



chatham islands council

Chatham Islands Council

BOARD PACK

for

Council Meeting (Inaugural Meeting)

Wednesday, 5 November 2025

9:00 am (+1345)

Held at:

Chatham Islands Council

13 Tuku Road, Chatham Islands

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AGENDA

COUNCIL MEETING (INAUGURAL MEETING)



Name:	Chatham Islands Council
Date:	Wednesday, 5 November 2025
Time:	9:00 am to 10:20 am (+1345)
Location:	Chatham Islands Council, 13 Tuku Road, Chatham Islands
Board Members:	Mayor Greg Horler, Cr Keri Day, Cr Bridget Gibb, Cr Celine Gregory-Hunt, Cr Graeme Hoare, Cr Jenna Hoverd, Cr Jacqui Southcombe, Cr Pita Thomas, Cr Nathaniel Whaitiri
Attendees:	Mr Paul Eagle, Ms Colette Peni, Ms Jo Guise

1. Opening Meeting

1.1 Welcome & introductions

9:00 am (5 min)

Mr Paul Eagle

The Chief Executive will provide a welcome address to all members.

Karakia:

Kia hora te marino

Kia whakapapa pounamu te moana

Hei huarahi mā tātou i te rangi nei

Aroha atu, Aroha mai

Tātou i a tatou katoa

Hui e! Tāiki e!

2. Agenda Items

2.1 Amended Final Declaration of Election Results

9:05 am (5 min)

Mr Paul Eagle

For Noting

Presents the amended final declaration of results for the 2025 election of the Mayor and Councillors to the Chatham Islands Council.

Supporting Documents:

2.1.a	2.1 Amended final declaration of results REPORT_05Nov25 FINAL.pdf	6
2.1.b	2.1 Amended final declaration of results_29 October 2025_05Nov25 FINAL.pdf	7

2.2 Declarations by Mayor and Councillors

9:10 am (20 min)

Mr Paul Eagle

For Information

Outlines the statutory requirement for all elected members to make a formal declaration before undertaking their duties, as required under Clause 14 of Schedule 7 of the Local Government Act 2002, and provides the wording of that declaration.

Supporting Documents:

2.2.a	2.2 Declarations by Mayor and Councillors REPORT_05Nov25 FINAL.pdf	9
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2.3 Appointment of Deputy Mayor

9:30 am (5 min)

Mr Paul Eagle

For Decision

Addresses the appointment of a Deputy Mayor.

Supporting Documents:

2.3.a	2.3 Appointment of Deputy Mayor REPORT_05Nov25 FINAL.pdf	11
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2.4 Explanation of Legislation

9:35 am (10 min)

Mr Paul Eagle

For Noting

Provides an overview of the key legislation affecting their conduct and decision-making, as required by Clause 21(5)(c) of Schedule 7 of the Local Government Act 2002.

Supporting Documents:

2.4.a	2.4 Explanation of Legislation REPORT_05Nov25 FINAL.pdf	13
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2.5 Explanation of Employer Obligations

9:45 am (10 min)

Mr Paul Eagle

For Noting

Provides an overview of its key obligations as an employer.

Supporting Documents:

2.5.a	2.5 Explanation of Employer Responsibilities REPORT_05Nov25 FINAL.pdf	21
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2.6 Fixing the Date and Time of the First Council Meeting

9:55 am (5 min)

Mr Paul Eagle

For Decision

Fixes the date and time of the next meeting of the Chatham Islands Council.

Supporting Documents:

2.6.a	2.6 Fixing the date and time of first Council meeting REPORT_05Nov25 FINAL.pdf	25
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2.7 Adoption of Standing Orders

10:00 am (10 min)

Mr Paul Eagle

For Decision

Adoption of Standing Orders for the conduct of meetings, in accordance with Clause 27 of Schedule 7 of the Local Government Act 2002.

Supporting Documents:

2.7.a	2.7 Adoption of Standing Orders REPORT_05Nov25 FINAL.pdf	26
2.7.b	2.7 Standing Orders 2025-28_05Nov25 FINAL.pdf	28

2.8 Code of Conduct

10:10 am (10 min)

Mr Paul Eagle

For Noting

Provides an overview of the Chatham Islands Council Code of Conduct for the 2025–2028 triennium.

Supporting Documents:

2.8.a	2.8 Code of Conduct REPORT_05Nov25 FINAL.pdf	133
2.8.b	2.8 Code of Conduct 2025-28_05Nov25 FINAL.pdf	136

3. Closure

3.1 Close Meeting

10:20 am

For Noting

Next meeting: Council Meeting - 19 Nov 2025, 9:00 am
Conclude the inaugural council meeting.



Council

2.1. Amended final declaration of election results

Date of meeting	05 November 2025
Author/Reviewer	Jo Guise, Council Secretary Paul Eagle, Chief Executive

Purpose

To present the Council with the amended final declaration of results for the 2025 election of the Mayor and Councillors to the Chatham Islands Council.

Recommendations

That the Chatham Islands Council:

1. **Receive** the 'Amended Final Declaration of Election Results'.

Background

The amended final declaration of results for the 2025 election of the Mayor and Councillors to the Chatham Islands Council is attached. The official results were publicly released on the Council's website and Facebook page on Wednesday, 29 October 2025.

Election outcome and final confirmation

The election for the eighth councillor seat resulted in an exact tie between two candidates, each receiving 129 votes.

In accordance with the Local Electoral Act 2001, a judicial recount was conducted before Judge A.A. Couch on 22 October 2025. The Judge confirmed that the public declaration was correct, as the recount produced no change in the tally of votes.

Following the recount, both candidates were given the opportunity to withdraw within three working days, as required by law. Neither candidate withdrew.

