and other matters regarding whenua Māori
- Advocate on behalf of Māori in the Wairoa District to support Council's objectives at a local, regional, and national level.
- Assist Council in conducting and maintaining effective communications, good faith working relationships with whanau, hapu, and iwi, for the benefit of the community
- Determine actions that Council should take to develop and enhance Māori capacity to contribute to Council's decision-making processes
- Provide strategic leadership and direction for any projects for the benefit of the whole district, that has a Māori interest
- Promote the social, economic, cultural, and environmental wellbeing of the Wairoa District by recognising, valuing, and leveraging Wairoa's unique natural landscapes, cultural heritage, and community strengths.
- Facilitate and support the growth of kaupapa Māori initiatives that promote partnership under Te Tiriti o Waitangi and advance Māori aspirations across the district
- Strengthen engagement with tangata whenua and support the development of the Māori economy, ensuring alignment with broader economic strategies
- Provide strategic and appropriate tikanga guidance to the Council as requested

DRAFT Terms of Reference

Version: 1.0

Ngā Tuku Mana / Delegated Authority

The Committee is delegated authority to act on all matters within its Terms of Reference except those excluded by Clause 32(1) schedule 7, of the Local Government Act 2002.

- Create and delegate to any subcommittee any responsibilities that have been delegated by Council to the Committee, and to appoint members onto the subcommittee.
- Make recommendations to the Chief Executive Officer on professional development opportunities which will enable members of the Māori Standing Committee to better contribute to its decision-making processes. The Chief Executive Officer will sign off on these in accordance with budget provisions.
- The Chair and one other takiwā representative shall attend every scheduled workshop, ordinary, and extraordinary public meeting of full Council. These representatives will have speaking rights

Ngā Tukunga / Procedures

- Takiwā reports should be submitted electronically to the Governance Team for inclusion in the Agenda. Verbal updates may also be given at a meeting of the MSC.
- Minutes are submitted to Council for receipt
- Recommendations from MSC Meetings are communicated to Council by the Chief Executive / Group Manager to ensure that they are actioned accordingly.
- There will be an appropriate induction for new members of the Committee

8.8 STANDING ORDERS / NGĀ TIKANGA WHAKAHAERE HUI

Author: Te Aroha Cook, Group Manager – Community Services and Development

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices: 1. **Appendix 1 DRAFT 2025 WDC Standing Orders** [↓](#)

1. PURPOSE

- 1.1 The purpose of this report is to provide Council information on the adoption of Standing Orders / Ngā Tikanga Whakahaere Hui for the conduct of Council and its committees.
- 1.2 In accordance with Schedule 7, Clause 27 of the Local Government Act 2002 (the Act), a local authority must adopt a set of Standing Orders for the conduct of the proceedings of local authorities, committees, subcommittees, subordinate decision-making bodies, and local and community boards. Standing Orders must not contravene the Act or the Local Government Official Information and Meetings Act 1987 (LGOIMA)

RECOMMENDATION

The Group Manager – Community Services and Development **RECOMMENDS** that Council receive the report, and that Council adopt the reviewed LGNZ Standing Orders / Ngā Tikanga Whakahaere Hui for territorial authorities as attached as **Appendix 1 – LGNZ Standing Orders / Ngā Tikanga Whakahaere Hui**.

2. BACKGROUND

- 2.1 The reason this report has come before Council is that although it is mandatory that local authorities adopt standing orders to conduct their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee, subordinated body and local and community board review their standing orders within at least six months following an election to ensure that they fully meet their needs for effective and inclusive meets, in accordance with of the Act (sch7, cl27)
- 2.2 The Council adopted Standing Orders based on the LGNZ template on 8 November 2022 without amendment.
- 2.3 LGNZ updated their Standing Order template (**Appendix 1**) in March 2025 with changes made to; the “principles”; allowing people to join by non-audio-visual means to be counted as part of a quorum; the addition of “urgent meetings” in the event of delays caused by an equality of votes following an election; and, advice on how to operate committees with co-chairs within the existing framework of rules.
- 2.4 The attached DRAFT Standing Orders (**Appendix 1**) have been cross-referenced against the previously adopted 2022 Standing Orders of Council by the Chief Executive and Group Manager Community Services and Development, including additional amendments requested relating to quorum and the ability to vote, and are attached to this report for Council’s consideration. The current 2022 Standing Orders (**Appendix 2**) are also attached for ease of reference, and as an option for consideration.

3. THE PRINCIPLES

- 3.1 The 2025 edition of the LGNZ standing order templates include an enhanced principles section. The principles have been brought to the front of the document to make it clear that they are the foundation upon which the standing orders are based.
- 3.2 The role of the principles is to highlight the overall purpose of standing orders and to assist chairs and their advisers when required to both interpret specific clauses or make rulings on matters that may be ambiguous. The principles state that members will:
- Conduct their business in a transparent manner through public notice of meetings, provision of access to information, publicly open discussions, and meetings that are open to the public.
 - Respect confidentiality, in accordance with relevant legislation, when making decisions that contain sensitive information.
 - Represent their community when making decisions by taking account of the diversity of its communities, their views and interests, and the interest of communities in the future.
 - Acknowledge, and, as appropriate, make provision for Te Ao Māori and local tikanga in meeting processes.
 - Ensure that decision-making procedures and practices meet the standards of natural justice, in particular, the decision-makers are seen to have open minds.
 - Have a high standard of behaviour which fosters the participation of all members, including the expression of their views and opinions, without intimidation, bullying or personal criticism.
 - Act with professionalism and the behaviours outlined in Council's Code of Conduct.

4. CROSS-REFERENCED HIGHLIGHTS

- 4.1 The following is a summary of differences identified between the current 2022 Wairoa District Council Standing Orders and the 2025 Standing Order Template (**Appendix 1**) which is inclusive of amendments requested by elected members at a workshop of Council.
- Page 3 - 4 New Enhanced Principles
 - Page 5 – 11 Contents pages
 - Page 12 – Statutory References - Different wording but substantially the same effect.
 - Page 13 – 19 Definitions – New definitions included, some previous definitions excluded in new template, included for Council's consideration, and recommendation of Chief Executive to delete definition "public notice/publicly notified" as it is defined differently under clause 8.2. **Note:** definition of ***"Present at the meeting" has been amended to reflect elected member discussion to allow members to attend by audio visual link and to vote.***
 - Page 20 - 21 Different layout or wording but substantially the same effect
 - Page 22 – New inclusions under 4.2 Meeting Duration (if no resolution) and 4.3 Language (written materials) with the remainder having different wording but substantially the same effect.

- Page 23 - Different layout but substantially the same effect.
- Page 24 – Change to wording in 5.2 Council Discharge of a Mayoral Appointment, remainder different layout but substantially the same effect.
- Page 25 - Different wording/layout but substantially the same effect.
- Page 26 – Entirely new lay-out in 6.1, more concise and reflects what is in the LGA 2002. 6.2 could be deleted as Wairoa does not have Community Boards.
- Page 27 - Different layout but substantially the same effect.
- Page 28 – New inclusion under 7.2 relating to CDEM and Liquor licensing, remainder different layout but substantially the same effect.
- Page 29 – More concise wording under 7.7, and last point under 7.8 is new.
- Page 30 – 8.2 highlighted as different context used to the definition to covered under “Definitions” – which has been recommended by the Chief Executive to delete. Remainder different layout but substantially the same effect.
- Page 31 – 32 New 8.9 which reflects changes made to LGA in 2023, remainder different layout but substantially the same effect.
- Page 33 New clauses 8.10, 8.11 and 8.12 relating to urgent meetings
- Page 34 - Different layout but substantially the same effect.
- Page 35 – Clause 9.1 substantially different, remainder different layout but substantially the same effect.
- Page 36 – 37 Different wording/layout but substantially the same effect.
- Page 38 – New reference under 9.10 referring to availability of agenda, and under 9.10 relating to public excluded business.
- Page 39 – Suggested amendment to Clause 11 Quorum to reflect Council’s direction that a person attending via audio link may be counted as part of the quorum, remainder different layout but substantially the same effect.
- Page 40 – Suggested simplification under 11.1. Clauses 11.3 and 11.4 are new.
- Page 41 – Clause 11.6 change in wording, remainder different layout but substantially the same effect.
- Page 42 – 43 Different layout but substantially the same effect
- Page 44 – Recommend deleting 13.9, and deleting reference examples under new 13.10
- Page 45 – Clauses 13.12 – 13.15 are new. Chief Executive recommends that they are retained.
- Page 45 – 47 Clauses 14.1 – 14.7 are different in form but not in substance. Also query in respect to request to speak at a public forum. Is a request made to the Chief Executive, or the Mayor?
- Page 48 – 50 No Changes
- Page 51 – 52 Clauses 18.1 – 18.5 differ from current Standing Orders and don’t necessarily reflect requirements of the LGOIMA. Clause 19.1 conflicts with ability to

vote if attending via audio visual link. Amendment recommended by Chief Executive. Amendment also required to Clause 19.3 further clarification sought from Elected Members as to intent.

- Page 53 - 55 Different layout but substantially the same effect
- Page 56 Clause 20.11 more concise wording
- Page 57 – 58 Rules of debate more clearly defined
- Page 59 – 60 Options A and B deleted as requested by Elected Members

Page 61 – 86 remainder of Standing Order template different in layout but substantially the same

5. OPTIONS

5.1 The options identified are:

- a. That Council adopts the reviewed LGNZ template with amendments as the Wairoa District Council Standing Orders as provided for in **Appendix 1** attached to this report.
- b. Council continues with the Standing Orders adopted 8 November 2022 and commits to a review of their Standing Orders within six months of commencement of the new triennium.

5.2 Option A – The adoption of the updated 2025 LGNZ Template with amendments ensures Council incorporates all legislative requirements in its meeting processes without amendment and incorporates evolving standards of good practice. The updated LGNZ Standing Orders reflect current practice.

5.3 Option B – This option would lead to Council conducting its meeting processes under the limitations of the 2022 Standing Orders until reviewed and would not include any updates from LGNZ as referred to within this report.

5.4 The preferred option is Option A – The adoption of the LGNZ Template (2025) with amendments. Adoption of the revised LGNZ template provides a means of having the most up-to-date version of Standing Orders available inclusive of amendments requested by Council as relates to attendance by audio visual link counting as quorum, and ability to vote when attending by audio visual link.

5.5 The adoption of the LGNZ Standing Orders contributes to the following community outcomes:

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

6. CORPORATE CONSIDERATIONS**Compliance with legislation and Council Policy**

- 6.1 Local Government Act 2002
- 6.2 Local Government Official Information and Meetings Act 1987

What is the cost?

- 6.3 There are no financial implications to Council as this is an administrative matter.

Māori Standing Committee

- 6.4 This report has not been referred to the Māori Standing Committee as it is an administrative matter for the local authority in accordance with Schedule 7, Clause 27 of the Act.

7. SIGNIFICANCE

- 7.1 Council is required under Clause 27 of Schedule 7 of the Act to adopt a set of Standing Orders. The level of significance has been assessed as being low as this is administrative in nature.
- 7.2 Engagement and/or public consultation with other parties is not required as the updated LGNZ standing orders reflect feedback that has already been received from member Councils.

8. RISK MANAGEMENT

- 8.1 In accordance with the Council's Risk Management Policy risk has been considered. No risks have been identified as Council already have operational Standing Orders. Risk has been assessed as low.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Wairoa District Council

Standing Orders

Ngā Ture Tū

Based on the LGNZ 2025 template for city and district councils

13 December 2025

Preface

Kupu whakapuaki

Standing orders help council meetings run smoothly, supporting efficient decision-making and helping communities trust councils. LGNZ and Taituarā have together reviewed the standing orders and developed new templates.

Our review aimed to:

- Put the standing orders into plain English, so that everyone can understand them.
- Incorporate recent legislative changes,
- Make the design more user friendly,
- Strengthen the principles underpinning the standing orders and give them more prominence,
- Make it easier to navigate the templates by shifting non-essential matters to the Standing Orders' Guide,
- Provide guidance, through the updated Guide, on frequently asked questions (such as whether committee chairs can stand aside to allow others to gain chairing experience, and how to have co-chairs of committees).

There are three templates, for city and district councils, regional councils, and community boards. These are free for all councils to use and adapt. We have also updated the Guide to standing orders to address questions you've raised over the past three years.

These templates enable councils to exercise their decision-making responsibilities in a transparent, inclusive, lawful and efficient manner. Used well, they help build confidence in our decision-making processes. We hope you find them useful.

Scott Necklen



Interim Chief Executive

LGNZ

Suzanne Boyd



Chief Executive

Taituarā

Introduction¹

Kupu whakataki

These standing orders contain rules for the conduct of meetings of councils, committees, subcommittees, and subordinate decision-making bodies. They meet the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA) in relation to the conduct of meetings.

The application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general. Different standing order versions are available for regional councils, community boards and local boards. These standing orders can also be adapted for use by other local authorities that are subject to the requirements in Part 7 of LGOIMA.

Although it is mandatory that councils adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, we recommend that standing orders are reviewed within the first six months after an election. This is to ensure that they meet the needs of relevant bodies for running effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

Whenever a question about the interpretation or application of these Standing Orders is raised, particularly where a matter is not directly provided for, it is the responsibility of the chairperson of each meeting to make a ruling.

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

Principles

Ngā mātāpono

The LGNZ Standing Orders provide rules for local authorities to use when making decisions. Underpinning the standing orders are several principles, the most important being that councils and their members:

- Conduct their business in a transparent manner through public notice of meetings, provision of access to information, publicly open discussions, and meetings that are open to the public.
- Respect confidentiality, in accordance with relevant legislation, when making decisions that contain sensitive information.
- Represent their community when making decisions by taking account of the diversity of its communities, their views and interests, and the interests of communities in the future.
- Acknowledge, and, as appropriate, make provision for Te Ao Māori and local tikanga in meeting processes.

¹ LGNZ has made every reasonable effort to provide accurate information in this document, however it is not legal advice, although it has been legally reviewed, and we do not accept any responsibility for actions taken that may be based on reading it.

- Ensure that decision-making procedures and practices meet the standards of natural justice, in particular, that decision-makers are seen to have open minds.
- Have a high standard of behaviour which fosters the participation of all members, including the expression of their views and opinions, without intimidation, bullying, or personal criticism.
- Act with professionalism by ensuring their conduct is consistent with the principles of good governance and the behaviours outlined in the Council's Code of Conduct.

In addition, application of these standing orders must comply, as appropriate, with the decision-making provisions of Part 6, LGA 2002, and be consistent with section 39, LGA 2002, that “governance structures and processes are effective, open, and transparent” (LGA 2002, s 39).

