

Notice of the Inaugural Council Meeting

Buller District Council

Te Kaunihera O Kawatiri

Agenda | Rārangi take

Date: Wednesday 29 October 2025
Time: 1:00 pm
Location: Clock Tower Chambers, Palmerston
Street, Westport



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kawatiri



BULLER DISTRICT COUNCIL
29 OCTOBER 2025

Venue: Clock Tower Chambers

Live streamed on Buller District Council YouTube channel

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1 OFFICERS REPORTS

AGENDA ITEM: **1.1 DECLARATION OF OATH**

Prepared by: Caitlin McDonald
 Governance Secretary

Reviewed by: Simon Pickford
 Chief Executive Officer

Public Excluded: **No**

DECLARATION BY HIS WORSHIP THE MAYOR

1. Pursuant to Clause 14, Schedule 7 of the Local Government Act 2002:

“No person is capable of acting as a member of a local authority until they have made the prescribed declaration. The Local Government Act states that members must make this declaration both orally and in writing.”

2. The Mayor Elect will make the declaration first and then will sign a written copy which will be witnessed by the Chief Executive Officer.
- Mayor Elect reads and signs the Declaration of Oath
 - Chief Executive Officer witnesses signature
 - Chief Executive Officer hangs Mayoral Chain on His Worship the Mayor

DECLARATION BY COUNCILLORS

3. Pursuant to Clause 14, Schedule 7 of the Local Government Act 2002.

4. In order that members may become familiar with the wording which will be required to be read out, the declaration format prescribed is as follows:

"I, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Buller District, the powers, authorities, and duties vested in or imposed upon me as a Member of the Buller District Council,

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by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act."

COUNCILLORS:

- Councillor reads and signs the Declaration of Oath
- Mayor witnesses each Oath and signature
- Councillor takes their place at the Table. Note. Opportunity to address Council is to follow later in the meeting.

ORDER

Cr Toni O'Keefe
Cr Rosalie Sampson
Cr Dave Hawes
Cr Linda Webb
Cr Shayne Barry
Cr Colin Reidy
Cr Philip Rutherford
Cr Ray Curnow
Cr Dave Hingston
Cr Paul Reynolds

Once all elected members have been sworn in, the meeting will adjourn for ceremonial photographs.

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AGENDA ITEM: 1.2 APPOINTMENT OF THE DEPUTY MAYOR

Prepared by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. Council notes the Mayor exercising his power under Sec 41A(3) appoints the Deputy Mayor.

DRAFT RECOMMENDATION

That Council:

- 1. Receive the report**
- 2. Note that His Worship the Mayor is exercising the powers assigned to him in Sec 41A(3) of the Local Government Act 2002 to appoint at this meeting Shayne Barry as the Deputy Mayor.**

ISSUES & DISCUSSION

BACKGROUND

2. Sec 41A(3) of the Local Government Act 2002 (LGA) provides for the Mayor to appoint the Deputy Mayor, unless the Mayor defers the decision to Full Council. His Worship the Mayor has indicated that he will be exercising his right to make an appointment. S. 41A (3) of the Act reads as follows:

41A Role and powers of mayors

(3) For the purposes of subsections (1) and (2), a mayor has the following powers:

(a) to appoint the deputy mayor.

(b) to establish committees of the territorial authority.

(c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—

(i) may make the appointment before the other members of the committee are determined; and

(ii) may appoint himself or herself.

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3. For the information of members, the functions of the Deputy Mayor are as per Clause 17 of Schedule 7 of the Local Government Act 2002 which reads as follows:

(3) The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all the powers, of the mayor or chairperson, -

(a) with the consent of the mayor or chairperson, at any time during the temporary absence of the mayor or chairperson:

(b) without that consent, at any time while the mayor or chairperson is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office:

(c) while there is a vacancy in the office of the mayor or chairperson.

(4) In the absence of proof to the contrary, a deputy mayor or deputy chairperson acting as mayor or chairperson is presumed to have the authority to do so.

(5) A deputy mayor or deputy chairperson continues to hold his or her office as deputy mayor or deputy chairperson, so long as he or she continues to be a member of the territorial authority or regional council, until the election of his or her successor.

4. The Council may choose to remove the Deputy Mayor so appointed by using the process outlined under the LGA Schedule 7 Clause 18.

POWER TO REMOVE CHAIRPERSON, DEPUTY CHAIRPERSON, OR DEPUTY MAYOR

5. Clause 18, Schedule 7 of the LGA 2002 sets out the process for removing a chair, deputy chair or deputy mayor. It is a detailed process that requires firstly, a resolution by the relevant meeting to replace the chair or deputy, and secondly, a follow up meeting, to be held not less than 21 days after the resolution, at which the change occurs.

(1) At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its chairperson, deputy chairperson, or deputy mayor from office.

(2) If a chairperson, deputy chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new chairperson, deputy chairperson, or deputy mayor at that meeting.

(3) A meeting to remove a chairperson, deputy chairperson, or deputy mayor may be called by—

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- (a) a resolution of the territorial authority or regional council; or*
- (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).*
- (4) A resolution or requisition must—*
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and*
 - (b) indicate whether or not, if the chairperson, deputy chairperson, or deputy mayor is removed from office, a new chairperson, deputy chairperson, or deputy mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.*
- (5) A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.*
- (6) The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.*
- (7) A resolution removing a chairperson, deputy chairperson, or deputy mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution."*

ATTACHMENTS

Nil

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AGENDA ITEM: 1.3 STATUTORY RESPONSIBILITIES OF MEMBERS

Prepared by: Simon Pickford
Chief Executive Officer

Public Excluded: No

REPORT PURPOSE

1. The Local Government Act requires the Chief Executive to provide the Council with an overview of key legislation that they need to be aware of and have an understanding of in their role as Mayor and as a District Councillor.
2. These will include:
 - Local Government Act 2002
 - Local Authority (Members' Interests) Act 1968
 - Crimes Act 1961 – Sections 99, 105 and 105A
 - Secret Commissions Act 1910
 - Financial Markets Conduct Act 2013
 - Local Government Official Information and Meetings Act 1987
 - Health and Safety at Work Act 2015
 - Privacy Act 2020
3. No decision is needed in relation to this information.

EXECUTIVE SUMMARY

4. There are certain legal provisions which members must be aware of to avoid risk to Council and a risk of disqualification from office. There is also a requirement to have these brought to members' attention at the Inaugural meeting of the Council under Clause 21 (5) of Schedule 7 of the Local Government Act 2002.
5. These are:
 - The appropriate provisions of the Local Authorities (Members Interests) Act 1968; and
 - Sections 99, 105 and 105A of the Crimes Act 1961;
 - The Secret Commissions Act 1910;

- Financial Markets Conduct Act 2013 and
 - The Local Government Official Information and Meetings Act 1987 (LGOIMA)
6. An information pack will be provided to new Council members which will include:
- The Code of Conduct (which outlines the expectations about the manner in which members of Council conduct themselves while acting in their capacity as members).
 - LGNZ's [Elected Member's Guide to Governance and Local Government](#)
7. Orientation training during October, November and December 2025 will also cover in detail the roles and responsibilities of elected members, the Code of Conduct and decision-making and consultation processes under the Local Government Act 2002.
8. All the Acts referred to in this report are available to Elected members in Harbour Software.
9. The in-house orientation, combined with the re-elected and newly elected members' induction workshop being held in Westport by Meeting and Governance Solutions will introduce all elected members to their local government role, their key support networks and start the development journey towards being an effective community leader.
10. Important Acts applicable to council include:

Local Government Act 2002 (LGA)

11. The Local Government Act 2002 represents the most important legislative framework for local government in New Zealand and, as such covers a wide range of topics which include the role of local authorities, its members, its responsibility to the community including Iwi, accountability, its services and all associated matters.
12. Council staff are well versed in the Act and its provisions and can provide guidance to Council. Such staff also introduces a strong focus on best practice which further supplements the provisions of the Act.

Local Authorities (Members Interest) Act 1968 (LAMIA)

13. This Act stipulates that any member who has "...directly or indirectly any pecuniary interest other than an interest in common with the public" in any matter being dealt with by the Council shall not vote on the matter or take part in its discussion. The general "test" is to declare an interest when in doubt. It is important to note that the interest of a spouse is deemed to be the interest of the member for the purposes of the Act.
14. The Act helps to protect the integrity of Council as a body and its decision-making by ensuring that Council members are not influenced by personal motives when they participate in Council decision-making and cannot use their position to further their own position commercially or otherwise.
15. The two specific rules in the Act are that members cannot:
 - Benefit from contracts with their local authority worth more than \$25,000 (including GST) in any financial year; or
 - Participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public.
16. Breach of this rule is a criminal offence and conviction results in automatic disqualification from office.
17. The Office of the Auditor General is the agency which oversees this legislation, and it also has the responsibility and power to institute proceedings against any member. The Act does not define pecuniary interest; however the Office of the Auditor-General uses the following test:
18. "Whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."
19. A pecuniary interest is therefore one that involves money. This could be direct or indirect. It is sometimes difficult to decide whether an interest in a particular matter is pecuniary or some other kind. It is always the responsibility of elected members to make this decision for themselves, to declare any interest when appropriate and to ensure that the principles of the Act are complied with at all times.

20. An indirect pecuniary interest might arise as follows: For example, if a company in which a member or their spouse/partner has a level of ownership or management specified in the Act (such as owning 10% or more of the issued capital, or being a managing director or general manager) has a pecuniary interest in a matter before the Council, the member is deemed to have a pecuniary interest.
21. Once a Council member declares an interest, they shall not vote on the matter nor participate in any discussion on the matter.
22. In deciding whether a Council member has a pecuniary interest they should consider the following factors:
- Am I influenced in any way by monetary gain or loss in how I cast my vote?
 - Is my financial interest one that is in common with the public?
 - Do any of the exceptions in the Act apply to me?
 - Should I not rather discuss my personal interest with the Office of the Auditor-General as a means of determining my eligibility to participate and vote?
23. Further guidance is provided in the booklet "[Local Authorities \(Members' Interests\) Act 1968: A guide for members of local authorities on managing financial conflicts of interest](#)" published by the Auditor-General. It is important that members pay particular attention to the contents of this booklet as this is one of the few areas of the Council's business where staff does not as a rule offer formal advice.
24. The important principle is that it is a personal decision that each Council member has to take, with the assistance of the Auditor-General if in doubt.
25. Again, the healthy principle is to declare an interest as soon as a conflict of interest arises and desist from taking any further part in the item.

Non-Pecuniary Interest

26. Non-pecuniary interest is any interest the member may have in an issue that does not necessarily involve a direct or indirect financial benefit. It manifests in "bias" and or as "pre-meditation". These two

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manifestations are in many respects difficult to differentiate but for purposes hereof, the following practical definitions are offered:

- “Bias” is involved where a decision-maker allows themselves to be influenced by factors other than the facts provided or arguments offered in discussion of the issue.
- “Pre-determination” is where a decision-maker forms an opinion on a specific issue and then closes their mind to any argument or point of view contrary to the set opinion.

27. Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias.

28. Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree.

29. Should a Council member have any concerns on having an “interest” in any matter before the Council or a subcommittee the practical way of addressing is to seek advice from the Mayor, the Committee Chair, Chief Executive or a Manager before the meeting.

30. A Pecuniary Interest Register is maintained as a public document. It represents a declaration by each member of personal and direct family member interests. Members are responsible for keeping their written declarations up to date at all times.

31. Note: The member decides whether or not they have an interest as the member takes the responsibility for that decision. Consulting the Mayor, CEO or any other member does not absolve the member with the interest from determining whether or not to declare an interest.

Personal Liability of Elected Members

32. Elected Members are indemnified in respect of their actions as a member of the Council subject to specific circumstances. Section 43 of the Local Government Act 2002 provides for this indemnity (by the Council) in relation to:

- civil liability (both for costs and damages) if the member is acting in good faith and in pursuance of the responsibilities or powers of the Council;

- costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as an elected member.

33. Section 46 provides for a theoretical personal exposure on the part of elected members in certain circumstances if the Council has incurred loss due to actions of the Council. The loss must arise out of one of the following situations:

- if the Council unlawfully spends money;
- if the Council unlawfully sells or disposes of an asset;
- if the Council unlawfully incurs a liability;
- if the Council intentionally or negligently fails to enforce the collection of money it is lawfully entitled to receive.

34. If the Auditor-General has reported on a "loss", then that loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally. However, it is a defence if a member can provide proof that the act or failure which led to the loss occurred:

- without their knowledge; or
- with their knowledge but against their protest made at or before the time when the loss occurred; or contrary to the manner in which they voted on the issue at a meeting of the Council; or in circumstances where they acted in good faith and relied on information or professional or expert advice given by a Council officer or professional advisor on matters which you reasonably believed were within that person's competency.

Crimes Act 1961

35. Section 99 of the Crimes Act 1961 defines a member of a local authority as an "official" for purposes of section 105 and 105A of the Act. Section 99 also defines a "bribe" as being "any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect". The words "or indirect" open this definition considerably, e.g. an offer of employment to a member's son or a daughter could be construed as amounting to be a bribe, so members need to be aware of their exposure under this Act through other family members.

36. Under this Act it is unlawful for an official to:

- Corruptly accept or solicit for themselves (or anyone else) a bribe for acting or not acting in relation to the business of the Council (Section 105);
- Corruptly use or disclose information gained in the course of their duties for their, or another person's, monetary gain or advantage (Section 105A).

37. Under Section 105 of the Crimes Act 1961, every "official" who accepts a bribe is liable to imprisonment for a term of up to seven years.

38. Under Section 105A, an "official" is also liable to imprisonment for up to seven years who "...corruptly uses or discloses any information acquired by him in his official capacity to obtain directly or indirectly an advantage or a pecuniary gain for himself or any other person".

39. Prosecutions made for offences under this Act require the approval of the Attorney-General.

40. If found guilty, there may be consequences of loss of office.

Secret Commissions Act 1910

41. This Act basically establishes offences relating to the giving, receiving or soliciting of gifts or other consideration which may be seen as an inducement or reward for doing or forbearing to do something in relation to the affairs of the Council, or showing or having shown favour or disfavour to any person in relation to the Council's affairs or business (section 4(1)).

42. The Act makes it an offence for any agent (for the purposes of the Act an elected member is deemed to be an "Agent" of the Council) (section 16(1)(b)) to corruptly accept or solicit gifts as an inducement or reward for carrying out, or forbearing to carry out some act in relation to the Council's business, or who knowingly delivers to the Council a false receipt, invoice, account or other document in relation to the Council's business.

43. It is an offence to divert, obstruct, or interfere with the proper course of the affairs or business of the Council, or to fail to use due diligence in the prosecution of its affairs or business, with intent to obtain any gift or

other consideration from any person interested in the affairs or business of the Council (section 4(2)).

44. It also provides that it is an offence for any person to advise a party to enter into a contract with a third party and to receive gifts or consideration from that third party as reward for procuring the contract, unless that person is known by the party to be the agent of that third party. It further provides that the act of aiding or abetting or in any way facilitating an offence against the Act is itself an offence.

45. Such a conviction would also have the consequences of loss of office in terms of Clause 1 of Schedule 7 of the Local Government Act 2002.

46. As its title suggests, this Act has the purpose of prohibiting secret commissions which term includes gifts and all other forms of valuable consideration.

Financial Markets Conduct Act 2013

47. This Act establishes rules to prevent misleading or deceptive conduct in relation to financial products and services, prohibiting false or misleading representations, and setting requirements for the fair treatment of consumers by financial institutions.

48. It essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if a financial product, such as a product disclosure statement, contains false or misleading statements, knowing it to be false or misleading (section 512).

LGOIMA (Local Government Official Information and Meetings Act 1987)

49. The Local Government Official Information and Meetings Act 1987 has the following purposes:

- To make official information held by local authorities more freely available.
- To promote the open and public transaction of business at meetings of local authorities.

- To protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.
- To protect local authorities in releasing official information, subject to correct procedures being followed.

50. Most requests for information made to the Council come within the ambit of this Act. However, releasing information may have serious consequences and the Act provides for clear process and reasons when information should not be released.

51. It also provides for protection from civil or criminal proceedings if information is correctly released in good faith as a result of a LGOIMA request. Official information does not only extend to documents, emails etc. held by Council but it includes any such information held by Council members.

52. Some Council staff are well trained in understanding the legal principles and processes involved and for that reason, the release of any information is deemed an executive function with the Chief Executive Officer having been appointed as LGOIMA Officer for Council.

53. The Act also outlines the legal principles and background to Land Information Memorandums (LIMs).

54. The Act also contains clear statutory provisions in relation to Council meetings and conduct of meetings of Council. These provisions are supplementary to those contained in Schedule 7 of the Local Government Act 2002 and in the Council's Standing Orders although there is considerable overlapping.

Health and Safety at Work Act 2015

55. On 4 April 2016, the Health and Safety at Work Act 2015 (HSWA) came into force. The HSWA provides a significant change to New Zealand's current health and safety legislation and is a response to the scrutiny placed on New Zealand's health and safety practices following the Pike River tragedy.

56. The Act focuses on ensuring workplace health and safety by imposing clear duties and obligations on persons conducting a business or

undertaking (PCBUs)(i.e. the Council). This includes ensuring, as far as is reasonably practicable, the safety of workers who work for the Council and to ensure the health and safety of other persons is not put at risk from work the Council undertakes.

57. For the purposes of the HSWA, elected Council members (which include the Mayor and Councillors) and the Chief Executive are identified as “Officers”.

58. Officers have obligations of due diligence to ensure that the PCBU complies with its duties and obligations under the Act, which are:

- to acquire, and keep up-to-date, knowledge of work health and safety matters; and
- to gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations; and
- to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and
- to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
- to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

59. However, it is not a criminal offence for an elected member, when acting in that capacity, to fail to comply with the duty on officers to exercise due diligence.

60. It is important to note that:

- penalties for contravening the provisions of the Act are high
- a PCBU cannot insure against being guilty under the Act.

The Privacy Act 2020

61. The Act governs the collection storage use and disclosure by the Council of 'personal information', which is defined as information about an identifiable individual. Amongst other things, the Act also imposes restrictions on the collection of personal information and the uses to which such information may be held.
62. The Act also gives individuals the right to request information that the Council holds about that individual.
63. The standard considerations have been thoroughly evaluated, and there are no additional comments at this time.

DRAFT RECOMMENDATION

- 1. That the Statutory Responsibilities of Members from Simon Pickford, Chief Executive Officer dated 29 October 2025 be received.**

ATTACHMENTS

Nil

AGENDA ITEM: 1.4 ADOPTION OF ELECTED MEMBERS CODE OF CONDUCT 2025–2028

Prepared by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. The Council is required to adopt a Code of Conduct under clause 15 of Schedule 7 of the Local Government Act 2002. Once adopted, all Elected Members are required to comply with the Code of Conduct.
2. A mandatory, standardised Code of Conduct is currently being developed by central government, with adoption expected to be required in early 2026. The version presented in this report is intended to guide elected member conduct until that time and will need to be replaced once the national standard is released.

DRAFT RECOMMENDATION

That Council:

1. **Adopt the Code of Conduct for Elected Members 2025–2028 (Attachment 1), noting this version will be superseded by a mandatory standardised Code of Conduct expected from Central Government in early 2026.**

ISSUES & DISCUSSION

BACKGROUND

3. The Code is designed to deal with the behaviour of Elected Members towards:
 - each other;
 - the Chief Executive Officer (CEO) and staff;
 - the media; and
 - the public.
4. Under the Act, Elected Members are required to:

- comply with all legislative requirements applying to their role, abide by the code of conduct, and act in accordance with the trust placed in them by the public to be responsible for their decisions and actions, and be prepared to justify these.
 - act in an open and transparent manner.
 - ensure Council resources are used prudently.
5. In February 2025, the Minister of Local Government referred the development of a standardised Code of Conduct to the Local Government Commission. Consultation with councils and stakeholders occurred mid-year, with feedback closing in September 2025.
6. A final version is expected in early 2026, and councils will be required to adopt it without amendment. The Code presented in this report is therefore an interim framework.

CONSIDERATIONS

Strategic Impact

7. Adopting as well as articulating agreed professional and ethical behaviours, encouraging teamwork and facilitating effective local democracy, the Code of Conduct is of value to the Council as a resource and information guide for existing Elected Members and an aid to the public – enabling the public to evaluate behaviour.
8. Adopting this interim Code ensures Council maintains a clear and lawful framework for elected member conduct while preparing for the transition to the mandatory national version in 2026.

Significance Assessment

9. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:
<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>
10. This report is assessed as being low significance.

Risk Management Implications / Opportunities

11. Adopting standardised Code of Conduct that have been developed according to best practice reduces the risk of procedural errors.

12. Proactively adopting and maintaining a Code of Conduct aligned with current best practice reduces the risk of reputational harm and supports a smoother transition to the mandatory framework.

Policy & Legislative Considerations

13. The Code of Conduct is compliant with the requirements of the LGA 2002, including clause 15 of Schedule 7. Council should note that a mandatory standardised Code of Conduct and Standing Orders will be introduced in early 2026, requiring full adoption without amendment and replacing the current versions.
14. The emphasis on open and transparent conduct aligns with Section 14 of the LGA 2002 and should be reinforced in training and onboarding materials.

Māori Impact Statement

15. The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value; therefore, this decision does not specifically impact Tangata Whenua, their culture and traditions.

Financial Considerations

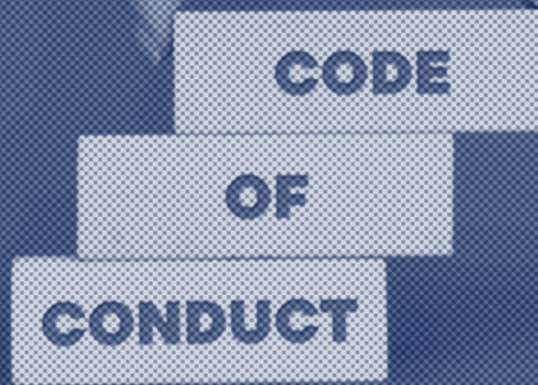
16. There is no financial implication relevant to this decision

Communication Internal / External

17. There will be little media and public interest in this move.

ATTACHMENTS

1. BDC Code of Conduct for Elected Members 2025–2028 [1.4.1 – 21 pages]



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kawatiri

Code of Conduct for Elected Members

2025 - 2028

1&2

Scope & Application

Buller District Councillors and the Mayor (“Elected Members”) have an important role representing the people of Buller. This Code of Conduct (“the Code”) represents a commitment from all Elected Members to maintain high standards of behaviour, which is important for their credibility as district leaders and for the reputation of Buller.

As well as articulating agreed professional and ethical behaviours, encouraging teamwork and facilitating effective local democracy, the Code is of value to the Council as a resource and information guide for existing Elected Members and is an aid to the public—enabling the public to evaluate behaviour.

Mission of Council is to serve the residents of the Buller District, conscious of their needs, by providing facilities and services, and creating an appropriate environment for progress and development while preserving the distinctive natural environment, as well as the cultural and historical environments.

1. Scope

The Council is required to adopt a code of conduct (clause 15 of Schedule 7 of the Local Government Act 2002 (‘LGA’)). Once adopted, all Elected Members are required to comply with the Code.

The Code is designed to deal with the behaviour of Elected Members towards:

- each other;
- the Chief Executive Officer (‘CEO’) and staff;
- the media; and
- the public.

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

2. Application

The Code applies to Elected Members at all times.

The LGA requires Elected Members to comply with the provisions of this Code. Members are also bound by the LGA, the Local Authorities (Members’ Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961, the Financial Markets Conduct Act 2013, the Health and Safety at Work Act 2015, and the Protected Disclosures Act 2000.

The CEO will ensure that an explanation of these Acts is provided at the first meeting after each triennial election and that copies of the above Acts are freely available to Elected Members.

Short explanations of the obligations that each of these Acts has with respect to the conduct of Elected Members are set out in Schedule 1 of this Code.

3 Principles of Governance

The Code gives effect on the following general principles of good governance with which Elected Members have agreed to comply:

3.1 Integrity and Honesty

Elected Members will be honest and act with integrity. This includes:

- behaving in accordance with the trust that the public places in them.

- being fair and consistent in dealings with others and following through commitments.
- not making statements or doing anything that will, or is likely to, mislead or deceive.
- not placing themselves in situations where their honesty and integrity may be questioned.
- being open to constructive feedback.
- complying with relevant legislation and Council policies and procedures.
- making decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.

3.2 Accountability

Elected Members will:

- comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public to be responsible for their decisions and actions, and be prepared to justify these.
- act in an open and transparent manner.
- ensure Council resources are used prudently.

3.3 Respect

Elected Members may not always get their own way. Elected Members will treat everyone with respect and respect other individuals' points of view and opinions, beliefs, and rights. This includes:

- treating people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
- recognising and encouraging ideas and contributions from others.
- being courteous and approachable.
- not engaging in aggressive, offensive, abusive or bullying behaviour.
- not making personal attacks.
- respecting the impartiality and integrity of staff.
- not interrupting when others are expressing their point of view.

3.4 Good Faith

Elected Members will faithfully and impartially perform their powers, authorities and duties in the best interest of the community of Buller District.

A breach of this Code could indicate a lack of good faith and could be relevant to assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

3.5 Proper Use of Position

Elected Members must not abuse their position, including they must not:

- solicit, demand or request any gift or benefit because of their position.
- claim expenses which are not legitimate.
- fail to declare gifts given to them because of their position (see explanation of declaring gifts set out under Section 5.6 of this Code).
- influence, or attempt to influence, any Council employee, or another member, in order to benefit their own, or family's, personal or business interests.
- use information and/or Council resources for any purpose which is not directly related to Council business, including use of Council resources to promote personal or business interests.
- use, directly or indirectly, any Council resources and/or branding for the purpose of seeking reelection.

Note: refer to the OAG Guidelines – "Good Practice for Managing Public Communications by Local Authorities".

3.6 Leadership

Elected Members agree to be bound by this Code and demonstrate adherence to these principles through their leadership of the district. They should always endeavour to act individually and collectively in a way that maintains public confidence in the good governance of the Council.

These principles complement, and work in conjunction with, the governance principles relating to local authorities (sections 14 and 39 LGA).

4

Roles & Responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the Council and those responsible for advice and the implementation of the Council's decisions.

This section of the Code describes the roles and responsibilities of Elected Members, the Mayor, Deputy Mayor, Committee Chairpersons, and Chief Executive Officer.