A lot was therefore conducted on Tuesday, 28 October 2025, in accordance with section 180 of the Local Electoral Act. The result of the draw determined that Jenna Hoverd was duly elected as the eighth councillor of the Chatham Islands Council. This outcome is final and binding.

Attachments

Amended Final Declaration of Election Results.



chatham islands council

2025 Triennial Elections AMENDED FINAL DECLARATION OF RESULTS 29 October 2025

The final result for the Chatham Islands Council elections held on Saturday 11 October 2025 is as follows:

Mayoralty	Vote count
HORLER, Greg	212
CROON, Monique	95
BLANK VOTING PAPERS	6
SPECIAL VOTES	16
NOT QUALIFIED	3

Greg HORLER is declared elected.

Councillors	Vote count
WHAITIRI, Nathaniel	205
HOARE, Graeme	202
SOUTHCOTBE, Jacqui	172
DAY, Keri Lea	167
GIBB, Bridget	161
GREGORY-HUNT, Celine (Bubbles)	158
THOMAS, Pita	139
SEYMOUR, Amanda	129
HOVERD, Jenna	129
DAYMOND, Jack	110
EDMONDS, Rennae	107
KAMO, Judy	103
LANAUZE, Loretta	98
LAWSON, Trescia	63
INFORMAL VOTES	3
BLANK VOTING PAPERS	1
SPECIAL VOTES	16
NOT QUALIFIED	3

Nathaniel WHAITIRI, Graeme HOARE, Jacqui SOUTHCOTBE, Keri Lea DAY, Bridget GIBB, Celine GREGORY-HUNT and Pita THOMAS are declared elected.

The voter return percentage was 68.34%, being 300 votes, excluding Special votes.

The Electoral Officer of the Chatham Islands Council applied to the District Court for a recount under section 90A of the Local Electoral Act 2001 on the basis that an equal number of votes were received for Amanda SEYMOUR and Jenna HOVERD in circumstances where the addition of 1 vote would entitle one of those candidates to be declared elected.

A recount was conducted in the manner provided in the original count before a District Court Judge on Wednesday 22 October 2025. At the conclusion of the recount, the recount produced no change in the tally of votes, meaning that an equal number of votes were received by candidates Amanda SEYMOUR and Jenna HOVERD.

Pursuant to regulation 58(5) of the Local Electoral Regulations 2001, the Electoral Officer determined the successful candidate by lot, under Police supervision.

As a result of that determination, Jenna HOVERD is hereby declared elected as a Councillor of the Chatham Islands Council.

This amended declaration supersedes the declaration of result published on 16 October 2025.

**Jo Guise
Electoral Officer
Chatham Islands Council
29 October 2025**



Council

2.2 Declarations by Mayor and Councillors

Date of meeting	05 November 2025
Author	Paul Eagle, Chief Executive

Purpose

This report:

1. **Informs** elected members of the legislative requirement for all members, including the Mayor, to make a statutory declaration before acting as a member of Council, as required under Clause 14 of Schedule 7 of the Local Government Act 2002; and
2. **Sets out** the declaration required by Clause 14 of Schedule 7 of the Local Government Act 2002 for elected members to make

Background

Clause 14 of Schedule 7 of the Local Government Act 2002 requires every person elected or appointed to a local authority to make and sign a declaration before acting in their role. This includes the Mayor.

The declaration must be made in the presence of the Chief Executive, or the Mayor, or member of the local authority. The wording of the declaration is prescribed in legislation and affirms the member will faithfully and impartially perform their duties, and comply with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Until the declaration is made, an elected member may not participate in Council meetings or decision-making.



Declaration

The Mayor is invited to come forward and make the following declaration:

Declaration by Mayor

I, _____ declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Chatham Islands, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Chatham Islands Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Waitangi, this 5th day of November 2025.

Councillors are invited to come forward in alphabetical order to make the following declaration in English:

Declaration by Member

I, _____ declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Chatham Islands, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Chatham Islands Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Waitangi, this 5th day of November 2025.

Or may also choose to make their declaration also in Te Reo and sign language (given they are also the official languages of New Zealand). The Te Reo translation is as follows:

Whakaputanga a te Mema

Ko ahau tēnei, ko _____, e whakapuaki atu nei i taku oati i roto i te pono me te tika, e ai ki ōku pūkenga me ōku whakaaro, kia whakatutukingia, kia hāpaitia hoki, hei painga mō te rohe o Te Taitokerau, ngā mana kaunihera me ngā mahi, kei roto tonu, ka utaina rānei ki runga i a āu e tū nei, hei mema o te Kaunihera o Wharekauri i raro i te maru o te Ture Kāwanatanga ā-Rohe 2002, me te Ture Kāwanatanga ā-Rohe mō te Pārongo Ōkawa me ngā Hui 1987, i raro rānei i tētahi atu ture.

Rāhuitia ki Waitangi, i tēnei rā tua rima o Noema, tau rua mano rua tekau mā rima.



Council

2.3 Appointment of Deputy Mayor

Date of meeting	05 November 2025
Author	Paul Eagle, Chief Executive

Purpose

This report addresses the appointment of a Deputy Mayor.

Recommendations

The Chatham Islands Council:

- 1. Resolves** that the Deputy Mayor be elected or appointed using either system A or B in Clause 25 of Schedule 7 of the Local Government Act 2002.

Background

The Mayor has the power to appoint the Deputy Mayor pursuant to section 41A(3)(a) of the Local Government Act 2002.

Clause 17(3) of Schedule 7 of the Local Government Act 2002 provides that the Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor –

- (a) with the consent of the mayor at any time during the temporary absence of the mayor;
- (b) without that consent at any time while the mayor 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.