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1. Introduction

Kupu whakataki

These standing orders have been prepared to enable the orderly conduct of council meetings. They incorporate both legislative provisions relating to meetings, decision making, and transparency. The standing orders also provide practical guidance on the operation of meetings to ensure compliance with statutory provisions and meet the spirit of the legislation.

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

- Part 1 general items.
- Part 2 pre-meeting procedures.
- Part 3 meeting procedures.

The Appendices, which follow Part 3, provide templates and additional guidance for implementing provisions within the Standing Orders. The Appendices are an attachment to the Standing Orders and not part of the Standing Orders themselves. Amendments to the Appendices do not require the agreement of 75 per cent of those present.

The 'Guide to Standing Orders' provides additional advice on the application of the Standing Orders and is not part of the Standing Orders.

1.1 Statutory references

These Standing Orders include statutory and non-statutory meeting provisions and provide guidance on how those provisions should be applied in practice.

These standing orders have been rewritten in plain English. Where a statutory provision applies a statutory reference is provided in the standing order.

Statutory references apply throughout the period of the meeting whether or not Standing Orders have been suspended.

Use of the word 'must' in a standing order implies a mandatory legislative requirement.

1.2 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.3 Application

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

Ngā whakamārama

Adjournment

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

Advisory group

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

Agenda

A document listing the items for consideration at a meeting, together with associated reports and other attachments relating to those items, in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment

Any change or proposed change to an original or substantive motion.

Appointed member

A member of a committee, subcommittee, or subordinate decision-making body of a council who is not elected.

Audio link

Technology that enables audio communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Audiovisual link

Technology that enables audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Casting vote

A second vote exercised by a chairperson to break a tied vote.

Chairperson

The person with authority to lead a meeting or other gathering.

Chief executive

The chief executive of a city or district council appointed under s 42 of the LGA 2002. For the purposes of these Standing Orders, references to chief executive includes any other officer authorised to act as the chief executive.

Clear working days

The number of working days (business hours) prescribed in these Standing Orders for giving notice. A calculation of clear working day excludes the date of the meeting and date on which the notice is given.

Committee

Includes, in relation to a council:

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

Community board

A community board established under s 49 of the LGA 2002.

Conflict of Interest

Includes:

- a) Any pecuniary (financial) interest;
- b) Any interest arising because of a person's position as a trustee, director, officer, employee, or member of another body; and
- c) Any personal non-pecuniary interest, such as pre-determination or bias.

Contempt

Being disobedient to, or disrespectful of, the meeting chairperson, members, officers, or the public, or otherwise not complying with these standing orders

Council

In the context of these Standing Orders, the governing body of a city or district council.

Debate

Discussion by members that occurs once a motion has been moved and seconded.

Deliberative vote

The ordinary vote of a member (as compared to the casting vote of a chairperson).

Deputation

A request from any person or group to make a presentation to the council which is approved by the chairperson. A deputation may be made in English, te reo Māori or New Zealand Sign Language.

Division

A formal vote at a meeting where the names of those members present, including the chairperson, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link

Both an audio and audiovisual link.

Emergency meeting

Has the same meaning as defined in cl 22A of sch 7 of the LGA 2002.

Extraordinary meeting

Has the same meaning as defined in cl 22 of sch 7 of the LGA 2002.

Foreshadowed motion

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

Internet site

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

Joint committee

A committee in which the members are appointed by more than one council in accordance with cl 30A of sch 7 of the LGA 2002.

Karakia timatanga

An opening prayer or blessing.

Karakia whakamutunga

A closing prayer or blessing.

Lawfully excluded

A member of a local authority who has been removed from a meeting due to behaviour that a chairperson has ruled to be contempt.

Leave of absence

A pre-approved absence for a specified period of time consistent with any council policy.

Leave of the meeting means agreement without a single member present dissenting.

Local authority

The territorial authority named in these Standing Orders, and, if the context requires, any community boards, local boards, committees or subordinate decision-making bodies established by the territorial authority.

Mayor

The Mayor of a city or district council elected under the Local Electoral Act 2001.

Meeting

Any first, inaugural, ordinary, extraordinary, emergency or urgent meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member

Any person elected or appointed to the local authority.

Member of the Police

Means a Constable of the New Zealand Police within the definition of s 4 of the Policing Act 2008.

Mihi whakatau

A brief welcome typically delivered by one person without any further formalities.

Minutes

The record of the proceedings of any meeting.

Motion

A formal proposal to a meeting.

Mover

The member who initiates a motion.

Newspaper

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.

Non-elected member

See Appointed Member.

Notice of motion

A motion given in writing by a member in advance of a meeting in accordance with these Standing Orders.

Officer

Any person employed by the council either full or part time, on a permanent or casual or contract basis.

Open voting

Voting which is conducted openly and transparently (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted electronically. The result of the vote must be announced immediately after it has concluded. Secret ballots are specifically excluded.

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

Ordinary meeting

Any meeting, other than the first meeting, of a council publicly notified in accordance with ss 46(1) and (2) of LGOIMA.

Original motion

The first motion moved in a debate, prior to amendment (if any).

Pecuniary Interest

In relation to a member, means a matter or activity of financial benefit to that member, including any interest described in s 3 or 6 of LAMIA.

Petition

A request to a council which contains at least 20 signatures.

Pōwhiri

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

Presiding member means the chairperson

Present at the meeting

Present at the meeting means the member is to be either physically present in the room or attending the meeting by audio/visual link, if allowed by these standing orders.

Procedural motion

A motion used to control the way in which a motion, or the meeting, is managed as specified in Standing Orders 24.1 – 24.7.

Public excluded information

Refers to information, which is currently before a public excluded session or proposed to be considered with the public excluded. It includes:

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

Public excluded session

Refers to those meetings or parts of meetings from which the public is excluded by the council as provided for in LGOIMA. Also referred to as confidential or in-committee session.

Public forum

A period set aside, usually at the start of a meeting, for the purpose of public input.

Qualified privilege

The privilege conferred on member by s 52 and s 53 of LGOIMA.

Quasi-judicial

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

The minimum number of members required to be present to constitute a meeting.

Resolution

A motion or amendment that has been adopted by the meeting.

Right of reply

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

Second

The member who seconds a motion or amendment.

Sub judice

Means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body

A decision-making body appointed by a local authority which is required by the local authority to follow these standing orders. For clarity local boards, community boards and joint committees are not subordinate decision-making bodies.

Substantive motion

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

Substantive resolution

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

Subcommittee

A body appointed by a council, or a committee of a council, local board or community board. See definition of “committee”.

Urgent meeting

has the same meaning as defined in cl 21A of sch 7 of the LGA 2002.

Working day

A day of the week other than:

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

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

Working party

A group set up by a council to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

Workshop

In the context of these Standing Orders, a gathering of elected members for the purpose of considering items of importance to the council at which no decisions are made and to which these Standing Orders will not apply, unless required by the council. Workshops may include non-elected members and may be described as briefings.

General matters***Ngā take arowhānui*****3. Standing orders*****Ngā tikanga whakahaere hui*****3.1 Obligation to adopt standing orders**

- Councils are required to adopt a set of standing orders.
- Standing orders set out how meetings are conducted.
- Standing orders must not contravene any Act.
- If a standing order is inconsistent with a legal requirement, that requirement prevails over the standing order.

This obligation applies to city and district Councils, regional councils, local boards and community boards.

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

3.2 Process for adoption and alteration of standing orders

Adopting new standing orders requires a vote of not less than 75 per cent of the members present.

Amending the current standing orders also requires a vote of not less than 75 per cent of the members present.

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

3.3 Members must comply with standing orders

All members must comply with these standing orders.

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

All external meeting participants, including appointed members, must comply with these standing orders.

3.4 Application of standing orders

These Standing Orders apply to all meetings. This includes meetings of committees, subcommittees and any other subordinate decision-making body.

Standing Orders apply to any meeting (or part meeting) where the public have been excluded.

3.5 Temporary suspension of standing orders

A meeting can temporarily suspend a standing order(s), provided the suspension does not contravene any legislative requirement.

The meeting must suspend standing order(s) by resolution.

The meeting's motion to suspend a standing order(s), must include:

- a) The reason for suspending the standing order(s).
- b) The standing order(s) being suspended.

A motion to suspend standing order(s) can be taken before or during a debate.

Once seconded, the meeting chairperson must put the motion without debate.

To be carried, at least 75 per cent of members present and voting must support the motion.

LGA 2002, Sch. 7, cl 27(4).

3.6 Quasi-judicial proceedings

A meeting which is undertaking quasi-judicial proceedings may set their own meeting procedures.

Quasi-judicial proceedings are held for the purpose of conducting hearings and/or considering disputes.

Some committees may have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member, whether elected or appointed, must provide the chief executive with an electronic address where meeting notices and information may be sent.

Where a member does not have an electronic address, they must provide the Chief executive with a physical address within the district or region, where material can be sent.

It is preferable for all members to provide both an electronic and physical address.

Members should inform the chief executive which contact information can be made publicly available.

Personal information provided by a member is subject to the Privacy Act 2020.

4. Meetings

Ngā hui

4.1 Legal requirement to hold meetings

The council must hold the meetings necessary for the good government of its city or district.

The calling of meetings, and their conduct must be in accordance with:

- a) Schedule 7 of the LGA 2002;
- b) Part 7 of LGOIMA; and

- c) These Standing Orders.

Meetings must be held at the times and places set by the council.

LGA 2002, Sch. 7, cl 19(1) & (3) & (4)

4.2 Meeting duration

Unless the meeting resolves to continue, meetings cannot:

- a) sit for more than two hours without a break of at least ten (10) minutes.
- b) continue more than six (6) hours (including adjournments) from when it convened, or
- c) continue after 10.30pm.

If there is no resolution to continue, any business remaining must be:

- a) Adjourned,
- b) Transferred to the next meeting, or
- c) Transferred to an extraordinary meeting.

4.3 Language

A member may address a meeting in English, te reo Māori, or New Zealand Sign Language.

The chairperson may require that a speech is translated and printed in English or te reo Māori.

A member intending to address the meeting in New Zealand Sign Language, or te reo Māori, when the normal business of the meeting is conducted in English, must advise the chairperson not less than two working days before the meeting.

A member intending to address the meeting in English when the normal business of the meeting is conducted in te reo Māori must advise the chairperson not less than two working days before the meeting.

Any written materials should be forwarded to the chief executive at least two days before the meeting for translation.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in the LGNZ Guide to Standing Orders.

4.5 First meeting (inaugural)

The chief executive calls the first meeting following a triennial general election.

The meeting must be called as soon as practicable after election results are known.

Unless an emergency exists, the chief executive must give elected members not less than seven days' notice of the first meeting.

In the case of an emergency, the chief executive may give elected members notice of the meeting as soon as practicable.

LGA 2002, Sch. 7, cl 21(1) - (3).

4.6 Requirements for the first meeting

The chief executive or their nominee must chair the first meeting until the Mayor has made their oral and written declarations.

The Mayor will chair the meeting once they have made their oral and written declarations.

LGA 2002, Sch. 7, cl 21(4)

The business to be conducted at the first meeting must include:

- a) The oral and written declarations of both the Mayor and members (*LGA 2002, Sch. 7, cl14*);
- b) A general explanation of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the LAMIA; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- c) Determining the date and time of the next meeting, or the adoption of a schedule of meetings; and
- d) Where the Mayor has not appointed a Deputy Mayor (s41A(3)(a) of the LGA 2002) prior to the meeting, the election of the Deputy Mayor

The general explanation of Acts can also include the LGA provisions relating to the Register of members' pecuniary interests (ss 54A – 54I).

If an Urgent Meeting has been held (*LGA 2002, sch 7, cl21A*), the business that must be conducted at the first meeting will not include any business dealt with at that Urgent Meeting.

LGA 2002, Sch. 7, cl 21(5), LGA 2002, Sch.7, cl 20(6), LGA 2002, s 41A(3)

5. Appointments and elections ***Ngā kopounga me ngā pōtitanga***

5.1 Mayoral appointment of deputy Mayor, committee chairs, and members

A Mayor may appoint:

- a) the Deputy Mayor,

- b) the chairperson and the members of each committee.

LGA 2002, s 41A(3).

If the Mayor declines to appoint a Deputy Mayor, or committee chairpersons, the council (or a committee, if directed by the council) must elect those positions in accordance with Standing Order 5.4.

5.2 Council Discharge of a Mayoral Appointment

Nothing limits or prevents a council from discharging either a chairperson or a member of a committee appointed by the Mayor.

LGA 2002, Sch. 7, cl 31.

5.3 Establishment of committees by the Mayor

The Mayor may establish the council's committees and appoint their chairpersons.

Where a Mayor exercises this right, the council must adopt the committee's terms of reference by resolution at the next appropriate meeting of the council.

Should the Mayor decline to establish committees a council decision to establish committees must follow the processes set out in these Standing Orders.

Nothing limits or prevents a council from discharging or reconstituting (in accordance with cl 30 of sch 7, LGA 2002) a committee established by the Mayor or appointing more committees in addition to any established by the Mayor.

The Mayor is a member of every committee unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A (3) and (4).

5.4 Elections of Deputy Mayors and deputy chairpersons

When electing the following positions, the council must resolve to use one of two voting systems (see Standing Order 5.6):

- a) The Deputy Mayor;
- b) The chairperson of a committee
- c) A deputy chairperson of a committee; and/or
- d) A representative of a council.

This provision does not apply where a mayor has appointed a Deputy Mayor or committee chairs under LGA 2002, s 41A.

LGA 2002, Sch. 7, cl 25.

See the LGNZ Guide to Standing Orders for more information.

5.5 Removal of a Deputy Mayor

A council can remove a Deputy Mayor.

It does not matter whether the Deputy Mayor has been appointed by the Mayor, or appointed by the council itself.

A council removing a Deputy Mayor must use the process set out in cl 18, sch 7, of the LGA 2002. (See Appendix 9)

LGA 2002, Sch. 7, cl 18.

5.6 Voting system for Deputy Mayors and committee chairs

The council must use one of the following two voting systems for electing:

- a) A Deputy Mayor; and/or
- b) A committee chair.

System A

The successful candidate must receive a majority of the votes of members present and voting.

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

Round One

- There is one round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the first round is excluded and a further round of voting occurs.

Round Two (if required)

- There is a second round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the second round is excluded and a further round of voting occurs.

Subsequent rounds (if required)

- There is a further round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes is excluded and a further round of voting occurs.

System B

- The successful candidate must receive more votes than any other candidate.
- There is only one round of voting.
- If two or more candidates tie for the most votes, the tie is resolved by lot.

LGA 2002, Sch. 7, cl 25.

6. Delegations²

Te tuku mana

6.1 Only the holder of a delegated authority can rescind or amend a previous decision

Where a council or a committee has delegated authority to another body, member or officer, they cannot rescind or amend a decision made under that delegated authority.