4.1 Elected Members

Elected Members, acting as the Council, are responsible for governance, including:

- the development and approval of Council plans, policies and budgets;
- monitoring the performance of the Council against its stated objectives and policies;
- prudent stewardship of Council resources; and
- employment of the CEO.

Elected Members are also responsible for representing the interests of the residents and ratepayers of the district.

Unless otherwise provided in the LGA or in the Council's Standing Orders, the Council can only act by majority decisions at meetings. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless provided for by statute or the Council has expressly delegated such authority.

Elected Members are committed to achieving the highest standards of conduct and behaviour at all times and will carry out their role to the best of their skill and judgment.

To achieve this, Elected Members should:

- take responsibility for ensuring that they understand their roles and responsibilities and the Code;
- attend all meetings (including for external organisations to which they are appointed), task force groups (as appropriate) and any appropriate training opportunities provided by Council;
- come to meetings prepared, including having read relevant material;
- seek personal and skill development opportunities to effectively fulfil their statutory declaration of office and contribute to the good governance of Buller;
- maintain an appropriate standard of dress at public meetings, events or functions that does not discredit the Council.
- Generally, the more formal the occasion is, the more formal the standard of dress required (monthly council meetings are deemed to be a formal occasion).

4.2 Mayor

The Mayor is elected by the district as a whole. Section 41A of the LGA states that role of a Mayor is to provide leadership to other members of the Council and to the people of Buller. The Mayor also has the following roles:

- lead the development of the Council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority;
- appointing the Deputy Mayor;
- establish committees of the Council and appoint the chairperson of each committee established. However, nothing limits or prevents the Council from discharging or reconstituting committees or chairpersons of those committees established by the Mayor by way of Council resolution at a later date.
- presiding at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during Council meetings (as determined by Standing Orders);

- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of the Council;
- providing leadership and feedback to other Elected Members on teamwork and chairing of committees; and
- keeping the Council informed of matters brought to his/her attention.

4.3 Deputy Mayor

If the Mayor has not appointed the Deputy Mayor as noted above, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council.

The Deputy Mayor exercises the same roles as other Elected Members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above).

The Deputy Mayor may be removed from office by resolution of the Council.

4.4 Committee Chairpersons

A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the Council and the orderly conduct of business during committee meetings (as determined by Standing Orders).

Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees.

Chairpersons may be removed from office by resolution of the Council. The Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

4.5 Chief Executive Officer

Section 42 of the LGA provides that the CEO is the only person directly employed by the Council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the CEO.

As the principal administrative officer of the local authority, it is the CEO, not the Elected Members, who is responsible for:

- implementing the decisions of the Council;
- providing advice to the Council and its committees;
- 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;
- managing the Council's activities effectively and efficiently;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council;
- providing leadership for the staff of the Council;
- employing staff on behalf of the Council (including negotiation of the terms of employment for the staff of the local authority).

While the Council is ultimately accountable, its function is not to make detailed decisions on operational matters. The Council, committee structures and Elected Members day-to-day dealings with the CEO should recognise the statutory responsibilities of the CEO for the effective management of Council staff and for implementing the decisions of the Council.

5 Relationships & Behaviours

This section of the Code sets out the Council's agreed standards of behaviour between members; members and staff; and members and the public.

Any failure by members to meet the standards set out in this section represents a breach of this Code. For clarity, sections 5.1 to 5.3 include (but is not limited to) any written communication between Elected Members, or from an Elected Member, including through social media platforms.

5.1 Relationship with Other Members

Successful teamwork is a critical element in the success of any organisation. No team will be effective unless mutual respect exists between members. Members must conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected;
- are open and honest;
- focus on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids conduct which is aggressive, offensive or abusive or which may constitute unlawful or inappropriate behaviour.

5.2 Relationship with the Chief Executive Officer and Staff

Elected Members should be aware that failure to observe the standards in section 5.2 of the Code may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and/or audit sanctions.

Effective performance of the Council requires a high level of cooperation and mutual respect between Elected Members and staff. Members will:

- recognise the CEO is the employer (on behalf of the Council) of Council staff and only the CEO (or his/her delegate) may hire, dismiss, instruct or discipline an employee;
- make themselves aware of the obligations that the Council and the CEO have as employers and observe those requirements at all times;
- treat all Council staff with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees);
- observe any guidelines that the CEO puts in place regarding contact with employees;
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee;
- avoid publicly criticising any employee in any way, but especially in ways that reflect the competence and integrity of the employee;
- raise concerns about employees only with the CEO, and concerns about the CEO only with the Mayor or Deputy Mayor;
- not seek to improperly influence staff in the normal undertaking of their duties.

5.3 Relationships with the public

Effective Council decision-making depends on productive relationships between Elected Members and the community at large. Elected Members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority and values community involvement in local democracy.

5.4 Contact with the Media

The media plays an important part in local democracy. To fulfil this role, the media needs access to accurate and timely information about the affairs of the Council. From time to time, individual members will be approached to comment on a particular issue either on behalf of the Council, or as an Elected Member in their own right.

The following rules apply for media contact on behalf of the Council:

- the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.
- No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.
- Elected Members are free to express a personal view in the media, at any time, provided the following rules are observed:
 - III. media comments must not state or imply that they represent the views of the Council;
 - IV. where an Elected Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;
 - V. media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and
 - VI. media comments must not be misleading and should be accurate within the bounds of reasonableness.

5.5 Information available to Elected Members

Any failure by members to act in the manner described in this section 5.5 will be treated seriously and will immediately be referred by

the CEO to an independent investigator for assessment under section 6.2 and Schedule 3 of this Code.

Confidentiality

To enable Elected Members to properly discharge their duties, members are entitled to, and receive, a broad range of information which is publicly accessible. In the course of their duties, Elected Members will also receive information that may be classified as confidential. This includes information received at meetings which are closed to the public or information that is identified as confidential.

Elected Members may also be provided with, confidential information held by Council.

Confidential information includes information that staff have determined there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987 ('LGOIMA'). This will often be information that is either commercially sensitive or is personal to a particular individual. The Council's Privacy Officer is responsible for the release of information under LGOIMA.

Elected Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the Elected Member. Elected Members should be aware that failure to observe these provisions relating to confidential information will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. They may also expose the Council to prosecution under the Privacy Act 1993 and/or civil litigation.

A breach of confidentiality could also indicate a lack of good faith which may be relevant to the assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

Information received in capacity as an Elected Member

Members will disclose to other members and, where appropriate the CEO, any information received in their capacity as an Elected Member that concerns the Council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that is the member's duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Elected Members are accountable to the public.

- All official information held by them personally, whether on Council equipment or their own personal equipment is subject to the LGOIMA.
- Official information, if sought as part of a request, must be made available immediately to the CEO (or nominee) so that it can be assessed in terms of the requirements of the LGOIMA.

5.6 Gifts and Hospitality

A person in a position of trust, such as an Elected Member, should not make a profit through his or her office. The Crimes Act 1961 and the Secret Commissions Act 1910 deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs (refer to Schedule 1). Gifts can include discounts, commissions, bonuses or deductions.

Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. Elected Members must notify the Governance Assistant (or delegate) if any gifts are accepted for inclusion in the Gifts Register maintained by the Council. Where a gift to the value of \$150 or more is offered to a member, it will also be included in the Register of Members Interests maintained by the Council.

As guidance:

- The cumulative value of recurring gifts received each financial year from the same donor must be disclosed. For example, if someone provides a member with concert tickets at different times throughout the year, the total value of those tickets over the relevant financial year is to be disclosed.
- A member is not required to disclose tickets to events for which that member is required to attend as the Council's representative.

- Working lunches and social occasions should be undertaken with a recognition of the public perception regarding undue influence on Elected Members.

5.7 Conflicts of Interest

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 ('LAMIA') could potentially invalidate a decision made, or action taken, by the Council. Failure to observe these requirements could also leave the Elected Member open to prosecution. In the event of a conviction, Elected Members can be removed from office.

Schedule 2 of this Code sets out the Code's conflict of interest requirements. Elected Members must fully acquaint themselves, and adhere strictly to, these requirements.

Ultimately, it is up to each member's own judgement as to whether they have an interest that needs to be disclosed or declared, and what action they take (if any) as a consequence.

The requirements cover two classes of conflict of interest:

- A financial conflict of interest is one where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss to an elected member.

A financial conflict of interest need not involve cash changing hands directly. It could, for example, relate to an effect on the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in.

There are particularly strict provisions (and penalties) relating to dealing with a financial conflict of interest.

- A non-financial conflict of interest does not have a personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

Elected Members are required to complete declarations of interest following their inauguration, and to update their declarations as and when required.

5.8 Bankruptcy

Elected Members who are declared an undischarged bankrupt shall notify the CEO when elected or as soon as practicable after being so declared. The members will provide the CEO with a brief explanatory statement of the circumstances surrounding the bankruptcy, including its likely outcome. This must be recorded in the Register of Interests.

5.9 Disqualification from Office

The LGA and Standing Orders provide for disqualification of Elected Members from office for example, if they:

- are convicted of a criminal offence punishable by two or more years imprisonment;
- cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993;
- breach the LAMIA; or
- are absent without approved leave from the Council for four consecutive ordinary meetings of the Council.

6 Breaches of the Code

Members must comply with the provisions of this Code (clause 15(4), Schedule 7, LGA). The exact nature of the action taken to resolve any allegations relating to misconduct of an Elected Member will depend on the nature of the alleged breach and whether there are statutory provisions dealing with the issue in question

6.1 Principles

The following principles will guide any processes for investigating and determining whether a breach under this Code has occurred:

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

6.2 Complaints Process

Only an Elected Member, or the Chief Executive Officer (either for him/herself or on behalf of an employee), who believes that the Code has been breached by the behaviour or action of a member, may make a complaint to that effect. A complaint may be made as a result of a single incident or as the result of a series of incidents.

Before making a complaint, members are encouraged to resolve the matter by discussion with the members alleged to have committed the breach.

All complaints made under this Code must be made in writing and addressed to the CEO, setting out the alleged breach of the Code and providing corroborating evidence. On receipt of a complaint, the CEO must follow the process set out in Schedule 3.

For the purpose of the Code, (an) Elected Member(s) who is/are the subject of a complaint under the Code is/are 'the respondent'.

Panel of Independent Investigators

On behalf of the Council, the CEO will, shortly after the start of the triennium, prepare, in consultation with the Mayor, a list of investigators for the purpose of undertaking an assessment of complaints (when required) and making recommendations to the Council. The CEO may prepare a list specifically for the Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators. The Panel of Independent Investigators is not a committee of the Council.

Materiality

An alleged breach under this Code is material if, in the reasonable opinion of an independent investigator, it would, if proven, bring an Elected Member or the Council into disrepute or, if not addressed, reflect adversely on another Elected Member of the Council.

An alleged breach of section 5.5 of the Code (Information available to Elected Members) will automatically be considered material and referred to an independent investigator for assessment.

6.3 Penalties and actions

Where a complaint is determined to be a material breach of the Code and referred to the Council for determination, the nature of any penalty or action will depend on the seriousness of the breach.

Material breaches

In the case of material breaches of this Code the Council may require one or more of the following:

- a letter of censure to the member;
- a request (made either privately or publicly) for an apology; a vote of no confidence in the member;
- removal of certain Council-funded privileges or Council appointments;
- restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
- limitation on any dealings with Council staff so that they are confined to the CEO only;

- suspension or removal from Committees (including joint committees), task forces or other Council bodies; or
- an invitation for the member to consider resigning from the council.

The Council may decide that a penalty will not be imposed where the respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

Breaches of Legislation

If there are statutory provisions dealing with the issue in question, the issue will not be dealt with as a breach of the Code but may be addressed in accordance with the relevant statutory provisions:

- Issues relating to members' interests may render members liable for prosecution by the Auditor General under the Local Authorities (Member's Interests) Act 1968 and, if convicted, the Member can be removed from office;
- Issues which result in the Council suffering financial loss or damage may be reported on by the Auditor General under the LGA, which may result in the member having to make good the loss or damage;
- Issues relating to the commission of a criminal offence may leave the Elected Member liable for criminal prosecution.

Council may refer an issue to the relevant body, any member of the public may make a complaint to that body, or the Auditor General or the Police may act on their own initiative.

Breaches of the Code during meetings

It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises.

Elected Members should raise alleged breaches of the Code with the Chairperson at the time.

If an Elected Member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, that Elected Member may initiate the procedures set out in Section 6.2 and Schedule 3 in the Code.

7

Review or Changes to the Code

The Council may by resolution of 75 percent or more, change the Code at any time. The Council will formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the full Council for its consideration and vote. The Code should be read in conjunction with the Council's Standing Orders.

Schedule 1

Summary of Legislation

This Schedule is a summary of the legislative requirements that have some bearing on the duties and conduct of Elected Members. Copies of the legislation can be found on www.legislation.govt.nz or requested from the Governance Assistant.

Local Government Act 2002 ('LGA')

Governance Principles

In performing its role, the Council must act in accordance with nine broad principles as set out in section 14(1) of the LGA as follows:

- conduct its business in an open, transparent, and democratically accountable manner; and give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of and have regard to the views of all its communities;
- when making a decision, take account of the diversity of the community and the various community's interests;
- the interests of future as well as current communities and the likely impact of any decision on these interests;
- provide opportunities for Māori to contribute to its decision-making process;
- collaborate and cooperate with other local authorities;
- undertake commercial transactions in accordance with sound business practices and assess periodically the expected returns from investing in or undertaking a commercial activity;
- ensure prudent stewardship and efficient and effective use of its resources in the interests of the district;
- take a sustainable development approach that considers the social, economic and cultural interests of people and communities and the need to maintain and enhance the quality of the environment and the reasonably foreseeable needs of future generations.

If any of the principles are in conflict, the Council must resolve that conflict in an open, transparent and democratically accountable manner. These principles are helpful in determining the governance structure as they are indicative of the spirit and intent of the LGA and govern the way in which the Council undertakes decision-making. A Council that is seen to act in conflict with these principles can be subject to judicial review.

In deciding on a governance structure, section 39 is also helpful to consider as it defines the following governance principles:

- a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community;
- a local authority should ensure that the governance structures and processes are effective, open and transparent;
- local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities;
- a local authority should be a good employer; and
- a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

Decision-Making Responsibility

Every decision made by a local authority, including a decision not to take any action, must be made in accordance with sections 77, 78, 80, 81 and 82 of the LGA. Specifically, the Council must during the decision-making process:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision;
- assess the options in terms of their advantages and disadvantages;
- identify those options which involve a significant decision in relation to land or a body of water, consider the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna and other taonga;

- consider the views and preferences of persons likely to be affected by, or to have an interest in the matter;
- determine the matters significance in relation to Council's Significance and Engagement Policy;
- identify whether the proposed decision would be significantly inconsistent with any existing policy or plan;
- establish and maintain processes to provide opportunities for Māori to contribute to the decision-making process;
- consider ways in which the Council may foster the development of Māori capacity to contribute to the decision-making process;
- provide relevant information to Māori;
- undertake consultation in accordance with the principles of consultation as set out in section 82.

Significance and Engagement

A higher standard of compliance with the decision making process is required when the Council is making a significant decision. The definition of "significance" is defined in the LGA and in the Council's Significance and Engagement Policy.

If the Council determines that the decision or matter is significant in terms of the Council's Policy, then the Council must apply greater diligence in regard to the decision making requirements of the LGA.

This includes the degree to which different options are identified and assessed and the extent to which community views are considered, including whether consultation is required.

The more significant a matter, the greater the level, and detail, of analysis is required.

Section 78 alone does not require the Council to undertake a consultation process, provided the Council has sought to make itself aware of the views of those interested or affected. The Council may, for example, have gathered information through a process, formal or informal, which has provided the Council with the information it needs to take community views into account. The Significance and Engagement Policy provides guidance on when consultation will and will not be undertaken.

Personal liability of members

Although having qualified privileges, Elected Members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under section 44 LGA, it is found that

one of the following applies:

- money belonging to, or administered by, a local authority has been unlawfully expended; or
- an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- a liability has been unlawfully incurred by the local authority; or
- a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

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

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

In certain situation members will also be responsible for paying the costs of proceedings (section 47 LGA 2002).

Local Authorities (Members' Interests) Act 1968 ('LAMIA')

LAMIA regulates situations where an Elected Member's personal interests impinge or could be seen as impinging on their duties as an Elected Member.

Members may contact the Office of the Auditor General ("OAG") for guidance as to whether that member has a pecuniary interest, and if so, may seek (through an application from the Council) an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The CEO must also seek approval from the OAG for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the Elected Member open to prosecution under the LAMIA. In the event of a conviction Elected Members can be removed from office.

Further guidance is detailed under Schedule 2 of the Code.

Local Government Official Information and Meetings Act 1987 ('LGOIMA')

The purpose of LGOIMA is to provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business in meetings of local authorities.

The general principle is that information held by local authorities is to be made available unless there is good reason for withholding it. The principal grounds for withholding information are set out in sections 6 and 7 of LGOIMA.

LGOIMA sets out a number of statutory procedures and requirements for local authority meetings.

Meetings are to be publicly notified, and open to the public unless there is good reason for withholding information and excluding the public.

The Chair has the responsibility to maintain order at meetings, but all Elected Members should accept personal responsibility to maintain acceptable standards of address and debate in line with the principles detailed in section 3 of this Code.

Secret Commissions Act 1910 ('SCA')

It is unlawful for an Elected Member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result. It is also unlawful for an Elected Member (or officer) to present false receipts to the local authority.

If convicted of any offence under the SCA, a person can be imprisoned for up to 7 years. Elected Members convicted of an offence will be removed from office.

Crimes Act 1961

It is a crime for any Elected Member to accept, or solicit for themselves (or anyone else), any gift or reward for acting or not acting in relation to the business of the local authority. It is also a crime for any Elected Member to use information acquired in his or her official capacity for monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected Members convicted of these offences will be removed from office.

Financial Markets Conduct Act 2013 ('FMCA')

The FMCA regulates the offer, issue and re-sale of financial products, which includes shares, debt securities and derivatives.

Council is unable to issue shares, but can issue debt securities and derivatives, and may from time to time sell financial products. If Council does issue financial products or, in certain cases, sells financial products that it holds, members will be potentially subject to personal liability for breaches of the offer and other provisions of the FMCA.

Health & Safety at Work Act 2015 ('HSWA')

HSWA came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimising risks at workplaces.

The HSWA places obligations on four duty holders- a person conducting a business or undertaking ('PCBU'); officers of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under HSWA i.e. to ensure so far as is reasonably practicable, the health and safety of its workers and of other workers whose activities Council influences or directs.

Each elected member is an 'officer' (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under HSWA for exercising due diligence to ensure that the Council is meeting its health and safety responsibilities under HSWA. The CEO and Senior Leadership Team are also officers under HSWA.

The due diligence duty of officers supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties.

Unlike the Chief Executive Office and Senior Leadership Team, Elected Members are not required to be directly involved in the day-to-day management of health and safety. They are, however, still required to take reasonable steps to understand Council's operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the HSWA.

This duty does not extend to ensuring that a council controlled organisation ('CCO') complies with the HSWA, unless the Elected Member is also an 'officer' of that CCO.

Taking 'reasonable steps' requires each Elected Member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, considering matters including the nature of Council's business, and the Elected Member's position and nature of his/her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations, whether or not a PCBU is convicted of an offence. Elected members, however, when acting in the capacity of an elected member of the Council are expressly exempted from prosecution.

Protected Disclosures Act 2000

Under the PDA, the definition of an employee of a public sector organisation (PSO) includes Elected Members of a local authority. Elected Members (as 'employees') who disclose information about a serious wrongdoing by the Council are protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the Elected Member.

Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources; conduct that risks public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence; oppressive, improper discriminatory conduct; and gross negligence or gross mismanagement by a public official.

Protection under the PDA applies where the employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and that employee desires protection under the Act.

For Elected Members, the default position requires a disclosure to be made to the CEO or Acting CEO. If the employee considers the CEO or Acting CEO may be involved in serious wrongdoing, the matter can also be escalated to an "appropriate authority".

Appropriate authorities are defined in the Act and include the Commissioner of Police, the Controller and Auditor-General and the Parliamentary Ombudsman.

Schedule 2

Conflicts of Interest

General

Elected Members are expected to approach decision making with an open mind- 'faithfully and impartially' and in 'the best interests of Buller District'. Elected Members must therefore be careful that they maintain a clear separation between their personal interests and their duties as a member of Council (as governing body, and as a member of a Council committee or other Council body). They must exercise care to avoid situations where they have, or appear to have, a conflict of interest.

Elected Members must carry out their duties free from bias (whether actual or perceived). Bias is the common factor in all conflict of interest situations. The rule about bias applies to both financial and non-financial conflicts of interest and is summed up in the saying 'no one may be judge in their own cause'.

In the local government context, financial conflicts of interest are governed primarily by the Local Authorities' (Members' Interests) Act 1968 ('LAMIA') and non-financial conflicts of interest are governed by the common law rule about bias.

Broadly speaking, a conflict of interest exists when an elected member could use, or uses, their position to further their own interests or those of their partner, or spouse. The various types of conflict of interest include:

- Direct financial interest- where a decision or act of the Council could reasonably give rise to an expectation of financial gain or loss to an elected member.
- Indirect financial interest- where cash doesn't change hands directly but, for example, may influence the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in;
- Non-financial interest- where an elected member's responsibilities as a member of Council could be affected by some other separate interest or duty that he/she may have in relation to a matter as a result of, for example, a personal relationship, or involvement with an external organisation, or from conduct that indicates prejudice or predetermination.

Conflicts of interest can be:

- Actual: where the conflict of interest already exists;
- Potential: where the conflict is about to happen, or reasonably could happen; or
- Perceived: where other people might reasonably think an Elected Member is not being objective or his/her position as an Elected Member has been compromised.

Financial conflicts of interest

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

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

Members should consider the following factors in considering whether they have a financial interest.

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

Members may seek assistance from the Mayor or another person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek independent legal advice. Where uncertainty exists, members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

The two specific rules in LAMIA relate to:

1. Contracts

An Elected Member is disqualified from office, or from election to office, if that member is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year (unless there is an exemption granted

by the Office of the Controller and Auditor-General ('OAG')).

The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which a member is interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by the member.

It is an offence under LAMIA for a person to act as a member of the Council (or Council committee) while disqualified.

2. Participation in decision-making

Elected Members must not participate in any Council discussion or vote on any matter in which they have a financial interest (either directly or indirectly), other than an interest in common with the public.

Both rules apply in the case of an interest or concern through an Elected Member's spouse or partner, or through a company or trust.

How is bias determined?

Bias is determined by asking the following question:

“Is there, to a reasonable, fair-minded and informed observer, a real danger of bias on the part of a member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?”

It is natural to expect that Elected Members will bring their own experience and knowledge to the decision-making process; that members may already have views – even strong or publicly stated views – about the matter; and that political considerations may play a part in the decision.

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

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

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

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

Declarations of interest

To help identify possible conflicts of interest the Council operates a Register of Members' Interests.

Elected Members must make full and complete declarations of interest following the Inaugural Meeting of Council (after local government elections or by-elections, as appropriate), and then every six months, using the Register of Members' Interests Declaration Form. These declarations of interest are a key individual responsibility of all Elected Members. They must notify the Council of the nature and extent of any interest as further detailed in the declaration form.

Declarations will be recorded in a Register of Members' Interests maintained by Council. The Register (or a fair and accurate summary of its contents) will be available for public inspection. A summary will be published on the Council's website.

The Register does not remove the requirement to disclose conflicts of interest as they arise. Members must therefore advise the Council, as soon as practicable during the year, if any new interests arise; complete a declaration of interests form every six months and update the Register whenever a member's interest has changed. Members must also declare their interests at meetings where matters in which they have a conflict of interest arise. The Elected Member must:

- declare the existence of a conflict to the meeting (the member does not have to disclose the nature of the interest concerned, though he or she is required if the interest is a financial one);
- abstain from discussion and voting (take no part in the consideration of the matter). Depending on the issue, the members may consider it best to leave the meeting room itself.

General awareness and support

There is no simple binding rule that covers all conflict of interest situations – each situation must

be evaluated on its individual merits. If an Elected Member is in any doubt as to whether he/she should declare an interest and stand aside from decision-making (including a decision to take no action), then he/she should seek guidance from the Mayor immediately; seek advice from the OAG (as to whether there is a financial interest) or from his/her own lawyer.

In some situations of pecuniary interest, a member may be able to obtain an exemption from the OAG to allow him/her to participate or vote on a particular issue. Any exemptions must be obtained before the discussion or vote takes place.

The Auditor General can retrospectively approve contracts that would otherwise disqualify a member under the Act, in limited cases.

In a case of doubt, a member should refrain from discussing or voting on the matter in question and preferably physically withdraw from the meeting. The minutes of the meeting will record the members' declaration of interest and absence from voting.

Relevant guidelines include:

- 'Guidance for Members of Local Authorities about the Local Authorities' (Members' Interests) Act 1968' – Office of the Auditor General 2010;
- 'Managing Conflicting Interests in Local Government: The Local Authorities (Members' Interests) Act 1968 and Associated Issues' – Department of Internal Affairs August 2011;

Consequences of bias and/or breach of the LAMIA

An Elected Member will be automatically disqualified from office if he/she is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year.

If an Elected Member has a financial interest in a matter and participates in discussion and voting on it, he/she will have committed an offence under the LAMIA. In the event of a conviction, an Elected Member can be removed from office.

An Elected Member's bias (whether actual or perceived) has the potential to invalidate the particular decision made, or the action taken, by Council (if successfully challenged by way of judicial review).

If an Elected Member's conduct has contributed to Council incurring a loss; that conduct could also result in personal financial liability under section 46 of the LGA (refer to Schedule 1).

Schedule 3

Process for the investigation and determination of complaints

Summary

There is a five-stage process for dealing with complaints under the Code of Conduct:

Stage 1: Acknowledgement of the complaint and the respondent is informed.

Stage 2: Preliminary assessment of the complaint – led by either the CEO or an independent investigator.

Stage 3: Informal resolution of complaint (where alleged breach is considered non-material).

Stage 4: Independent investigator assessment where:

- the alleged breach is considered material;
- the complaint has not been resolved informally; or
- the complaint is otherwise referred to an independent investigator by the CEO.