If the Mayor does not make an appointment pursuant to section 41A(3)(a) of the Local Government Act 2002, the Council must elect a Deputy Mayor from among its members by resolution, in accordance with clause 25 of Schedule 7 of the Local Government Act 2002.

Clause 25 of Schedule 7 of the Local Government Act 2002 provides two systems of voting for election or appointment under that clause, called system A and system B. The Council must use either system A or system B in electing or appointing the Deputy Mayor (set out below).

**System A:**

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B:

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Once the Deputy Mayor has been determined using either system A or system B in accordance with Clause 25 of Schedule 7 of the Local Government Act 2002, the Council must elect the Deputy Mayor by resolution.

Council

2.4 Explanation of Legislation

Date of meeting	05 November 2025
Author	Paul Eagle, Chief Executive

Purpose

This report provides elected members with an overview of the key legislation affecting their conduct and decision-making, as required by Clause 21(5)(c) of Schedule 7 of the Local Government Act 2002.

Recommendations

That the Chatham Islands Council:

1. **Receives** this report and the explanation of the Local Government Official Information and Meetings Act 1987 and other statutes affecting elected members.
2. **Notes** the Chief Executive's briefing on the Local Government Official Information and Meetings Act 1987 and other statutes affecting elected members.
3. **Notes** the requirement for all members to comply with the legislative obligations outlined in this report.

Background

At the first meeting of the Council following an election, the Chief Executive is required by law to provide an explanation of key legislation.

Clause 21(5)(c) of Schedule 7 of the Local Government Act 2002 provides that the Chief Executive must include a general explanation of:

- The Local Government Official Information and Meetings Act 1987;
- The appropriate provisions of the Local Authorities (Members' Interests) Act 1968;
- Sections 99, 105 and 105A of the Crimes Act 1961;
- The Secret Commissions Act 1910;
- The Financial Markets Conduct Act 2013; and
- Other laws affecting members, which staff consider significant, including the Health and Safety at Work Act 2015.

A general explanation of those statutes is set out below. This information will also be included in Councillors' induction folder provided at the 5 November Workshop.

Local Government Official Information and Meetings Act 1987 (LGOIMA)

The stated purposes of the LGOIMA are to:

- Make official information held by local authorities more freely available;
- Provide for proper access by each person to official information relating to that person which is held by local authorities;
- Provide for the admission of the public to meetings of local authorities;
- 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.

Requests for Information

'Official information' is any information held by a local authority. This can include hard copies of documents (including emails), electronic/digital data and audio-visual recordings.

The fundamental principle of availability is that information must be released unless there is good reason under the LGOIMA to withhold it and, where good reason exists, the withholding of the information is not outweighed by the public interest in making it available.

Reasons for refusing a request are set out in the LGOIMA. Some of these reasons include withholding information in order to:

- Protect an individual's privacy;
- Prevent the disclosure of a trade secret or an unreasonable prejudice to the commercial position of a person;
- Protect information which is subject to an obligation of confidence;
- Maintain the effective conduct of public affairs through the free and frank expression of opinions between members and staff;
- Maintain legal professional privilege;
- Enable the Council to carry out commercial activities or conduct negotiations without prejudice or disadvantage;
- Prevent the disclosure or use of official information for improper gain or improper advantage.

The Council may also refuse a request for information on a number of administrative grounds, including that the information requested cannot be made available without substantial collation or research, or it will soon be publicly available.

Anyone may make a request for information. Where the information is held by the Council, a decision on the request must be made within 20 working days of it being received. If the Council does not hold the information, but believes it knows who does, the Council has 10 working days within which to transfer the request to another organisation.

The Ombudsman is authorised to investigate and review a decision to refuse a request for information or withhold information. The outcome of the investigation may be a recommendation that the Council release the information requested, in which case, if the Council refuses, the recommendation will be published in the Gazette along with the Council's reasons for its decision.

Meetings

The LGOIMA requires meetings of the Council, its committees and its subcommittees, to be publicly notified and for agendas and reports to be available to the public at least two working days before every meeting. Anyone may attend meetings, but the Council has the right to exclude the public for the whole or any part of the proceedings. The reasons for doing so are set out in the LGOIMA and are similar to the reasons for withholding information.

The LGOIMA also contains provisions that apply when a meeting is open to the public, including the maintenance of order. If the behaviour of any member of the public is likely to prejudice the orderly conduct of the meeting, the Mayor (or the person presiding the meeting) has the right to require that person to leave.

Finally, the LGOIMA provides that written statements contained in agenda items, or made orally at meetings, are protected by privilege unless the statements are proven to be motivated by ill-will. This is known as qualified privilege and applies in situations where a person acting in good faith and without any improper motive makes a statement that is defamatory.

The rationale for this is that people who represent local government electors should be able to speak freely on any matter they believe affects the interests of their constituents. However, for privilege to apply there must be a positive belief in the truth of what is said or written and no suggestion of personal spite or ill-will.

Local Authorities (Members' Interests) Act 1968

This law is designed to protect the integrity of Council decision-making by avoiding conflicts of interest – especially financial ones. As an elected member, this means:

- You can't vote or take part in discussions if you (or your spouse/partner) could benefit financially from the decision.
- If you or your business has a contract with the Council worth over \$25,000 in a financial year, you need special approval from the Auditor-General.
- Even the appearance of a conflict can undermine public trust, so it's best to declare any interest early and seek advice.

The main purposes of this Act are to ensure members are not affected by personal motives when they participate in Council decisions, and to prevent members with an interest in any contract with the Council from using their position to obtain preferential treatment.

There are two specific rules providing that members may not:

1. Participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public;
2. Enter into contracts with the Council worth more than \$25,000 (incl. GST) in a financial year.