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

However, the current holder of the delegated authority may rescind or amend a previous decision made under the same authority.

Refer to Standing Orders Guide for scenarios on delegation practice.

6.2 Duty to consider delegations to community boards

A council which has community board(s) must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

LGA 2002, Sch. 7, cl 32(6).

6.3 Limits on delegations

Unless clearly stated in the LGA 2002 or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the council, any of its responsibilities, duties, or powers except:

- a) The power to make a rate;
- b) The power to make a bylaw;

² Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Officer's declaration until the new council is sworn in. See the LGNZ Guide to Standing Orders for further information.

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

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

6.4 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the council, may delegate any of its responsibilities, duties, or powers to a subcommittee or person.

A sub-delegation is subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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

6.5 Use of delegated powers

The body, member or officer of the council who has been delegated authority to act may exercise those responsibilities, powers or duties:

- a) without confirmation by the body that delegated the authority; and
- b) in a like manner and with the same effect as the council or committee could have exercised or performed them.

LGA 2002, Sch. 7, cl 32(2), (3), and (4).

6.6 Bodies are subject to the direction of the council

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, or committee that appointed the subcommittee.

A committee, subcommittee or other subordinate decision-making body must carry out all general and special directions given to them by the local authority or committee.

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

7. Committees ***Ngā komiti***

7.1 Appointment of committees and subcommittees

A council may appoint the decision-making bodies that it considers appropriate. This includes committees, subcommittees and any other subordinate decision-making body.

Unless the council prohibits it, a committee can appoint subcommittees.

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

7.2 Discharge or reconstitution of committees and subcommittees

Unless legislation or regulation prevents it:

- a) a council can discharge or reconstitute a sub-ordinate decision-making body;
- b) a committee may discharge or reconstitute a subcommittee it has established;
- c) every subordinate decision-making body is discharged following a triennial general election.

LGA 2002, Sch. 7, cl 30(5) (7)

Note: Section 12(2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders for more information).

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee, or subcommittee.

Committees may appoint or discharge members of the subcommittees they have established unless the council directs otherwise.

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

7.4 Membership of committees and subcommittees

- A council or committee may appoint non-elected members (appointed members) to a committee or subcommittee.
- At least one member of a committee must be an elected member.
- An appointed member on a committee or subcommittee must, in the opinion of the council or the committee, have the skills, attributes or knowledge to assist the committee or subcommittee.
- A staff member of the council, in the course of their employment, can be a subcommittee member, but not a committee member.

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

7.5 Council may replace members if committee not discharged

- A council may resolve that a committee or subcommittee is not to be discharged following a triennial general election.
- Where a committee has not been disestablished at a triennial general election, the council may replace the members after that election.

LGA 2002, Sch. 7, cl 31(5) & cl 30(7)

7.6 Membership of the Mayor

The Mayor is a member of every committee of the council unless specific legislation provides otherwise (e.g. a committee established under s 189 of the Sale and Supply of Alcohol Act 2012).

LGA 2002, s 41A(5).

7.7 Decision not invalid despite irregularity in membership

A decision of a council or committee is not invalidated if:

- a) there is a vacancy in the membership of the council or committee at the time of the decision; or
- b) following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

LGA 2002, Sch. 7, cl 29.

7.8 Appointment of joint committees

A council may appoint a joint committee with another council or other public body if it has reached prior agreement with each council or public body.

The agreement must specify:

- a) the number of members each party may appoint;
- b) how the chairperson and deputy chairperson will be appointed;
- c) the committee's terms of reference ;
- d) what responsibilities, if any, are to be delegated to the committee by each party; and
- e) how the agreement may be varied.

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

LGA 2002, Sch. 7, cl 30A(1) - (3).

NB A Mayor who is a member of a joint committee by virtue of s 41A(5), is not counted as part of the quorum of that joint committee. *LGA 2002, Sch. 7, cl 30A(6A)*

7.9 Status of joint committees

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

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

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

Individual members of a joint committee may only be discharged or appointed by the council or public body that made the original appointment.

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

Pre-meeting

Hui tōmua

8. Giving notice Te tuku pānui

8.1 Public notice – ordinary meetings

The council must publicly notify all upcoming meetings:

- a) Every month:
 - i. by publishing a list of meetings scheduled for the following month;
 - ii. the list must be publicly notified not more than 14 and not less than 5 days before the end of the preceding month; and
 - iii. the public notice must include the dates, times and places of each meeting.
- b) Alternatively, where a meeting is scheduled to be held after the 21st day of any month:
 - i. the council can publicly notify the meeting(s) no more than 10 (and not less than 5) **working** days before the day on which the meeting is to be held.

LGA 2002 s.5, LGOIMA, s.2 & s 46

8.2 Public notice/publicly notified means:

- a) publicly available on the council's internet site; and
- b) published in at least:
 - i. 1 daily newspaper which circulates in the region or district of the council; or

- ii. 1 or more other newspapers that have a combined circulation equivalent to the newspaper in i) above.

LGA 2002 s.5, LGOIMA, s.2 & s 46, (see LGNZ Guide to Standing Orders for more information).

8.3 Notice to members - ordinary meetings

- The chief executive must advise every member of the time and place of every meeting.
- That advice must be given in writing.
- If the council has adopted a schedule of meetings, the advice must be given not less than 14 days before the first meeting of the schedule.
- If the council has not adopted a schedule of meetings, the advice must be given not less than 14 days before the meeting.

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

8.4 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- a) council resolution; or
- b) a written requisition delivered to the chief executive. The requisition must be signed by:
 - i. the Mayor or chairperson; or
 - ii. not less than one third of the total membership of the council (including vacancies).

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

8.5 Notice to members - extraordinary meetings

The chief executive must give written notice to members advising them of the time and place of an extraordinary meeting (called under Standing Order 8.3).

The notice must:

- a) include the general nature of the business to be considered; and
- b) be provided to each member of the council at least three working days before the meeting day.

If the meeting is called by resolution, the chief executive can provide the notice in a lesser period (as specified in the resolution) provided it is not less than 24 hours.

LGA 2002, Sch. 7, cl 22(2).

8.6 Emergency meetings may be called

In some instances, the council must deal with business urgently.

An Emergency Meeting may be called:

- a) when the notice requirements for an extraordinary meeting cannot be met; and
- b) it is not practicable to call the meeting by resolution.

An Emergency Meeting may be called by:

- a) the Mayor or chairperson; or
- b) the chief executive (if the Mayor or chairperson is unavailable).

LGA 2002, Sch. 7, cl 22A(1).

8.7 Process for calling an emergency meeting

Given the need for an emergency meeting, the person calling the meeting (or another person on their behalf) must give notice of the time and place of the meeting by whatever means is reasonable in the circumstances, at least 24 hours before the meeting.

Notice must be given to each member of the council and the chief executive.

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

8.8 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the council must still publicly notify the meeting.

The public notice must also include the general nature of the items being discussed at the meeting.

The public notice must

- a) be publicly notified as soon as practicable before the meeting; or
- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
 - i. as soon as practicable on the council's website; and
 - ii. in any other manner which is reasonable in the circumstances.

LGOIMA, s 46(3).

8.9 An urgent meeting may be called

The chief executive may call an urgent meeting of the council before candidates to be declared elected after a recount are known if:

- a) an application for a recount has been made following a triennial general election; and

- b) an event occurs that, in the chief executive's opinion, requires the council to deal with a matter urgently; and
- c) the first meeting of the council has not yet been called.

LGA 2002, Sch. 7, cl 21A (1 & 2)

8.10 Process for calling an urgent meeting

If the chief executive calls an urgent meeting, the chief executive must give notice of that meeting as soon as practicable to every person who:

- a) is not an affected candidate; and
- b) has been declared to be elected to the council.

Notice must be given to each of those persons:

- a) by whatever means is reasonable in the circumstances; and
- b) at least 24 hours before the meeting commences.

The notice must specify:

- a) the time and place of the urgent meeting; and
- b) the matter for determination at the urgent meeting.

LGA 2002, Sch. 7, cl 21A (3(a) & 5), Sch. 7, cl 21A (3)(b)

8.11 Public notice – urgent meetings

Where an urgent meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the council must still publicly notify the meeting.

The public notice must include the general nature of the matter being discussed at the meeting and must:

- a) be publicly notified as soon as practicable before the meeting; or
- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
 - i. as soon as practicable on the council's website; and
 - ii. in any other manner which is reasonable in accordance.

LGA 2002, Sch. 7, cl 21A(4) & LGOIMA, s 46(3).

8.12 Conduct of urgent meetings

The council may only conduct the following business at an urgent meeting:

- a) in respect of the persons described in LGA 2002, sch7, cl21A(3)(a), the oral and written declarations of the mayor (if any) and members (under clause 14);

- b) a general explanation of LGOIMA and other laws affecting members, including the appropriate provisions of LAMIA; ss 99, 105, and 105A of the Crimes Act 1961; the Secret Commissions Act 1910; the Financial Markets Conduct Act 2013, and the LGA2002 provisions relating to the register of members' pecuniary interests (ss54A – 54I);
- c) The matter in respect of which the urgent meeting has been called.
- d) The election of a member to preside at the urgent meeting (if required).

Councils cannot consider any items other than those specified above.

If multiple urgent meetings are required, the items outlined in a) and b) (above) may be omitted from the business to be conducted if they have previously been dealt with.

The chief executive (or their nominee in the chief executive's absence) must chair the urgent meeting until:

- a) the mayor (if any) has made their oral and written declarations; or
- b) the members that are present have:
 - i. made their oral and written declarations; and
 - ii. elected one of their number to preside at the urgent meeting.

An affected candidate cannot participate in the meeting but may attend the meeting if it is open to the public.

LGA 2002, Sch. 7 Cl21B

8.13 Meetings not invalid

Failing to publicly notify a meeting does not, of itself, invalidate a meeting.

Where a council becomes aware that a meeting has not been properly notified, it must, as soon as possible, give public notice that the meeting has been held.

The public notice must state:

- a) the meeting has occurred without proper notice;
- b) the general nature of the items discussed; and
- c) the reasons why the meeting was not notified.

LGOIMA, s 46(5) & (6).

8.14 Resolutions passed at an extraordinary meeting

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

- a) the resolution was passed at a meeting, or part of a meeting, from which the public was excluded; or

- b) the extraordinary meeting was publicly notified at least five working days before the day on which the meeting was held.

LGOIMA, s 51A.

8.15 Meeting schedules

A council may adopt a schedule of meetings. The schedule may cover any period of time that the council considers appropriate.

The council can amend the schedule at any time.

- Notifying the schedule to members is considered to be notification of every meeting on the schedule.
- Notifying members of an amendment to the schedule is notification of the amended meeting.

Nothing in this clause replaces the council's obligations under the LGOIMA for public notification of meetings.

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

8.16 Non-receipt of notice to members

A meeting of a council is not invalid if an elected member does not receive (or does not receive in time) notice of the meeting unless:

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

A member may waive the need to be given notice of meetings.

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

8.17 Meeting cancellations

- The chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary.
- Reasons for cancellation may include lack of business, lack of quorum, or clash with another event.
- The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda ***Rārangi take o te hui***

9.1 Preparation of the agenda – for members

At least two working days prior to a meeting the chief executive must prepare an agenda for the meeting, to be circulated to all members attending the meeting.

Even though the agenda is the chief executive's responsibility, where practicable, the chief executive should consult the chairperson for the meeting about the agenda.

The agenda must:

- a) list the items to be brought before the meeting;
- b) include the reports and other attachments associated with the list of items in the agenda; and
- c) indicate which items are expected to be discussed with the public excluded. (see also standing order 9.14.).

LGOIMA, s 46A.

9.2 Process for raising items for a decision

Council, committees, local boards and/or community boards and subordinate decision-making bodies may, by resolution, request reports on matters they determine.

For all decision-making bodies other than the council, requests for reports must fall within the scope of their terms of reference.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning, or not produce, reports that involve significant cost, unless agreed by the council, or are beyond the scope of the body that made the request.

Where the chief executive refuses a request to prepare a report, they will:

- a) discuss options for meeting the request with the respective chairperson;
- b) report back to a subsequent meeting:
 - i. with an estimate of the resourcing and/or cost involved; and
 - ii. seek direction on whether the report should still be prepared.

A chief executive may refuse a direct report request from an individual member. In this instance, an explanation should be provided to the member.

9.4 Order of business

At the meeting, the items are to be dealt with in the order in which they are listed on the agenda unless the chairperson, or the meeting (by resolution), decides otherwise.

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

9.5 Chairperson's recommendation

A chairperson may provide a recommendation on an agenda item.

- The chairperson's recommendation can be provided before or during the meeting.

- Where a chairperson's recommendation varies significantly from an officer's recommendation, the chairperson must provide the reasons for the recommendation.
- The recommendation, and reasons, must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson may prepare report

The chairperson of a meeting may prepare a report to be included in the agenda provided the matter falls within the terms of reference for the meeting.

For clarity, any report and recommendations must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.7 Public availability of the agenda

The meeting information provided to members must be publicly available unless the information relates to a matter reasonably expected to be discussed with the public excluded.

LGOIMA, s. 5 & 46A.

9.8 Public inspection of agenda

A member of the public is entitled to inspect, during normal office hours, the agendas including associated reports provided to members.

The agendas must be available for viewing at the public offices of the council (including service delivery centres) and the public libraries under the council's control.

Agendas must be accompanied by

- a) the associated reports; or
- b) a notice advising where the reports can be inspected.

While the documents must be available for viewing at least two working days before a meeting, they should be made available with as much notice as possible before the meeting date.

It is sufficient for the documents to be available for electronic inspection.

No charge can be imposed for the inspection of the agendas (including reports).

LGOIMA, s 46A(1) - (3).

9.9 Withdrawal of agenda items

The chief executive may withdraw an item from an agenda.

The chief executive should inform the chairperson of the reason(s) for the withdrawal.

9.10 Distribution of the agenda to members

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting.

In the case of extraordinary, emergency, or urgent meeting, the agenda must be made available as soon as is reasonable in the circumstances.

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

9.11 Status of agenda

No matter included on a meeting agenda, including any recommendations in associated reports, has been decided as final until it has been the subject of a formal resolution of the meeting.

9.12 Items not on the agenda – decision cannot be delayed

A meeting may deal with an item 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 discussion of the item cannot be delayed until a subsequent meeting.

LGOIMA, s 46A(7).

Items not included on an agenda may be considered at a meeting if included in a report from the chief executive or the chairperson.

Nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002.

9.13 Items not on the agenda – minor issues for discussion only

A meeting can discuss minor items which are not on an agenda if:

- a) the matter relates to council business; and
- b) at the start of the public part of the meeting, the chairperson explains that the matter will be discussed.