Stage 5: The Council's consideration of the investigator's report.

- c. the subject of the complaint has previously been assessed, and actions have been completed in accordance with the Code to address the complaint;
- d. the complaint is not material and should progress to informal resolution (refer to Stage 3); or
- e. the complaint is material, and a full investigation is required by an independent investigator (refer to Stage 4). An alleged breach of section 5.5 of the Code is deemed to be material.

- 3. The CEO may request further information/ evidence from the complainant in support of the complaint and, if considered appropriate, may also request a preliminary statement in response from the respondent.
- 4. Where the CEO and the Mayor (or Deputy Mayor) determines the complaint falls under paragraphs 2(a) or (c) above, the CEO will inform the complainant and the respondent directly. The CEO will also inform other Elected Members of the decision, unless there are grounds for the matter to remain confidential.

Stage 1: Acknowledgment of complaint

- 1. Within two working days of receipt of a complaint, the CEO will:
 - a. acknowledge receipt and refer the complainant to the process for dealing with the complaint under this Code.
 - b. inform the respondent that a complaint has been made against them and refer to them the process of dealing with the complaint under this Code.

- 5. If it is determined that the complaint involves a potential legislative breach and is outside the scope of the Code, the CEO will forward the complaint to the relevant agency and inform both the complainant and respondent of the action.
- 6. Where the CEO and Mayor (or Deputy Mayor) determine the complaint is material, the matter must immediately be referred to an individual investigator for assessment (Stage 4).
- 7. The CEO has full discretion to refer any complaint to an independent investigator at any stage, even if it is considered not material.

Stage 2: Preliminary assessment of complaint

- 2. The CEO, with the Mayor (or Deputy Mayor if the complaint involves the Mayor) will assess whether:
 - a. the complaint is frivolous or without substance and should be dismissed;
 - b. the complaint is outside the scope of the Code and should be redirected to another agency or process;

- 8. The preliminary assessment of a complaint under Stage 2 will be completed within seven working days of receipt of the complaint. If additional time is required to complete the assessment, the CEO must notify the complainant and respondent with the date when the preliminary assessment is expected to be completed.

Stage 3: Informal Resolution

9. Where the CEO and the Mayor (or Deputy Mayor) determine the complaint falls under paragraph 2(d) (refer to Stage 2), they will endeavour to settle the matter informally between the parties within 10 working days from the completion of Stage 2. The process for informal resolution must be fair to and include the affected parties.
10. The outcome of this initial process may be that the parties reach an informal agreement to resolve the complaint, in which case no further action is required. A written record of the informal agreement must be kept by the CEO's office.
11. If agreement is not possible between the parties under Stage 3, the CEO will refer the complaint to an independent investigator for full investigation.
12. For clarity, Stage 3 is not available if the complaint has been assessed as material under Stage 2 or referred to an independent investigator under paragraph 7 above.

Stage 4: Independent Investigator Assessment

13. Where the CEO and the Mayor (or Deputy Mayor) determines the complaint falls under paragraph 2(e) in Stage 2, or the complaint is not otherwise resolved, the CEO will refer the complaint to an independent investigator selected from the approved Panel of Independent Investigators.
14. On receipt of a complaint the investigator will, if appropriate, assess whether:
 - a. the complaint is frivolous or without substance and should be dismissed;
 - b. the complaint is outside the scope of the Code and should be redirected to another agency or process;
 - c. the subject of the complaint has previously been assessed, and actions have been completed in accordance with the Code to address the complaint;
 - d. the complaint is non-material; or
 - e. the complaint is material, and a full investigation is required.
15. The investigator must carry out their assessment in accordance with the principles in section 6.1 and within the terms of engagement provided by the CEO. The assessment must be completed and sent to the CEO as soon as possible, no later than 20 working days from the date the complaint is referred to the investigator (unless otherwise agreed with the CEO).

16. In making the assessment, the investigator may make whatever initial inquiry is necessary to determine the materiality of an alleged breach and to recommend the appropriate course of action. The investigator has full discretion to recommend any complaint is dismissed which, in their view, fails to meet the test of materiality.
17. On receiving the investigator's assessment, the CEO will:
 - a. where an investigator determines that a complaint is frivolous or without substance or previously been assessed and actioned under the Code, inform the complainant and the respondent directly and inform other Elected Members (if there are no grounds for confidentiality) of the investigator's decision; or
 - b. in cases where the investigator finds that the complaint involves a potential legislative breach and is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Stage 4A: Actions where a breach is found to be non-material

18. The investigator will inform the CEO if they find the breach is non-material as part of their assessment (under Stage 4), and, if they choose, recommend a course of action appropriate to the breach, such as the respondent:
 - a. receiving directions from the Mayor (or Deputy Mayor as appropriate) regarding behaviour or conduct expected from Elected Members;
 - b. attending appropriate training or counselling to better understand the behaviour or conduct that is expected from Elected Members in circumstances that lead to the complaint.
19. The CEO, in consultation with the Mayor (or Deputy Mayor, as appropriate) may determine which recommendation, if any, from the independent investigator's assessment should be actioned. The CEO will advise both the complainant and the respondent of the investigator's findings, which are not open to challenge, and any recommendations to be actioned. The CEO will also notify other Elected Members, unless there are grounds of confidentiality. A written record must be kept by the CEO's office.
20. If the CEO and Mayor (or Deputy Mayor) do not agree on the investigator's recommendations to be actioned, the CEO must report the investigator's assessment to the Council for determination (refer to Stage 5).

Stage 4B: Actions where a breach is found to be material

21. The investigator will inform the CEO if they find that the breach is material as part of their assessment (Stage 4). The CEO will then inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach.
22. In preparing the report the investigator must:
 - a. consult with the complainant, respondent and any affected parties; and
 - b. refer to any relevant documents or information provided by the CEO and may undertake a hearing with relevant parties.
23. On receipt of the investigator's report, the CEO will prepare a report for Council, which will meet within a month of the CEO received the investigator's report to;
 - a. consider the findings of the investigator's report; and
 - b. determine whether a penalty, or some other form of action, will be imposed.

The CEO's report will include the full report prepared by the investigator, including any recommendations.

24. The CEO will share the investigator's report with the complainant and respondent under strict confidentiality inviting them to reply in writing as to whether they agree to the findings and whether they wish to make a written submission for consideration by the Council. The complainant and respondent must not disclose or discuss the investigator's report with any person other than the CEO and/or Mayor (or Deputy Mayor, as appropriate) prior to the Council meeting being held to determine the complaint.

Stage 5: The Council's consideration of an investigator's report

25. The CEO's report (with the investigator's full report or assessment, and any submission from the complainant or respondent, attached) will be considered by the full Council, excluding any interested members (including the complainant (if relevant) and respondent), only if:
 - a. the CEO and Mayor do not agree on which recommendations from the investigator, if any, are to be actioned for a non-material breach (refer Stage 4A) or;
 - b. the breach is found to be material (refer Stage 4B)
26. The Council will consider the CEO's report in an open meeting, except when the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under section 48 of LGOIMA, in which case it will be a Public Excluded meeting.
27. Before making any decision in respect of the investigator's report the Council will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings may not otherwise take part in these proceedings.
28. The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 6.3 of this Code.

**CODE
OF
CONDUCT**

BULLER DISTRICT COUNCIL
29 OCTOBER 2025

AGENDA ITEM: 1.5 ADOPTION OF STANDING ORDERS 2025–2028

Prepared by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. This report presents a set of Draft Standing Orders for adoption by Council for the triennium 2025–2028.
2. It is important to note that central government is currently developing mandatory Standing Orders and a standardised Code of Conduct for all councils in New Zealand. These are expected to be released in early 2026, and councils will be required to adopt them without amendment.
3. The Standing Orders presented in this report are intended to guide Council's processes until that time and will need to be replaced once the national standards are finalised

DRAFT RECOMMENDATION

That Council:

- 1. That Council adopt the Standing Orders 2025–2028 (Attachment 1) with no amendments.**

or

- 2. That Council adopt the Standing Orders 2025–2028 (Attachment 1) with the following amendments:**

ISSUES & DISCUSSION

BACKGROUND

4. The purpose of Standing Orders is to enable Buller District Council to exercise its decision-making responsibilities in a transparent, inclusive and lawful manner for the benefit of the community.
5. Standing Orders are the rules governing the conduct of proceedings for meetings of a council and its committees.

6. All councils are required to adopt and operate within a set of standing orders (clause 27 schedule 7 of the Local Government Act 2002).
7. Standing Orders are reviewed and updated as needed, typically once each triennium.
8. Staff have reviewed the Council's current Standing Orders that were adopted on 31 July 2024 and are proposing that the standing orders remain fit for purpose into the new triennium.
9. Central government is currently developing a new set of mandatory Standing Orders for local authorities, expected to be introduced in early 2026. These will be legally binding and must be adopted by councils without amendment.
10. In parallel, the Minister of Local Government referred the development of a standardised Code of Conduct to the Local Government Commission in February 2025. Consultation occurred mid-year, with feedback closing in September 2025. A final version of the Code is also anticipated in early 2026.
11. The Standing Orders proposed in this report are therefore an interim framework and will need to be replaced once the national standards are released.
12. During the previous triennium, the provision for a Chairperson's casting vote (section 19.3) was removed from Council's Standing Orders. This change resulted in several instances where votes were tied, leading to procedural delays and uncertainty in decision-making.
13. Most New Zealand councils' Standing Orders include provisions for a casting vote for the chairperson, but it is not mandatory. The LGNZ (Local Government New Zealand) Standing Orders template, which many councils use or adapt, includes an option for the chairperson (including the mayor or committee chair) to have a casting vote in the event of a tie.
14. Staff recommend that Council consider reinstating the casting vote provision in the Standing Orders for the current triennium. This would remain in effect until such time as the mandatory provisions from central government are implemented.

15. Alternatively, staff propose that the casting vote be retained specifically for statutory decisions—such as the adoption of the Long-Term Plan—where the absence of a clear decision could have significant operational and financial consequences for Council. This option has been included in the draft Local Government Standing Orders.
16. Council's direction on this matter is sought to ensure clarity and continuity in governance processes.

CONSIDERATIONS

Strategic Impact

17. Adopting the most updated Standing Orders based on best practice should improve our decision-making processes and make us more consistent with the rest of New Zealand. It also positions Council to transition smoothly to the mandatory framework in 2026.

Significance Assessment

18. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:
<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>
19. This report is assessed as being low significance.

Risk Management Implications / Opportunities

20. The following risks or opportunities are identified with the issues identified in this report.
21. Adopting standardised orders that have been developed according to best practice reduces the risk of procedural errors.
22. Being proactive about upcoming legislative changes reduces the risk of non-compliance and ensures smoother future transitions.
23. The interim adoption ensures Council maintains effective meeting procedures until the mandatory framework is introduced.

Policy & Legislative Considerations

24. These orders are compliant with the requirements of the LGA 2002. Council should remain aware that mandatory Standing Orders and a

standardised Code of Conduct will be introduced in early 2026, and the current adoption will need to be replaced at that time.

Māori Impact Statement

25. The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value; therefore, this decision does not specifically impact Tangata Whenua, their culture and traditions.

Financial Considerations

26. There is no financial implication relevant to this decision

Communication Internal / External

27. There is the potential for media interest in this decision.

ATTACHMENTS

1. BDC Standing Orders 2025 2028 [1.5.1 - 83 pages]



Buller District Council

Standing Orders

Ngā Tikanga Whakahaere Hui

Adopted:

Preface/Kupu whakapuaki

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

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

These standing orders have been designed specifically for local authorities, their committees, subcommittees, subordinate decision-making bodies, and local and community boards. They fulfil, regarding the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee, subordinate body and local and community board review their standing orders within at least the first six months following an election to ensure that they fully meet their needs for effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

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

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

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

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1. Introduction/Kupu Whakataki

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

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

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

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

1.1 Principles/Ngā Mātāpono

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

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these Standing Orders comply with the decision-making provisions of Part 6 of the LGA 2002; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

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

1.2 Statutory References/Ngā tohutoro ā-ture

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

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the Standing Orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms/Ngā kupu rāpoto

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

1.4 Application/Te hāngaitanga

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

2. Definitions/Ngā whakamārama

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

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

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

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

Appointed member means a member of a committee, or subsidiary organisation of a council, who is not elected.

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

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

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under s 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorized by the chief executive.

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

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under 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 means a community board established under s 49 of the LGA 2002.

Conflict of interest means any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

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

Council means, in the context of these Standing Orders, the governing body of a local authority.

Debate means discussion by members that occurs once a motion has been moved/seconded

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

Division means a formal vote at a Council, committee or subcommittee meeting whereby the names of those members present, including the mayor/chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means 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.

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

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

Item means a substantive matter for discussion at a meeting.

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

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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

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

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

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

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

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

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

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

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and

this includes every publication that at any time accompanies and is distributed along with any newspaper.

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

Officer means any person employed by the council either full or part time, on a permanent or casual or contract basis.

Pecuniary Interest includes any interest described in s 3 and 6 of the Local Authorities (Members Interests) Act 1968.

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

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

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

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

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

Present at the meeting to constitute quorum means the member is to be either physically present in the room or attending the meeting by audio/visual link.

Presiding member means the chairperson.

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

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

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

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

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

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

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

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

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

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

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

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

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

Second means the member who seconds a motion or amendment.

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

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

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

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

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of “Committee”.

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

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

Workshop means in the context of these Standing Orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders will not apply, unless required by the local authority. Workshops may include non-elected members. Workshops may also be described as briefings.

General Matters/Ngā take whānui

3. Standing Orders/Ngā tikanga whakahaere hui

3.1 Obligation to Adopt Standing Orders/Te kawenga ki te whakatū tikanga whakahaere hui

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

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

3.2 Process For Adoption and Alteration of Standing Orders/Te tukanga mō te whakatū me te whakahou i ngā tikanga whakahaere hui

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

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

3.3 Members Must Obey Standing Orders/Me whai ngā mema i ngā tikanga whakahaere hui

All members of the local authority, including members of committees and subcommittees, must obey these Standing Orders. Local boards and community boards which have adopted these Standing Orders must also comply with them.

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

3.4 Application of Standing Orders/Te whakahāngai i ngā tikanga whakahaere hui

These Standing Orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary Suspension of Standing Orders/Te tārewa taupua i ngā tikanga whakahaere hui

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded,

the chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

LGA 2002, sch 7, cl 27(4).

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. Please Note: in the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial Proceedings/Ngā whakawā a te Kaunihera

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

3.7 Physical Address of Members/Ngā wāhi noho ō ngā mema

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

4. Meetings/Ngā hui

4.1 Legal Requirement to Hold Meetings/Te tikanga ā-ture ki te whakahaere hui

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

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

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

4.2 Meeting Duration/Te roa o ngā hui

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

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

4.3 Language/Te reo

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

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

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

4.4 Webcasting Meetings/Te pāho mataora i ngā hui

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

4.5 First Meeting (Inaugural)/Te hui tuatahi

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

LGA 2002, sch, cl 21(1) - (4).

4.6 Requirements For the First Meeting/Ngā tikanga mō te hui tuatahi

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

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

- (a) The making and attesting of the declarations required of the mayor (if any) and members under LGA 2002, sch 7, cl 14;
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under LGA 2002, sch 7, cl 14;
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.

- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy chairperson in accordance with the LGA 2002, sch7, cl 17.

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

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

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s 41A(3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl 18 of sch 7 of the LGA 2002.

5. Appointments And Elections/Ngā kopounga me ngā pōtitanga

5.1 Mayoral Appointment of Deputy Mayor, Committee Chairs and Members/Te kopounga a te Koromatua i te Koromatua tuarua, ngā ūpoko o ngā komiti me ngā mema

A Mayor may appoint the deputy Mayor, the chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint themselves.

LGA 2002, s 41A(3).

5.2 Council Discharge of a Mayoral Appointment/Te whakakore a te Kaunihera i tētahi tūranga i kopoua e te Koromatua

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee chairpersons in accordance with LGA 2002, s 41A, the council (or a committee, if directed by the council) must elect those positions in accordance with Standing Order 5.4.

LGA 2002, sch 7, cl 31.

5.3 Establishment of Committees by the Mayor/Te whakatū a te koromatua i ngā komiti

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right, a list of the committees and their terms of reference must be tabled at the next following meeting of the council. Should the Mayor decline to establish committees under s 41A, then any decision to establish committees must follow the processes set out in these Standing Orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl 30 of sch 7, LGA 2002, a committee established by the Mayor, or appointing more committees in addition to any established by the Mayor.

Please note, a 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 Regional Chairpersons, Deputy Mayors and Deputy Chairpersons/Te pōti i ngā ūpoko ā-rohe, ngā Koromatua tuarua me ngā ūpoko tuarua

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.6) when electing people to the following positions:

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

Please note, this provision does not apply in situations where a mayor has used their powers under LGA 2002, s 41A to appoint a deputy Mayor, or committee chairs. See the LGNZ Guide to Standing Orders for more information.

LGA 2002, sch 7, cl 25.

5.5 Removal of a Deputy Mayor/Te whakakore i te tūranga a tētahi Koromatua tuarua

A deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See Appendix 7.

LGA 2002, sch 7, cl 18.

5.6 Voting System for Chairs, Deputy Mayors and Committee Chairs/Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko komiti

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

System A

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

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

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

System B

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

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

LGA 2002, sch 7, cl 25.

6. Delegations/Te tuku mana

6.1 Duty to Consider Delegations to Community Boards/Te haepapa ki te whakaaroaro ki te tukunga mana ki ngā poari hapori

The council of a territorial authority must consider whether 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).

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

6.2 Limits On Delegations/Ngā tepenga o te tuku mana

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 local authority, any of its responsibilities, duties, or powers except:

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

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

6.3 Committees May Delegate/Ka taea e ngā komiti te tuku mana

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

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

6.4 Use of Delegated Powers/Te whakamahi i ngā mana tuku

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

LGA 2002, sch 7, cl 32(2),(3), and (4).

6.5 Decisions Made Under Delegated Authority Cannot Be Rescinded or Amended/E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku

Nothing in these Standing Orders allows a council, committee, and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

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

6.6 Committees and Sub Committees Subject to the Direction of the Local Authority/Kei raro ngā komiti me ngā komiti āpiti i te mana a te mana ā-rohe

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

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

7. Committees/Ngā komiti

7.1 Appointment of Committees and Subcommittees/Te kopounga o ngā komiti me ngā komiti āpiti

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

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

7.2 Discharge or Reconstitution of Committees and Subcommittees/Te whakakore, te whakahou rānei i ngā komiti me ngā komiti āpiti

Unless expressly provided otherwise in legislation or regulation:

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

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

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

Please 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).

7.3 Appointment or Discharge of Committee Members and Subcommittee Members/Te kōupounga, te whakakore rānei i ngā mema komiti me ngā mema komiti āpiti

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

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

7.4 Elected Members on Committees and Subcommittees/Te tū a ngā mema pōti ki ngā komiti me ngā komiti āpiti

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

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

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

7.5 Local Authority May Replace Members If Committee Not Discharged/Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti

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

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

7.6 Membership of Mayor/Te mematangā a te Koromatua

The Mayor is a member of every committee of the local authority 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(5).

7.7 Decision Not Invalid Despite Irregularity in Membership/Kāore e noho manakore tētahi whakatau ahakoa i rangirua te memātanga

For the purpose of these Standing Orders a decision of a local authority, committee, local board and community board is not invalidated if:

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

LGA 2002, sch 7, cl 29.

7.8 Appointment of Joint Committees/Te kopounga o ngā komiti hono

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

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

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

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

7.9 Status of Joint Committees/Te tūnga o ngā komiti hono

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

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

7.10 Power to Appoint or Discharge Individual Members of a Joint Committee/Te mana ki te kopou me te whakakore i ngā mema takitahi o tētahi komiti hono

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

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

Pre-meeting/I mua i te hui

8. Giving Notice/Te tuku pānui

Please note; the processes described in this section (Standing Orders 8.1 – 8.12) apply as appropriate to local boards and community boards.

8.1 Public Notice – Ordinary Meetings/Te pānui tūmatanui – ngā hui noa

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

LGOIMA, s 46.

8.2 Notice to Members - Ordinary Meetings/Te pānui ki ngā mema – ngā hui noa

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

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

8.3 Extraordinary Meeting May Be Called/Ka āhei ki te karanga hui Motuhake

An extraordinary council meeting may be called by:

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

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

8.4 Notice to Members - Extraordinary Meetings/Te pānui ki ngā mema – ngā hui Motuhake

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under the Standing Order 8.3, as well as the general nature of business to be considered, to

each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

8.5 Emergency Meetings May Be Called/Ka āhei ki te karanga hui ohotata

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

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

LGA 2002, sch 7, cl 22A(1).

8.6 Process For Calling an Emergency Meeting/Te pūnaha mō te karanga hui ohotata

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

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

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

8.7 Public notice – Emergency and Extraordinary Meeting/Te pānui tūmatanui – ngā hui ohotata me te Motuhake

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

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

LGOIMA, s 46(3).

8.8 Meetings Not Invalid/Kāore e manakore ngā hui

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

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

LGOIMA, s 46(6).

8.9 Resolutions Passed at an Extraordinary Meeting/Ngā tatūnga i whakamanahia i te hui Motuhake

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

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

LGOIMA, s 51A.

8.10 Meeting Schedules/Ngā hōtaka hui

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

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

8.11 Non-receipt of Notice to Members/Te kore e whiwhi pānui a ngā mema

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

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

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

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

8.12 Meeting Cancellations/Te whakakore hui

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

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

9. Meeting Agenda/Te rārangi take o ngā hui

9.1 Preparation of the Agenda/Te whakarite i te rārangi take

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

When preparing business items for an agenda the chief executive must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

9.2 Process for Raising Matters for a Decision/Te pūnaha mō te whakatakoto take hei whakatau

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations.

9.3 Chief Executive May Delay or Refuse Request/Ka āhei te tumu whakarae ki te whakaroa, whakakore rānei i tētahi tono

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

Where a Chief executive refuses a member's request to prepare a report, an explanation for that refusal should be provided to the member.

9.4 Order of Business/Te raupapatanga o ngā mahi

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 8.

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/Te marohi a te ūpoko

A chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson May Prepare Report/Te pūrongo a te ūpoko

The chairperson of a meeting has the right to prepare a report to be included in the agenda on any matter which falls within the responsibilities of that meeting, as described in its terms of reference.

For clarity, any recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.7 Public Availability of the Agenda/Te wātea o te rārangi take ki te marea

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

LGOIMA, ss 5 & 46A.

9.8 Public Inspection of Agenda/Te tiroiro a te marea i te rārangi take

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

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

LGOIMA, s 46A(1).

9.9 Withdrawal of Agenda Items/Te tango take i te rārangi take

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

9.10 Distribution of the Agenda/Te tuari i te rārangi take

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

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

9.11 Status of Agenda/Te tūnga o te rārangi take

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

9.12 Items Of Business Not on The Agenda Which Cannot Be Delayed/Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

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

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

LGOIMA, s 46A(7).

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

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

9.13 Discussion of Minor Matters Not on The Agenda/Te kōrerorero i ngā take iti kāore i runga i te rārangi take

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

LGOIMA, s 46A(7A).

9.14 Public Excluded Business on the Agenda/Ngā take o te rārangi take kāore e whārikihia ki te marea

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

LGOIMA, s 46A(9).

9.15 Qualified Privilege Relating to Agenda and Minutes/Te maru whāiti e pā ana ki te rārangi take me ngā meneti

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

LGOIMA, s 52.

Meeting Procedures/Ngā Tikanga Hui/

10. Opening and Closing/Te whakatuwhera me te whakakapi

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

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

11. Quorum/Kōrama

11.1 Council Meetings/Ngā hui Kaunihera

The quorum for a meeting of the council is:

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

11.2 Committees and Subcommittee Meetings/Ngā hui komiti me te komiti āpiti

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

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

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

11.3 Joint Committees/Ngā komiti hono

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

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

11.4 Requirement for a Quorum/Te herenga mō te kōrama

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

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

11.5 Meeting Lapses Where No Quorum/Ka tārewa te hui mēnā karekau he kōrama

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

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

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

11.6 Business From Lapsed Meetings/Ngā take mai i ngā hui tārewa

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

12. Public Access and Recording/Te urunga a te marea me te hopunga

12.1 Meetings Open to the Public/E tuwhera ana ngā hui ki te marea

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

LGOIMA, s 47 & 49(a).

12.2 Grounds For Removing the Public/Ngā take e panaia ai te marea

The chairperson may require any 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 Local Authority May Record Meetings/Ka āhei te mana ā-rohe ki te hopu i ngā hui

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

12.4 Public May Record Meetings/Ka āhei te marea ki te hopu i ngā hui

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 to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require, the chairperson may direct the recording to stop for a period of time.

13. Attendance/Te taenga

13.1 Members Right To Attend Meetings/Te mōtika a ngā mema ki te tae ki ngā hui

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

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

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

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s48 of LGOIMA. Consequently, if the meeting resolves to exclude the public then any members of the local authority who are present may remain, unless they are lawfully excluded.

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

13.2 Attendance When a Committee is Performing Judicial or Quasi-Judicial Functions/Te tae ki ngā hui ina whakahaere whakawā te komiti

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

13.3 Leave of Absence/Te tuku tamōtanga

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 Apologies/Ngā whakapāh

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

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

13.5 Recording Apologies/Te hopu whakapāha

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

13.6 Absent Without Leave/Te tamōtanga kāore i whakaaetia

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

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

13.7 Right to Attend by Audio or Audiovisual Link/Te mōtika kia tae atu mā te hononga ā-oro, ataata-rongo rānei

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

13.8 Member's Status: Quorum/Te tūnga a te mema: kōrama

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

~~*LGA 2002, sch 7, cl 25A(4).*~~

13.9 Member's Status: Voting/Te tūnga a te mema: te pōti

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

13.10 Chairperson's Duties/Ngā mahi a te ūpoko

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
 - iv. The requirements in these Standing Orders are met.

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

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

13.11 Conditions for Attending by Audio or Audiovisual Link/Ngā tikanga mō te taenga mā te hononga ā-oro, ataata-rongo rānei

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

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

13.12 Request to Attend by Audio or Audiovisual Link/Te tono kia tae mā te hononga ā-oro, ataata-rongo rānei

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

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or 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 local authority or its committees.

13.13 Chairperson May Terminate Link/Ka āhei te ūpoko ki te whakakore i te hononga

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

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.16).