Pecuniary interests

A pecuniary interest is one that involves money. It can sometimes be difficult to decide whether an interest in a particular matter is pecuniary or some other kind of interest. The test currently used by the Auditor-General's office is 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 a loss of money for the member concerned.

The Act also refers to indirect pecuniary interests, which means that if a member's spouse or partner has a pecuniary interest in a matter before the Council, then the member is deemed to have the same interest. This also applies if the pecuniary interest is through a company in which the member, and/or his or her spouse or partner owns 10% or more of the shares, or is general manager or managing director.

It is important for members to recognise that when a matter reaches the stage where it can reasonably be expected to affect the member's interests, he or she should no longer take part in the decision-making process.

An exemption to this requirement may be granted if, in the opinion of the Auditor-General, application of the rule would impede the transaction of business by the Council, or it would be in the interests of electors for the rule not to apply.

Under the Local Government Act 2002, local authorities are required to keep a register of the pecuniary interests of:

- members of the local authority; and
- members who have been elected under the Local Electoral Act 2001 to a community board that is part of the local authority; and
- members who have been elected under the Local Electoral Act 2001 to a local board that is part of the local authority.

Members must complete a pecuniary interest return that includes: (see section 54E of the Local Government Act 2002 for the full list)

- name of each company of which the member is a director or holds more than 10% of the voting rights and a description of the business;
- the name of every other company or business entity in which the member

- has a pecuniary interest;
- the members employer (if any); and
- if the member has a beneficial interest in a trust.

The return must also contain details including overseas travel, gifts and payments made by other people (see section 54F of the Local Government Act 2002 for full details).

The purpose of the register is to provide transparency and strengthen public trust and confidence in local government processes and decision-making. However, Councillors should be aware that not all interests considered to be pecuniary interests under the Members' Interests Act are required to be disclosed through the returns under the Local Government Act (and vice versa). The two regimes are separate and do not completely overlap.

Contracts over \$25,000

Any member of Council or of a committee will be automatically disqualified from office if he or she is 'concerned or interested' in contracts with the Council and the total payments made, or to be made, by the Council exceed the financial limit imposed by the Act. The limit relates to the value of payments made for all contracts, it does not apply separately to each contract.

Even if the contract is between the Council and another person, a member will still have an interest in it if he or she has a personal connection with that person, or could benefit from the contract. For example, where a spouse or partner is personally involved, or the contract is between the Council and a company in which the member and/or his or her spouse or partner own 10% or more of the shares, or is general manager or managing director (an indirect pecuniary interest as referred to earlier).

The Auditor-General's office may grant an exemption to the Act's requirements and approve contracts that would otherwise exceed the \$25,000 limit. Criteria to be considered will include whether the reasons for the Council awarding the contract are justifiable and the process followed is fair and transparent.

The Auditor-General's role also includes providing guidance for members and Council staff to assist with any compliance issues in particular situations and investigating and prosecuting alleged offences against the Act. The Auditor-General publishes guidance for members on its website, accessed here: <https://oag.parliament.nz/>

Penalties for breach are immediate loss of office and the possibility of a fine.

Crimes Act 1961 (Sections 99, 105, 105A)

These sections deal with bribery and corruption. They apply to all public officials, including elected members (section 99 of the Crimes Act provides a definition of 'official', which includes any member or employee of a local authority).

You must not:

- Accept money, gifts, or favours in return for influencing a decision or using your position.
- Offer such benefits to others to try and influence them.

Sections 105 and 105A create offences for corruption and corrupt use of information.

Section 105 provides that it is unlawful for an official to corruptly accept a bribe for acting or not acting in relation to the business of Council. Section 105A provides that it is unlawful for an official to use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of up to seven years. Councillors convicted of these offences will also be automatically ousted from office.

Always act with honesty and integrity, and if in doubt – declare it.

Secret Commissions Act 1910

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

- Can't receive payments or gifts from anyone trying to influence Council decisions.
- Must avoid any situation where someone could say you were "paid off" for a decision.

Everything must be above board and fully disclosed. Transparency is key.

If convicted of any offence under this Act, a person can be imprisoned for up to seven years. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the Councillor from office.

Financial Markets Conduct Act 2013

The Financial Markets Conduct Act 2013 imposes on Councillors the same responsibilities as those that are on company directors, whenever Council offers securities (debt or equity) to the public.

Councillors may be personally liable if investment documents, such as a disclosure statement, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Clearly, professional advice, both internally and externally, would be sourced and provided before the Council considered and made any decisions on disclosure statements. However, members should be aware they may be personally liable and at risk of criminal prosecution if the requirements of the Act are not met.

The Act also prohibits any Councillor who has information about a listed company that is not generally available to the market from trading in that company's shares or from disclosing that information.

The penalties for certain offences under this Act (false or misleading statements in disclosure documents – 10 years; or insider trading – five years) are such that if a Councillor were convicted, that conviction would result in being ousted from office.

As a Councillor, you:

- Must not use inside knowledge (like a confidential Council decision about a major land development) to benefit yourself or others.
- Can't pass on sensitive information for personal or business gain.

Even if it seems harmless, using confidential Council information inappropriately is illegal. When in doubt, keep it to yourself.

Health and Safety at Work Act 2015

This law makes everyone responsible for health and safety—including elected members. The Health and Safety at Work Act 2015 (HSWA) places a duty of 'due diligence' on Councillors as Officers of the Council under the HSWA.

Exercising due diligence as an officer means taking reasonable steps to:

- continuously learn about, and keep up-to-date with, work health and safety issues;
- understand the work of the organisation;
- know the risks that workers, volunteers, and any other people who could be affected by the organisation's actions may face;
- check the organisation has processes:
 - and appropriate resources to eliminate or minimise risks to health and safety, and uses them
 - to communicate and consider information about work health and safety, and to respond to that information

- to comply with any duties and requirements under the HSWA, and uses them.