The meeting cannot make a resolution, decision, or recommendation on any minor matter that was not on the agenda for that meeting.

The meeting can, however, refer the matter to a subsequent meeting for further discussion.

LGOIMA, s 46A(7A).

9.14 Public excluded business on the agenda

The chief executive may exclude a report, or part of a report, from an agenda where they expect it to be discussed once the public has been excluded (by resolution) from the meeting.

Where reports, or parts of reports, are withheld, the agenda and proposed recommendation must clearly indicate:

- a) the matter is expected to be discussed with the public excluded;
- b) the general subject of any items to be considered while the public is excluded;
- c) the reasons for passing a resolution (with reference to the particular provision relied on for each matter); and
- d) the actual ground in section 48(1) relied on to exclude the public.

LGOIMA, s. 46A(8)-(9) and 48(3)

Note: The Ombudsman advises that the reason for passing a resolution should contain specific details about the harm the Council is trying to avoid, rather than simply reciting the clause from section 6 or section 7(2) as it is written in the LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where a meeting is open to the public and:

- a) a member of the public is given a copy of the agenda or further statements; or
- b) a member of the public is given a copy of the minutes;

The publication of any defamatory matter included in the agenda or minutes is privileged, unless it is proved (through defamation proceedings) that the defendant:

- a) was motivated by ill will toward the plaintiff, or
- b) took improper advantage of the publication.

LGOIMA, s 52.

Meeting Procedures

Ngā tikanga o ngā hui

10. Opening and closing *Te whakatuwhera me te whakakapi*

The chairperson, or any person authorised by the chairperson, may make a statement or prayer, or similar, to open/close a meeting.

Appropriate karakia timitanga and mihi whakatau, or pōwhiri, may also be considered to open, and karakia whakamutunga to close, a meeting where appropriate.

11. Quorum *Kōrama*

Note: A meeting is constituted if a quorum is present, regardless of whether all of the members are voting or entitled to vote (*LGA 2002, Sch. 7, cl 23(1)*).

No business may be conducted if a quorum of members is not present (in person or by audio/visual link) for the whole time the business is being considered.

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

11.1 Council meetings

Subject to the requirement to have a minimum of four elected members present at any meeting of Council, the quorum for a meeting of the council is:

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

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

11.2 Committee and subcommittee meetings

- A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the body's terms of reference.
- A committee may set the quorum for any subcommittees it establishes.
- The minimum quorum for a committee or subcommittee is two members.
- The quorum of a committee (but not a subcommittee) must include at least one member of the council.

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

11.3 Joint Committees

The quorum for a meeting of a Joint Committee is:

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

A Joint Committee Agreement may vary the quorum requirement above to provide that a quorum must include 1 or more members appointed by each party.

LGA 2002, Sch. 7, cl 30A(6)(b) &(c).

11.4 Mayor as member of a joint committee

A Mayor is a member of all Joint Committees.

If the Mayor is a member solely due to s 41A(5), the Mayor is not counted as a member of the committee for determining:

- a) The number of members required to constitute a quorum; or
- b) Whether a quorum exists at a meeting.

LGA 2002, s 41A(5), Sch. 7, cl 30A(6A)

11.5 Meeting lapses where no quorum

A meeting lapses, and the chairperson must vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting.

- The chairperson has the discretion to wait for a longer period if members are known to be travelling to the meeting but have been delayed.
- If a quorum is lost during a meeting, the meeting lapses if the quorum is not present within 15 minutes.
- No business may be conducted while waiting for the quorum to be reached.

Minutes must record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended and left, causing the quorum to lapse.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the chairperson sets an earlier meeting or refers the matter to another body with appropriate decision-making authority, and this is notified by the chief executive.

12. Public access and recording

Te āheinga a te hunga tūmatanui me ngā hopunga

12.1 Meetings open to the public

Every meeting of the council (including its committees) must be open to the public unless the public has been excluded.

Members of the news media are considered to be members of the public.

LGOIMA, s 47, 48 & 49(a).

12.2 Grounds for removing the public

The chairperson may require a member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

LGOIMA, s 50(1).

12.3 Council may record meetings

Where the council intends to record a meeting(s), the venue should contain clear signage indicating that proceedings may be recorded.

12.4 Public may record meetings

- Members of the public may make electronic or digital recordings of meetings which are open to the public.
- Any recording of meetings should be notified to the chairperson at the commencement of the meeting.

- The process of recording must not distract the meeting from conducting its business.
- Where circumstances require, the chairperson may direct the recording to stop for a specified period of time.

13. Attendance ***Taetaenga***

13.1 Members right to attend meetings

A member of a council, or of a council committee, has the right to attend any meeting of the council or a committee unless they have been lawfully excluded.

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

If a member of a council is not an appointed member of the meeting which they are attending, they:

- a) may not vote on any matter at that meeting; but
- b) may, with the permission of the chair, take part in the meeting's discussions (subject to standing order 13.2).

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

Note: this section does not confer any rights to appointed members on council committees.

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

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

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member (including the Mayor).

To protect members' privacy the council may delegate authority to the Mayor to grant a leave of absence to a member. In the absence of the Mayor, the Deputy Mayor may exercise that authority.

The Mayor, or Deputy Mayor, will inform all members of the council whenever a member has been granted leave of absence under delegated authority.

Meeting minutes will record that a member has a leave of absence as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology if they intend being absent from all or part of a meeting.

The chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apology.

Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

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

13.5 Recording apologies

The minutes must record:

- a) any apologies tendered before or during the meeting, including whether they were accepted or declined; and
- b) the time of arrival and departure of all members.

13.6 Absent without leave

Members who miss four consecutive meetings of the council (the governing body), without a leave of absence or apology having been accepted, will create an extraordinary vacancy.

This standing order doesn't apply to extraordinary meetings.

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

13.7 Right to attend by audio or audiovisual link

Provided the conditions in Standing Orders 13.11 and 13.12 are met:

- a) Members of the council and its committees have the right to attend meetings by electronic link unless they have been lawfully excluded.
- b) Members attending by electronic link may vote on any motion provided a minimum of four members are in attendance in person
- c) Members of the public, for the purpose of a deputation or public forum, approved by the chairperson, have the right to attend meetings by electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Where these standing orders provide for members attendance by electronic link, members who attend meetings by electronic link are counted as present for the purposes of the quorum.

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

13.9 Chairperson's duties

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

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

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

13.10 Conditions for attending by audio or audiovisual link

Noting Standing Order 13.7, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting.

Examples of situations where approval can be given include:

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

13.11 Request to attend by audio or audiovisual link

Where possible, a member will give the chairperson and the chief executive at least two working days' notice when they want to attend a meeting by audio or audiovisual link. If, due to illness or emergency, this is not possible the member may give less notice.

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

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

13.12 Chairperson may terminate link

The chairperson may direct that an electronic link be terminated where:

- a) use of the link is increasing, or may unreasonably increase, the length of the meeting;

- b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- c) it is distracting to the members who are physically present at the meeting;
- d) the quality of the link is no longer suitable; or
- e) information classified as confidential may be compromised (see also SO 13.16).

13.13 Giving or showing a document

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

- a) transmitting it electronically;
- b) using the audio visual link; or
- c) any other manner that the chairperson thinks fit.

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

13.14 Link failure

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

13.15 Confidentiality

A member who is attending a meeting by audio, or audio-visual link, must ensure that the meeting's proceedings remain confidential during any time that the public is excluded.

The chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

14. Chairperson's role in meetings ***Te mahi a te Upoko i ngā hui***

14.1 Council meetings

- The Mayor must chair all council meetings unless they vacate the chair. The Mayor may vacate the chair for an entire meeting or part of a meeting.
- The Deputy Mayor must chair the council meeting if the Mayor is absent from a meeting or vacates the chair.
- The members present must elect an acting chairperson if the Mayor and Deputy Mayor are not present and/or have vacated the chair.
- The Deputy Mayor or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the duration of the meeting.

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

14.2 Other meetings

The chairperson of a committee or subcommittee must chair each meeting unless they vacate the chair for all or part of a meeting.

The deputy chairperson (if any) must chair the meeting if the chairperson is absent or has vacated the chair.

The committee members present must elect an acting chairperson if the deputy chairperson is absent or has not been appointed.

The deputy chairperson or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the meeting.

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

14.3 Addressing the chairperson

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

14.4 Chairperson's rulings

The chairperson will decide all procedural questions, including those where insufficient provision is made by the Standing Orders.

Where a point of order questions the chairperson's ruling, the deputy chairperson will decide.

Refusal to obey a chairperson's ruling or direction constitutes contempt (see Standing Order 20.5).

14.5 Chairperson standing

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

14.6 Member's right to speak

Members are entitled to speak in accordance with these Standing Orders.

Members should address the chairperson when speaking.

Members may not leave their place while speaking unless they have the leave of the chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the chairperson will determine the speaking order and name the member who may speak first.

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 chairperson to permit the member a special request.

15. Public Forums

Ngā Wānanga Tūmatanui

Public forums are a defined period of time, put aside for the purpose of public input.

Public forums enable members of the public to bring items of their choice, not on the meeting's agenda, to the attention of the council.

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

15.1 Time limits

A period of up to 30 minutes will be available for the public forum at each scheduled council meeting.

Speakers can speak for up to five minutes (excluding questions).

Requests to speak at a public forum must be:

- a) made to the chief executive (or their delegate);
- b) made at least one clear day before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

The chairperson has discretion to:

- a) extend a speaker's allocated speaking time;
- b) where there are more than six speakers presenting in the public forum, restrict one or more speakers allocated speaking time, or
- c) waive the time requirement for requesting permission to speak in the public forum.

15.2 Restrictions

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

- a) a speaker is repeating views presented by an earlier speaker at the same public forum;

- b) more than two speakers have requested to speak on the same matter at the same meeting;
- c) the speaker is criticising elected members and/or staff;
- d) the speaker is being repetitious, disrespectful or offensive;
- e) the speaker has previously spoken on the same issue;
- f) the speaker has caused disruption at multiple previous committee and/or council meetings;
- g) the matter is subject to legal proceedings;
- h) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity; and/or
- i) decision-making authority on the matter rests with another body or individual.

15.3 Questions at public forums

With the chairperson's permission, members may ask questions of speakers at the conclusion of their presentation.

Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

The speaker may not ask questions of either members or staff.

15.4 No resolutions

No debate or decisions can be made at the meeting on issues raised during the public forum.

16. Deputations

Ngā whakaaturanga ōkawa

The purpose of a deputation is to enable a person, group, or organisation, to make a presentation about an item(s) on a meeting agenda.

Deputations may be heard at the commencement of the meeting, or at the time that the relevant agenda item is being considered.

Requests to make a deputation must be:

- a) made to the chief executive (or their delegate);
- b) made at least five clear days before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

Any documents to be included in the deputation must be received at least two days in advance to allow time for translation

The chairperson has the discretion to waive the time requirement for requesting permission to make a deputation.

Members of the public may not question either members or staff.

16.1 Time limits

Unless the chairperson has restricted the speaking time under Standing Order 16.2:

- a) speakers can speak for up to five minutes (excluding questions); and
- b) no more than two speakers can speak on behalf of a deputation.

The chairperson has discretion to extend a speaker's speaking time.

16.2 Restrictions

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

- a) a speaker is repeating views presented by an earlier speaker at the meeting;
- b) the speaker is criticising elected members and/or staff;
- c) the speaker is being repetitious, disrespectful or offensive;
- d) the speaker has previously spoken on the same issue;
- e) the matter is subject to legal proceedings;
- f) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity and/or
- g) where a member of the public has previously caused a disruption at multiple meetings, the chairperson may decline a deputation request and require the individual to provide their views in writing.

16.3 Questions of a deputation

With the permission of the chairperson, members may ask questions of any speakers at the conclusion of the deputation.

Questions are to be confined to obtaining information or clarification on items raised by the deputation.

Those making the deputation may not ask questions of either members or staff.

16.4 Resolutions

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

17. Petitions ***Ngā petihana***

17.1 Form of petitions

Petitions may be presented to a council or committee meeting provided the subject matter falls within the terms of reference of the intended meeting.

Petitions must:

- a) contain at least 20 signatures and consist of fewer than 150 words (not including signatories);
- b) be received by the chief executive at least five working days before the meeting at which they will be presented; and
- c) must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege); and
- d) May be written in English, te reo Māori, or given in sign language. Petitioners should inform the chief executive in sufficient time to allow translation services to be arranged.

The chairperson may waive the requirement that petitions are required five working days before the meeting.

17.2 Petition presented by petitioner

A petitioner who presents a petition to the council or a committee may speak for five minutes (excluding questions) about the petition unless the meeting resolves otherwise.

The chairperson must terminate the presentation if they believe the petitioner is being disrespectful, offensive, or making malicious statements.

17.3 Petition presented by member

A member may present a petition on behalf of a petitioner. In doing so the member must confine themselves to presenting:

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

18. Exclusion of public *Te aukati i te hunga tūmatanui*

18.1 Motions and resolutions to exclude the public

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

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

A resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The council must:

- a) include the general subject for each matter to be excluded;
- b) describe the grounds in section 48 for excluding the public;
- c) have considered whether the public interest in the matter weighs against excluding the public;
- d) provide reason(s), should the resolution pass, set out in plain English and including sufficient detail.

The resolution forms part of the meeting's minutes.

Note: Section 7(2)(f)(i) (free and frank expression) cannot be used as a ground to exclude the public from meetings.

LGOIMA, s 48.

18.2 Specified individuals may remain

A resolution to exclude the public may provide for specified individuals to remain if the meeting believes they have knowledge that will assist the meeting.

If it is proposed that specified individuals should stay, the resolution must state how their knowledge is relevant and will be of assistance.

No resolution is needed for people entitled to be at the meeting (such as relevant staff and officials contracted to the council for advice on the matter).

LGOIMA, s 48(6).

18.3 Public excluded items

The chief executive must indicate, on the agenda, any matter they expect the meeting to consider with the public excluded.

The chief executive may exclude reports, the content or items from reports, expected to be discussed with the public excluded.

LGOIMA, s 46A(8) & (9).

18.4 Non-disclosure of information

Members and officers may only discuss the information relating to public excluded agenda items and reports with another member, an officer, or a person authorised by the chief executive.

This restriction does not apply where a meeting has resolved, or the chief executive has decided, to make the information publicly available because:

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

18.5 Release of information from public excluded session

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

The chief executive may release information which has been considered at a public excluded session when it is determined that the grounds to withhold the information no longer exist.

19. Voting ***Te pōti***

19.1 Decisions by majority vote

Unless the LGA 2002 or council's standing orders provide otherwise, council and committees must decide all items before a meeting by a vote exercised by the majority of the members that are present at the meeting (which include members in attendance by electronic link).