13.14 Giving or Showing a Document/Te tuku, te whakaatu rānei i tētahi tuhinga

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

- (f) Transmitting it electronically;
- (g) Using the audio visual link; or
- (h) Any other manner that the chairperson thinks fit.

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

13.15 Link Failure/Ina mūhore te hononga

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.

13.16 Confidentiality/Te matatapu

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. At such a time, 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 ūpoko i roto i ngā hui

14.1 Council Meetings/Ngā hui kaunihera

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

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

14.2 Other Meetings/Ētahi atu hui

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

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

14.3 Addressing the Chairperson/Me pēhea te whakaingoa i te ūpoko

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

14.4 Chairperson's Rulings/Ngā whakataunga a te ūpoko

The chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where appoint of order questions the

chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see SO 20.5).

14.5 Chairperson Standing/Ina tū te ūpoko

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

14.6 Member's Right to Speak/Te mōtika a te mema ki te korero

Members are entitled to speak in accordance with these Standing Orders. Members should address the chairperson when speaking. They may not leave their place while speaking unless they have the leave of the chairperson.

14.7 Chairperson May Prioritise Speakers/Ka āhei te ūpoko ki te whakaraupapa i ngā kaikōrero

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

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

15. Public Forums/Ngā Matapakinga a te Marea

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

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

15.1 Time Limits/Ngā tepenga wā

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

Speakers can speak for up to 5 minutes. Where the number of speakers presenting in the public forum exceeds 6 in total, the chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions/Ngā Herenga

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

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

15.3 Questions at Public Forums/Ngā pātai i ngā matapakinga a te marea

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

15.4 No Resolutions/Kāore he tatūnga

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

16. Deputations/Ngā Teputeihana

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

16.1 Time Limits/Ngā tepenga wā

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

16.2 Restrictions/Ngā Herenga

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

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

16.3 Questions of a Deputation/Te pātai i ngā teputeihana

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

16.4 Resolutions/Ngā tatūnga

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

17. Petitions/Ngā Petihana

17.1 Form of Petitions/Te āhua o ngā petihana

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

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least five working days before the meeting at which they will be presented, however, this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition Presented by Petitioner/Te petihana ka whakatakotohia e te kaipetihana

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

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

17.3 Petition Presented by Member/Te petihana ka whakatakotohia e tētahi mema

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

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

18. Exclusion of Public/Te aukati i te marea

18.1 Motions and Resolutions to Exclude the Public/Ngā mōtini me ngā tatūnga ki te aukati i te marea

Members of a meeting may resolve to exclude the public from a 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, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

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

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

LGOIMA, s 48.

18.2 Specified People May Remain/Ka āhei ngā tāngata ka tohua ki te noho mai

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

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

LGOIMA, s 48(6).

18.3 Public Excluded Items/Ngā take e aukatihia ana ki te marea

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

LGOIMA, s 46A(8).

18.4 Non-disclosure of Information/Te kore e whāki i ngā mōhiohio

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

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

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

18.5 Release of Information from Public Excluded Session/Te tuku i ngā mōhiōhio nō te nohoanga aukati ki te marea

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

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

19. Voting/Te pōti

19.1 Decisions by Majority Vote/Mā te nuinga e whakatau

Unless otherwise provided for in the LGA 2002, other legislation, or Standing Orders, the acts of, and questions before, a local authority (including a local or community board) must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

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

19.2 Open Voting/Te pōti tuwhera

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

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

19.3 Chairperson Has a Casting Vote/Kei te ūpoko te pōti whakatau

The Mayor, Chairperson, or any other person presiding at a meeting, has a deliberative vote and, in the case of an equality of votes, has a casting vote.

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

19.4 Method of Voting/Te tikanga pōti

The method of voting must be as follows:

- (a) The chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the

chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson will call a division;

- (b) The chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the chairperson who must declare the result.

19.5 Calling For a Division/Te tono i te wehenga

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

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

19.6 Request to Have Votes Recorded/Te tono kia tuhi i ngā pōti

If requested by a member, immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

19.7 Members May Abstain /Ka āhei ngā mema ki te noho puku

Any member may abstain from voting.

19.8 ~~Members May Abstain/Ka āhei ngā mema ki te noho puku~~

~~Any member may abstain from voting.~~

20. Conduct/Ngā whanonga

20.1 Calling to Order/Te tono kia tau ngā mema

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

20.2 Behaviour Consistent With Code Of Conduct/Ngā whanonga e hāngai ana ki te Tikanga Whakahaere

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/Te tango kōrero me te whakapāha

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

20.4 Disorderly Conduct/Ngā whanonga kino

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

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

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

20.5 Contempt/Te whakahāwea

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

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/Te pana i te tangata i te hui

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

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

20.7 Financial Conflicts Of Interests/Ngā take taharua ahumoni

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

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

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

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

LAMIA, ss 6 & 7.

20.8 Non-financial Conflicts of Interests/Ngā take taharua ahumoni-kore

Non-financial interests involve questions about whether the judgement of a member of a local authority (or local or community board) 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 they must not take part in the discussions about that matter, or any subsequent vote.

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

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

20.9 Qualified Privilege for Meeting Proceedings/Te maru whāiti mō ngā whakaritenga hui

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

LGOIMA, s 53.

20.10 Qualified Privilege Additional to Any Other Provisions/He āpitihanga te maru whāiti ki ētahi atu whakaritenga

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

LGOIMA, s 53.

20.11 Electronic Devices at Meetings/Ngā pūrere hiko i ngā hui

Electronic devices and phones can only be used to advance the business of a meeting. Personal use may only occur at the discretion of the chair. A chairperson may require that an electronic device is switched off if:

- I. its use is likely to distract a meeting from achieving its business, or,
- II. a member is found to be receiving information or advice from sources not present at the meeting that may affect the integrity of the proceedings.

21. General Rules of Debate/Ngā tikanga whānui mō te tautohetohe

21.1 Chairperson May Exercise Discretion/Kei te ūpoko te tikanga

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

21.2 Time Limits on Speakers/Te tepenga wā mā ngā kaikōrero

The following time limits apply to members speaking at meetings:

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

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

21.3 Questions to Staff/Ngā pātai ki ngā kaimahi

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

21.4 Questions of Clarification/Ngā pātai whakamārama

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

21.5 Members May Speak Only Once/Kotahi noa iho te wā e āhei ai te mema ki te korero

A member, depending on the choice of options for speaking and moving set out in SO 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/Ngā tepenga mō te maha o ngā kaikōrero

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

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

21.7 Seconder May Reserve Speech/Ka āhei te kaitautoko ki te whakatārewa i tana korero

A member may 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 Matters/Me hāngai ngā kōrero ki ngā take whai panga

Members may only speak to;

- I. any matter before the meeting
- II. a motion or amendment which they propose, and
- III. to raise a point of order arising out of debate,

Members must confine their remarks strictly to the motion or amendment they are speaking to. The chairperson's rulings on any matters arising under this Standing Order are final and not open to challenge.

21.9 Restating Motions/Te whakahua anō i te mōtini

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

21.10 Criticism of Resolutions/Te whakahē i ngā tatunga

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

21.11 Objecting to Words/Te whakahē kupu

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

Note: This provision does not preclude 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/Te mōtika ki te whakautu

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

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

The original mover may speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right or reply until the closure motion.

21.13 No Other Member May Speak/E kore e āhei tētahi atu mema ki te korero

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

- I. After the mover has started their reply;
- II. After the mover has indicated that they want to forego this right; and
- III. 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/Ngā mōtini hei hiki i te hui

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

21.15 Chairperson's Acceptance of Closure Motions/Te whakaae a te ūpoko ki ngā mōtini whakakapi

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

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

22. General Procedures for Speaking and Moving Motions/Ngā tikanga whānui mō te kōrero me te mōtini

22.1 Speaking and moving/Ngā kōwhiringa mō te kōrero me te mōtini

This subsection outlines the requirements for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

22.2 Option B/Kōwhiringa B

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

23. Motions and Amendments/Ngā mōtini me ngā whakahoutanga

23.1 Proposing and Seconding Motions/Te whakatakoto me te tautoko mōtini

All motions, and amendments moved during a debate, must be seconded (including notices of motion). The chairperson may then state the motion and propose it for discussion. A motion should be moved and seconded before debate but after questions.

Amendments and motions that are not seconded are not valid and should not be entered in the minutes.

Note: Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in Writing/Te tuhi i ngā mōtini

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

23.3 Motions Expressed in Parts/Ngā mōtini i whakawehea

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/Te whakakapi mōtini

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

23.5 Amendments to be Relevant and Not Direct Negatives/Me hāngai ngā whakahoutanga me kaua e whakahē i te mōtini

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can 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) In conflict with a motion referred to the governing body by that meeting
- f) Direct negative.

Please note that amendments that are significantly different must comply with the decision-making provisions of Part 6 of the LGA 2002.

23.6 Foreshadowed Amendments/Ngā whakahoutanga kua kōrerotia kētia

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

23.7 Carried Amendments/Ngā whakahoutanga i whakaaetia

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may, 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.

23.8 Lost Amendments/Ngā whakahoutanga i whakahēngia

Where an amendment is carried, the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may, 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.

23.9 Where a Motion is Lost/Ina whakahēngia tētahi mōtini

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

23.10 Withdrawal of Motions And Amendments/Te tango i ngā mōtini me ngā whakahoutanga

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement of the majority of the members who are present and voting.

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

23.11 No Speakers After Reply or Motion Has Been Put/Kāore e āhei he kaikōrero i muri i te whakautu a te kaimōtini, i te tono rānei i te pōti

A member may not speak to any motion once:

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

24. Revocation or Alteration of Resolutions/Te whakakore, te whakahou rānei i ngā tatūnga

24.1 Member May Move Revocation of a Decision/Ka āhei tētahi mema ki te mōtini ki te whakakore i tētahi whakataunga

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

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

- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of Part 6, of the LGA 2002.

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

24.2 Revocation Must be Made by the Body Responsible for the Decision/Mā te rōpū nāna te whakatau e whakakore

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

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

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

24.3 Requirement to Give Notice/Te herenga ki te tuku pānui

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

24.4 Restrictions on Actions Under the Affected Resolution/Ngā herenga mō ngā mahi i raro i te tatunga whai pānga

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

Exceptions apply where, in the opinion of the chairperson:

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

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

24.5 Revocation or Alteration by Resolution at Same Meeting/Te whakakore, te whakahou rānei mā te tatunga i taua hui tonu

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

24.6 Revocation or Alteration by Recommendation in Report/Te whakakore, te whakahou rānei mā te marohi ki rō Pūrongo

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

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

25. Procedural Motions/Ngā mōtini whakahaere

25.1 Procedural Motions Must be Taken Immediately/Me pōti ngā mōtini whakahaere i taua wā tonu

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural Motions to Close or Adjourn a Debate/Ngā mōtini whakahaere ki te whakakapi, whakatārewa rānei i tētahi tautohetohe

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

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

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

25.4 Debate on Adjourned Items/Te tautohetohe i ngā take i whakatārewatia

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

25.5 Remaining Business at Adjourned Meetings/Ngā take e toe ana i ngā hui i whakatārewatia

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

25.6 Business Referred to the Council, Committee or Local or Community Board/Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei

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

25.7 Other Types of Procedural Motions/Etahi atu momo mōtini whakahaere

The chairperson has discretion about whether to allow any other procedural motion that is not contained in these Standing Orders.

26. Points of Order/Te tono ki te whakatika hapa

26.1 Members May Raise Points of Order/Ka āhei ngā mema ki te tono ki te whakatika hapa

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

26.2 Subjects For Points of Order/Ngā kaupapa mō te whakatika hapa

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

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

26.3 Contradictions/Ngā whakahē

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

26.4 Point of Order During Division/Te tono whakatika hapa i te wā o te wehenga

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/Te whakatau a te ūpoko mō ngā tono whakatika hapa

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.

Should a point of order concern the performance of the chair, then the chair will refer the point of order to the deputy chair or, if there is no deputy, another member to hear arguments and make a ruling.

27. Notices of Motion/Te pānui i ngā mōtini

27.1 Notice of Intended Motion to be in Writing/Me tuhi te pānui mō te mōtini e takune ana

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

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

27.2 Refusal of Notice of Motion/Te whakahē i te pānui mōtini

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of 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 provide that the proposal is referred to the chief executive for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

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

27.3 Mover of Notice of Motion/Te kaimōtini o te pānui mōtini

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

27.4 Alteration of Notice of Motion/Te whakarerekē i te pānui mōtini

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

27.5 When Notices of Motion Lapse/Ka tārewa te pānui mōtini

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

27.6 Referral of Notices of Motion/Te tuku i ngā pānui mōtini

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

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

27.7 Repeat Notices Of Motion/Ngā pānui mōtini tārua

When a motion has been considered and rejected by the local authority or a committee, 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.

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

28. Minutes/Ngā meneti

28.1 Minutes to be Evidence Of Proceedings/Ka noho ngā meneti hei taunakitanga mō te hui

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

LGA 2002, sch 7, cl 28.

28.2 Matters Recorded in Minutes/Ngā take ka tuhi ki ngā meneti

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) Member absent without apology or leave of absence;

- (f) Member 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 items considered;
- (k) Items 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.

Please 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/Kāore e āhei te whakawhiti kōrero mō ngā meneti

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/Ngā meneti o te hui whakamutunga i mua i te pōtitanga

The chief executive and the relevant chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

29. Keeping a Record/Te whakarite mauhanga

29.1 Maintaining Accurate Records/Te whakarite i ngā mauhanga tika

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

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

Public Records Act 2002, s 17.

29.2 Method for Maintaining Records/Te tikanga mō te tiaki i ngā mauhanga

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/Te tiroiro

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 Matters/Te tiroiro i ngā take aukati marea

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 tohutoro tuhinga

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

Appendix 1: Grounds to Exclude the Public/Āpitihanga 1: Ngā take e aukatihia ai te marea

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

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- (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 not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

LGOIMA, s 48.

Appendix 2: Sample Resolution to Exclude The Public/ĀpitiHanga 2: He tauira mō te tatūnga ki te aukati i te marea/

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— i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

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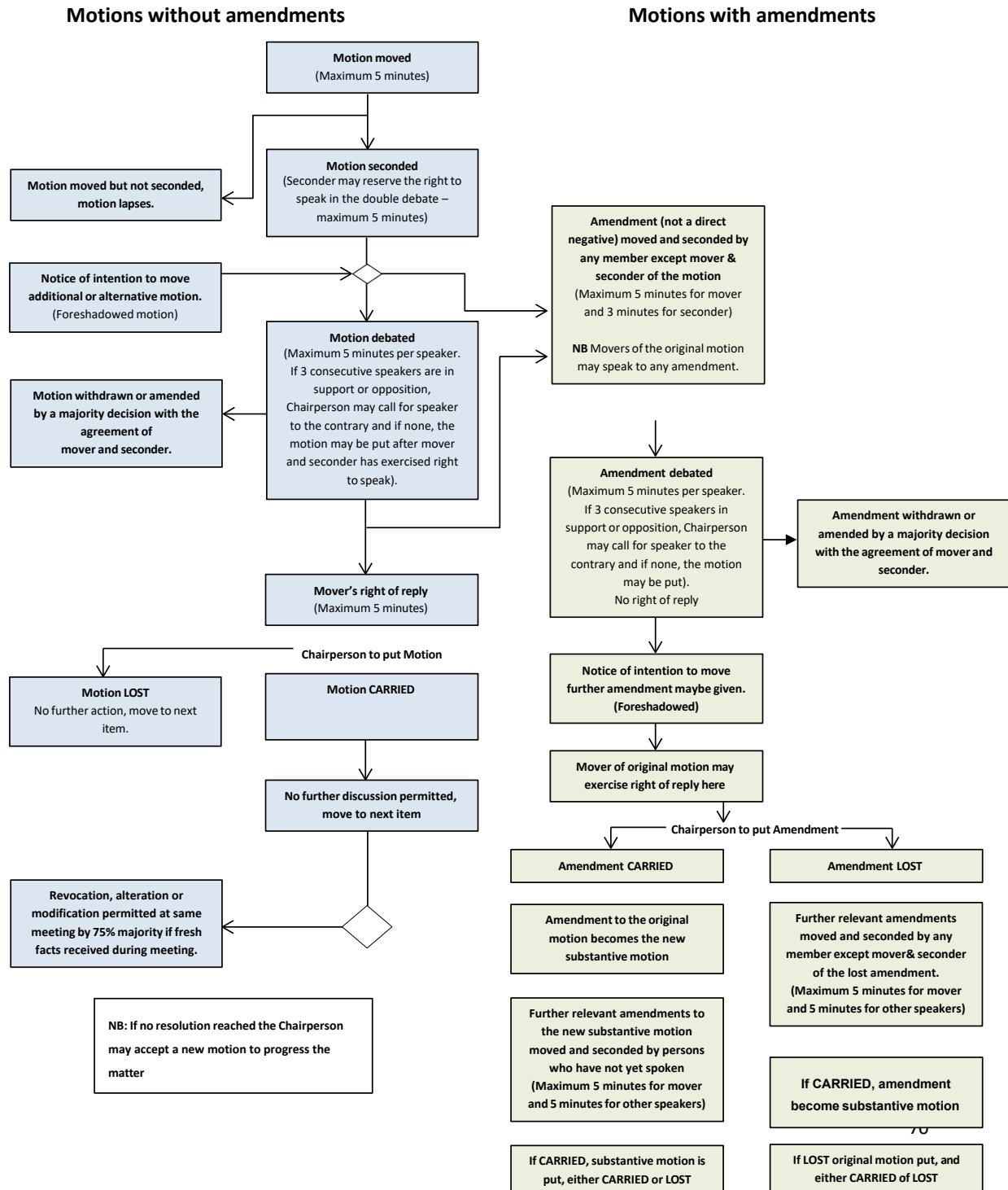
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; 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; • 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: 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)).

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Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

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

Appendix 3: Motions and Amendments (Option B)/Āpitianga 3: Ngā mōtini me ngā whakahoutanga (Kōwhiringa B)



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Appendix 4: Table of Procedural Motions/Āpitihanga 4: Tūtohi mō ngā mōtini whakahaere

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

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

Appendix 5: Webcasting Protocols/Āpitihanga 5: Ngā tikanga mō te pāhotanga mataora

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

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

Appendix 6: Powers of a Chairperson/Āpitihanga 6: Ngā Mana Whakahaere a te Ūpoko

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

Chairperson to decide all questions

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

Chairperson to decide points of order (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.

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's voting (SO.19.3)

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.

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.

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.

Action on previous resolutions (SO.

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

Repeat notice of motion (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.

Revocation or alteration of previous resolution

A chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these Standing Orders.

Chairperson may call a meeting

The chairperson:

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

Irrelevant matter and needless repetition (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.

Explanations

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

Chairperson rising (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.

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.

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.

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.

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.

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.

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.

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.

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

**Appendix 7: Process for Removing a Chairperson or Deputy Mayor
From Office/Āpitihanga 7: Te pūnaha mō te whakakore i te tūranga
a te ūpoko, te Koromatua tuarua rānei**

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

LGA 2002, sch 7, cl 18.

Appendix 8: Sample Order of Business/Āpitihanga 8: He tauira mō te whakaraupapatanga o ngā take

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 9: Process for Raising Matters for a Decision/Āpitihanga 9: Te pūnaha mō te whakatakoto take hei whakatau

Matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

- Report of the chief executive;
- Report of the chairperson;
- Report of a committee;
- Report of a community or local board; or
- Notice of motion from a member.

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

- Report of the chief executive; or
- Report of the chairperson.

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

APPENDIX 10: WORKSHOPS

Purpose of workshops:

The purpose of workshops is to prepare elected members with the appropriate background and knowledge to make robust decisions for the community, and to allow interrogation, discussion and deliberation among and between elected members and Council staff. Workshops are part of the educative and deliberative phases of Councils' decision-making process. However, final decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting.

Application of standing orders to workshops:

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

Calling a workshop:

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees
- (b) The Mayor,
- (c) A committee or subcommittee Chairperson or
- (d) The chief executive.

Notice of workshops:

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

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

Public Notice:

Public notice of a workshop (either open or closed) is required and must include the details in (a) to (c) above.

Open/closed workshops:

As a matter of principle all workshops shall be open to the public unless there is a clear basis for the public to be excluded. If a workshop is to be closed to the public a record of the basis for the closure shall be recorded.

Workshop Process:

There will be no public forum or formal minutes taken at workshops.

Record of workshop:

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

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

This record of the workshop shall be made available on the council's website as soon as practicable after the workshop.

If the workshop is closed to the public the release of information from the workshop shall be considered at the conclusion of the workshop.

Livestream:

All workshops which are open to the public shall be livestreamed on Buller District Council's YouTube channel. Livestreaming is not required at venues which do not have the appropriate technology or equipment available.

AGENDA ITEM: 1.6 APPOINTMENTS TO INANGAHUA COMMUNITY BOARD

Prepared by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. Council needs to decide whether to make appointments of Elected Members to the Inangahua Community Board.

DRAFT RECOMMENDATION

- 1. That Council make appointments to the Inangahua Community Board.**
- 2. That Council appoint the following to the Inangahua Community Board**
 - a. Dave Hawes**
 - b. Linda Webb**

ISSUES & DISCUSSION

BACKGROUND

2. Membership of community boards is governed by Section 50 of the Local Government Act 2002, and Section 19F of the Local Electoral Act 2001.
3. The Electoral Officer has declared that Dave Hawes and Linda Webb are Elected Members for the Inangahua ward.

OPTIONS

4. The Council can decide to make appointments or decide not to make appointments.
5. If a decision is made to make appointments, then the appointments must be Council members elected in the Ward in which the community board is situated.

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6. Elected councillors from within the Ward can make a personal decision as to whether they are available for appointment.

PROCEDURAL STEPS

7. Council should decide if it wishes to make appointments
8. If there is a decision to make appointments, the individual Councillors should indicate if they are available.
9. Any appointments can be formalised by resolution.

ATTACHMENTS

Nil

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AGENDA ITEM: **1.7 APPOINTMENT OF PECUNIARY INTERESTS REGISTRAR**

Prepared by: Caitlin McDonald
 Governance Secretary

Reviewed by: Simon Pickford
 Chief Executive Officer

Public Excluded: **No**

EXECUTIVE SUMMARY

1. The purpose of this report is to appoint the Pecuniary Interests Registrar.

DRAFT RECOMMENDATION

That Council:

1. **Receives the report entitled Appointment of Pecuniary Interests Registrar, and,**
2. **Approves and appoints the Chief Executive as the Registrar for Elected Members Pecuniary Interest in accordance with section 54G(1) of the Local Government Act 2002.**

ISSUES & DISCUSSION

BACKGROUND

2. On 20 November 2022, a new set of requirements and obligations were included in the Local Government Act – (LGA Amendment 2022).
3. Each council must appoint a Registrar (with regard to pecuniary interests). The person appointed will need to be suited to engaging directly with members and be well placed to make judgements about the advice to be given to members.

Pecuniary interests

4. Pecuniary interest in relation to a member, means a matter or activity of financial benefit to the member (details in **Attachment 2** of this report).
5. A completed return containing certain pecuniary interests is to be returned to the Registrar no later than midnight 16 February 2026.

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Pecuniary interests register

6. Pecuniary interest register is a list of certain pecuniary interests provided by the Elected Members annually to be maintained by the Registrar and retained and removed after 7 years.
7. A summary of the register is to be made public so to provide transparency and to strengthen confidence and public trust in local Government processes and decision making.

Registrar

8. The Registrar is the person who is appointed by Council to compile and maintain the register.
9. The Registrar is to provide advice and guidance to members on their obligations. As per s54G(2) of the Local Government (Pecuniary Interests Register) Amendment Act 2022, the Chief Executive may be the registrar.

CONSIDERATIONS

Significance Assessment

10. The Significance and Engagement Policy is not applicable at this time since the decision is implementation of a legislative requirement on Councils.

Risk Management Implications / Opportunities

11. This is in accordance with the Local Government (Pecuniary Interests Register) Amendment Act 2021, which came into force 21 November 2022.

Māori Impact Statement

12. The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value; therefore, this decision does not specifically impact Tangata Whenua, their culture and traditions.

Financial Considerations

13. There is no financial implication relevant to this decision

ATTACHMENTS

1. Taitaurā Guidance for councils on registers of members pecuniary interests. Prepared by Simpson Grierson. [1.7.1 – 32 pages]

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2. Local Government (Pecuniary Interests Register) Amendment Act 2021
[**1.7.2** - 7 pages]



Guidance for councils on registers of members' pecuniary interests

Prepared by Simpson Grierson for Taituarā

July 2022



Foreword

The Local Government (Pecuniary Interests Register) Amendment Act 2022 passed on 20 May 2022, and will come into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act 2002 (LGA 02), all of which relate to members' pecuniary interests.

The purpose of the new provisions is to increase transparency, trust and confidence in local government by keeping and making publicly available, information about members' pecuniary interests. It is largely modelled on the regime that applies to members of Parliament, but has been tailored to reflect particular aspects of local government.

Moving forward, every council (including all territorial authorities, unitary authorities, and regional councils) will be required to keep a register of its members' pecuniary interests, and to make a summary of it publicly available. Each council must appoint a Registrar to maintain the register, and provide advice and guidance to members.

Members are obliged to provide annual returns, which are to be included on the registers, and to subsequently advise of any errors or omissions in those returns. Any failure to comply with the new obligations amounts to an offence, and so it is important that members understand and comply with these new provisions, and that they are provided with necessary guidance (including from council staff).

The purpose of this guidance is to help councils understand the new requirements and obligations. Given the Registrar's role of providing advice and guidance to members, this guidance also discusses members' obligations. The guidance also discusses the relationship between the new provisions and other legislation, including the Local Authorities (Members' Interests) Act 1968, the Privacy Act 2020, and the Local Government Official Information and Meetings Act 1987. Finally, this guidance provides a checklist designed to help councils identify and satisfy the new requirements and obligations.

This guidance is not intended as legal advice. If and when particular issues arise, councils should consider obtaining specific legal advice that addresses their particular circumstances.