You're not expected to manage safety day-to-day, but you are expected to provide governance and oversight. Health and safety is a shared responsibility, and your leadership matters.

While the due diligence requirements fully apply, members of a governing body of a territorial authority or regional council are expressly excluded from liability for offences under sections 47, 48 and 49 of the HSWA for failing to comply with a duty imposed on officers under section 44 (duties of officers).

In essence, this means members of local authorities are responsible but not accountable for a due diligence failure. Councillors are responsible and accountable under the HSWA for ensuring the safety of themselves while undertaking their duties as a Councillor and that his or her acts or omissions do not adversely affect the health and safety of other persons.

Council

2.5 Explanation of Employer Obligations

Date of meeting	05 November 2025
Author/Reviewer	Kathryn Evans, Partner, Wynn Williams Paul Eagle, Chief Executive

Purpose

This report provides Council with an overview of its key obligations as an employer, including those set out in the Employment Relations Act 2000, the Local Government Act 2002, the Privacy Act 2020 and the Health and Safety at Work Act 2015.

Recommendations

The Chatham Islands Council:

1. **Receives** this report and the explanation of the employment obligations of Council.
2. **Notes** the briefing on the obligations of Council in accordance with the Employment Relations Act 2000, the Local Government Act 2002, the Privacy Act 2020 and the Health and Safety at Work Act 2015.
3. **Notes** the requirement for all members to comply with the legislative obligations and best practice requirements outlined in this report and briefing.

Background

A healthy and productive relationship between Council and its chief executive is an important factor in an authority's effectiveness. That relationship is the vital link between governance and management, and between decision-making by elected representatives and operational activity. If there are problems in that relationship, they can have a significant effect at all levels of the organisation.¹

There are several legal obligations that Council must comply with to manage the Chief Executive's employment and performance. This includes obligations under the Employment Relations Act 2000 (**ER Act**), the Local Government Act 2002 (**LGA**), Privacy Act 2020 (**PA Act**) and Health and Safety at Work Act 2015 (**HSWA**). If Council does not meet its legal obligations, it may incur liability.

¹ Office of the Auditor-General New Zealand "Part 6: The relationship between local authorities and their chief executives", *Local government: Results of the 2010/11 audits*, (April 2012).

A general explanation of those statutes' key points, as they relate to employment, is set out below. This information will also be included in the Councillors' induction folder being provided at the 19 November Workshop.

Purpose

The purpose of this paper is to:

- a. Provide Council with an overview of its legal obligations under the ER Act, LGA, PA Act and HSWA.
- b. Provide Council with an overview of how the Chief Executive's employment and performance processes should be managed according to legislative obligations and best practice.
- c. Ensure Councillors' understanding of Council's employment obligations and their individual and collective responsibility.

Employment Relations Act 2000

1. The ER Act governs employer – employee relationships. The Chief Executive is the only employee that is employed by Council. This means that you, in your capacity as a Councillor, are an employer and accordingly, attract certain legal obligations.
2. The ER Act requires Councillors to deal with the Chief Executive, in good faith. Practically, this requires Councillors to deal with employees fairly, and in a way that supports the maintenance of productive employment relationships. Good faith requirements are set out in section 4 of the ER Act and are central to all aspects of employment law in New Zealand.
3. Where Councillors fail to act towards the Chief Executive in good faith, or act as a "good employer", this may create liability for the Council.

Local Government Act 2002

Council is required to be a "good employer" under Schedule 7, Section 36 of the LGA. A "good employer" means an employer who operates a personnel policy containing provisions to ensure the fair and proper treatment of employees, in all aspects of their employment. This includes ensuring that all employees are

provided with good and safe working conditions, among other things. There are also specific provisions which require the recognition of the employment requirements of Māori, women and persons with disabilities.

Chief Executive Employment and Performance

There are also several obligations under Schedule 7 the LGA when it comes to Council's management of the employment and performance of the Chief Executive. In particular:

- a. Section 34(2) requires that Council and the Chief Executive must enter into a performance agreement. A performance agreement outlines the specific key tasks and expected targets for the Chief Executive; and
- b. Section 35(1) requires Council to conduct and complete an end of term review least six months prior to the date on which the Chief Executive's contract of employment for the first term expires (being a term of five years).

Many Councils have a standalone committee to manage and delegate the tasks related to the Chief Executive's employment and performance. This often includes reviewing the Chief Executive's performance on a quarterly basis, with the fourth quarter review being an annual review. The Committee then provides quarterly reports to Council and Council will consider any recommendations from the Committee.

Privacy Act 2020

Under the PA, agencies, which includes Council, are required to protect personal information. As an employer, this means that you have an obligation to protect the personal information of employees.

You cannot disclose personal information about an employee. Personal information is information about an identifiable individual. This could include names, ages, contact information, salary or even your opinions about the individual. Even if a name is not expressly stated, if the information can be used to identify that person, this can still amount to a breach of the PA.

Where there has been a breach under the PA, this may result in action being taken by the Office of the Privacy Commissioner and/or the Human Rights Review Tribunal against the Council and/or the individual Councillor(s) who committed the breach.

Making public statements about employees

Councillors need to be careful when making public comments about Council employees, or potential employees, especially when the comments are about specific, identifiable employees. In practice, this means that:

- a. Councillors cannot publicly express a lack of confidence in any of its employees or undermine them.

- b. Councillors have no authority to speak to the media, or anyone else, on behalf of the Council without prior approval, including regarding the employment of employees. This means that Councillors cannot state or imply that they represent Council views.
- c. Councillors also need to be mindful that they have collective responsibility for Council decisions. If you publicly disagree with a decision of the Council, or employee, there is a high risk of incurring significant liability for the Council including in relation to its employment obligations.