LGA 2002, Sch. 7, cl 24(1) & (4).

19.2 Open voting

All items must be determined by open voting.

Everyone present at a meeting must be able to see (or hear) how each individual councillor votes.

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

19.3 Chairperson has a casting vote

The Mayor, chairperson, or any other person presiding at a meeting, has a deliberative vote but, in the case of an equality of votes, does not have a casting vote.

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

19.4 Method of voting

The method of voting must be as follows:

- a) The chairperson, in putting the motion, must:
 - i. call for an expression of opinion on the voices; or
 - ii. take a show of hands; and

- iii. announce the result.
- b) The chairperson's announcement is conclusive unless it is questioned immediately by a member, in which event the chairperson will call a division.
- c) The chairperson, or a member, may call for a division instead of, or immediately after, voting by voice and/or taking a show of hands.

Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division. The result must be publicly displayed and notified to the chairperson who must declare the result.

19.5 Calling for a division

When a division is called, the chief executive must:

- a) record the names of the members voting for and against the motion
- b) record the names of members abstaining
- c) provide the outcome to the chairperson to declare the result.

The result of the division including members' names and the way in which they voted must be entered into the minutes.

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

19.6 Request to have votes recorded

- A member may request their vote, or abstention is recorded in the minutes.
- The request must be received immediately after the vote is taken.
- The minutes must record the member's vote or abstention.
- Recording any other items, such as a members' reason for their vote or abstention, is not permitted.

19.7 Members may abstain

- A member may abstain from voting.
- A member does not need to provide a reason for their abstention.

20. Conduct ***Whanonga***

20.1 Calling to order

When the chairperson calls members to order they must be seated and stop speaking.

If a member fails to stop speaking and take their seat, the chairperson may direct the member to leave the meeting immediately.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

20.2 Behaviour consistent with Code of Conduct

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

20.3 Retractions and apologies

The chairperson may require a member, or speaker, to apologise and/or withdraw offending comments where the individual:

- a) has been disrespectful of another member, staff or the public; or
- b) contravened the council's Code of Conduct.

If the member refuses to comply with the chairperson's instruction, the chairperson may:

- a) direct that the individual leave the meeting for a specified time and/or
- b) make a complaint under the Code of Conduct.

20.4 Disorderly conduct – members and public

A member whose behaviour is disorderly or is creating a disturbance, may be asked by the chairperson to leave the room immediately.

The chairperson must specify whether the member is required to leave for:

- a) the remainder of the meeting; or
- b) a lesser period.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

If the disorder continues the chairperson may adjourn the meeting for a specified time.

20.5 Contempt

Where the chairperson has repeatedly cautioned a member for disorderly conduct the meeting may resolve that the member is in contempt.

The resolution must be recorded in the meeting's minutes.

A member who has been found to be in contempt and continues to be cautioned by the chairperson for disorderly conduct, may be subject to Standing Order 20.6.

20.6 Removal from meeting

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

This Standing Order will apply where the chairperson has ruled that the member should leave the meeting and:

- a) the member has refused or failed to do so; or
- b) has left the meeting and attempted to re-enter it without the chairperson's permission.

20.7 Financial conflicts of interests

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

The nature of the interest does not need to be disclosed.

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:

- a) an exception set out in s 6 of the LAMIA applies to them, or
- b) the Auditor-General has granted an exemption or declaration under s 6(4), 3(a) or 3(aa) of the LAMIA.

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.

The chairperson, chief executive and/or the meeting cannot 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 members' abstention from any discussion and voting on the matter.

LAMIA, ss 3, 6 & 7.

20.8 Non-financial conflicts of interests

- Non-financial interests involve questions about whether the judgement of a member could be affected by a separate interest, or duty, which that member may have in relation to a particular matter.
- If a member considers that they have a non-financial conflict of interest in a matter that may influence their judgement, 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.

- The chairperson, chief executive and/or the meeting cannot rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

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

LGOIMA, s 53.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies because of any other enactment or rule of law applying to any meeting of the council.

LGOIMA, s 53.

20.11 Electronic devices at meetings

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

21. General rules of debate

Ngā tikanga ahuwānui o te tautohetohe

21.1 Chairperson may exercise discretion

The chairperson has discretion to apply any procedural items in this section of Standing Orders as they see fit.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- a) movers of motions when speaking to the motion – five minutes;
- b) movers of motions when exercising their right of reply – five minutes; and
- c) other members – five minutes.

Time limits can be extended by:

- a) resolution, or
- b) at the chairperson's discretion.

21.3 Questions to staff

The chairperson has discretion to decide whether questions can be put to staff once the debate has begun.

The chairperson has discretion to determine:

- a) how the question is to be dealt with; or
- b) whether the question needs to be answered or not.

21.4 Questions of clarification during debate

At any point in a debate a member may ask the chairperson:

- a) for clarification about the nature and content of the motion; and/or
- b) the particular stage the debate has reached.

21.5 Members may speak only once

A member, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 - 22.4, may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson.

Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken in support of, or in opposition to, a motion, the chairperson may call for a speaker to the contrary.

If there is no speaker to the contrary, the chairperson must put the motion after the mover's right of reply.

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

21.7 Mover and seconder may reserve speech

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

21.8 Speaking only to relevant items

Members may only speak to:

- a) a matter on the meeting agenda;
- b) a motion or amendment which they propose; or
- c) to raise a point of order.

Members must confine their remarks strictly to the motion or amendment they are speaking to.

The chairperson's rulings on these items are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask that the chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution, except where the matter under debate is a notice of motion to amend or revoke that resolution.

21.11 Objecting to words

A member may object to words used by another member in debate and ask that the objection be recorded in the minutes.

The objection must be lodged at the time the words are used, and before any other member has spoken.

The chairperson must order the minutes to record the objection.

Note: This provision does not prevent a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

21.12 Right of reply

The mover of a motion has a right of reply.

The mover of an amendment to the motion does not.

In their reply, the mover must confine themselves to answering previous speakers and not introduce any new items.

A mover has only one right of reply. The mover can exercise their right of reply either at the end of the debate on the motion (whether original, substituted or substantive) or at the end of the debate on a proposed amendment.

The original mover may speak once to the principal motion and once to each amendment without losing their right of reply.

If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

No member may speak:

- a) after the mover has started their reply;
- b) after the mover has indicated that they want to forego their reply; or
- c) where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

The carrying of any motion to adjourn a meeting supersedes other business, including business yet to be resolved.

Any adjourned business must be considered at the next meeting.

Business referred to, or referred back to, another decision-making body must be considered at the next ordinary meeting of that body, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The chairperson may only accept a closure motion where:

- a) there have been at least two speakers for and two speakers against the motion proposed to be closed; or
- b) 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 (unless the mover has already exercised that right) after which the chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

Ngā tukanga mō te kōrero me te whakatau mōtini

22.1 Speaking and moving motions

- a) The mover and seconder of a motion can move or second an amendment.
- b) Any members, regardless of whether they have spoken to the motion (whether original, substituted or substantive), may move or second an amendment to it.
- c) The mover or seconder of an amendment (whether it is carried or lost) can move or second further amendments.
- d) Members can speak to any amendment.
- e) The meeting may reword a motion provided that:
 - i. the mover and seconder agree to the rewording; and
 - ii. the majority of members agree to the rewording.

23. Motions and amendments

Ngā mōtini me ngā menemana

23.1 Proposing and seconding motions

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

- A motion should be moved and seconded before debate but after questions.
- Any motion, including substituted motions and amendments, that are not seconded are not valid and should not be entered in the minutes.
- Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in writing

The chairperson may require movers of motions, including substituted motions and amendments, to provide them in writing.

23.3 Motions expressed in parts

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

23.4 Substituted motion

The meeting may replace a motion with a substitute provided that:

- a) the substituted motion has been moved and seconded; and
- b) the mover and seconder of the original motion agree to its replacement.

All members may speak to the substituted motion.

23.5 Amendments to motions

Subject to standing order 23.6, the meeting may amend a motion provided that:

- a) the motion has been moved and seconded; and
- b) the mover and seconder of the original motion agree to its amendment.

All members may speak to the amendment.

23.6 Amendments must 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.

Amendments must comply with the decision-making provisions of Part 6 of the LGA 2002.

Reasons for not accepting an amendment include:

- a) not directly relevant;
- b) in conflict with a carried amendment;
- c) similar to a lost amendment;

- d) would negate a committee decision if made under delegated authority;
- e) being in conflict with a motion referred to the governing body by that meeting;
or
- f) direct negative.

23.7 Foreshadowed amendments

Only one amendment can be debated at a time.

The meeting must dispose of a proposed or existing amendment before a new amendment can be moved.

Members may foreshadow, to the chairperson, an intention to move further amendments and may advise the nature of those amendments.

23.8 Lost amendments

Where a proposed amendment is lost, the meeting will resume the debate on the motion (whether original, substituted or substantive).

Any member who has not spoken to that motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

23.9 Carried amendments

Where an amendment is carried;

- a) The motion, incorporating the amendment, becomes the substantive motion.
- b) the meeting will resume the debate on the substantive motion.

Members who have not spoken to the original motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

23.10 Where a motion is lost

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 an alternative course of action.

23.11 Withdrawal of motions and amendments

The meeting owns a motion or amendment once it has been moved, seconded and put to the meeting for discussion.

The mover cannot withdraw a motion or amendment without the agreement of the majority of members who are present and voting.

The mover of an original motion cannot withdraw the motion if an amendment has been moved, seconded and put to the meeting for discussion unless the amendment has been lost, or withdrawn by agreement

Refer to Standing Order 23.4.

23.12 No speakers after reply or motion has been put

No member may speak to a motion once:

- a) the mover has started their right of reply; or
- b) the chairperson has started putting the motion.

24. Revocation or alteration of resolutions ***Te whakakore, te whakarerekē rānei i ngā tatunga***

24.1 Member may move revocation of a decision by notice of motion

A member of a decision-making body may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the same decision-making body.

The notice of motion must set out:

- a) the resolution or part of the resolution which the member proposes to revoke or alter;
- b) the decision-maker and meeting date when the resolution was passed;
- c) the motion, if any, which the member proposes to replace it with; and
- d) sufficient information to satisfy the decision-making provisions of sections 77-82 of Part 6, of the LGA 2002.

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

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

Where a committee, subcommittee, joint committee, other subordinate decision-making body has made a resolution under delegated authority, only that body may revoke or amend the resolution (assuming the resolution has been legally made).

This provision does not prevent the body that delegated authority from removing or amending a delegation.

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

Refer also to Part 6 (Delegations) of these Standing Orders

24.3 Requirement to give notice

A notice of motion to revoke, or alter, a previous resolution must:

- a) be in writing;
- b) be signed by not less than one third of the members of the council or body that made the resolution (including vacancies); and
- c) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of intended motion via email including the scanned electronic signatures of members.

If the notice of motion is lost, the chief executive cannot accept a similar notice of motion which is substantially the same in purpose and effect within the next twelve months.

24.4 Restrictions on actions under the affected resolution

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

Exceptions apply if, 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; or
- b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the council or the committee that made the previous resolution.

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

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where:

- a) the meeting has received fresh facts or information concerning the resolution during the course of the meeting; and
- b) 75 per cent of the members present and voting have agreed, by resolution, to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

The council, on a recommendation in a report by the chairperson, chief executive, a committee or subcommittee, a subordinate decision-making body or a local or community board, may revoke or alter all or part of a resolution passed by a previous meeting.

The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

25. Procedural motions

Ngā mōtini ā-hātepe**25.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate takes precedence over other business, except points of order and rights of reply.

If a procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate.

The chairperson must accept a procedural motion to close or adjourn debate:

- a) after two speakers have spoken for the motion and two have spoken against the motion; or
- b) in the chairperson's opinion it is reasonable to accept the closure.

25.2 Procedural motions to close or adjourn a debate

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

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

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

25.3 Voting on procedural motions

A majority of members present, and voting, must decide any procedural motion to close or adjourn a debate.

If a procedural motion is lost, no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items that have been previously adjourned all members can speak on the items.

25.5 Remaining business at adjourned meetings

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

25.6 Business referred to the council, committee or local or community board

Where a matter is referred to, or referred back to, a committee or a local or community board, the committee or board will consider the matter at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

The chairperson has the discretion to allow any other procedural motion not contained in these Standing Orders.

26. Points of order
Ngā ui tikanga
26.1 Members may raise points of order

Any member may raise a point of order when they believe these Standing Orders have been breached.

When a point of order is raised, the member who was speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member raising a point of order must state precisely what its subject is.

Points of order may be raised for the following subjects:

a.	Disorder	Bringing disorder to the attention of the chairperson.
b.	Language	Highlighting use of disrespectful, offensive or malicious language.
c.	Irrelevance	Informing the chairperson that the topic being discussed is not the matter currently before the meeting.
d.	Misrepresentation	Alerting the chairperson of a misrepresentation in a statement made by a member, an officer or a council employee.
e.	Breach of standing order	Highlighting a possible breach of a standing order which must specify which standing order is subject to the breach.
f.	Recording of words	Requesting that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

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

26.4 Point of order during division

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

26.5 Chairperson's decision on points of order

The chairperson may decide a point of order immediately after it has been raised or may choose to hear further argument about the point before deciding.

The chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

Where a point of order concerns the performance of the chairperson, the chairperson will:

- a) refer the point of order to the deputy chairperson; or
- b) if there is no deputy chairperson, another member to hear arguments and make a ruling.

27. Notice of motion
Te pānui mōtini**27.1 Notice of intended motion to be in writing**

A notice of intended motion must:

- a) be in writing;
- b) be signed by the mover;
- c) state the meeting at which it is proposed the motion be considered; and
- d) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of an intended motion via email and include a scanned electronic signature of the mover.

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

27.2 Refusal of notice of motion

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

- a) is disrespectful or which contains offensive language or statements made with malice;
- b) is not related to the role or functions of the council or the meeting concerned;

- 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;
- d) is concerned with matters which are already the subject of reports or recommendations to the meeting concerned;
- e) fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. 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 recommend that the proposal is referred to the chief executive for consideration and report; or
- f) concerns a matter where council has delegated decision-making authority to a subordinate body or a local or community board.

Where the refusal is due to f), the chief executive must refer the notice of motion to the appropriate body or board.

The chief executive should provide reasons for refusing a notice of motion to the mover.

27.3 Mover of notice of motion

A meeting may not consider a notice of motion in the absence of the mover unless the mover has provided written authorisation for another member to move the motion.

27.4 Alteration of notice of motion

Only the mover may alter a proposed notice of motion.

Any alteration requires the agreement of a majority of those present at the meeting and must be made at the time the motion is moved.

Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

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

27.6 Referral of notices of motion

Where a notice of motion refers to a matter ordinarily dealt with by a committee of the council or a local or community board, the chief executive must refer the notice of motion to that committee or board.

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

27.7 Repeat notices of motion

When a motion has been considered and rejected by the council or a committee:

- a) No similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

- b) No other notice which, in the chairperson's opinion, has the same effect, may be put while the original motion stands.

28. Minutes

Meneti

28.1 Minutes to be evidence of proceedings

The council, its committees and subcommittees must authorise and keep minutes of their proceedings.

When confirmed by resolution at a subsequent meeting or following authorisation by the chairperson (by manual or electronic signature) the minutes will be authenticated and stored in hard or electronic copy.

Once authorised, the minutes are the *prima facie* evidence of the proceedings they relate to.

LGA 2002, Sch.. 7, cl 28.

28.2 Items recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- a) the date, time and venue of the meeting;
- b) the names of the members present;
- c) the chairperson;
- d) any apologies or leaves of absences;
- e) members absent without apology or leave of absence;
- f) members absent on council business;
- g) the arrival and departure times of members;
- h) any failure of a quorum;
- i) a list of any external speakers and the topics they addressed;
- j) a list of the matters considered;
- k) matters tabled at the meeting;
- l) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders;
- m) the names of all movers, and seconders;
- n) any objections made to words used;
- o) all divisions taken and, if taken, a record of each members' vote;

- p) the names of any members requesting that their vote or abstention be recorded;
- q) any declarations of financial or non-financial conflicts of interest;
- r) the contempt, censure and removal of any members;
- s) any resolutions to exclude members of the public;
- t) the time at which the meeting concludes or adjourns; and
- u) the names of people permitted to stay in public excluded.

Note: hearings under the RMA 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

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

28.4 Minutes of last meeting before election

The chief executive and the relevant chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the council before the next election of members.

29. Keeping a record ***Te pupuri mauhanga***

29.1 Maintaining accurate records

A council 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.

A council must maintain all public records that are in its control in an accessible form, to be able to be used for subsequent reference.

Public Records Act 2002, s 17.

29.2 Method for maintaining records

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

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

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

29.3 Inspection

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

LGOIMA, s 51.

29.4 Inspection of public excluded items

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

Referenced documents

Ngā tuhinga i kōrerotia

1. Commissions of Inquiry Act 1908
 2. Crimes Act 1961
 3. Contract and Law Act 2017
 4. Financial Markets Conduct Act 2013
 5. Local Authorities (Members' Interests) Act 1968 (LAMIA)
 6. Local Electoral Act 2001 (LEA)
 7. Local Government Act 1974 and 2002 (LGA)
 8. Local Government Official Information and Meetings Act 1987 (LGOIMA)
 9. Public Records Act 2005
 10. Resource Management Act 1991 (RMA)
 11. Sale and Supply of Alcohol Act 2012
 12. Secret Commissions Act 1910
 13. Securities Act 1978
-

Appendix 1: Grounds to exclude the public***Āpitihanga 1: Ngā take e aukatihia ai te hunga tūmatanui***

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

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any council holding the information to carry out, without prejudice or disadvantage, commercial activities; or

- (i) Enable any council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

LGOIMA, s 7.

Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public is not excluded.

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

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

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

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

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

LGOIMA, s 48.

Appendix 2: Sample resolution to exclude the public

Āpitihangā 2: Tauira o te tatūnga aukati i te hunga tūmatanui

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

1. that the public is excluded from:
- The whole of the proceedings of this meeting; *(deleted if not applicable)*

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

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <div><div>i.</div><div>be contrary to the provisions of a specified enactment; or</div></div> <div><div>ii.</div><div>constitute contempt of court or of the House of Representatives (s.48(1)(b)).</div></div>
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <div><div>i.</div><div>a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or</div></div> <div><div>ii.</div><div>the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).</div></div>
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

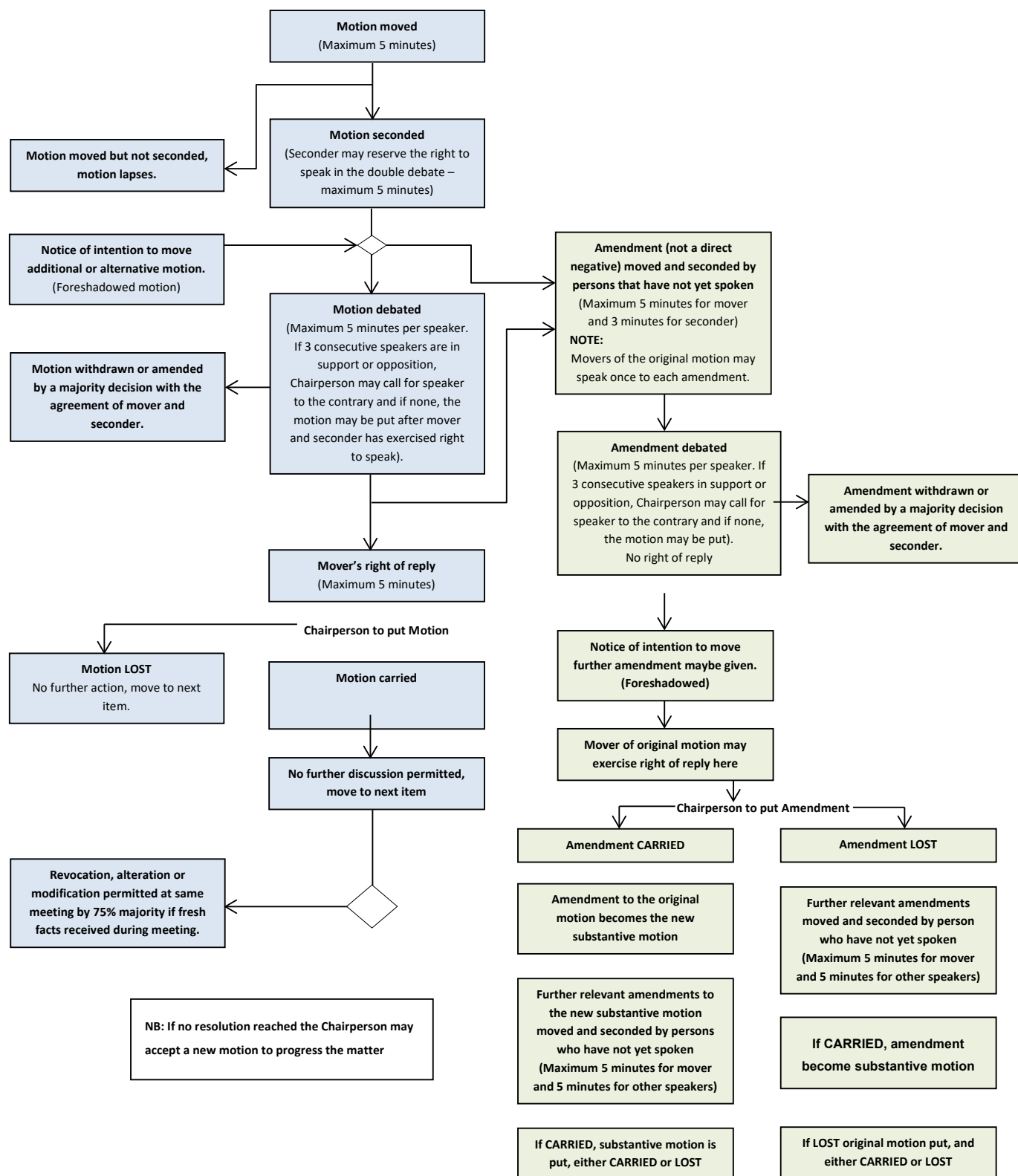
2. That (name of person(s)) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (specify). (Delete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

Appendix 3: Motions and amendments (Option A)

Āpitianga 3: Ngā mōtini me ngā menemana (Kōwhiringa A)

Motions without amendments

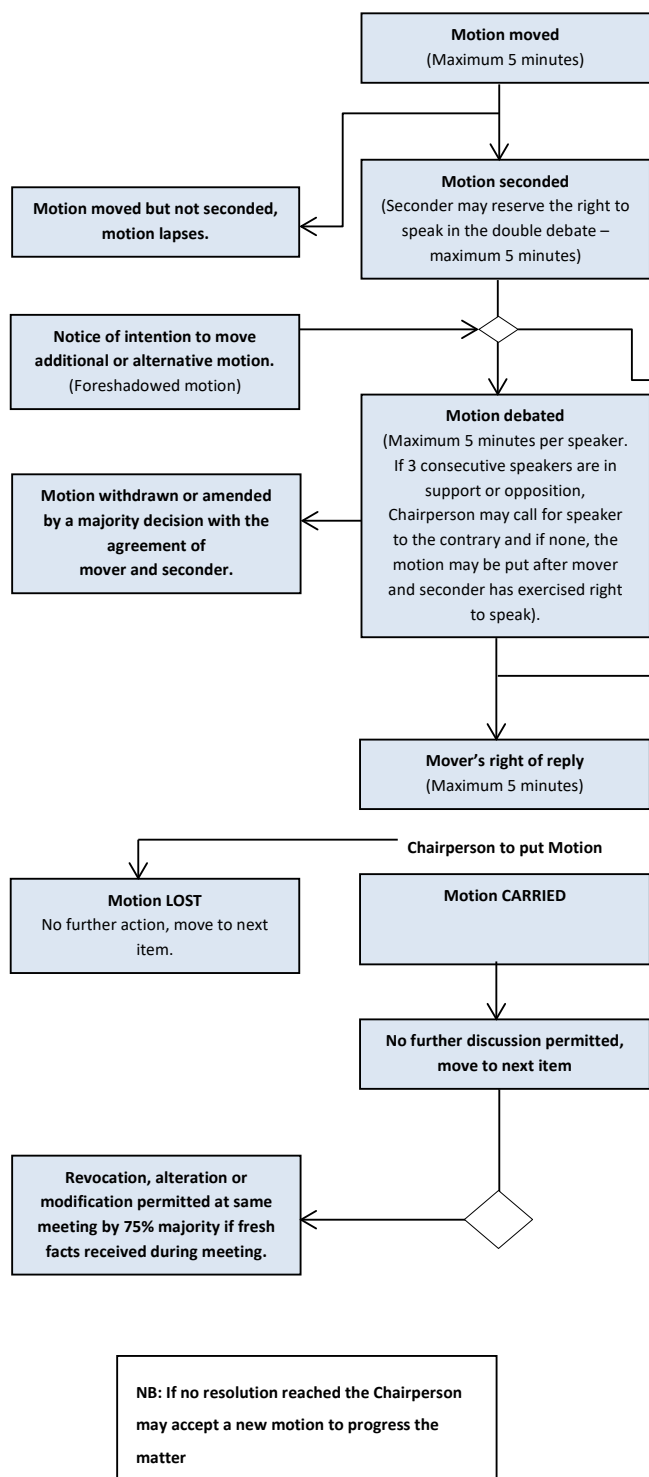
Motions with amendments



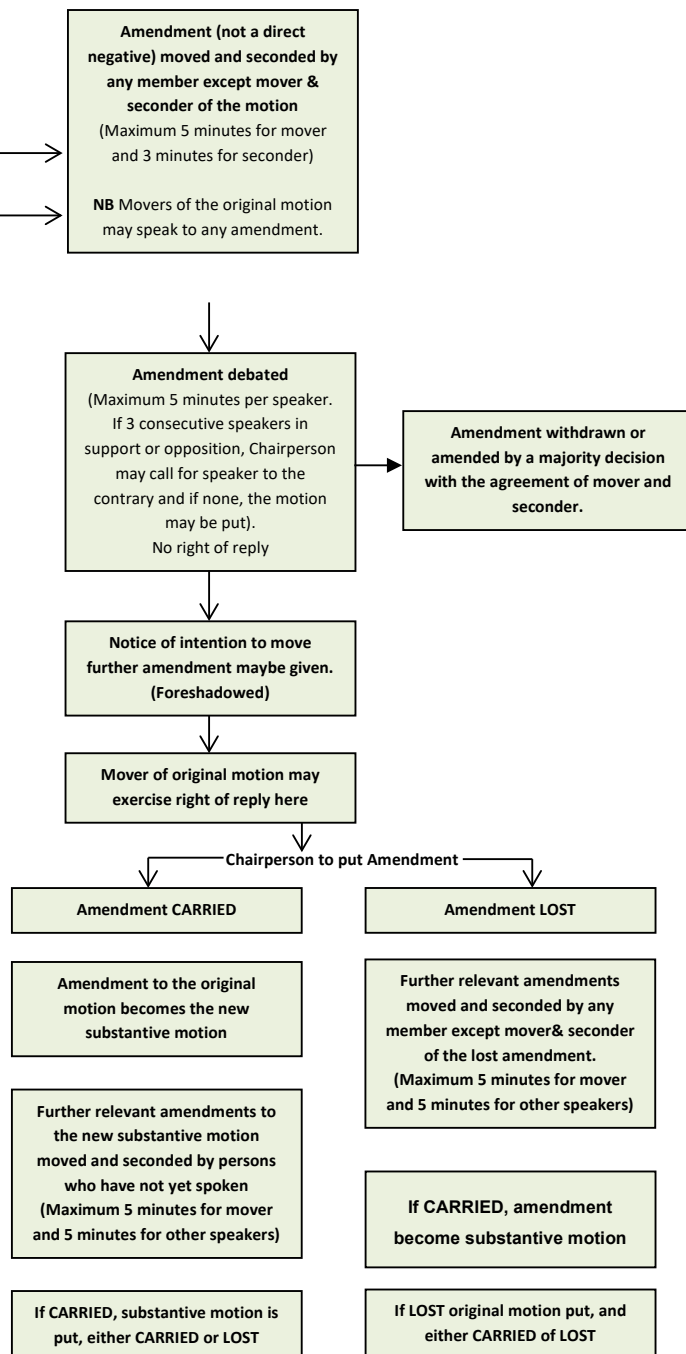
Appendix 4: Motions and amendments (Option B)

Āpitianga 4: Ngā mōtini me ngā menemana (Kōwhiringa B)