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Part A: Councils and Registrars' Obligations

A1 Summary of councils' obligations

1. There are four main obligations for Councils. They must:
 - (a) keep a register of members' pecuniary interests (the Register);¹
 - (b) appoint a Registrar, who will compile and maintain the Register for the council² – the appointment is discussed at A2, and the Registrar's role is discussed at A3 and A4;
 - (c) make a summary of the information contained in the Register publicly available³ – discussed at A5; and
 - (d) ensure that information contained in the Register is:
 - (i) only used or disclosed in accordance with the purpose of the Register,⁴ and
 - (ii) retained for 7 years after the date on which a member provides the information, and is then removed from the Register.⁵
2. The obligations in paragraph (1)(d) will help guide councils' compliance with the Privacy Act 2020 in terms of handling personal information contained on the Register. They will also be relevant to councils' handling of requests for information included on any Register, which could be made under section 10 of the Local Government Official Information and Meetings Act 1987. The relationship between the new pecuniary interests provisions and these other Acts is discussed at C2 (Privacy Act) and C3 (LGOIMA).

A2 Appointment of Registrar

3. Each council must appoint a Registrar. The person appointed will need to be suited to engaging directly with members, and be well placed to make judgements about the advice to be given to members.
4. The power to appoint the Registrar sits with the full council, but is capable of being delegated.⁶ Councils should check if existing delegations to chief executives are sufficient to capture this power, or if a specific delegation might be required from the full Council (assuming that the chief executive is to make the appointment).
5. The LGA 02 makes clear that the council's chief executive may be appointed as the Registrar.⁷ This is not a requirement – some councils might consider it more appropriate for the Registrar to be a general manager or senior governance advisor.
6. Given the Registrar may need be involved in potential offending by members (due to any failure to comply with the new obligations), it may be considered preferable for the members themselves not to be closely involved in that decision, so as to avoid any potential suggestion of the Registrar being seen as favourable to members.

1 Section 54A(1) of the LGA 02.

2 Section 54G(1) of the LGA 02.

3 Section 54A(3)(a) of the LGA 02.

4 Section 54A(3)(b)(i) of the LGA 02.

5 Section 54A(3)(b)(ii) of the LGA 02.

6 Under clause 32(1), Schedule 7 of the LGA 02.

7 Section 54G(2) of the LGA 02.

Part A: Councils and Registrars' Obligations

A3 Registrars' obligation to compile and maintain the Register

7. Registrars are tasked with the compilation and maintenance of the Register.⁸ In practice, Registrars will look after the Register on a day-to-day basis, thereby helping to ensure the council satisfies its obligation to keep a register.
8. The Registrar will need to ensure that a Register is complete. Under the LGA 02, the Register is to be comprised of all pecuniary interest returns filed by members **and** any corrections made by members.⁹ "Corrections" are the notifications given to the Registrar advising of an error or omission in a return.¹⁰
9. Registrars are specifically obliged to "correct" the Register when advised of an error or omission.¹¹ This suggests that any correction received must be somehow linked to the original return in question, so that anyone accessing the original return will be made aware of the correction.
10. In compiling and maintaining the Register, Registrars will need to ensure there is compliance with the Privacy Act 2020 – which is discussed at C2.
11. The LGA 02 provides some boundaries for Registrars when compiling and maintaining the Register. It states that a Registrar is **not** required to:¹²
 - (a) obtain a return from a member;
 - (b) notify a member if they fail to make a return by the due date; or
 - (c) notify a member if there is any error or omission in their return.
12. The lack of any proactive role for the Registrar makes it clear that the intention of these new provisions is that members must take personal responsibility for ensuring that they satisfy their obligations. It is not for the Registrars to make sure they do so.
13. Despite this, it would be good practice for Registrars to remind members, and provide appropriate guidance, about the need to provide a return, the due dates for returns, and the ongoing obligation to notify the Registrar of any error or omission with their returns. Assisting members to understand how to fulfil their obligations will ultimately make Registrars' jobs easier.

A4 Registrars' obligation to provide guidance and advice

14. Registrars are also tasked with providing advice and guidance to members in connection with their obligations.¹³
15. While Registrars should endeavour to help members who seek advice, but there may be some practical limits to how much a Registrar can help. A Registrar cannot be expected to provide definitive advice on the application of the new provisions for every situation. There will be some areas of uncertainty, although this should lessen over time (likely through auditing processes, and potentially case law).
16. If Registrars are unsure about any compliance related or interpretation issues, legal advice can be sought. If that is not feasible for whatever reason, the Registrar could recommend to the member that they obtain their own legal advice.

8 Section 54G(1)(a) of the LGA 02.

9 Section 54A(2) of the LGA 02.

10 Made under section 54D of the LGA 02.

11 Section 54D.

12 Section 54H(2).

13 Section 54G(1)(b) of the LGA 02.

Part A: Councils and Registrars' Obligations

17. Practically, when in doubt, a Registrar would be sensible to always advise a member to err on the side of disclosure – an over-disclosure of interests will not trigger any of the new offences, but an under-disclosure might.

A5 How to make a summary of the Register publicly available

18. Each council must make “a summary of the information contained in the Register publicly available”.¹⁴
19. The term “publicly available” is defined in the LGA 02.¹⁵ It requires a council to take reasonable steps to:
- (a) ensure that the summary is accessible to the general public in a manner appropriate to its purpose, including, where practicable, on the council’s Internet site; and
 - (b) publicise, in a manner appropriate to the purpose and significance of the summary, both the fact that the summary is available and the manner in which it may be accessed.
20. Good practice would be for councils to put a copy of the summary on their website (eg on the same page as where elected members bios are available), and to also have a copy (electronic or hard-copy) available at the front counter in appropriate council offices.
21. The LGA 02 does not provide any detail about what should be included in a “summary” of the register. As a result, councils will need to make a judgement call about how much to include. In doing so, they should look to strike an appropriate balance between members’ privacy and the purpose of the Register. The purpose of the Register is described as:¹⁶
- to record members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.
22. This statutory purpose suggests that the public should be given enough information about a pecuniary interest so that they can understand how it could impact any Council process or decision-making, and why it ought to have been disclosed, but no more than that.
23. For example, a summary should reference the name of a relevant entity and the general nature of the member’s interest in that entity, such as “XYZ Trust (beneficial interest)”. This should provide sufficient information for people to identify relevant interests, but without providing excessive details about a member’s personal affairs.
24. The pecuniary interests’ regime for members of Parliament (on which the new LGA 02 provisions are largely based) provides a helpful example. That regime also requires that a summary of the MPs’ register be published (both online and in a hardcopy booklet form).¹⁷ While the interests required for disclosure vary somewhat between MPs and council members, the online version of the MPs’ register provides a useful indication of the level of information that should be included in a summary. The current Parliamentary register is available at: <https://www.parliament.nz/en/mps-and-electoralates/members-financial-interests/mps-financial-interests/2022-current-register-of-members-pecuniary-and-other-specified-interests/>
25. In the event of uncertainty as to how much should be disclosed in a summary, it would be good practice for the Registrar to consult the member concerned, but it will ultimately need to be the Registrar (for the Council) that decides how it will satisfy the requirement to publish a summary. Councils could seek legal advice in problematic situations.
26. If a member of the public is unhappy with the level of disclosure in any summary, it will be open to them to request the additional information held on the Register under the Local Government Official Information and Meetings Act 1987. The relationship with that Act is discussed further at C3.

14 Section 54A(3)(a) of the LGA 02.

15 See section 5(3) of the LGA 02.

16 Section 54B.

17 Parliamentary Standing Orders, Appendix B, clauses 18 and 19.

Part B: Members' Obligations

B1 New regime applies to elected, not appointed, members

27. The new requirements and obligations will apply to the following members:¹⁸
- (a) members of the council;
 - (b) members who have been elected under the Local Electoral Act 2011 to a community board that is part of the council; and
 - (c) members who have been elected under the Local Electoral Act 2011 to a local board that is part of the council.
28. Appointed members will **not** be subject to these requirements and obligations. For example, individuals who have been appointed as a member of a council committee due to their skills, attributes, or knowledge will not need to provide annual returns to the Registrar.

B2 Summary of members' obligations

29. The key obligations for members are to:
- (a) make annual returns that contain information on certain pecuniary interests to the Registrar, within the statutory timeframe;¹⁹
 - (b) ensure that the information contained in their returns is accurate;²⁰ and
 - (c) in the event of becoming aware of an error or omission in their returns, advise the Registrar of that as soon as practicable.²¹
30. If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000. Offences and prosecutions are discussed at B7.

B3 Members are responsible for fulfilling their obligations, but can seek advice

31. The LGA 02 explicitly states that it is the responsibility of each member to ensure that they fulfil their obligations.²²
32. It also makes clear that the Registrar is not required to obtain returns from members, or to notify members about any failure to make a return by the due date or of any error or omission in a return.²³ So while a Registrar might choose to provide helpful notification to members, they are not obliged to do so.
33. It is implicit that members are expected to take personal responsibility for making sure that they satisfy their own obligations.
34. Where members have any questions about making returns, or their obligations more generally, they can seek advice from the Registrar. It will also be open to members to obtain their own legal advice, if they consider that would be helpful.

¹⁸ Section 54A(1) of the LGA 02.

¹⁹ Section 54C of the LGA 02.

²⁰ Section 54D(1) of the LGA 02.

²¹ Section 54D(2) of the LGA 02.

²² Section 54H(1) of the LGA 02.

²³ Section 54H(2) of the LGA 02.

Part B: Members' Obligations

B4 Due dates for returns

35. In each triennium, the due dates for a return are:²⁴
- (a) **Year 1:** the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
 - (b) **Year 2:** the last day of February in the second year of the triennium; and
 - (c) **Year 3:** the last day of February in the third year of the triennium.
36. Calculating the due date for Years 2 and 3 should be straight-forward – it will typically be 28 February of the relevant year. However, in any leap year, the due date will typically be 29 February.
37. If 28 February (or 29 February in a leap year) falls on a weekend, then the due date will be the next working day.²⁵ For example, if 28 February (in a non-leap year) is a Saturday, then the due date will be Monday, 2 March.
38. Calculating the Year 1 due date is more complicated. Under section 115 of the LEA, a member comes into office the day after public notice of the final election result is given under section 86 of the LEA. So the 120 day period should be calculated from the date that is one day after the public notice.
39. Note that the date that is one day after the public notice should not be counted in calculating the 120 day period – rather the day that is two days after the public notice is 'day 1' of the 120 days.²⁶ The date that is 'day 120' should be the due date for members' returns.
40. Weekends and public holidays should be included in the 120 days – but if the 120th day falls on a weekend (or public holiday), then the due date will be the next working day.²⁷
41. The following example may assist:
- | Date | Event |
|--------------------------------|--|
| 8 October 2022 | Polling day |
| 15 October 2022 | Public notice of the final election result is given, under section 86 of the LEA (note that this date can vary ²⁸) |
| 16 October 2022 | Members come into office |
| 17 October 2022 | 'Day 1' of the 120 day period |
| 13 February 2023 ²⁹ | Due date for members' returns ('day 120') |
42. Due dates will likely vary between councils, as final election results may be publicly notified on different days. Due dates could even vary between members on the same council in some situations. For instance, a member whose election was dependent on a recount, or who is elected in a by-election within the first year of the triennium, could have a significantly later due date for their Year 1 return.

24 Section 54C(2) of the LGA 02.

25 See section 55 of the Legislation Act 2019, and the definition of "working day" in section 13 of that Act.

26 Section 54 of the Legislation Act 2019, see Item 2 in that section.

27 Section 55 of the Legislation Act 2019.

28 Typically, public notice of the final result for the 2022 election will be given perhaps a week or so after polling day. With the change to the "public notice" definition applying to the 2022 triennial elections, it is possible that the public notice might be given even sooner, perhaps just a matter of days after polling day. The change to the "public notice" definition results from the Local Electoral Act 2002 not including any definition for "public notice". As a result, councils have previously relied on the definition of "public notice" that was in the Interpretation Act 1999 (which required publication of notices in local newspapers). However, the Interpretation Act was repealed in late 2021, and replaced by the Legislation Act 2019. The definition of "public notice" in that Act provides for either publication in local newspapers, or simply through a council's website. Obviously, publication through a website can be achieved more quickly than publication through newspapers, meaning that section 86 public notices may potentially be made sooner than the usual one week or so.

29 13 February 2023 happens to be a Monday, thus a working day.

Part B: Members' Obligations

43. The due date will end at midnight on the relevant day (ie members will have the entire day in which to provide their returns). So, assuming Registrars allow for return via email, members will be able to send in a return after business hours on the due date, but before midnight, and still satisfy the statutory deadline. Returns emailed after midnight on the due date will fall outside the deadline.
44. Although the return obligations are a member's responsibility, it would be good practice for a Registrar to advise members well in advance of the due date for a return (and specify the final return date), and to send a reminder a few weeks beforehand. This will be especially important for Year 1 returns, given the calculation of the due dates in Year 1 is more complicated.

B5 The time period that a return must cover

45. Returns are made in respect of a 12 month period.³⁰ This means that any relevant pecuniary interests that existed at any point during this 12 month period must be disclosed in the member's return. It is not necessary for an interest to have existed for the full 12 month period.
46. The exact dates of the 12 month period will depend on the due date for the particular return. Specifically, the period will be the 12 months that ended on the day that is one month before the due date.³¹
47. So the practical steps involved in identifying the 12 month period are:
- (a) What is the due date for the return? This is your starting point for calculating the 12 month period.
 - (b) What is the date that is one calendar month before that due date? That date is the final day in the relevant 12 month period.
 - (c) What is the date that is one calendar year before that 'final day'? The day after that date is the first date in the relevant 12 month period.
48. Taking the upcoming triennium as an example (building on the example given for calculating a Year 1 due date in the section above), the dates are:

Year of triennium	Due date for return	12 month time period covered by return
Year 1 – 2023	13 February 2023 ³²	14 January 2022 to 13 January 2023
Year 2 – 2024 (leap year)	29 February 2024 ³³	30 January 2023 to 29 January 2024
Year 3 – 2025	28 February 2025 ³⁴	29 January 2024 to 28 January 2025

49. This example illustrates that the 12 month periods for returns will not always align. There is the potential for reporting on some of the same days in two returns, eg both the Year 2 and 3 returns will need to report on 29 January 2024.
50. There is also the potential for some short periods not to be covered by any return, eg no return will report on the period from 14 January 2023 to 29 January 2023. Gifts or payments received during such windows of time will not need to be disclosed in any return made under the LGA 02. Councils may, however, choose to address such potential 'loopholes' through non-statutory reporting. This is further discussed at C1.

³⁰ Section 54C(1) of the LGA 02.

³¹ Section 54C(1) of the LGA 02.

³² This date is based on the example set out in the due date section of this guidance. It assumes the public notice of the final election result (given under section 86 of the Local Electoral Act 2001) was given on 15 October 2023.

³³ 29 February 2024 will be a Thursday, thus a working day.

³⁴ 28 February 2025 will be a Friday, thus a working day.

Part B: Members' Obligations

51. Reporting on the right 12 month period is a member's responsibility. However, as with the due date, it would be good practice for a Registrar to advise members of the 12 month period that a return must cover (specifying the relevant dates).

B6 Information to be disclosed in members' returns

52. There are two broad categories of information that members need to disclose in their returns:
- (a) information relating to the member's position (covered in section 54E of the LGA 02); and
 - (b) information relating to the members' activities (covered in section 54F of the LGA 02).
53. Within these two broad categories are numerous specific types of interests that need to be disclosed.
54. Appendix A sets out each of the specific types of interests that need to be disclosed, and includes a brief explanation of, and examples for, each type.
55. Appendix B sets out a series of flow charts, which members can work through when completing their returns to ensure they have addressed all relevant interests.
56. Note that it is only the members' interests that need be disclosed – interests of spouses, partners, and other close family members do not need to be disclosed under the LGA 02.³⁵

B7 Prosecutions against members and councils' potential role

57. New offences have been created that will apply where members fail to comply with their obligations. Specifically, a member will commit an offence if they:³⁶
- (a) fail to file a return that includes all relevant information by the due date;
 - (b) file an inaccurate return; or
 - (c) do not advise the Registrar of any error or omission in a return as soon as practicable after they become aware of it.
58. Each offence is punishable by a fine of up to \$5,000.³⁷
59. Prosecution for these offences will follow the procedure for existing offences under section 235 of the LGA 02, which relate to a member acting while disqualified or unqualified.³⁸ It will typically be up to the Secretary for Local Government to file a charging document and prosecute members who have committed an offence.³⁹ The Secretary for Local Government is the Chief Executive of the Department of Internal Affairs. (Note that parties other than the Secretary are not prevented from bringing a private prosecution.⁴⁰)
60. For offences where members have acted while disqualified or unqualified, the Secretary is obliged to bring proceedings.⁴¹ However, no equivalent obligation exists for the offences relating to the members' returns, which

35 The fact that the LGA 02 provisions do not capture any interests of a member's whanau creates issues with using the register for helping to ensure compliance with the Local Authorities (Members' Interests) Act 1968. The potential to supplement the register with additional disclosure requirements is discussed at C1.

36 See sections 54C and 54D(1) and (2), and section 235, of the LGA 02.

37 Section 242(2) of the LGA 02.

38 See section 235 of the LGA 02, which has previously provided for offences for acting while disqualified or unqualified, and now also applies to breaches of sections 54C and 54D(1) and (2).

39 It is evident that this is the role of the Secretary from section 235(2) and also from clause 3(1), Schedule 7 of the LGA 02.

40 Clause 3(2), Schedule 7 of the LGA 02.

41 Clause 3(1), Schedule 7 of the LGA 02.

Part B: Members' Obligations

suggests the Secretary for Local Government should have some discretion in deciding whether or not to bring proceedings against members for these offences.

61. The LGA 02 is silent on whether councils are required to report possible offences to the Secretary for Local Government, although it is difficult to see how else the Secretary would identify potential offences. There is the potential for the Secretary to issue guidance or an indication about when and how they would expect to be notified of any potential offences by councils.
62. In the absence of such guidance, it would be good practice for councils to develop their own policies about when they will refer potential offences to the Secretary for Local Government. If a strict approach were adopted, councils may decide to refer every potential offence identified to the Secretary, with members notified of the referral as soon as possible afterwards.
63. Alternatively, councils may decide that discretion is appropriate, eg providing that potential offences will be referred to the Secretary unless there is good reason not to do so. Council policies could provide a disputes process first, and if no resolution is reached, a member will then be notified of an intention to make a referral to the Secretary, and be given a reasonable opportunity to put forward information that would be relevant to there being 'a good reason' not to make the referral.
64. It would be unlawful to adopt a policy that precludes referral of any potential offences to the Secretary.
65. The most likely officers to make referrals would be the Chief Executive and/or the Registrar. The council should ensure that appropriate delegations are in place for any officers who may need to make referrals to the Secretary.
66. It would be good practice for elected members to have some involvement in the development of any internal policy, and for them to formally adopt it via resolution. Copies of the policy should be given to members in advance of returns being due (or form part of a fuller set of guidance material), so that they understand the consequences of failing to meet their obligations.

Part C: Relationship with Other Legislation

C1 Relationship with LAMIA and supplementing the new statutory framework

67. The Local Authorities (Members' Interests) Act 1968 (**LAMIA**) governs some conflict of interest issues for members, notably those involving pecuniary interests. In particular:
- (a) the **contracting rule** prohibits members from being interested in any contracts (eg being a director of a company who is party to the contract, being a sub-contractor of an entity who is party to the contract) with the council that have a combined value of more than \$25,000 in a financial year – unless the Auditor-General approves the arrangement; and⁴²
 - (b) the **participation rule** prohibits members from participating in any council decision-making in which the member has a pecuniary interest that is not one held in common with the public – unless the Auditor-General has pre-approved such participation.⁴³
68. The LGA 02 sets out two specific clarifications about the relationship with LAMIA.⁴⁴ It provides:
- (a) a member's obligations under the LGA 02 in relation to the Register are in addition to any obligations under LAMIA, and do not affect the application of LAMIA; and
 - (b) a pecuniary interest that a member has declared under the LGA 02 regime is not necessarily an interest for the purposes of LAMIA.
69. These clarifications suggest that LAMIA and the new LGA 02 provisions will, in practice, need to operate separately from one another.
70. Despite this, there is some potential for overlap between the relevant requirements – in that the Register may help to identify interests that might be relevant to triggering either of the contracting or participation rules under LAMIA. For example, before entering into a contract with a party, it would be sensible for the council to check that that party is not mentioned on the Register.
71. That said, the Register will not provide a comprehensive approach to identifying interests relevant to LAMIA compliance. There are two main reasons for this.
72. First, the pecuniary interests reported under the LGA 02 are unlikely to capture the full range of interests that can sometimes create problems under LAMIA. For instance, LGA 02 returns do not need to cover:
- (a) a member's spouse's or dependents' pecuniary interests;
 - (b) details of a member's debtors and creditors;
 - (c) any contracts with the council in which the member is interested; or
 - (d) any non-financial interests that the member may have.
73. Second, the LGA 02 does not require any ongoing reporting of new interests as they arise between annual returns.
74. The practical result of these differences is that the Register will be of some, but limited, use to councils in managing conflicts of interest under LAMIA.
75. As a result, councils may want to consider if and how they might supplement the LGA 02 in a manner that assists with on-going compliance with LAMIA. For instance, councils could choose to request additional disclosures by

42 See section 3 of LAMIA.

43 See section 6 of LAMIA.

44 Section 54H(3) of the LGA 02.

Part C: Relationship with Other Legislation

members, capturing the types of interests listed above. They might also want to impose an ongoing obligation on members to notify interests as they arise (eg 4 or 6 monthly updates to returns), and perhaps extend some or all of this system to their appointed members. Such a supplementary regime could address any periods of time that are not already covered by returns under the LGA 02 (see the 'loophole' issue discussed at B5).

76. Councils who are minded to supplement the statutory regime will need to carefully consider the best way for them to do this (eg will they add questions to the statutory return form, or adopt a separate process). They will also need to consider what, if anything, about these additional interests they will proactively make publicly available.
77. Any supplementary disclosure regime should be incorporated into a council's code of conduct for its elected members. This will allow the regime to be enforced through code of conduct complaints.
78. Many councils already have existing disclosure regimes. These councils will need to consider whether to retain these regimes once the new LGA 02 provisions are engaged and, if so, how they might need to be modified to accommodate the LGA 02 requirements.

C2 Privacy compliance needed

79. The Register will contain members' personal information.⁴⁵ As a result, the information privacy principles (IPPs) in the Privacy Act 2020 will apply to this information.⁴⁶
80. To help ensure compliance with the Privacy Act, a council should consider how it will comply with each of the IPPs in relation to the Register. This could be done by way of a privacy impact assessment.⁴⁷
81. In carrying out a privacy impact assessment, there are some matters the council should bear in mind:
 - (a) IPP 3 requires members to be informed of certain matters at the time of collection of their personal information. For this purpose, a draft privacy statement is included in the template return form set out in Appendix C.
 - (b) The LGA 02 states that council must ensure information contained in the Register is retained for 7 years from when the member provides the information, after which it is to be removed from the Register.⁴⁸ This will be relevant to IPP 9, which addresses how long a council may keep personal information for.
 - (c) The LGA 02 also requires councils to ensure that the information in the Register is only used or disclosed in accordance with the purpose of the Register.⁴⁹ This will be relevant to compliance with IPPs 10, 11 and 12.

C3 LGOIMA requests can still be made

82. The Register will constitute "official information" in terms of the Local Government Official Information and Meetings Act 1987 (LGOIMA).⁵⁰ As a result, members of the public will be able to request information held on the Register. Practically, the publication of the summary of the Register should significantly reduce the likelihood of such LGOIMA requests being made, but they remain a possibility if someone considers that the summary does not provide sufficient detail.

⁴⁵ See the definition of "personal information" in section 7 of the Privacy Act 2020.

⁴⁶ The information privacy principles are set out in section 22 of the Privacy Act 2020.

⁴⁷ Information about privacy impact assessments is available on the Privacy Commissioner's website, here: <https://www.privacy.org.nz/publications/guidance-resources/privacy-impact-assessment/>

⁴⁸ Section 54A(3)(b)(ii) of the LGA 02.

⁴⁹ Section 54A(3)(b)(i) of the LGA 02.

⁵⁰ "Official information" is defined in section 2 of LGOIMA as meaning "any information held by a local authority", which would clearly capture the Register.

Part C: Relationship with Other Legislation

83. Any LGOIMA requests for information relating to the Register (which is not already available in the summary of the Register) will need to be considered on a case-by-case basis.
84. The LGA 02 states that councils are required to ensure the information in the Register is only disclosed in accordance with the purpose of the Register.⁵¹ The purpose of the Register is described in the LGA 02 as:⁵²
- to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.
85. Accordingly, if a LGOIMA request were to be made that was not in accordance with the purpose of the Register, it would be open to the council to refuse the request on the basis that making the information available would be contrary to the LGA 02.⁵³ It seems very unlikely, however, that this will occur in practice, given the very wide scope of the purpose of the Register.
86. Another possible withholding ground that a council would need to consider is protection of privacy.⁵⁴ Almost all the information in the Register will be personal information, so this ground is likely to be relevant.
87. Members' privacy will, however, need to be balanced against public interest considerations favouring disclosure.⁵⁵ Whether such public interest considerations exist, and the weight that should be afforded to them, is likely to depend on the circumstances of the particular LGOIMA request (eg who has made the request? Why do they want the information? What is the information in question? Is there a particular council process or decision that the information requested is relevant to?).
88. Depending on the particular request, there might possibly be other potential withholding grounds to consider. For example, a possible ground is where withholding the information is necessary to protect people (including members) from improper pressure or harassment, so that the effective conduct of public affairs can be maintained.⁵⁶

51 Section 54A(3)(b)(i) of the LGA 02.

52 Section 54B of the LGA 02.

53 See section 17(c)(i) of LGOIMA.

54 See section 7(2)(a) of LGOIMA.

55 See section 7(1) of LGOIMA.

56 Section 7(2)(f)(ii) of LGOIMA.

Part D: Pecuniary Interests Checklist for Councils

Being ready for the new LGA 02 provisions will require:

- ✓ Officers to prepare advisory materials to be given to members following the 2022 elections, which provide practical guidance on how to file a return, the due dates for the triennium and the applicable 12 month periods for the returns
- ✓ Officers to prepare a return form (hard-copy and/or electronic), which members can use to complete their annual returns (a template form is included in Appendix C)
- ✓ Officers to undertake some form of privacy impact assessment in relation to the personal information to be held on the Register, to ensure compliance with the information privacy principles in the Privacy Act 2020
- ✓ Council (or anyone with the requisite delegated authority) must appoint a Registrar (this can be done before 20 November 2022 if necessary, due to section 43(1)(c) of the Legislation Act 2019)
- ✓ Council to consider whether to adopt policies that address and clarify when referrals of potential prosecutions should be made to the Secretary for Local Government
- ✓ Council to determine whether to supplement the LGA 02 with additional disclosure requirements and, if so, what that supplementary regime will involve, plus ensure the code of conduct provides for this regime

It would be good practice to inform members before the 2022 elections about these new requirements and obligations, and the preparatory work that is being undertaken.