Health and Safety at Work Act 2015

The requirement for Council to provide a healthy and safe workplace for its employees is set out in the HSWA, which places various obligations on Council to eliminate, or otherwise minimise, any risk to the health and safety of its workers (which includes employees) so far as is reasonably practicable.

The HSWA makes it clear that “health” includes mental health, as well as physical health.

Councils are typically considered as a PCBU (Person Conducting a Business or Undertaking) and Councillors are considered as Officers. Officers have a duty of due diligence and should ensure the PCBU is meeting its health and safety obligations.

Where the Council breaches its duty to provide its workers with a healthy and safe work environment, it can be subject to prosecution by WorkSafe or claims from employees.

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Council

2.6 Fixing the date and time of first Council meeting

Date of meeting	05 November 2025
Author	Paul Eagle, Chief Executive

Purpose

The purpose of this report is for the Council to fix the date and time of the next meeting of the Chatham Islands Council.

Recommendations

That the Chatham Islands Council:

1. **Agrees** that the next meeting of the Chatham Islands Council will be held on Wednesday 19 November 2025 at 9.00am.

Background

Clause 21(5)(d) of Schedule 7 of the Local Government Act 2002 (**LGA**) requires that the business that must be conducted at the inaugural meeting of the Council following a triennial general election of members must include the fixing of the date and time of the first meeting of the Council or the adoption of a schedule of meetings (among other requirements).

It is therefore proposed that the first meeting of the Chatham Islands Council will be held on Wednesday 19 November 2025 at 9.00am.

It is proposed that at the next meeting the Council will consider a recommended schedule for meeting dates and times for the next 12 months.



Council

2.7 Adoption of Standing Orders

Date of meeting	05 November 2025
Author	Paul Eagle, Chief Executive

Purpose

This report seeks Council's adoption of Standing Orders for the conduct of meetings, in accordance with Clause 27 of Schedule 7 of the Local Government Act 2002.

Recommendations

That the Chatham Islands Council:

1. **Receives** the report.
2. **Adopts** the Chatham Islands Council Standing Orders 2025 – 2028, appended to this report, by resolution, noting the 75% majority vote.

Background

Standing Orders outline the rules for how Council and committee meetings are conducted. They are essential for ensuring consistent, transparent, and fair decision-making.

Clause 27 of Schedule 7 of the Local Government Act 2002 requires that a local authority must adopt a set of Standing Orders for the conduct of its meetings. These must be adopted by a 75% majority.

The Council already has a set of Standing Orders from the last triennium (2022-2025) and these remain in force until the new standing orders are adopted.

Earlier in 2025, Local Government New Zealand prepared an updated Standing Orders template for councils to adopt. The proposed Standing Orders for 2025 – 2028 are based on this template.



Standing Orders 2025 – 2028

The Standing Orders 2025 – 2028 are based on the updated template prepared by Local Government New Zealand and contain specific amendments to suit the unique environment of the Chatham Islands.

The Standing Orders 2025 – 2028 reflect legislative requirements, principles of good governance, and allow for electronic attendance and voting.

The Standing Orders 2025 – 2028 govern the conduct of the Chatham Islands Council's meetings and those of its committees, in accordance with clause 27(1) of Schedule 7 of the Local Government Act 2002. The Standing Orders 2025 – 2028 must not contravene any Act, including the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

The adoption of a new set of standing orders, as is proposed here, requires a vote of not less than 75% of the members present, in accordance with clause 27(3) of Schedule 7 of the Local Government Act 2002.

Attachments

Standing Orders 2025 – 2028.



Chatham Islands Council

Standing Orders

11th Triennium 2025-2028

Adopted 5 November 2025

Introduction

Kupu whakataki

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

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

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

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

Principles

Ngā mātāpono

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

- Conduct their business in a transparent manner through public notice of meetings, provision of access to information, publicly open discussions, and meetings that are open to the public.
- Respect confidentiality, in accordance with relevant legislation, when making decisions that contain sensitive information.
- Represent their community when making decisions by taking account of the diversity of its communities, their views and interests, and the interests of communities in the future.
- Acknowledge, and, as appropriate, make provision for Te Ao Māori and local tikanga in meeting processes.
- Ensure that decision-making procedures and practices meet the standards of natural justice, in particular, that decision-makers are seen to have open minds.
- Have a high standard of behaviour which fosters the participation of all members, including the expression of their views and opinions, without intimidation, bullying, or personal criticism.
- Act with professionalism by ensuring their conduct is consistent with the principles of good governance and the behaviours outlined in the Council's Code of Conduct.

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

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1. Introduction

Kupu whakataki

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

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

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

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

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

1.1 Statutory references

Ngā tohutoro ā-ture

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

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

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

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

1.2 Acronyms

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

1.3 Application

Te whakamahinga

These Standing Orders do not apply to workshops or meetings of working parties and advisory groups, unless specifically included in their terms of reference.

2. Definitions

Ngā whakamārama

Adjournment

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

Advisory group

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

Agenda

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

Amendment

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

Appointed member

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

Audio link

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

Audiovisual link

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

Casting vote

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

Chairperson

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

Chief executive

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

Clear working days

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

Committee

Includes, in relation to a council:

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

Community board

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

Conflict of Interest

Includes:

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

Contempt

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

Council

In the context of these Standing Orders, the governing body of a local authority.

Debate

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

Deliberative vote

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

Deputation

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

Division

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

Electronic link

Both an audio and audiovisual link.

Emergency meeting

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

Extraordinary meeting

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

Foreshadowed motion

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

Internet site

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

Item

A substantive matter for discussion at a meeting.