Motions without amendments



Motions with amendments

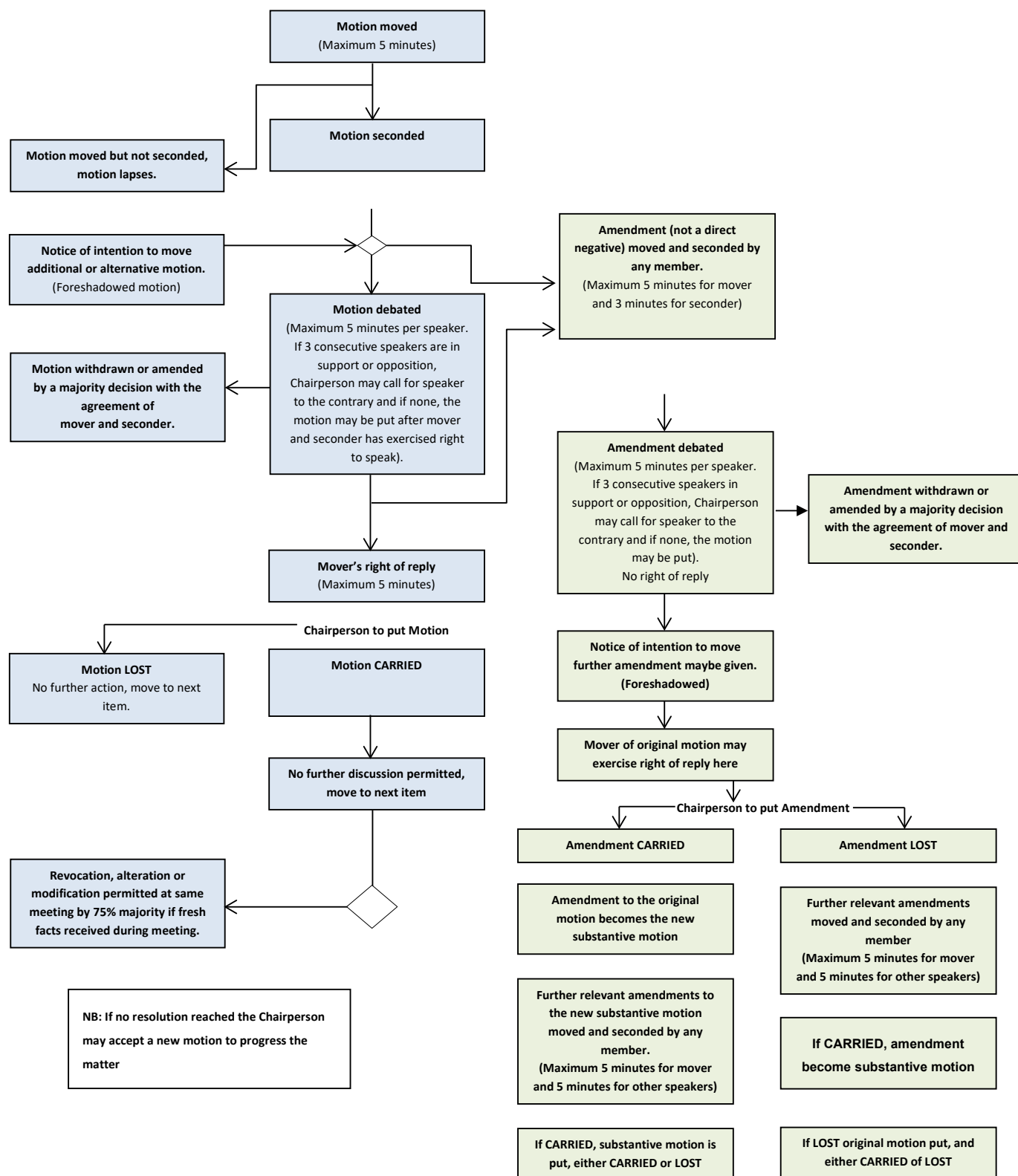


Appendix 5: Motions and amendments (Option C)

Āpitianga 5: Ngā mōtini me ngā menemana (Kōwhiringa C)

Motions without amendments

Motions with amendments



Appendix 6: Table of procedural motions
Āpitihianga 6: Tūtohi o ngā mōtini ā-hātepe

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

Appendix 7: Powers of a Chairperson

Āpitihangā 7: Ngā mana a te Upoko

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

Items not on the agenda (SO.9.12)

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

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

Chairperson's report (SO.9.6)

The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation (SO.9.5)

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 may call a meeting (SO. 11.6)

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 scheduled meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Audio or audio visual attendance (SO.13.10)

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

- a) The technology for the link is available and of suitable quality; and
- b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;

- ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
- iii. The requirements of Part 7 of LGOIMA are met; and
- iv. The requirements in these Standing Orders are met.

Chairperson to decide all questions (SO. 14.4)

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's rulings (SO.14.4)

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.

Chairperson rising (SO.14.5)

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.

Explanations (SO. 14.6)

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.

Members may leave places (SO.14.6)

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

Priority of speakers (SO.14.7)

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

Questions of speakers (SO.16.3)

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.

Chairperson's voting (SO19.3)

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

Withdrawal of offensive or malicious expressions (SO.20.3)

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.

Disorderly behaviour (SO.20.4)

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 (SO.20.6)

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

Irrelevant matter and needless repetition (SO.21.8)

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 (SO.21.11)

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.

Motion in writing (SO.23.2)

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

Motion in parts (SO.23.3)

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

Action on previous resolutions (SO.24.4)

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.

Revocation or alteration of previous resolution (SO 24.6)

A chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these Standing Orders.

Chairperson to decide points of order (SO. 26.5)

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.

Notice of motion (SO.27.2)

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

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

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

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

Repeat notice of motion (SO.27.7)

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Minutes (SO.28.1)

The chairperson is to sign the minutes and proceedings of every meeting once confirmed. The chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

8.9 DECLARATIONS (CONFLICTS) OF INTEREST

Author: Te Aroha Cook, Group Manager – Community Services and Development

Authoriser: Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices: 1. **Appendix 1 Register of Interests Form - Elected Members** [↓](#)

1. PURPOSE

- 1.1 The purpose of this report is to inform members of a proposed Declaration of Interest Statement to be included on order (agenda) papers for council and committee meetings, and Clauses 20.7 and 20.8 of the Wairoa District Council Standing Orders.
- 1.2 The Chief Executive is required to provide legislative advice to incoming elected members for the new Triennium.

RECOMMENDATION

The Group Manager – Community Services and Development RECOMMENDS that Council receives the Declarations (Conflicts) of Interest report, and endorses the inclusion of a 'Declarations of Interest Statement' or order papers for council and committee meetings.

2. BACKGROUND

- 2.1 The reason the report has come before Council is due to the Local Authorities (Members' Interests) Act 1968 (LAMIA). It is designed to maintain natural justice and to ensure that elected members' decisions are not affected by any personal motive. Specifically, 'A councillor must not discuss or vote on any matters in which the councillor or his/her spouse has a direct or indirect pecuniary (i.e., monetary) interest.' Members may also have a non-pecuniary interest.
- 2.2 The report also proposes inclusion of a Declaration of Interest Statement on order (agenda) papers for council and committee meetings for the new triennium.

3. CURRENT SITUATION

- 3.1 Agendas of council and council committee meetings include the opportunity to register a perceived or actual conflict of interest, whether pecuniary or non-pecuniary, for any item included in the order papers.
- 3.2 Members are required to maintain an awareness and understanding of their legislative responsibilities in accordance with many Acts and Regulations. To enable an assessment by members of any perceived or actual conflicts of interest on any agenda item, including presentations, it is proposed that a 'Declarations of Interest statement is included on all council and council committee agendas.
- 3.3 The following statement is proposed for inclusion in the order of proceedings for all council and council committee meetings:

Declarations of Interest

Members need to stand aside from decision-making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to review the matters of the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting, or at the relevant item of business, and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive of the Chief Operations Officer (preferably before the meeting).

It is noted that while members can seek advice, the final decision as to whether a conflict exists rests with the member.

3.4 Clause 20.7 of the Wairoa District Council Standing Orders provides as follows:**Financial Conflicts of Interest**

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

The nature of the interest does not need to be disclosed.

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:

- a) An exception set out in s6 of the LAMIA applies to them, or*
- b) The Auditor-General has granted an exemption or declaration under 26(4), 3(a) or 3(aa) of the LAMIA.*

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

The chairperson, chief executive and/or the meeting cannot 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 members' abstention from any discussion and voting on the matter.

3.5 Clause 20.8 of the Wairoa District Council Standing Orders provides as follows:**Non-financial Conflicts of Interest**

Non-financial interests involve questions about whether the judgement of a member could be affected by a separate interest, or duty, which that member may have in relation to a particular matter.

If a member considers that they have a non-financial conflict of interest in a matter that may influence their judgement, 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 the member's subsequent abstention from discussion and voting.

The chairperson, chief executive and/or the meeting cannot rule on whether a member has a non-financial interest in the matter being discussed.

- 3.6 Elected members were provided with a Register of Interests Form – Elected Members (**Appendix 1**) as part of their induction packs. Any declarations (conflicts) of interest indicated on these forms by the Mayor and/or Councillors have been entered into the Wairoa District Council Declaration of Interests Register.
- 3.7 The Declaration of Interests Register is available to members on request, and a copy will be placed on the table at each council and committee meeting. This provides an opportunity for members to review the register and make any amendments.
- 3.8 Any new Declarations (Conflicts) of Interest at a meeting, will be notified to, and by, the Chairperson, prior to the conclusion of the meeting.

4. OPTIONS

- 4.1 The options identified are:
 - a. Council receives the Declarations (Conflicts) of Interest report and endorses the inclusion of a 'Declarations of Interest Statement' on order papers for council and committee meetings.
 - b. Council receives the Declarations (Conflicts) of Interest report.
 - c. Not to receive the report.
- 4.2 **Option A** - receive the Declarations (Conflicts) of Interest report and endorse the inclusion of a 'Declarations of Interest Statement' on order papers for council and committee meetings. This option enables members to meet their legislative requirements as a member of a local authority and also makes provision for the statement to be included on all agenda papers of council to assist members in determine whether a perceived or actual conflict may exist.
- 4.3 **Option B** – receive the Declarations (Conflicts) of Interest report. This option also enables members to meet their legislative requirements but excludes the endorsement of the 'Declaration of Interest Statement'. This may result in members not considering any perceive or actual conflict of interest on matters included in an agenda of council and/or committees of council.
- 4.4 **Option C** – Not receive the report. Failure to receive this report could result in elected members not complying with their statutory requirements.
- 4.5 The preferred option is **Option A**, as it enables the Chief Executive to meet their legislative requirement in providing advice to elected members at the commencement of the triennium and provides information to enable members to comply with their statutory requirements. This option also contributes to the following community outcomes:

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
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Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment
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5. CORPORATE CONSIDERATIONS

What is the change?

- 5.1 A 'Declarations of Interest' statement would be included on all council and council committee agendas.

Compliance with legislation and Council Policy

- 5.2 Local Authority (Members' Interests) Act 1968

What are the key benefits?

- 5.3 Inclusion of a Declaration of Interest statement on the agenda provides a notation to members to consider any perceived or actual conflict of interest prior to attendance at a meeting, and where uncertainty arises, to seek clarification from the Chief Executive or Chief Operations Officer. **Note:** Determining whether a conflict exists and needs to be declared, rests with the member.

What is the cost?

- 5.4 As this is an administrative matter, there are no financial implication to Council.

Māori Standing Committee

- 5.5 This report has not been referred to the Māori Standing Committee as it is an administrative matter for elected members.

6. SIGNIFICANCE

- 6.1 The level of significance has been assessed as low as the report is administrative in nature.

7. RISK MANAGEMENT

- 7.1 In accordance with the Council's Risk Management Policy the inherent risks associated with this matter are:

In accordance with the Local Authority (Members' Interests) Act, members may not vote or take part in any discussion regarding a matter in which they have a pecuniary interest. Members are also required to disclose their interest to the committee or local authority meeting at which the matter is raised. This disclosure and an abstention from voting and discussion must be recorded in the minutes of the meeting.

Failing to disclose conflicts of interest and being involved in discussions and decision making (voting) can have severe consequences for council. At the organisational level consequences can include severe and possibly irreversible reputational damage, hefty fines, and legal action.

- 7.2 Risk has been assessed as follows:

Human	Financial	Regulatory
L	H	M
Operations	Employees	Image & Reputation
L	L	M

Who has been consulted?

Under Council's Significance and Engagement Policy, public consultation is not required as the report is administrative in nature.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.



**We are.
LGNZ.**

Register of interests

Member name:		
Spouse/partner name:		
Declared employment or business interest	Spouse/partner declared employment or business interest	Council appointment
Address of any land in which a beneficial interest is held within the Council boundaries (member and her/his partner)		
Address of any land owned by the Council rented to the member or spouse, or to a firm or organisation in which the member or spouse is a director or trustee		

8.10 QRS LETTER OF EXPECTATION, DIRECTOR REMUNERATION AND DIRECTOR ROTATION**Author:** Matthew Lawson, Tumu Whakarae | Chief Executive**Authoriser:** Matthew Lawson, Tumu Whakarae | Chief Executive

Appendices:

1. **24-QRS - Letter of Expectation** [↓](#)
2. **Letter of Expectation** [↓](#)
3. **Director Skills Matrix** [↓](#)

The purpose of this report is to action a letter of expectation from Council to the directors of Quality Roding Solutions Ltd (QRS), to set directors remuneration and to adopt a revised scheme for director rotation for QRS.

RecommendationThe Tumu Whakarae | Chief Executive RECOMMENDS that Council receives this report and:

1. That Council resolves to provide a letter of expectation along the lines of attachment 2 with or without amendments as resolved at the meeting.
2. That Council resolved to have the directors of QRS remuneration determined by reference to Institute of directors existing reports. In the alternative, Council could resolve to have the directors of QRS remuneration determined by reference to a report commissioned from the Institute of directors for that purpose.
3. That Council resolved to adopt a director rotation policy whereby no more than one QRS director rotates in any one calendar year. Its is suggested that one position becomes available by rotation in 2026, one in 2027 and one in 2028 with Guy Gaddums position coming up in 2029, effectively making his current term a 4 year term.

BACKGROUND

- 1.1 Each year Council provides the board of QRS with a letter of expectation setting out Council's expectations, including expectations regarding governance, management, financial performance, Council collaboration and community engagement. A copy of last years LoE is attached as attachment 1.
- 1.2 A letter of expectation is required for the next financial year and a draft for 2025/26 is attached as attachment 2.
- 1.3 In drafting the letter of expectation, I have taken on board the matters discussed at the workshop on this matter including the fact that many of the matters contained in previous letters of expectation, could be considered as "going without saying" and/or telling commercial directors how to do their job.
- 1.4 Attachment 2 is provided as a discussion document to see whether a simplified letter of expectation achieves councils intent in providing the same.
- 1.5 Also discussed at the QRS AGM was a need for the remuneration of directors to be fixed and it was resolved that this should be done by reference to an independent resource such as those provided by the Institute of directors. The Institute has confirmed that they can undertake a recommendation report for what would be appropriate director remuneration at a cost of \$4750.