It is up to councils to determine how to package these matters. But one approach could be to develop a 'one-stop-shop' guidance document for members, which captures their obligations under the LGA 02, information about due dates and 12 month periods, and also the council's approach to dealing with the referral of potential offences to the Secretary for Local Government or any potential disagreements between members and the council or Registrar.

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
Section 54E(1)(a)	Members must disclose the name of any company in which they are a director, or in which they hold or control more than 10% of the voting rights. Members are required to provide a description of the main business activities of the company. This could be relatively brief, but must accurately represent what activities or services the company undertakes or provides.	Matthew is a director of his family business, being a company that owns and leases commercial property. He is also elected to the local council. Matthew will need to declare his directorship, by providing both the name of the company and a description of its main business activities in his return. He describes the business activities as "developer and landlord of commercial properties". Caitlin is a shareholder in her sister's ice cream company. She holds 10 voting shares out of the total 80 voting shares the company has issued. As a result she owns 12.5% of the voting shares in the company and will need to declare her shareholding by providing both the name of the company and its main business activities in her return. She describes the business activities as "sells ice-cream through retail shops in Auckland and Wellington".
Section 54E(1)(b)	Members must disclose the name, and describe the main business activities, of any other company or business entity in which they hold a pecuniary interest. 'Business entities' mean any separate body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacturing, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust. Such entities can include joint ventures, partnerships, sole proprietors or other arrangements that are not companies. There is a clear exception for any managed investment scheme, such as Kiwisaver or an index fund, which do not need to be disclosed. A	Emiria is a partner at a law firm. She must disclose the name of the law firm and give a description of its main activities (eg "provider of legal services").

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	"managed investment scheme" has the same meaning as in section 9(1), (2) and (4) of the Financial Markets Conduct Act 2013. A member will not have a pecuniary interest in a company merely because they have an interest in that company's 'parent' company or its subsidiary.	
Section 54E(1)(c)	Members must disclose the name of any employer, and describe the main business activities of that employer(s). This could include permanent, fixed term or casual employment under an employment agreement (or contract of service). It will not include services provided as a freelancer or contractor under a contract for service (which is likely to be captured by section 54E(1)(ca) or (b) if the member is acting through some form of business entity, or perhaps through section 54F(1)(c) if acting personally). It will also not include holding the position of elected member of a council, local board, or community board, or any other position for which the member concerned would not be qualified unless he or she held their role as an elected member.	Meilin has a part time job as a lecturer in environmental studies at City University. She must disclose that she is employed at City University and that their main activities are providing higher education and research.
Section 54E(1)(d)	Members must disclose any beneficial interest they have in a trust and the name of the trust. Having a beneficial interest means that they are a "beneficiary" of the trust (and are typically listed as such in the trust deed). There is no cap or requirement on the amount or type of beneficial interest, so members will need to disclose any beneficiary interest that they have in a trust.	Melanie is a beneficiary of her parents' family trust: the Jack and Jill trust. She is also aware that she is an uri (descendant) of a local iwi. The iwi's settlement assets are held in a trust and the trust's beneficiaries are all uri (descendants) of the iwi's tupuna (ancestors). Melanie will need to disclose the name of both trusts.
Section 54E(1)(e)	Members must disclose if:	Frank is on the board of a charitable cycling organisation Bikes4U. Bikes4U applied for a council grant to run cycle repair workshops, as

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	(a) they are a member of an organisation, or a member of the governing body of an organisation, or a trustee of a trust; and (b) that organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected.⁵⁷ For this interest, the member must disclose the organisation or trust's name and a description of its main activities. If the organisation concerned is a council-controlled organisation (CCO), then the member does not need to provide a description of the CCO's main activities. The member could instead simply give the CCO's name and note it is a CCO.	part of encouraging active transport. Frank will therefore need to disclose that he is on the board of Bikes4U and provide a description of Bikes4U's main activities.
Section 54E(1)(f)	Members must disclose the title and description of any organisation to which they are appointed by virtue of being an elected member. The statutory language used is somewhat confusing. All other interests in section 54E require disclosure of the "name" of a company/entity/employer etc. It is arguable that the reference to "title" is meant to require a member to disclose the title of the role they hold.	Emily is the mayor of a large city council, and as part of that role serves as the chair of a network of Mayors that is called the Council Employment Advocacy Group (CEAD). Emily should disclose that she is the chair of CEAD, and that CEAD aims to encourage youth employment in council jobs.

⁵⁷ If a member has an interest to disclose under section 54E(1)(e), this is an interest that is likely to constitute a pecuniary interest under section 6 of the Local Authorities (Members' Interests) Act 1968, and possibly prevent them participating in any decision-making relevant to the organisation concerned.

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	Given this uncertainty (and in light of the purpose of the new provisions), it will be prudent to disclose the title of the role that the member has been appointed to and the name of the organisation concerned, as well as providing a description of that organisation's activities.	
Section 54E(1)(g)	Members must disclose the location of any real property that they have any legal interest in, outside of an interest as a trustee. "Real property" is property that consists of land and/or buildings. A member will have a legal interest in land if they own or lease it. A licence to occupy, or having a caveat or encumbrance, will not constitute having a legal interest in property. Also, being a director or shareholder in a company that owns land will not constitute having a legal interest in that land. Members are required to disclose the location of the property. This requires disclosure of the general location (eg suburb and city), but does not require disclosure of the street address. Members must also provide a description of the nature of the property. For instance, it might be "family home", "holiday home", "investment property", or "commercial property".	Mariama leases her family home, jointly with her husband, at 123 Main Road in a small town called Fairtown. Her disclosure is: "Family home – Fairtown (leasehold interest)". Mariama is not obliged to disclose that her interest in the property is a leasehold one, but chooses to provide this for clarity.

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
Section 54E(1)(h)	If a member is a beneficiary of a trust (and they ought reasonably to know that they are a beneficiary), they must disclose the location and description of any real property held by the trust. "Real property" is property that consists of land and/or buildings. There are two exceptions. A member does not need to make any disclosure if the trust is: • a unit trust for which the member has already made a disclosure under section 54E(1)(d); or • a retirement scheme whose membership is open to the public. Members are required to disclose the location of the property. This requires disclosure of the general location (eg suburb and city), but does not require disclosure of the street address. Members must also provide a description of the nature of the property. For instance, it might be "residential property", "investment property", or "commercial property".	James is a beneficiary of a trust established by his aunt and uncle. The home James lives in, which is in Karori in Wellington, is owned by the trust. James leases the house from the trust. James' disclosure in relation to this trust will be "Residential property – Karori, Wellington". (James will already have disclosed the name of the trust under section 54E(1)(d) of the LGA 02, and disclosed his leasehold interest in the property as a "family home" under section 54E(1)(g) of the LGA 02.) Evan is a longstanding member of his local Church in Small Town. The Church runs a charitable trust to provide financial support to Church members for living costs or education costs. All members of the Church are beneficiaries. The Church building is held by the trust. Evan will need to disclose in relation to the trust: "Church property and building – Small Town". (Evan will have already disclosed the name of the trust under section 54E(1)(d) of the LGA 02.)

Interests relating to the Member's activities		
Section Reference	Explanation of interest and required disclosure	Example

APPENDIX A: Table of Interests and Examples

Section 54F(1)(a) and section 54F(2)	Members must disclose if: (a) they have travelled to a country other than New Zealand; and (b) their travel costs and/or accommodation costs were not paid in full by the member and/or a member of their family. “Member of their family” includes only the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild or sibling. It does not include a member’s wider family or whānau. In particular, the member must disclose: (a) the name of the country; (b) the purpose of travelling to the country; and (c) the name of each person who contributed fully or partially to travel costs to/from the country; and (d) the name of each person who contributed fully or partially to the member’s accommodation costs while in the country.	Hemi was sponsored by the Rotary Club to go on a trip to Japan to promote New Zealand as a great place to study and work. The Rotary Club paid for his flights and half of his accommodation. Hemi will therefore need to disclose that he went to Japan, that the purpose of the trip was to promote New Zealand as a location for business and study, and that the Rotary Club contributed to both his travel and accommodation costs.
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APPENDIX A: Table of Interests and Examples

Section 54F(1)(b) and section 54F(3)	Members must disclose gifts received if a gift is worth more than \$500, or if all gifts from one donor have a combined value of more than \$500. The value of gifts is the “estimated market value in New Zealand”. Gifts will include hospitality and donations of cash or in kind. There are two exceptions. No disclosure is needed if: • the gift is a donation made to cover expenses in an electoral campaign;⁵⁸ or • the gift was from a member of the member’s family and the member does not consider that information about the gift should be included in the return taking the purpose of the register into account. In terms of the second exception, “family” includes only the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild or sibling. It does not include a member’s wider family or whānau. Also, according to section 54B of the LGA 02, the purpose of the register “is to record members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making”. Where disclosure is required, the member must provide:	Claire’s cousin Alfred is a hairdresser. He gifts her a \$600 voucher to his salon to celebrate her being elected to the council. Claire must disclose the gift, and includes the following in her return: “Hair salon voucher – Alfred Smith”. Claire also receives a congratulatory gift from her brother Antoni. Antoni is a wine-seller and gives Claire seven boxes of wine. The wine would be worth \$800 if bought from a retail shop. Antoni lives in the council’s district, and is likely to be significantly impacted by some proposed changes to the council’s district plan. While Antoni is her brother (and so comes within the definition of “family”), Claire decides that it is prudent to disclose the gift and Antoni’s identity, taking the purpose of the register into account.
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⁵⁸ Members will of course need to make appropriate disclosures about their election donations as part of returns that they submit under the Local Electoral Act 2001.

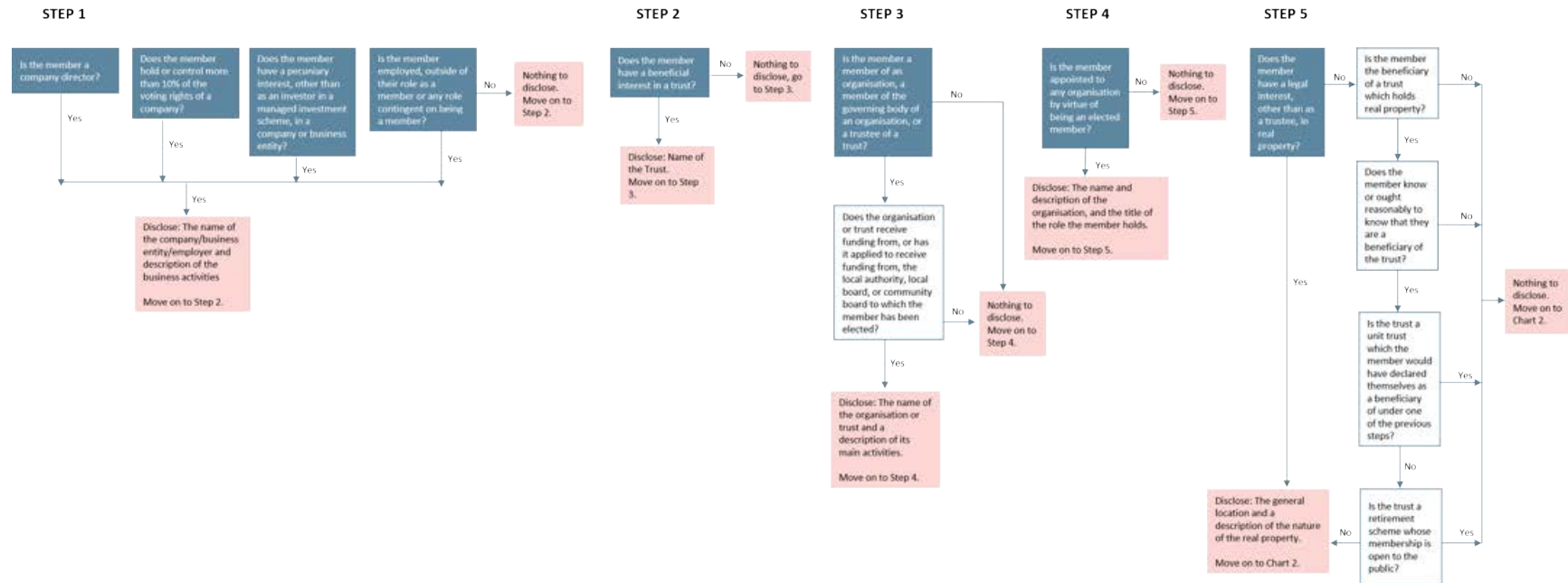
APPENDIX A: Table of Interests and Examples

	• a description of each gift; and • the name of the donor of each gift, if known or reasonably ascertainable by the member.	
Section 54F(1)(c)	Members must describe each payment they have received for activities in which the member is involved. There are several important exceptions to this. No disclosure is needed for: • salary or allowances paid to the member under the Remuneration Authority Act 1977 or the LGA 02; • payment received from an interest already required to be disclosed under section 54E of the LGA 02; or • payment in respect of any activity that the member ceased to be involved in before becoming a member.	Chantelle occasionally gives speeches at conferences about her life experiences, and usually receives a speaker's fee for doing so. Her speaking roles are on a freelance one-off basis. Chantelle does this in her own name, without using any business entity or company. Chantelle will need to disclose the payment, and includes the following in her return: "\$300 fee for speaking at <i>Life 2022 Conference</i>." Amy is a member of the city council and also a novelist. She recently wrote a popular book. Amy receives annual royalties under her contract with the book's publisher, which she entered into in her own name, without using any business entity or company. Amy will need to include the following in her return: "\$1,234 annual royalties for novel <i>Flying to the Moon</i>".

BULLER DISTRICT COUNCIL 29 OCTOBER 2025

APPENDIX B: Flowcharts of Members' Interests

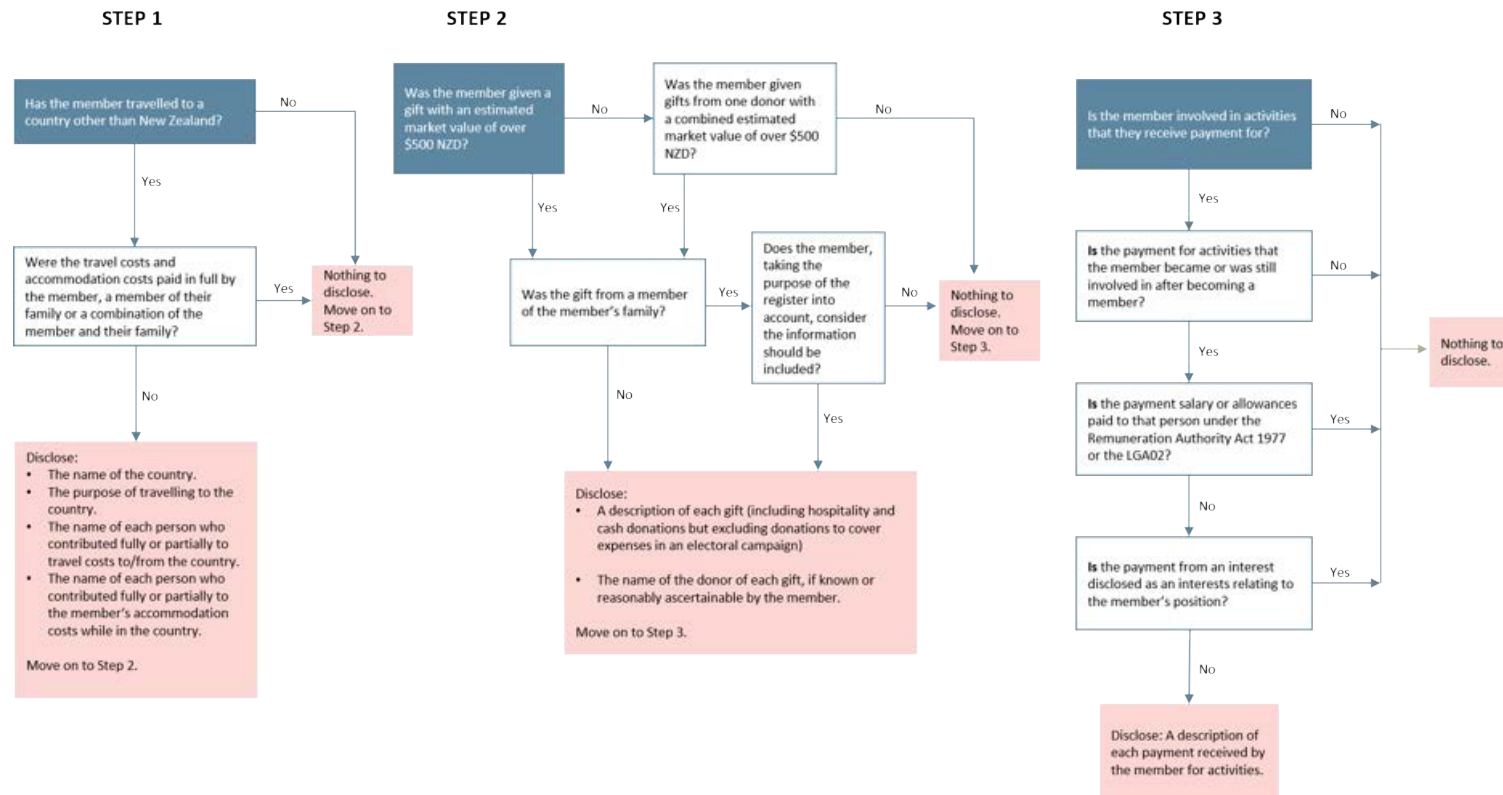
Chart 1: Information relating to a member's position



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APPENDIX B: Flowcharts of Members' Interests

Chart 2: Information relating to a members' activities



APPENDIX C: Template Pecuniary Interest Return Form

Pecuniary Interests Return Form

Information for members:

Sections 54A to 54I of the Local Government Act 2002 (**LGA**) requires members to provide annual returns of certain pecuniary interests. You can use this form to provide your return.

You are responsible for complying with your obligations under the LGA relating to this return.

You can, however, seek advice and guidance from the Registrar of the members' pecuniary interests register on how to complete your return.

How to file this return:

You can file your completed return form with the Registrar by *[insert details of possible means for filing that are available, eg give email address, online portal information, postal, or information about how to file in person]*.

The due date for the return is *[insert date]*.

Privacy statement:

Your personal information is being collected so that the Council and the Registrar can comply with their obligations under the LGA, particularly those in sections 54A and 54G.

You are required to provide this information under sections 54C to 54H of the LGA. Failure to do so will constitute an offence under section 235 of the LGA.

Your personal information will be used and disclosed in accordance with the purpose of the register set out in section 54B of the LGA, which is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making. The information will be retained for 7 years from the date on which you provide it, and will then be removed from the register.

A summary of your personal information will be made publicly available by the Council, in accordance with section 54A of the LGA. In addition, your personal information will constitute official information, and so is subject to the Local Government Official Information and Meetings Act 1987.

You have the right to access and seek correction of your personal information under the Privacy Act 2020. This can be done by contacting *[insert contact details]*.

APPENDIX C: Template Pecuniary Interest Return Form

Return:

This return is made under section 54C of the Local Government Act 2002, providing information required under sections 54E and 54F of that Act.

Member's name:

12 month period covered by this return:

	Yes	No
1. Are you the director of a company? (section 54E(1)(a))	☐	☐

If yes, please provide the name of the company (or companies) and a description of their main business activities:

	Yes	No
2. Do you hold or control more than 10% of the voting rights in a company? (section 54E(1)(a))	☐	☐

If yes, please provide the name of the company (or companies) and a description of their main business activities:

APPENDIX C: Template Pecuniary Interest Return Form

3. Do you have a pecuniary interest in any other company or business entity (except as an investor in a managed investment scheme)?
(section 54E(1)(b))
- | Yes | No |
|-----|----|
| | |

If yes, please provide the name of the company (or companies) or business entity (or entities) and a description of their main business activities:

4. Are you employed?
(section 54E(1)(c))
- | Yes | No |
|-----|----|
| | |

If yes, please provide the name of your employer(s) and a description of their main business activities:

5. Do you have a beneficial interest in a trust?
(section 54E(1)(d))
- | Yes | No |
|-----|----|
| | |

If yes, please provide the name of the trust(s):

APPENDIX C: Template Pecuniary Interest Return Form

	Yes	No
6. Are you a member of an organisation, a member of the governing body of the organisation, or a trustee of the trust and that organisation or trust receives, or has applied to receive, funding from the Council, local board or community board to which you are elected? (section 54E(1)(e))	☐	☐

If yes, please provide the name of the organisation(s) or trust(s) and a description of their main business activities:

	Yes	No
7. Are you appointed to any organisation by virtue of being an elected member? (section 54E(1)(f))	☐	☐

If yes, please provide the title for your appointed role(s), the name of the organisation(s), and a description of them:

	Yes	No
8. Do you have a legal interest, other than as a trustee, in any real property? (section 54E(1)(g))	☐	☐

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

APPENDIX C: Template Pecuniary Interest Return Form

9. Are you the beneficiary of a trust that holds real property (but excluding a trust that is a unit trust you have already disclosed under question 5 or a trust that is a retirement scheme whose membership is open to the public)?
(section 54E(1)(h))

Yes

No

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

10. Have you travelled to any country (other than New Zealand) where your travel and accommodation costs were not paid in full by you and/or a member of your family?
(section 54F(1)(a))

Yes

No

(In this question, “family” means the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)

If yes, please provide the name of the country, the purpose of travelling to the country, the name of each person who contributed (in whole or in part) to the costs of travel to or from the country to or any accommodation costs incurred by the member while in the country (if more than one country was travelled to, provide all of this information for each country):

APPENDIX C: Template Pecuniary Interest Return Form

	Yes	No	
11. Have you received any gift (other than a gift from a family member, unless you consider that gift should be disclosed taking into account the purpose of the members' pecuniary interests register) that:			

- has an estimated market value in New Zealand of over \$500; or
- when combined with all other gifts from the same donor, have a total estimated market value in New Zealand of over \$500?

(section 54F(1)(b))

*(In this question:
"gift" includes hospitality and donations in cash or kind, but excludes electoral expenses, and
"family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)*

If yes, please provide a description of the gift(s) and the name of the donor of the gift(s) (if known or reasonably ascertainable by you):

	Yes	No	
12. Have you received any payment for an activity in which you are involved, excluding:			

- any salary or allowance paid to you under the Remuneration Authority Act 1977 or the Local Government Act 2002
- any payment received from an interest that has already been disclosed in this return; or
- any payment made in respect of an activity that you ceased to be involved in before becoming a member?

(section 54F(1)(c))

If yes, please provide a description of the payment(s) received by you:

AUCKLAND

Level 27, 88 Shortland Street,
Private Bag 92518,
Auckland 1141, New Zealand
+64 9 358 2222

WELLINGTON

Level 24, HSBC Tower,
195 Lambton Quay, PO Box 2402,
Wellington 6140, New Zealand
+64 4 499 4599

CHRISTCHURCH

Level 1, 151 Cambridge Terrace,
West End, PO Box 874,
Christchurch 8140, New Zealand
+64 3 365 9914

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Local Government (Pecuniary Interests Register) Amendment Act 2022

Public Act 2022 No 24
Date of assent 20 May 2022
Commencement see section 2

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s 1	Local Government (Pecuniary Interests Register) Amendment Act 2022	2022 No 24
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6	Section 235 amended (Offences by members of local authorities and local boards)	7
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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Pecuniary Interests Register) Amendment Act 2022.

2 Commencement

This Act comes into force on the day that is 6 months after the date on which it receives Royal assent.

3 Principal Act

This Act amends the Local Government Act 2002.

Part 1

Register of members' pecuniary interests

4 New subpart 3 of Part 4 inserted

After section 54, insert:

Subpart 3—Register of members' pecuniary interests

54A Register of members' pecuniary interests

- (1) A local authority must keep a register of the pecuniary interests of—
 - (a) members of the local authority; and
 - (b) members who have been elected under the Local Electoral Act 2001 to a community board that is part of the local authority; and
 - (c) members who have been elected under the Local Electoral Act 2001 to a local board that is part of the local authority.
- (2) The register must comprise the pecuniary interest returns that—
 - (a) are made by members under section 54C; and
 - (b) contain all information in any pecuniary interest return that is required to be disclosed under sections 54E and 54F, and include any notifications made under section 54D of errors or omissions in those returns.
- (3) The local authority must—
 - (a) make a summary of the information contained in the register publicly available; and
 - (b) ensure that information contained in the register—

**BULLER DISTRICT COUNCIL
29 OCTOBER 2025**

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**Local Government (Pecuniary Interests Register)
Amendment Act 2022**

Part 1 s 4

- (i) is only used or disclosed in accordance with the purpose of the register; and
- (ii) is retained for 7 years after the date on which a member provides the information, and is then removed from the register.

54B Purpose of register

The purpose of the register of members' pecuniary interests is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.

54C Members to make pecuniary interest returns

- (1) A member described in section 54A(1)(a), (b), or (c) must make a pecuniary interest return containing the information specified in sections 54E and 54F in respect of the 12-month period that ended on the day that is 1 month before each date specified for the return in subsection (2).
- (2) The member must make the pecuniary interest return by the following dates:
 - (a) the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001:
 - (b) the last day of February in each subsequent year.
- (3) The member must make the return by providing it to the Registrar.

54D Accuracy of information included in pecuniary interest return

- (1) When making a pecuniary interest return under section 54C, a member must ensure that the information contained in the return is accurate.
- (2) However, if a member becomes aware of an error or omission in any return that the member has made, the member must advise the Registrar of that error or omission as soon as practicable after becoming aware of it.
- (3) When advised of an error or omission in a pecuniary interest return, the Registrar must correct the register of members' pecuniary interests accordingly.