Leave of the meeting

Agreement without a single member dissenting.

Joint committee

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

Karakia timatanga

An opening prayer or blessing.

Karakia whakamutunga

A closing prayer or blessing.

Lawfully excluded

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

Leave of absence

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

Local authority

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

Mayor

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

Meeting

Any first, inaugural, ordinary, extraordinary, emergency or urgent meeting of a local authority convened under the provisions of LGOIMA.

Member

Any person elected or appointed to the local authority.

Member of the Police

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

Mihi whakatau

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

Minutes

The record of the proceedings of any meeting.

Motion

A formal proposal to a meeting.

Mover

The member who initiates a motion.

Newspaper

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

Non-elected member

See Appointed Member.

Notice of motion

A motion given in writing by a member in advance of a meeting in accordance with these Standing Orders.

Officer

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

Open voting

Voting which is conducted openly and transparently (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted electronically. The result of the vote must be announced immediately after it has concluded. Secret ballots are specifically excluded.

Ordinary meeting

Any meeting, other than the first meeting, of a council publicly notified in accordance with ss 46(1) and (2) of LGOIMA.

Original motion

The first motion moved in a debate, prior to amendment (if any).

Pecuniary Interest

In relation to a member, means a matter or activity of financial benefit to that member, including any interest described in s 3 or 6 of LAMIA.

Petition

A request to a council which contains at least 20 signatures.

Pōwhiri

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

Present at the meeting

Present at the meeting to constitute a quorum means the member is to be either physically present in the room or attending the meeting by audio/visual link, if allowed by these standing orders.

Procedural motion

A motion used to control the way in which a motion, or the meeting, is managed as specified in Standing Orders 25.1 – 25.7.

Public excluded information

Refers to information, which is currently before a public excluded session or proposed to be considered with the public excluded. It includes:

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

Public excluded session

Refers to those meetings or parts of meetings from which the public is excluded by the council as provided for in LGOIMA. Also referred to as confidential or in-committee session.

Public forum

A period set aside, usually at the start of a meeting, for the purpose of public input.

Public notice/publicly notified

A notice or notification to members of the public that is made publicly available until any opportunity for review or appeal in relation to the matter notified has lapsed, consisting of:

- a) notices or placards affixed to a noticeboard that is accessible to the public without charge in Waitangi, Kaingaroa, Owenga, and Pitt Island; and
- b) broadcasts transmitted on not less than 2 days on radio or television received generally within the Chatham Islands Territory (with 2 or more broadcasts on each of those days), which broadcasts shall specify that the Chatham Islands Council is giving public notice, the general effect of that notice, and where that notice can be accessed and where copies of the notice can be obtained; and
- c) publicly available on the council's internet site.

Qualified privilege

The privilege conferred on members by s 52 and s 53 of LGOIMA.

Quasi-judicial

A meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum

The minimum number of members required to be present to constitute a meeting.

Resolution

A motion or amendment that has been adopted by the meeting.

Right of reply

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

Seconder

The member who seconds a motion or amendment.

Sub judice

Means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body

A decision-making body appointed by a local authority which is required by the local authority to follow these standing orders. For clarity local boards, community boards and joint committees are not subordinate decision-making bodies.

Substantive motion

An original motion which has been amended by the meeting.

Subcommittee

A body appointed by a council, or a committee of a council, local board or community board. See definition of "committee".

Urgent meeting

has the same meaning as defined in cl 21A of sch 7 of the LGA 2002.

Working day

A day of the week other than:

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

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

Working party

A group set up by a council to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

Workshop

In the context of these Standing Orders, a gathering of elected members for the purpose of considering items of importance to the council at which no decisions are made and to which these Standing Orders will not apply, unless required by the council. Workshops may include non-elected members and may be described as briefings.

General matters

Ngā take arowhānui

3. Standing orders

Ngā tikanga whakahaere hui

3.1 Obligation to adopt standing orders

Te takohanga ki te whai i ngā tikanga whakahaere hui

- Councils are required to adopt a set of standing orders.
- Standing orders set out how meetings are conducted.
- Standing orders must not contravene any Act.
- If a standing order is inconsistent with a legal requirement, that requirement prevails over the standing order.

This obligation applies to city and district Councils, regional councils, local boards and community boards.

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

3.2 Process for adoption and alteration of standing orders

Te tukanga mō te whai me te whakarerekē i ngā tikanga whakahaere hui

Adopting new standing orders requires a vote of not less than 75 per cent of the members present.

Amending the current standing orders also requires a vote of not less than 75 per cent of the members present.

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

3.3 Members must comply with standing orders

Me ū ngā mema ki ngā tikanga whakahaere hui

All members must comply with these standing orders.

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

All external meeting participants, including appointed members, must comply with these standing orders.

3.4 Application of standing orders

Te whakamahinga o ngā tikanga whakahaere hui

These Standing Orders apply to all meetings. This includes meetings of committees, subcommittees and any other subordinate decision-making body.

Standing Orders apply to any meeting (or part meeting) where the public has been excluded.

3.5 Temporary suspension of standing orders

Te whakatārewa taupua i ngā tikanga whakahaere hui

A meeting can temporarily suspend a standing order(s), provided the suspension does not contravene any legislative requirement.

The meeting must suspend standing order(s) by resolution.

The meeting's motion to suspend a standing order(s), must include:

- a) The reason for suspending the standing order(s).
- b) The standing order(s) being suspended.

A motion to suspend standing order(s) can be taken before or during a debate.

Once seconded, the meeting chairperson must put the motion without debate.

To be carried, at least 75 per cent of members present and voting must support the motion.