- 1.6 As previously discussed, the Institute of directors has already provided some general market guidance and councillor Harker would be able to provide us with that report. That is one option. It is also an option to commission a QRS specific report at a cost of \$4750 which would be payable by QRS. A third option is for Council to simply set the remuneration.
- 1.7 The third issue for action is to look at the rotation of directors. At present QRS has four director positions that are up for re-appointment/appointment before July 2026. Having the potential for having multiple changes of directorship at a governance level is undesirable and a rotation should be put in place which sees one director retiring by rotation each year.
- 1.8 The current matrix showing the relative skill set and the duration of appointment is attached as attachment 3.

2. DISCUSSION

Letter of expectation

- 2.1 QRS is set up as a council-controlled organisation. One of the driving forces for setting up a council-controlled trading organisation is to bring commercial expertise in governance to what is effectively a business operation that is expected to operate in, survive and thrive in commercial markets.
- 2.2 Council itself has an expectation that QRS will compete with other providers in the market. As a result it is imperative that whatever Council expectations are of its CCO, those expectations must be seen in the light of the commercial imperatives of a commercial operation as directors of a limited liability company.
- 2.3 The current letter of expectations has the potential to be interpreted as cutting across some of the commercial imperatives that arise as a result of the need for QRS to be a successful business. It also has the potential to negate a directors obligations to act Bona Fide in the best interests of the company and its shareholders.
- 2.4 As an example, it was discussed at the workshop that the potential limitation on investment decisions for investment over \$500,000 being subject to Council approval seems counterintuitive when a new grader that is needed by QRS has a pricetag of over \$750,000. The short point being that if QRS believe that they have a sound business case for the purchasing of a piece of machinery and that the purchase of that machinery is in the best interests of the company, Council should not be seen as second-guessing that investment decision. The question is, how does any staff or member of Council have any information or how are they better placed to make such an investment decision than the directors that have been entrusted with that function.
- 2.5 The corollary is that, if Council were to refuse an investment recommended by the directors, would there be a corresponding diminution in the expectations regarding profit and performance if that piece of machinery were seen as being necessary for the continued operation of QRS.
- 2.6 A letter of expectation is needed and a draft is provided as attached. That draft is subject to any amendments that may be required as discussed at the council meeting.

Directors' remuneration

- 2.7 Also as discussed there is a need to set the directors remuneration. That remuneration should be set independently with the potential to include a requirement to take into account an element of public service appointment to a directorship of a council - controlled organisation.
- 2.8 The options are to have that remuneration independently assessed by the Institute of directors at a cost of \$4750. Such an assessment would take into account the value of the company, the turnover of the company, the hours involved in being a director and any other relevant factors.
- 2.9 Another option is to utilise existing reports and attempt to benchmark the QRS remuneration against other reported remuneration put out by the Institute of directors.

Director rotation

- 2.10 The rotation of directors ideally should see only one director being changed or potentially changed each year. The potential for three or four directors to cease being directors in a single year presents a business risk through having a lack of continuity at a governance level.
- 2.11 Attached as attachment 3 is the current skills matrix which also includes the current duration of appointment for each director.
- 2.12 On the basis of the current scenario, Guy Gaddum has just been reappointed in July 2025. Based on a 3 year appointment, Fenton Wilson's position is due for retirement by rotation, Tony Gray is up for retirement by rotation in March 2026 and Lauren Jones would be up for retirement by rotation in July 2026.
- 2.13 I would recommend realigning that sequence so that one position becomes available by rotation in 2026, one in 2027 and one in 2028 with Guy Gaddums position coming up in 2029, effectively making his current term a 4 year term.

3. OPTIONS

- 3.1 The options identified are:

Letter of Expectation

- a. provide a similar letter of expectation to that provided in previous years; or
- b. adopt a letter of expectation along the lines as attachment 2 with any amendments as resolved at the meeting.

Directors remuneration

- a. engage the Institute of Directors to set directors' remuneration at a cost of \$4750; or
- b. utilise existing Institute of directors reporting to benchmark directors' salaries

Director rotation

- a. the Council stay with the existing director rotation policy and program; or
- b. that Council adopt a director rotation policy which limits the exposure to Council to multiple directorship changes in QRS each year.

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
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Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment
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4. RISK MANAGEMENT

4.1 In accordance with the Council's Risk Management Policy the inherent risks associated with this matter are:

Human	Financial	Regulatory
Low	Low	low
Operations	Employees	Image & Reputation
Low	Low	Moderate

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Draft Outline of Letter of Expectation for QRS

Wairoa District Council established and continues to own Quality and Roading Services Ltd (QRS) as its sole shareholder for the benefit of the Wairoa community. It chooses to do this compared with doing work in house or using external contractors to enhance its community outcomes. It expects QRS to compete for work on the open market to ensure it continues to become more efficient and competitive. Alongside this, Wairoa District Council is committed to social procurement and broader outcomes ensuring a circular local economy that serves the best interest of ratepayers and residents of the Wairoa District and aligns to the legislative wellbeing's outcomes as per the Local Government Act.

Where appropriate, the Key Result areas below have been updated to reflect the current term.

1. Collaboration

We have the expectation that QRS and WDC will work together collaboratively for the greater good of Wairoa.

We have the expectation that QRS and WDC staff will work together collaboratively to find solutions to problems as they arise and to improve value for money for our ratepayers.

We request the relationship between our organisations, at all levels, be based on collaborative behaviours including;

- Looking forward, not back
- Timely responses
- Open, honest and frank communication
- Being respectful of each other and having no surprises
- Being positive and constructive
- Being focused on "What's best for Wairoa"

Communication between organisations should occur regularly (at a minimum monthly) and at the respective level, eg Mayor to Chair, CEO to CEO, Council Managers to QRS Managers. Issues not resolved should be escalated to the next level for resolution.

We request regular meetings between the organisations, at the respective levels, with a Governance meeting once a quarter to review progress in addressing the expectations contained in this letter and in meeting QRS's Statement of Intent. Discussions during these meetings should help to inform the letter of expectations for the following year.

2. Professional Governance

Professional Governance is necessary for the successful operation of any organisation. Directors have key responsibilities to the shareholder (WDC), which are essential for maintaining trust and ensuring the long-term success of the company. Primary responsibilities include:

- Fiduciary Duty: Directors must act in the best interests of the shareholder (WDC) and company (QRS), prioritising their interests over personal gain. This includes exercising care, loyalty, and good faith in their decisions.

- **Transparency and Reporting:** Directors are responsible for ensuring the shareholder (WDC) receives accurate and timely information about the company's financial performance, strategic direction, and any material developments. This includes preparing and approving financial statements and reports.
- **Strategic Oversight:** Directors play a crucial role in guiding the company's strategic direction. They should work collaboratively to develop and approve strategies that enhance shareholder value and respond to market conditions.
- **Risk Management:** Directors must identify and manage risks that could impact the company's performance. This includes overseeing the implementation of effective risk management policies and practices.
- **Corporate Governance:** Directors are responsible for establishing and maintaining sound corporate governance practices. This includes ensuring compliance with laws and regulations, as well as ethical standards.
- **Shareholder Engagement:** Directors should meaningfully engage with the shareholder (WDC), listening to their concerns and feedback. This may involve attending shareholder meetings, responding to inquiries, and facilitating communication between management and shareholders.
- **Performance Monitoring:** Directors must monitor the company's performance against established goals and benchmarks, ensuring that it operates efficiently and effectively to achieve its objectives.
- **Succession Planning:** Governance succession planning and growing governance capability and capacity locally are of interest to the Wairoa District Council. Local opportunities to build governance experience by nurturing local talent, including a Director Internship initiative on the QRS Board, is an important focus for Council.
- **Dividends and Returns:** Directors are responsible for making decisions regarding the distribution of dividends and other returns to the shareholder, balancing shareholder returns with reinvestment

Board composition of QRS will be identified by a QRS Directors skills matrix to ensure a broad coverage of appropriate Governance capabilities to meet the strategic direction of the company now and into the future. The skills matrix will be used to inform QRS Director professional development. The skills matrix will also be utilised to assist in informing Director appointments.

By fulfilling these responsibilities, directors help to build shareholder confidence, promote sustainable growth and enhance the overall value of the company.

3. Investment Policy

Sound business practice requires prudent investment.

In recognition of QRS's financial performance over the last three years, we request QRS provide its investment policy to WDC and supply WDC with business cases for all investments and end to end projects above \$500,000 for WDC to review.

Council expects QRS' strategic plan to align with the Wairoa District Council vision.

QRS is expected to present its annual strategic plan and identify potential investments and and/or acquisitions that trigger financial thresholds, strategic alignment and risk profiles where there may be direct impact

4. Development of attributes

To maintain competitiveness in order to secure contracts, QRS needs to excel in its price and non-price attributes and support broader outcomes.

We expect QRS to carry out a gap assessment of non-price attributes needed for a modern contracting company and address any gaps.

Social procurement and alignment to the four wellbeings as previously articulated in the Local Government Act will serve to further develop attributes that are holistically aligned to the betterment of the Wairoa district.

WDC's procurement policy has clear objectives regarding broader outcomes and we are assured that QRS will have clear alignment to these.

5. Overheads

Top heavy contracting companies become uncompetitive, lose market share and revenue.

We expect QRS to benchmark itself to industry KPIs for its overhead percentage of turnover and make any adjustments needed.

6. Maintaining and Enhancing Capability

Contracting companies that fail to maintain and enhance capability become uncompetitive, lose market share and revenue.

It is expected QRS will continue to embrace, leading technologies and demonstrate excellence in regards to technology, minimising environmental impact and reducing its carbon footprint.

We expect QRS to continue carry out a needs analysis and strengthen its training or recruitment programme to address any capability gaps.

7. Community Support

Providing community support is a primary reason for WDC owning QRS. Improving community outcomes and making a profit are both important to WDC

Without limiting QRS's opportunity for sponsorship, we would recognise work in kind that benefits Council.

8. Employing Locally

Local employment is important for the economic growth of Wairoa, especially from revenues generated outside of Wairoa. Given the current state of the economy we expect to see a focus on local employment, which Council is committed to through the following;

- Supporting local

- Social or Progressive Procurement
- Preferred supplier arrangements

9. Business growth

Business growth in third party revenue is important for diversifying risk.

The achievement of enduring growth in third party revenue according to market conditions, as determined on an annual basis, with significant growth in normal market conditions, limited growth in a recession and high growth in a boom period.

10. Shareholder Vision/Mission Statements

It is important that QRS supports its shareholder in all relevant matters. Essentially a 'no surprises approach'.

Without limiting its activities, QRS should reflect WDC's vision and mission statements in the work it carries out to demonstrate the importance of partnering for the betterment of the Wairoa district.

11. Statement of Intent

We request that the following matters be included in your SOI:

- A baseline distribution of
 - The greater of
 - 50% of the company's after-tax profit; OR
 - 3% of opening equity
- Key strategies and initiatives, with detail to the extent appropriate for a public document;
- Health and safety targets in line with Health & Safety at Work Act;
- Investment policy including pre-investment review process and post investment review process;
- Intention to operate on a "no surprises" basis;
- Community Focus
- Remuneration policy - in line with current benchmarks
- Innovative/disruptive and new technologies
- Financial performance targets, as a minimum we request the following:
 - Target Revenue – % % %
 - Net Profit After Tax -
 - Shareholder Funds to Total Assets
 - Dividend Forecast

Letter of Expectation

Quality Roding Solutions Ltd is a council -controlled and owned organisation. It is a strategic asset for Wairoa district Council.

QRS is set up as a limited liability company with an independent board of directors appointed by Council. The focus of QRS is being a successful business. The appointment of independent directors is intended to provide the necessary expertise for the operation of a commercially successful business that operates in accordance with the principles of not only be a successful, profitable business but also being a good corporate citizen.

The company is required to act as a good employer and to comply with all employment, health and safety, company, and other relevant legislation.

In addition to the director's duties imposed by the Companies Act 1993, the directors owe fiduciary obligations to at all times act bona fides and in the best interests of Wairoa district Council as its shareholder. Wairoa district Council in turn holds the shares on behalf of its community. The directors acknowledge that while QRS is a corporate entity, their role as a community service aspect. The making decisions as directors Council must be mindful of decisions being made for and on behalf of its Council shareholder and indirectly the community that it serves.


The relationship between council and QRS and its Board of Directors is one of mutual respect and cooperation. The parties are committed to work together to the extent allowed by law and sound business practices. The relationship should be one with sound communication founded on a no surprises expectation.

QRS is also expected to be the source of employment within Wairoa District. Priority should be given to utilising local employment and other resources wherever possible.

As a successful business Council expects to receive a dividend that reflects the desire for Council to have a significant return on its investment in QRS while preserving sound business practices in determining the level of profit to be retained within the company to fund growth and investment.

The relationship is one that is based on effective communication. Washer house is like was never crack with his will with the suburbia QRS and the council should meet regularly and as required. As a minimum, QRS should seek to provide a six-monthly report on progress, profits, risks, and opportunities facing the company and the current trading environment.

Council values the input of the independent directors and the relationship of mutual respect and cooperation.

 QRS Director Skills					
	Guy Gaddum	Tony Gray	Lauren Jones	Fenton Wilson	Fulton Storey
Qualifications	Masters in Engineering Management, Bachelor Forestry Science	FCA	Masters in Professional Accounting, Masters in Biological Sciences, CA		
QRS Specific Skills					
Contracting					
Plant Management					
Change Management					
Procurement					
Quarrying					
Project Management					
Local Knowledge - Wairoa Inc					
Iwi Engagement					
Chairperson Skills					
Generic Skills					
Executive Leadership & Strategy					
Governance					
Financial					
Risk & Compliance					
Legal & Regulation					
People					
Start Date	01/03/2007	15/02/2017	05/07/2023	01/09/2019	15/04/2025
Finish Date					
Tenure (years)	18	8	2	6	Intern - 18 months
Geography	Rotorua	Hastings	Wairoa	Wairoa	Wairoa
Gender	M	M	F	M	M
Key Risks diversity of board composition					
Suggestions Exit interviews with retiring Directors. Staggered tenure appointments. Prioritise required Board skill set in recruitment process. Start planning for new Directors with proven national governance experience and QRS specific skill set(s). Diversity - with appropriate skill base. Diversity not at expense of skill base.					
Finish Date Timeline	<u>01/07/2025</u>	<u>01/04/2026</u>	<u>06/07/2026</u>	<u>01/07/2026</u>	
	GG (chair)	TG	LJ	FW	FS
Waiting on reappointment letter					

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

Nil

10 PUBLIC EXCLUDED ITEMS**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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

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
10.1 - PX - Procurement of Capital Projects - Proposal	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	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
10.2 - Solid Waste Programme Update	<p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(h) - the withholding of the</p>	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

	information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	
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