54E Contents of pecuniary interest return relating to member's position

- (1) Every pecuniary interest return must contain the following information:
 - (a) 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 main business activities of each of those companies:
 - (b) 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:
 - (c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers:

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-
- (d) the name of each trust in which the member has a beneficial interest:
- (e) the name of any organisation or trust and a description of the main activities of that organisation or trust if—
- (i) the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust (as applicable); and
 - (ii) the organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected:
- (f) the title and description of any organisation in which the member holds an appointment by virtue of being an elected member:
- (g) 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:
- (h) the location of real property, and a description of the nature of the real property, held by a trust to which the following apply:
- (i) the member is a beneficiary of the trust; and
 - (ii) the member knows or ought reasonably to know that the member is a beneficiary of the trust; and
 - (iii) it is not a unit trust whose name is disclosed under subclause (1)(d); and
 - (iv) it is not a retirement scheme whose membership is open to the public.
- (2) For the purposes of subsection (1)(b), a member does not have a pecuniary interest in a company or business entity (**entity A**) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.
- (3) For the purposes of subsection (1)(e), a member is not required to disclose the name and a description of the main activities of an organisation that is a council-controlled organisation.
- (4) For the purposes of subsection (1)(g) and (h), a member is not required to disclose the street address of the real property, but must provide the general location (for example, the suburb and city in which it is located).
- (5) For the purposes of this section,—
- business entity** means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust

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company has the same meaning as in section 2(1) of the Companies Act 1993, and includes—

- (a) a body corporate that is incorporated outside of New Zealand;
- (b) a society incorporated under the Industrial and Provident Societies Act 1908 or any former Industrial and Provident Societies Act

employed—

- (a) means employed under a contract of service; but
- (b) does not include holding—
 - (i) the position of an elected member of a local authority, local board, or community board (as applicable); or
 - (ii) any other position for which the person in question would not be qualified unless he or she had been elected a member of a local authority, local board, or community board (as applicable)

managed investment scheme has the same meaning as in section 9(1), (2), and (4) of the Financial Markets Conduct Act 2013.

54F Contents of pecuniary interest return relating to member's activities

- (1) Every pecuniary interest return must also contain the following information:
 - (a) for each country (other than New Zealand) that the member travelled to,—
 - (i) the name of the country; and
 - (ii) the purpose of travelling to the country; and
 - (iii) the name of each person who contributed (in whole or in part) to the costs of the travel to and from the country; and
 - (iv) the name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country;
 - (b) a description of each gift (including hospitality and donations in cash or kind but excluding any donation made to cover expenses in an electoral campaign) received by the member and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member) if—
 - (i) the gift has an estimated market value in New Zealand of more than \$500; or
 - (ii) the combined estimated market value in New Zealand of all gifts from the donor is more than \$500;
 - (c) a description of each payment received by the member for activities in which the member is involved other than—
 - (i) the salary or allowances paid to that person under the Remuneration Authority Act 1977 or this Act; and

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- (ii) any payment the member received from an interest required to be disclosed under section 54E; and
 - (iii) any payment made in respect of any activity the member ceased to be involved in before becoming a member.
- (2) The information referred to in subsection (1)(a) does not have to be included in the pecuniary interest return if the travel costs and accommodation costs were paid in full by the following or any combination of the following:
 - (a) the member;
 - (b) a member of the member's family.
- (3) The information referred to in subsection (1)(b) does not have to be included in the pecuniary interest return if the gift was from a member of the member's family unless the member, taking the purpose of the register into account (*see* section 54B), considers the information should be included.
- (4) For the purposes of this section, **member of the member's family** means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.

54G Registrar

- (1) A local authority must appoint a Registrar to—
 - (a) compile and maintain the register of members' pecuniary interests; and
 - (b) provide advice and guidance to members in connection with their obligations under this subpart.
- (2) The chief executive of a local authority may be the Registrar under subsection (1).

54H Responsibility of members

- (1) It is the responsibility of each member to ensure that they fulfil the obligations imposed on them under this subpart.
- (2) A Registrar is not required to—
 - (a) notify any member of—
 - (i) that member's failure to make a pecuniary interest return by the due date; or
 - (ii) any error or omission in that member's pecuniary interest return; or
 - (b) obtain any pecuniary interest return for a member.
- (3) To avoid doubt,—
 - (a) a member's obligations under this subpart are in addition to any obligations under, and do not affect the application of, the Local Authorities (Members' Interests) Act 1968; and

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- (b) a pecuniary interest that a member has declared under this subpart is not necessarily an interest for the purposes of the Local Authorities (Members' Interests) Act 1968.

54I Definition of Registrar

In this subpart, **Registrar** means the Registrar appointed under section 54G.

Part 2
Other amendments

5 Section 5 amended (Interpretation)

In section 5(1), in their appropriate alphabetical order, insert:

pecuniary interest, in relation to a member, means a matter or activity of financial benefit to the member

pecuniary interest return means the return required to be made under section 54C

6 Section 235 amended (Offences by members of local authorities and local boards)

- (1) In section 235(1), after “contravenes”, insert “section 54C or 54D(1) or (2) or”.
- (2) In section 235(2), after “instituted under”, insert “section 54C or 54D(1) or (2) or”.

Legislative history

1 July 2021	Introduction (Bill 51–1)
22 September 2021	First reading and referral to Governance and Administration Committee
22 March 2022	Reported from Governance and Administration Committee (Bill 51–2)
6 April 2022	Second reading
13 April 2022	Committee of the whole House (Bill 51–3)
18 May 2022	Third reading
20 May 2022	Royal assent

This Act is administered by the Department of Internal Affairs.

AGENDA ITEM: 1.8 ESTABLISHMENT OF COMMITTEE OF COUNCIL

Prepared by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. This report seeks Council's adoption of updated Terms of Reference (ToR) for the 2025–2028 triennium for the following governance bodies:
 - Council
 - Risk and Audit Committee (RAC)
 - Subcommittees (including Reserves and Halls Subcommittees and the Creative Communities Subcommittee)
 - Inangahua Community Board (ICB)
2. These Terms of Reference are necessary to formalise the governance structure for the triennium. Council previously resolved, on 25 June 2025, to retain eleven Reserves and Halls Subcommittees and the Creative Communities Subcommittee following the 2025 election. Additionally, the recruitment process for an Independent Chair for the Risk and Audit Committee commenced prior to the election (per the 16 April 2025 resolution), requiring formal establishment of that committee.
3. An interim Chair for the Risk and Audit Committee is also recommended until the Independent Chair is appointed. This was previously held by the Deputy Mayor in the last triennium while recruitment was underway.
4. It is noted that the governance structure, including committees and their Terms of Reference, may be subject to further amendment pending any revised committee structure proposed by the Mayor in November 2025.

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DRAFT RECOMMENDATION

That Council:

- 1. Adopts the Terms of Reference for the 2025–2028 triennium for:**
 - a. Council**
 - b. Risk and Audit Committee**
 - c. Reserve and Hall Subcommittees**
- 2. Ngakawau–Hector Reserve Subcommittee**
 - a. Inangahua Community Board**
- 3. Establishes the Risk and Audit Committee for the 2025–2028 triennium.**
- 4. Notes that the recruitment process for an Independent Chair for the Risk and Audit Committee commenced prior to the 2025 local elections, following the resolution passed by Council on 16 April 2025.**
- 5. Appoints Councillor [Insert Name] as Interim Chair of the Risk and Audit Committee until the Independent Chair is formally appointed.**
- 6. Appoints the Mayor, Deputy Mayor and one other Councillor as a panel to shortlist and interview the candidates for the Independent Chair position.**
- 7. Notes that once the panel review is completed, a report will be presented to full Council to make the appointment of the Independent Chair.**
- 8. Notes that, under the 25 June 2025 resolution, the eleven Reserves and Halls Subcommittees and the Creative Communities Subcommittee were not discharged following the 2025 triennial election.**
- 9. Confirms that these subcommittees will report to the Risk and Audit Committee for the 2025–2028 triennium.**

ISSUES & DISCUSSION

BACKGROUND

5. Following the 2025 triennial general election, Council is required to formalise its governance structure, including committees, subcommittees, and community boards, by adopting Terms of Reference (ToR) for each.
6. Council, through the Reserves and Amenities Committee (RAC), oversees three distinct types of reserve subcommittees:
 - Reserve-only subcommittees
 - Reserve and Hall subcommittees
 - Reserve subcommittees that include campgrounds
7. A subcommittee liaison officer maintains regular contact with reserve subcommittees, offering support and guidance when needed—particularly around legislative requirements or procedural matters.
8. Training sessions, including topics such as the Code of Conduct and Standing Orders, are provided as required, especially when new members are appointed. This approach ensures subcommittees have access to relevant information while continuing to operate independently and in a way that reflects the strengths of their local communities
9. Periodic updates from reserve subcommittees are provided to the reporting committee to ensure elected members are kept informed of relevant developments, activities, and any matters requiring Council oversight.
10. On 16 April 2025, the previous Council resolved:

“...to commence an expressions of interest process for the Independent Chair prior to the 2025 local elections.”
11. On 25 June 2025, the previous Council also resolved:

“...to not discharge the eleven Reserves and Halls Subcommittees, and the Creative Communities Subcommittee, following the triennial general election of members on 11 October 2025 under Clause 30(7), Schedule 7 of the Local Government Act 2002.”

12. The Risk and Audit Committee therefore requires establishment for the triennium, and subcommittees must be confirmed under a parent committee. Adoption of all relevant ToRs ensures the governance structure is formally in place for the term.
13. Again, it is noted that the governance structure, including committees and their Terms of Reference, may be subject to further amendment pending any revised committee structure proposed by the Mayor in November 2025.

OPTIONS

14. There are two main options for Council to consider.

Option 1- Status Quo

15. Do not adopt the proposed Terms of Reference.

Advantages

16. Allows further time to review or amend governance arrangements.

Disadvantages

17. Leaves governance bodies unable to operate formally; delays meetings; creates uncertainty for subcommittees and the community board; contradicts prior resolutions.

Option 2- Adopt Terms of Reference and Establish Governance Bodies

18. Adopt all Terms of Reference and confirm the governance structure, including Council, Risk and Audit Committee, subcommittees, and Inangahua Community Board.

Advantages

19. Provides clear direction for governance roles and delegations; ensures continuity of subcommittees; supports compliance and functionality; reflects prior Council decisions.

Disadvantages

20. Finalisation of ToRs may limit flexibility if minor changes are later desired (though amendments can be made by Council resolution).

PREFERRED OPTION

21. Option 2 is the preferred option as it aligns with legal obligations, supports effective governance, enables the continued functioning of

subcommittees and community boards, and upholds previous Council resolutions.

NEXT STEPS

22. Following adoption:

- Notify relevant committees and community board of their ToRs
- Continue recruitment and bring back a recommendation for the Independent Chair
- Update Council's Local Governance Statement accordingly

CONSIDERATIONS

Strategic Impact

23. Establishing the governance structure through clear Terms of Reference supports the strategic goal of strong, transparent, and effective governance.

Significance Assessment

24. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:

<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>

25. This report is assessed as being low significance.

26. Establishing Terms of Reference is a routine governance matter following local elections and does not require public consultation or materially affect levels of service.

Risk Management Implications / Opportunities

27. The following risks or opportunities are identified with the issues identified in this report.

28. Opportunities:

- Clarifies governance structure and reporting lines
- Enables decision-making to occur through appropriate delegation
- Supports continuity and legal compliance

29. Risks:

- Delay in confirming structure could undermine functionality or create confusion
- Reputational risk if governance responsibilities are unclear or disputed

Policy & Legislative Considerations

30. Clause 30 of Schedule 7 of the Local Government Act 2002 allows for the establishment of committees, subcommittees, and community boards, and the adoption of Terms of Reference for their operation. This report supports Council's compliance with its statutory obligations post-election.

Māori Impact Statement

31. The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value; therefore, this decision does not specifically impact Tangata Whenua, their culture and traditions.

Financial Considerations

32. There are no additional financial implications associated with this decision. Any committee or community board costs are covered under existing governance budgets.

Communication Internal / External

33. Terms of Reference and updated governance structure will be communicated internally to elected members and externally via the Council's website. Appointments and meeting schedules will also be published.

ATTACHMENTS

1. Terms Of Reference [1.8.1 – 19 pages]

Council

Chairperson: Mayor

Membership: The Mayor and all Councillors

Meeting Frequency: Monthly – or as required.

Quorum: A majority of members (including vacancies)

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to set district rates.
 - b) The power to create, adopt and implement a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive Officer.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) Health & Safety obligations and legislative requirements are met.
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2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
- a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
 - d) Approval of the Triennial Agreement.
 - e) Approval of the local governance statement required under the Local Government Act 2002.
 - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
 - g) Approval of any changes to the nature and delegations of the Committees.
 - h) Approval of funding to benefit the social, cultural, arts and environmental wellbeing of communities in Buller District
 - i) Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
 - i) Implementation of Government requirements
 - ii) Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office
 - j) All other powers and responsibilities not specifically delegated to the Risk and Audit Committee, subcommittees, independent hearing panels or Inangahua Community Board.

Risk and Audit Committee

Reports to:	The Council
Independent Chairperson:	
Membership:	The Mayor, all Councillors and Māori
Meeting Frequency:	Representative Bi-Monthly
Quorum:	A majority of members (including vacancies)

GENERAL PRINCIPAL

1. The work of this Committee will be in accordance with the priorities and work programme agreed by the Council.
2. This Committee has the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

PURPOSE

The Risk and Audit Committee is responsible for:

1. Monitoring Council's financial strategy, and financial performance against the Annual and Long Term Plans.
2. Monitoring Council's interests in its Council Controlled Organisations (CCOs).
3. Reviewing the Council's risk register and associated process for managing current and emerging risk.
4. Ensuring the independence and effectiveness of Council's External and Internal Audit processes.
5. Monitoring existing corporate policies and recommending new or amended policies as required.
6. Ensuring that Council policies and practices will prevent unethical, questionable or illegal activities.
7. Providing a communication link between management, internal auditors/external auditors and Council.
8. Supporting measures to improve management performance and internal controls.
9. Ensuring Council's Policies and Bylaws are fit for purpose and comply with all relevant legislation.
10. Guiding the development of Council's Climate Change Adaptation Plan

TERMS OF REFERENCE:

General

1. To receive regular reports regarding Council's financial and non-financial performance against Annual and Long Term Plans.
 2. To consider reports related to significant expenditure outside of the Annual and Long Term Plans and make appropriate recommendations to Council.
 3. To develop and monitor policy related to the following matters:
 - a) Financial management;
-

- b) Revenue generation;
 - c) Procurement and tendering; and
 - d) The appointment and remuneration of directors and CCOs
- 4. To monitor the probity of processes relating to policies developed by the Risk and Audit Committee.
 - 5. To provide clear direction to Council's CCOs on Council's expectations, including feedback on draft statements of intent.
 - 6. To receive Quarterly reports of Council's CCOs, including board performance.
 - 7. To undertake any reviews of CCOs and make appropriate recommendations for approval by Council.
 - 8. Review CCO requests for major transaction approval and recommend appropriate actions to Council.
 - 9. To monitor Council's debt and investments to ensure compliance with Council policy.
 - 10. To monitor the Council's outstanding debtors' positions.
 - 11. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
 - 12. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

Internal Audit

- 13. Agree the scope of internal audits.
- 14. Monitor the delivery of the internal audit work programme and results
- 15. Assess whether Internal Audit's recommendations have been properly implemented by management.
- 16. Review the annual Internal Audit Plans to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

Strategy, plans and policy

- 17. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
- 18. Recommend to Council for adoption.
- 19. Monitor and review as and when required.

Bylaws

- 20. Develop and agree to the statement of proposal for new or amended draft bylaws for consultation.
- 21. Recommend to Council new or amended bylaws for adoption.

Consultation and engagement

- 22. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
 - 23. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
 - 24. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.
-

Submissions and legislation

25. Approve submissions to external bodies/organisations on legislation and proposals, related to the Committee's areas of responsibility, that impact governance policy or matters.
26. Monitor and oversee strategic projects and programmes.
27. Monitor Council's Asset Management Plans/Strategic Infrastructure Plan.

Contracts

28. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
 - a. Do not require the approval of the whole of Council; and
 - b. Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

Reserves and Halls Subcommittees

29. Monitor and oversee the Reserves and Halls Subcommittees.

Creative Communities Subcommittee

30. Monitor and oversee the Creative Communities Subcommittee.

Other Matters

31. Review the effectiveness of the risk control environment established by management to safeguard Council's financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management's actions to mitigate risks
32. Review the effectiveness of the systems for monitoring the Council's compliance against legislation, regulation, policy, and guidelines (including health and safety).
33. Conduct and monitor special investigations in accordance with Council policy and approved budget or in response to material matters raised by staff or committee members, including engaging expert assistance, on matters within its Terms of Reference.
34. Provide an annual review of Council's risk management framework and amend as required.
35. Review and monitor business continuity planning.
36. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
37. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
38. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
39. Monitor Audit recommendations and ensure completion.

The Committee is delegated the following powers:

- The Committee may make recommendations to Council.
 - The Committee will provide three-monthly reports to Council on its activities with appropriate recommendations.
-

Special Notes:

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- The Chairperson will be an independent appointment, not an elected member, to strengthen the independent nature of the Committee's monitoring responsibility of Council activities.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.
- The Chief Executive Officer and Chief Financial Officer are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the Committee meetings, as required.
- The Chairperson of the Committee shall review the travel and other reimbursed expenses of the Chief Executive Officer and confirm compliance with Council policies and practice. This information will be provided to the Chairperson on a monthly basis.
- The Chairperson shall review the travel and other reimbursed expenses of the Mayor and confirm compliance with Council policies. This information will be provided to the Chairperson on a monthly basis.
- The Chief Executive Officer (Principal Advisor) shall be responsible for drawing to the Committee's immediate attention to any material matter that relates to the financial condition of Council, any material breakdown in internal controls, and any material event of fraud or malpractice.
- The Chairperson shall present an annual Audit and Risk Self Review to Council summarising the Committee's activities during the year and any related significant results and findings.

Creative Communities Subcommittee

Reports to: Risk and Audit Committee

Chairperson: [to be elected by the subcommittee]

Meeting Frequency: As required

Quorum: A majority of members (excluding vacancies)

Purpose:

The Creative Communities Subcommittee is the assessment committee for assessing applications and allocating funding provided to Council by Creative New Zealand through the Creative Communities Scheme.

Terms of Reference:

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

The Subcommittee is delegated the following powers:

The Creative New Zealand Community Funding Sub-Committee has full delegated authority to make distributions from the funding received annually from Creative New Zealand.

The Committee is delegated the following recommendatory powers:

- The Subcommittee may make recommendations to the Risk and Audit Committee on local priorities for arts participation.

Special Notes:

- The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.
- Verbal updates may be requested to be provided to Risk and Audit Committee meetings from the Group Manager Community Services from time to time.

Chairperson

The Subcommittee must have a chairperson who shall be elected by Subcommittee members at the first meeting of the Subcommittee.

The chairperson is responsible for:

1. The efficient functioning of the Subcommittee.
 2. Setting the agenda for Subcommittee meetings.
 3. Ensuring that all members of the Subcommittee receive sufficient timely information to enable them to be effective Subcommittee members.
 4. Attending Risk and Audit Committee meetings as required to represent the interests of the Subcommittee.
 5. Being the link between the Subcommittee and Council staff.
-

Contacts with media and outside agencies

The Mayor acts as the official spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

Subcommittee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council.

The Council, after consultation with the Subcommittee Chair, will manage the formal communications between the Subcommittee and the community in the exercise of its business.

Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

Frequency of meetings

The Subcommittee shall hold formal meetings as required for funding rounds.

Conduct of affairs

The Subcommittee shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, and Council's Standing Orders and Code of Conduct.

Quorum

The quorum at a meeting of the Subcommittee shall consist of:

1. Half of the members if the number of members (excluding vacancies) is even;
or
2. A majority of members if the number of members (excluding vacancies) is odd.

Remuneration

No honorarium or meeting allowance will be payable to Subcommittee members.

Other delegations and responsibilities

None

Reserves And Halls Subcommittees

Reports to: Risk and Audit Committee

Meeting Frequency: Annually and as required

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and as the administering body (specific to each reserve) under S.40 Reserves Act 1977.

2. COUNCIL RESPONSIBILITIES:

- 2.1 The Risk and Audit Committee will appoint members of the Subcommittees under Schedule 7 cl31(2) LGA 2002
- 2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans in accordance with s41 Reserves Act 1977, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3 If disputes arise concerning these terms of reference or any other matter concerning the Subcommittee, cooperatively work to find a resolution with all parties adhering to the Principles of Governance as set out in Section 3 of the Council's Code of Conduct;
- 2.4 If a dispute resolution cannot be reached, to use an appropriate independent mediator to mediate between the parties or an arbitrator to help produce a resolution which is acceptable to both parties and does not in any way contradict the provisions and responsibilities of Council as set out in the LGA 2002 or the Reserves Act 1977;
- 2.5 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and, if required, to provide secretarial support at the meeting;

3. GENERAL TERMS OF REFERENCE:

The Subcommittees

- 3.1 Are to be formally appointed by the Risk and Audit Committee under cl30 (2), Schedule 7 LGA Act 2002, which has the power under cl30(b), Schedule 7 LGA2002 to discharge or reconstitute the subcommittee and under cl31(2) to appoint and discharge members of the Subcommittee
- 3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise
- 3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way:

Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area and have the skills, attributes, or knowledge that will assist the work of the subcommittee

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- 3.4 Is subject in all things to the control of the Risk and Audit Committee (s30 (4) Schedule 7 LGA 2002) and must carry out all general and special directions of the Risk and Audit Committee given in relation to the Subcommittee or its affairs;
- 3.5 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Risk and Audit Committee and/or Council, whichever is appropriate; and
- 3.6 Is prohibited from appointing any subordinate body.

4. The role of Reserve and Halls Subcommittees is to:

- 4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;
- 4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
- 4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.
- 4.4 Develop and approve an annual budget each financial year to achieve 4.1 above

5. Delegations

The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 The negotiation of Licences to Occupy for the reserve provided such licence shall be temporary in nature (up to 3 years) and capable of being terminated on no more than one month's notice, and be in accordance with The Reserves Act 1977 Section 74 Licences to Occupy reserves temporarily
- 5.3 The letting of facilities
- 5.4 The setting of fees and charges for the reserve (Council to be advised of fees and charges for each following financial year by February of each year)
- 5.5 The raising and expenditure of finance (in accordance with the financial delegations below)
- 5.6 To enter contracts necessary for the efficient running and suitable use of the reserve in accordance with the financial delegations below;

6. FINANCIAL

- 6.1 Invoices
All invoices for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.
Approval for the payment of invoices over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.
- 6.2 Contracts
All contracts for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.
Approval of contracts over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will operate within:

- 7.1 Policies, plans, standards or guidelines that have been established and approved by Council;
- 7.2 The annual budget as approved by the Risk and Audit Committee;
- 7.3 All general and special directions of the Risk and Audit Committee and Council given in relation to the Subcommittee.

8. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

9. CESSATION OF SUBCOMMITTEE

9.1 The Subcommittee may be terminated by resolution of the Risk and Audit Committee or Council;

9.2 If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee

10. Matters which are not delegated by council:

10.1 The power to:

- Make a rate or bylaw;
- Borrow money, or purchase or dispose of assets;
- Acquire, hold or dispose of property;
- Appoint, suspend or remove staff;
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like

10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section 34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

11.1 One Ward member elected under the Local Electoral Act 2001; and

11.2 Appointed members – up to 10 following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area and have the skills, attributes, or knowledge that will assist the work of the subcommittee

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council (as outlined in 3.3 above)

12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.

12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Risk and Audit committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.

12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 FINANCIAL ACCOUNTABILITY

13.1 The Subcommittee shall:

- i) Develop and approve an annual budget each financial year
- ii) Provide its Annual budget by the dates specified by Council's Risk and Audit Committee for approval;
- iii) Present to the Council any other report it is requested to provide.
- iv) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

- v) Provide its Annual Report and Annual Accounts to the Council's Chief Financial Officer, by the date specified by Council for review on the understanding this review will form part of the information Council will present during its overall annual Audit.

- 13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 CONTACT WITH MEDIA

Chairperson may speak on behalf of the subcommittee provided that:

- i) media comments must not state or imply that they represent the views of the Council;
- ii) where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;
- iii) media comments must observe the other requirements of the Code (of Conduct), e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and
- iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

15 Frequency of meetings

- 15.1 The Subcommittee shall hold at least one formal meeting per year.
- 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting if required and preparation and distribution of minutes;
- 15.3 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 QUORUM

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members unless first agreed by formal resolution of the Risk and Audit Committee.

19 OTHER DELEGATIONS AND RESPONSIBILITIES

These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations in consultation with the subcommittee and as resolved by the Risk and Audit Committee.

NGAKAWAU-HECTOR RESERVE SUBCOMMITTEE

The administration of the Ngakawau-Hector Reserves was transferred to the Buller District Council by The Local Government (West Coast Regional) Reorganisation Order 1989. The role of the former Reserve Boards and subsequent Subcommittees has been to manage reserves in accordance with the Reserves Act 1977 for the benefit of the local community and wider Buller District. The reserves managed by the Ngakawau-Hector Reserve Subcommittee are identified in Appendix 1.

In making these Terms of Reference and Delegations Council recognises the functions, powers, and duties delegated to the Ngakawau-Hector Reserve Subcommittee by this document are important to the community and therefore require legislative standards to be met. In making these delegations Council also recognises there are a range of community facilities located on public land that are and will remain in community ownership. These aspects are to be managed through Licences to Occupy and Reserve Management Plans specific to each Reserve.

TERMS OF REFERENCE

1. PURPOSE:

- 1.1. The purpose of Ngakawau-Hector Reserve Subcommittee (Subcommittee) is to manage the Ngakawau/Hector Recreation Reserve ('the reserve') for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan (when it is completed and approved) with the support of Council;
- 1.2. Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
- 1.3. Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve.
- 1.4. Council and the Subcommittee recognise that Council is ultimately responsible for the reserve in the district under the Instrument of Delegation for Territorial Authorities (dated 12 June 2013) and as the administering body under S.40 Reserves Act 1977;

2. COUNCIL RESPONSIBILITIES:

- 2.1. Council recognises that Reserve Subcommittees are comprised of volunteers (with one ward elected member) and that in undertaking its work with the Subcommittee it has a responsibility to work in partnership with its subcommittees and their members for the benefit of communities and the region as a whole.
- 2.2. The Risk and Audit Committee will appoint members of the Subcommittees under Schedule 7 s31(2) LGA 2002
- 2.3. In partnership with the Subcommittee and local community develop Reserve Management Plans in accordance with S41 Reserves Act 1977, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3. If disputes arise concerning these terms of reference or any other matter concerning the Subcommittee, Council agrees to work cooperatively to find a resolution with all

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parties adhering to the Principles of Governance as set out in Section 3 of the Council's Code of Conduct;

- 2.4 If a dispute resolution cannot be reached, Council agrees to use an appropriate independent mediator to mediate between the parties or an arbitrator to help produce a resolution which is acceptable to both parties and does not in any way contradict the provisions and responsibilities of Council as set out in the LGA 2002 or the Reserves Act 1977;
- 2.5 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and, if required, to provide secretarial support at the meeting.
- 2.6 To consider recommendations from the Subcommittee on property (including land & buildings) acquisitions and disposals in relation to the reserve.

3. GENERAL TERMS OF REFERENCE:

The Subcommittee:

- 3.1. Is to be formally appointed by the Risk and Audit Committee under S30 (2), Schedule 7 LGA Act 2002, which also has the power:
 - under s30 (5b), Schedule 7 LGA2002 to discharge or reconstitute the subcommittee; and
 - under s31 (2) Schedule 7 LGA 2002 to appoint and discharge any member of the Subcommittee.
- 3.2. Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise under S30 (7) Schedule 7 LGA2002.
- 3.3. Will have its members formally appointed by the Risk and Audit Committee following the Local Government triennial election of members (unless the Council resolves otherwise) in the following way:
 - 3.3.1. Prior to each Local Body election Council to call for expressions of interest from those living within the local area who have the skills, attributes or knowledge that will assist the work of the subcommittee and who have been nominated by at least two residents or ratepayers within the local area;
 - 3.3.2. A Special Meeting will be called by the Subcommittee and attended by the nominees and public;
 - 3.3.3. All those attending the Special Meeting can vote on each of the nominees with a majority of 'yes' votes needed for a candidate's name to be forwarded to the Risk and Audit Committee for formal appointment;
 - 3.3.4. On the re-establishment of the subcommittee the Risk and Audit Committee will formally appoint these individuals to the subcommittee for the period of the triennium.
 - 3.3.5. If new members are required to be appointed during the triennium the same process in 3.3.1 to 3.3.4 will also be followed
- 3.4. Is subject in all things to the control of the Risk and Audit Committee (s30 (4) Schedule 7 LGA

2002) and must carry out all general and special directions of the Risk and Audit Committee given in relation to the Subcommittee or its affairs; and

- 3.5. Is prohibited from appointing any subordinate body.

4. DELEGATIONS

The delegations to the Subcommittee are as follows:

- 4.1. The maintenance and operation of the reserve as necessary for the safe, efficient and effective management of the reserve
- 4.2. The negotiation of Licences to Occupy for the reserve provided such licence shall be temporary in nature (up to 3 years) and capable of being terminated on no more than one month's notice, and be in accordance with the Reserves Act 1977 (Section 74 Licences to Occupy reserves temporarily)
- 4.3. The letting of facilities
- 4.4. The setting of fees and charges for the reserve (Council to be advised of fees and charges for each following financial year by February of each year)
- 4.5. The raising and expenditure of finance (in accordance with the financial delegations below)
- 4.6. To enter contracts necessary for the efficient running and suitable use of the reserve in accordance with the financial delegations below;

5. FINANCIAL

5.1. Invoices

5.1.1. All invoices for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.

5.1.2. Approval for the payment of invoices over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

5.2. Contracts

5.2.1. All contracts for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.

5.2.2. Approval of contracts over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority

6. EXERCISE OF DELEGATIONS

The exercising of delegations are to be read in conjunction with clause 2.1 (Council Responsibilities) above.

In exercising the delegated powers, the Subcommittee will operate within:

- 6.1. Policies, plans, standards or guidelines that have been established and approved by Council;
- 6.2. The annual budget as approved by the Risk and Audit Committee;
- 6.3. All general and special directions of the Risk and Audit Committee and Council given in relation to the Subcommittee.

7. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

8. CESSATION OF SUBCOMMITTEE

- 8.1. The Subcommittee may be terminated by resolution of the Risk and Audit Committee or Council recognising the matters set out in 2.1 and 2.3 above
- 8.2. If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee

9. MATTERS WHICH ARE NOT DELEGATED BY COUNCIL:

- 9.1 The power to:
 - 9.1.1. Make a rate or bylaw;
 - 9.1.2. Borrow money, or purchase or dispose of assets, unless budgeted for or approved;
 - 9.1.3. Acquire, hold or dispose of land;
 - 9.1.4. Appoint, suspend or remove staff;
 - 9.1.5. Institute an action for the recovery of any amount; or
 - 9.1.6. Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like.

10. MEMBERSHIP

The membership of the Subcommittee consists of:

- 10.1. One Ward member elected under the Local Electoral Act 2001; and
- 10.2. Appointed members – up to 10, (see 3.3 for method of appointment)

11. OFFICERS OF THE SUBCOMMITTEE

- 11.1. The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council (as outlined in 3.3 above)
- 11.2. The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.
- 11.3. The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Risk and Audit committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.
- 11.4. The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

12. FINANCIAL ACCOUNTABILITY

- 12.1. The Subcommittee shall:
 - 12.1.1. Develop and approve an annual budget each financial year
 - 12.1.2. Provide its Annual budget by the dates specified by Council's Risk and Audit Committee for approval;
 - 12.1.3. Present to the Council any other report it is requested to provide.
 - 12.1.4. Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
 - 12.1.5. Provide its Annual Report and Annual Accounts to the Council's Chief Financial Officer, by the date specified by Council for review on the understanding this review will form part of the information Council will present during its overall annual Audit.

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- 12.2. Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.
- 12.3. Council has the following two requirements for the review and verification of banking arrangements:
- 12.3.1. Copies of all bank account and investment statements as at 30 June certified as being true and correct by the Chairperson and the Treasurer/Secretary on behalf of the Subcommittee.
- 12.3.2. A letter signed for and on behalf of the Subcommittee certifying that during the period:
- no new bank or investment accounts were opened,
 - no monies were borrowed, and
 - no guarantees were sought or given.
- 12.3.3. The above has been agreed to on the understanding that it does not detract from the ability of an external auditor appointed by the Office of the Auditor-General to request bank confirmation if deemed necessary.

13. CONTACT WITH MEDIA

- 13.1 All Subcommittee Members are free to express a personal view in the media, at anytime, provided that this is:
- Sanctioned by the Subcommittee Chair; and
 - Does not state or imply that it represents the views of Council, its employees, or officers.

14. FREQUENCY OF MEETINGS

- 14.1. The Subcommittee shall hold at least one formal meeting per year.
- 14.2. This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting if required and preparation and distribution of minutes;
- 14.3. For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

15. CONDUCT OF AFFAIRS

- 15.1 Subcommittee members, councillors and council staff will work together in partnership in accordance with Standing Orders, Council's Codes of Conduct (for both Councillors and Staff), and any relevant legislation.

16. QUORUM

- 16.1 The quorum at a meeting of the Subcommittee shall consist of:
- Half of the members if the number of members (including vacancies) is even; or
 - A majority of members if the number of members (including vacancies) is odd.

17 REMUNERATIONS

- 17.1 No honorarium or meeting allowance will be payable to Subcommittee members unless first agreed by formal resolution of the Risk and Audit Committee.

18 OTHER DELEGATIONS AND RESPONSIBILITIES

- 18.1 These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations in consultation with the subcommittee and as resolved by the Risk and Audit Committee.

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AGENDA ITEM: 1.9 ADOPTION OF THE 2025 CALENDAR

Prepared by: Caitlin McDonald
Governance Secretary

Reviewed by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. This report seeks Council's adoption of the remaining meeting schedule for the 2025 calendar year, following the local government elections and commencement of the new triennium.
2. Council is asked to formally adopt the proposed schedule to enable public notification and forward planning for members, staff, and stakeholders.
3. As part of this process, Council is invited to consider amending the standard meeting start time to 9:00am, in alignment with sector best practice. Earlier meeting times are increasingly adopted across local government to support clearer decision-making, allow time for afternoon workshops, and reinforce the professional nature of Council business.

DRAFT RECOMMENDATION

That Council:

- 1. Adopt the meeting schedule for the remainder of the 2025 year as outlined in Attachment 1.**

ISSUES & DISCUSSION

BACKGROUND

4. Standing order 4.6(d) outlines the requirement for Council to adopt a schedule of meetings at its Inaugural Meeting.

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5. The Calendar in **attachment 1** was originally adopted by the previous Council in October 2024, and Council is asked to continue this calendar for the remainder of the 2025 year.
6. It is noted that the Council Meeting scheduled for November has been moved to the Tuesday as Elected Members have an afternoon Civil Defence commitment on the Wednesday.
7. There has been a growing trend among councils to commence meetings at 9:00am, reflecting best practice in local government. Morning meetings are shown to support clearer decision-making, as elected members are more alert and focused earlier in the day. This also allows time in the afternoon for workshops, reducing the need for separate workshop-only days and improving overall efficiency.
8. All Council meetings and workshops are recorded and livestreamed unless there is a specified reason under the Local Government Official Information and Meetings Act (LGOIMA) not to do so. These do not happen often, and Council follows the Auditor General's 'open for business' best practice guide. This enhances transparency and public trust, allowing community members to observe decision-making processes in real time or via recordings available online.
9. Scheduling meetings during standard business hours reinforces the professional nature of Council business and supports more effective decision-making. Meetings held after a full workday can be impacted by fatigue, which may affect the quality of discussion and outcomes. A consistent 9:00am start time treats Council work with the structure and focus it deserves, while also helping to reduce the need for multiple half-day commitments across the month.
10. This approach is particularly beneficial for elected members who also hold other employment, as it allows for better planning and minimises disruption to their professional responsibilities.

Strategic Impact

11. The adoption of a meeting schedule supports open and transparent governance, ensuring that Council business is conducted in an organised and publicly accountable manner.

12. Aligning meeting times with sector best practice further strengthens Council's commitment to transparency, professionalism, and effective governance.

Significance Assessment

13. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:
<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>
14. This report is assessed as being low significance.

Risk Management Implications / Opportunities

15. The following risks or opportunities are identified with the issues identified in this report.
16. Opportunities:
- Adopting a clear meeting schedule ensures Council complies with legislative requirements, provides certainty for elected members, staff, and the public, and supports effective forward planning.
 - Morning meetings promote better decision-making and allow time for workshops, reducing scheduling conflicts.
 - Adjusting meeting times to 9:00am may help make Council meetings more accessible to those who are also working or managing other daytime commitments.
 - Livestreaming and recording meetings increases public access and transparency.

17. Risks:
- Not adopting a meeting schedule would result in non-compliance with legislative obligations and reduced transparency in Council operations.
 - Continuing with inconsistent or late meeting times may hinder decision-making and reduce public engagement.

Policy & Legislative Considerations

18. This decision supports Council's obligations under the Local Government Act 2002, specifically Clause 19(6) of Schedule 7, which

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requires Council to adopt a schedule of meetings for the remainder of the year.

Māori Impact Statement

19. The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value; therefore, this decision does not specifically impact Tangata Whenua, their culture, and traditions.

Financial Considerations

20. There is no financial implication relevant to this decision

Communication Internal / External

21. Once adopted, the meeting schedule will be publicly notified via Council's website and other standard communication channels, in accordance with the Local Government Official Information and Meetings Act 1987. Internally, the schedule will guide staff planning for report preparation and meeting coordination.
22. The livestreaming and recording of meetings and workshops will continue to be communicated clearly to the public, reinforcing Council's commitment to transparency and accessibility.

ATTACHMENTS

1. 2025 Council Calendar Schedule [1.9.1 - 1 page]

BULLER DISTRICT COUNCIL 29 OCTOBER 2025

MEETING SCHEDULE 2025							
Date	Day	October	Day	November	Day	December	Date
1	W		S		M		1
2	T		S		T		2
3	F		M		W		3
4	S		T		T		4
5	S		W		F		5
6	M		T		S		6
7	T		F		S		7
8	W		S		M		8
9	T		S		T		9
10	F		M		W	RAC **	10
11	S		T	ICB	T		11
12	S		W		F		12
13	M		T		S		13
14	T		F		S		14
15	W		S		M		15
16	T		S		T		16
17	F		M		W	Council **	17
18	S		T		T		18
19	S		W		F		19
20	M		T		S		20
21	T		F		S		21
22	W		S		M		22
23	T		S		T		23
24	F		M		W		24
25	S		T	Council **	T	Public Holiday	25
26	S		W		F	Public Holiday	26
27	M	Public Holiday	T		S		27
28	T		F		S		28
29	W	Inaugural Council	S		M		29
30	T		S		T		30
31	F				W		31

Key:

**** Workshop.** Start times are as below:

If there is a workshop after a meeting the start time is 1PM.

If there are multiple workshops in one day, the start time is 9:00am

Council start time is 9:00am.

Inangahua Community Board start time 5:00PM.

Risk and Audit Committee start time is 9:00am.

2 CEO REPORT

AGENDA ITEM: **2.1 CEO REPORT**

Prepared by: Simon Pickford
 Chief Executive Officer

REPORT PURPOSE

1. The purpose of this report is to provide elected members with an overview of the legal structure of local government, its functions and the roles of elected members and staff.

INTRODUCTION

2. Congratulations on your election to the Buller District Council. It is a privilege to welcome you as new Mayor and Councillors.
3. At the start of a triennium, as chief executive, I must call the first meeting. Included in the business of that first meeting is a general explanation of relevant laws.
4. This CEO report summarises the legal structure of local government, its functions and the roles of elected members and staff. Under s 42(2) Local Government Act 2002 I am responsible for implementing the decisions of the Council, which, in summary, must be consistent and in accordance with the law and providing it with advice about and in connection with those decisions.
5. Local government is complex and there are large number of relevant statutes and laws, many of which overlap and work together. I invite you to put any remaining questions that you may have, to me over the coming months as they arise. Issues put before Council are often complex and demanding and I suggest that you ask myself, the Senior Leadership Team or the longer-serving Councillors for advice.

COUNCIL AND ITS ADMINISTRATION

6. As you will be aware, there is a lot of attention on Government's signalled local government reforms. The scope, let alone detail, of these reforms is not known at this time. Unless and until the law is changed, Council must continue to function under the law as it is today.

Thus, I have not provided any commentary on those changes in this paper.

What is the role and function of Local Government?

7. Unlike in many countries, local government is not a creation of the Constitution and is, rather, a creation of law, with primarily the Local Government Act 2002 (**LGA**) being the foundation of local government in New Zealand. The Act creates local authorities and also assigns its functions.
8. The LGA has two purposes that work together.
9. The first is in sections (**s**) 3, which provides the purpose of the Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. Amongst other things, s 3 refers to the Act's function to promote accountability and for local authorities to "play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach"
10. Under s 10 , the purpose of local government itself is to:
 - Enable democratic decision-making and action by and on behalf of communities.
 - Promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. These are known as the four well-beings and were reinstated into the Act in 2019 (they are also found in s 3, see above).
11. Section 11 of the Act outlines the role of local authority as:
 - To give effect in relation to its district or region, to the purpose in s10.
 - To perform the duties, exercise the rights conferred on it by or under the Act or any other enactment.
12. Section 12 provides what is known as the "power of general competence" for local government. What this means is that subject to the requirements of the Act (and other legislation), a council may do anything any other person or entity can do, provided it is wholly or principally for the benefit of its district.

13. Restrictions on this power include the decision-making provisions in s 76 and financial planning requirements in ss 93, 95 and 101-116.

- Importantly, it also does not enlarge a local authority's regulatory powers, such as making bylaws or performing functions under other Acts e.g. Resource Management Act 1991 – see s 13.

14. Section 14 outlines important principles relating to local government. Many of these principles are actioned by specific requirements in the LGA, especially in specific decision-making provisions and financial management and planning (see above):

- A local authority should conduct its business in an open, democratic and transparent manner and give effect to its priorities in an effective, efficient manner.
- A local authority should make itself aware of and should have regard to the views of its communities and in its decision-making take account of the diversity of the community and interests, the interests of current and future communities and the likely impacts of decisions on such communities.
- A local authority should provide opportunities for Māori to contribute to its decision-making.
- A local authority should actively seek to collaborate and cooperate with other local authorities and bodies to improve effectiveness and efficiency.
- A local authority should undertake any commercial transactions in accordance with sound business practice, including regularly checking any returns and risks from a commercial activity.
- A local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of the district and region including planning effectively.
- In taking a sustainable development approach, a local authority should take into account the social, economic and cultural interests of people and communities, the need to maintain and enhance the quality of the environment and the reasonably foreseeable needs of future generations.

15. The elected members and mayor are responsible and democratically accountable for the decision-making of the local authority as the “governing body” under s 41 LGA. Section 39 lays down the following governance principles that apply to the elected members and mayor when making governance decisions:

- A local authority should ensure that the role of democratic governance of the community and the expected conduct of elected members is clear and understood by elected members and the community. (This is, in part, done by the Elected Members Code of Conduct and the Local Governance Statement).
- A local authority should ensure that the governance structures and processes are effective, open, & transparent (see decision-making provisions discussed above).
- A local authority should ensure that, so far as practicable, responsibility for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities. The situation can never arise that the Council influences the assessment of the merits of an application it has made to itself (e.g. a building consent) or avoid sanction for unlawful actions.
- A local authority should be a good employer. This means that it has to ensure that the CEO, as the representative employer of all Council staff, has processes in place that adhere to this requirement and that it acts the same way toward the chief executive. Further details of this obligation are at e.g. cl 36 Seventh Schedule but these are generally operational matters that are the responsibility of the chief executive.
- A local authority should ensure that the relationship between elected members and management of the local authority is effective and understood. This refers to the reality that Council members are elected to represent their communities in decision-making (the governance function) and to ensure that its chief executive officer develops an organisational structure of suitably trained experts aimed at executing Council’s policies and strategies for Council and the District. Similar to the directors of a company, the principle is that Council sets policy and strategic direction and that the CEO and

staff implement it. In doing so, elected members generally do not become involved in the “how” and the CEO should avoid being a decision-maker when setting policy. These are two distinct functions requiring two distinctly separate skill sets, but with complementary functions.

WHAT IS THE ROLE OF THE MAYOR?

16. The Mayor is elected separately from the rest of the elected members under the Local Electoral Act 2001.
17. The Mayor has specific leadership responsibilities and certain powers of appointment but otherwise operates as a member of the territorial authority. While the Mayor has this leadership role, they are not empowered to act unilaterally and must operate within the processes and requirements set by the Act, particularly regarding decision-making, consultation, and delegation. The mayor cannot bind the council without going through the necessary decision-making processes outlined in the Act, including the need for council resolutions and compliance with consultation requirements (as applicable).
18. The role and powers of the Mayor are:
 - To provide leadership to the other members of the territorial authority and also the community.
 - To lead the development of the Council’s long-term plan, annual plan, policies and budgets for consideration by Council.
 - Appoint the Deputy Mayor and establish committees (incl. subcommittees) and appoint chairs. The Mayor is automatically a member of committees established.
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19. The Mayor also leads any group representing Council and acts as spokesperson for Council. In doing so, the Mayor must at all times be very careful to represent the view of the Council rather than a personal view. The Mayor also has to be very careful to not say or do anything without carefully considering any implications of any action or comment for the District and wider Region. This is probably one of the more important challenges facing a Mayor – their views are always subject to those of the Council and District.

WHAT IS THE ROLE OF A COUNCILLOR?

20. Elected members/ councillors, are, like the mayor, elected under the Local Electoral Act 2001.

21. It is mandatory for a local authority to have a governing body that consists of the elected members and the Mayor – see s 41(2).

Acting for the benefit of the district

22. Despite the fact that Council members are elected by wards, they are members of a council that takes a holistic view of the district (see s 12 re exercise of power of general competence for the good of the district) and sometimes need to forego the needs of their wards in favour of what is good for the district.

23. As a part of the council:

- An elected member cannot undertake any initiative or action on behalf of Council without a mandate. The member can only do it for himself/herself.
- An elected member cannot give any direct, operational, instructions to the Chief Executive Officer or any of his/her staff. Such Council member has to seek the support of the rest of Council in the form of a Council decision.
- A Council is a ratepayer and must comply Council's policies and bylaws, and also other Acts and regulations etc. the Council administers

24. A Council member must at all times serve the interests of the District and its people with dedication and integrity. In doing so, Council members are required to form their own opinion on matters and vote accordingly.

Confidential & private information

25. Members are privy to confidential information which includes information that provides opportunities for them to benefit from in their personal or business capacity. Whilst this is generally well managed, it is up to the member to conduct himself/herself in such a manner that there is no conflict of interest. Relevant legislation (discussed elsewhere on this agenda) includes the Local Authorities (Members'

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Interests) Act 1968. Additionally, Council is required to maintain a register of pecuniary interests under s 554A. Clear provisions also exist that precludes members from advocating for personal causes (e.g. his/her tennis club).

26. There are clear rules and considerations in relation to official information and privacy, and with it, pitfalls in relation to the breach of privacy, breach of confidentiality etc (see Privacy Act 2020 and Local Government Official Information and Meetings Act 1987 discussed elsewhere). Official information is carefully vetted, not in an effort to withhold information but to protect the rights of all concerned.

Conduct in Chambers

27. Local Government Official Information and Meetings Act 1987 provides legal processes for Council meetings, including the ability for the Mayor to keep order re members of the public. Other requirements and powers can be found in the Elected Members Code of Conduct and Standing Orders and are addressed elsewhere.

Indemnity

28. Under s 43 LGA elected members are generally indemnified from costs and damages for any civil liability arising from an action brought by a third party where the member can show good faith or an intention of good faith and also costs of any successfully defended criminal action relating to acts and omissions as a member.
29. This indemnity, however, does not apply to where a 'loss' for Council has been recorded, see s 46.
30. A 'loss' includes unlawful expenditure of Council monies, unlawful selling of an asset, unlawful incurring of a liability or where Council has intentionally or negligently failed to enforce the collection of money Council is owed (see s 44). If the Auditor-General is satisfied that a loss had occurred, they make a report on the loss, with recommendations on how to recover the loss and recommendations to avoid future losses.
31. A loss can be recovered as a debt due to the Crown from *each* member jointly or severally.

32. Where a member fails to pay the claim, the Crown may commence legal proceedings.

33. A member may, as part of such proceedings, present proof in defence that the act or failure occurred without the member's knowledge, with the member's knowledge but against his/her protest at or before the loss occurred, contrary to how the member voted on the issue or

HOW IS THE NUMBER OF COUNCIL MEMBERS DETERMINED?

34. Council, at prescribed intervals, undertake a Representation Review, which not only determines the number of wards but the mode of election. The most recent review was completed in 2024, with Council resolving to retain the status quo for the 2025 and 2028 local elections. The status quo is as follows:

35. Council Structure: 10 elected members comprising 1 Mayor and 9 Councillors

- Ward System: Three wards
 - *Westport Ward* – 6 Councillors
 - *Inangahua Ward* – 2 Councillors
 - *Seddon Ward* – 1 Councillor
- Election Method: First Past the Post (FPP)
- Community Boards: Council confirmed the continuation of the Inangahua Community Board and its current arrangement (four elected board members).

36. This arrangement was confirmed following public consultation, with Council opting to maintain the current structure to ensure continuity and effective representation across the district.

THE CHIEF EXECUTIVE OFFICER

37. There is a legal obligation on Council to ensure that the relationship between elected members and management of the local authority is effective and understood (see s 39 LGA). A key part of the management team is the chief executive, which is a mandatory position (s 42(1)).

38. Per cl 33 of the Seventh Schedule to the Act, Council must, in choosing a Chief Executive Officer, look for somebody that will:

- Discharge the specific responsibilities placed on the appointee.

- Imbue the employees with a spirit of service to the community.
- Promote efficiency.
- Be a responsible manager.
- Maintain appropriate standards of integrity and conduct.
- Ensure the local authority is a good employer.
- Promote equal employment opportunities.

39. The Chief Executive Officer is the principal administrative officer for the Council and has, apart from the functions and duties agreed with Council, a range of statutory functions, both in terms of s 42 of this Act but a range of other Acts. The s 42 accountability to the Council is for:

- Implementing the decisions of Council.
- Providing advice to Council / Council members. This includes advice to facilitate the explicit resolution of conflicting objectives.
- Ensuring all responsibilities, duties and powers delegated to him or her or any person employed by the local authority or imposed or conferred by an Act, regulation or Bylaw, are properly performed or exercised.
- Ensuring the effective and efficient management of the activities of the local authority.
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority.
- Providing leadership for the staff of the local authority.
- Employing, on behalf of the local authority, the staff of the local authority in accordance with any remuneration and employment policy.
- Negotiating the terms of employment of the staff of the local authority.
- As far as practicable, reinforces the separation of regulatory responsibility and decision-making processes from other responsibilities and decision-making.
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40. The Act provides for a Chief Executive Officer to be appointed for a period of five (5) years only. Towards the end of the contract, a full recruitment process has to be undertaken and there is no obligation to the outgoing CEO to reappoint them. However, Council can before the

end of the five (5) year term and subject to good performance, offer the current incumbent an extension of no more than two (2) years, after which the full recruitment process is undertaken.

EXTERNAL ASSOCIATIONS

41. **Nationally**, Council has association with the Governor-General, the Prime Minister and ministers, Government Departments, the Auditor-General, Local Government Commission, the Ombudsman etc., Local Government New Zealand (LGNZ), Taituarā - Local Government Professionals New Zealand and various other government and local government agencies. There is regular contact between the Mayors and CEOs of other local authorities. This association is mostly through the Mayor and CEO.
42. **Regionally**, Council liaises strongly with other Mayors and CEOs of the Top of the South Island and, in particular with the three other local authorities on the Coast and also Iwi and Development West Coast.
43. **Locally**, our association is, primarily with Te Rūnanga o Ngāti Waewae: They are the local Iwi and Council has a strong commitment to respecting and working with them. The association with the local Iwi is most constructive and the role of Kaiwhakahaere Francois Tumahai in this is gratefully acknowledged.

DRAFT RECOMMENDATION

1. **That the CEO report from Simon Pickford, CEO dated 29 October 2025 be received.**

ATTACHMENTS

Nil