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

3.6 Quasi-judicial proceedings

Ngā whakawākanga ā-kaunihera

A meeting which is undertaking quasi-judicial proceedings may set their own meeting procedures.

Quasi-judicial proceedings are held for the purpose of conducting hearings and/or considering disputes.

Some committees may have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Te wāhi noho o ngā mema

Every member, whether elected or appointed, must provide the chief executive with an electronic address where meeting notices and information may be sent.

Where a member does not have an electronic address, they must provide the Chief executive with a physical address within the district or region, where material can be sent.

It is preferable for all members to provide both an electronic and physical address.

Members should inform the chief executive which contact information can be made publicly available.

Personal information provided by a member is subject to the Privacy Act 2020.

4. Meetings Ngā hui

4.1 Legal requirement to hold meetings Te herenga ā-ture kia whakatū hui

The council must hold the meetings necessary for the good government of its city, district or region.

The calling of meetings, and their conduct must be in accordance with:

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

Meetings must be held at the times and places set by the council.

LGA 2002, Sch. 7, cl 19(1) & (3) & (4)

4.2 Meeting duration Te roa o ngā hui

Unless the meeting resolves to continue, meetings cannot:

- a) sit for more than two hours without a break of at least ten (10) minutes.
- b) continue more than six (6) hours (including adjournments) from when it convened, or
- c) continue after 10.30pm.

If there is no resolution to continue, any business remaining must be:

- a) Adjourned,
- b) Transferred to the next meeting, or
- c) Transferred to an extraordinary meeting.

4.3 Language Reo

A member may address a meeting in English, te reo Māori, or New Zealand Sign Language.

The chairperson may require that a speech is translated and printed in English or te reo Māori.

A member intending to address the meeting in New Zealand Sign Language, or te reo Māori, when the normal business of the meeting is conducted in English, must advise the chairperson not less than two working days before the meeting.

A member intending to address the meeting in English when the normal business of the meeting is conducted in te reo Māori must advise the chairperson not less than two working days before the meeting.

Any written materials should be forwarded to the chief executive at least two days before the meeting for translation.

4.4 Webcasting meetings Ngā hui kauhaurangi

Webcast meetings should be provided in accordance with the protocols contained in the LGNZ Guide to Standing Orders.

4.5 First meeting (inaugural) Hui tuatahi (ōkawa)

The chief executive calls the first meeting following a triennial general election.

The meeting must be called as soon as practicable after election results are known.

Unless an emergency exists, the chief executive must give elected members not less than seven days' notice of the first meeting.

In the case of an emergency, the chief executive may give elected members notice of the meeting as soon as practicable.

LGA 2002, Sch. 7, cl 21(1) - (3).

4.6 Requirements for the first meeting Ngā herenga mō te hui tuatahi

The chief executive or their nominee must chair the first meeting until the Mayor has made their oral and written declarations.

The Mayor will chair the meeting once they have made their oral and written declarations.

LGA 2002, Sch. 7, cl 21(4)

The business to be conducted at the first meeting must include:

- a) The oral and written declarations of both the Mayor and members (*LGA 2002, Sch. 7, cl14*);
- b) A general explanation of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the LAMIA; and ss 99, 105, and 105A of the Crimes Act 1961; and the

Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.

- c) Determining the date and time of the next meeting, or the adoption of a schedule of meetings; and
- d) Where the Mayor has not appointed a Deputy Mayor (s41A(3)(a) of the LGA 2002) prior to the meeting, the election of the Deputy Mayor

The general explanation of Acts can also include the LGA provisions relating to the Register of members' pecuniary interests (ss 54A – 54I).

If an Urgent Meeting has been held (LGA 2002, sch 7, cl21A), the business that must be conducted at the first meeting will not include any business dealt with at that Urgent Meeting.

LGA 2002, Sch. 7, cl 21(5), LGA 2002, Sch.7, cl 20(6), LGA 2002, s 41A(3)

5. Appointments and elections

Ngā kopounga me ngā pōtitanga

5.1 Mayoral appointment of deputy Mayor, committee chairs, and members

Ngā kopounga a te Kahika o te Kahika tuarua, ngā Upoko kōmiti, me ngā mema

A Mayor may appoint:

- a) the Deputy Mayor,
- b) the chairperson and the members of each committee.

LGA 2002, s 41A(3).

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

5.2 Council Discharge of a Mayoral Appointment

Te Whakakorenga o te Kopounga a te Kahika e te Kaunihera

Nothing limits or prevents a council from discharging either a chairperson or a member of a committee appointed by the Mayor.

LGA 2002, Sch. 7, cl 31.

5.3 Establishment of committees by the Mayor

Te Whakatūnga o ngā komiti e te Kahika

The Mayor may establish the council's committees and appoint their chairpersons.

Where a Mayor exercises this right, the council must adopt the committee's terms of reference by resolution at the next appropriate meeting of the council.

Should the Mayor decline to establish committees a council decision to establish committees must follow the processes set out in these Standing Orders.

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

The Mayor is a member of every committee unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A (3) and (4).

5.4 Elections of Deputy Mayors and deputy chairpersons

Te pōti i te Kahika Tuarua me ngā Upoko tuarua

When electing the following positions, the council must resolve to use one of two voting systems (see Standing Order 5.6):

- a) The Deputy Mayor;
- b) The chairperson of a committee
- c) A deputy chairperson of a committee; and/or
- d) A representative of a council.

This provision does not apply where a mayor has appointed a Deputy Mayor or committee chairs under LGA 2002, s 41A.

LGA 2002, Sch. 7, cl 25.

See the LGNZ Guide to Standing Orders for more information.

5.5 Removal of a Deputy Mayor Te whakakorenga o te Kahika Tuarua

A council can remove a Deputy Mayor.

It does not matter whether the Deputy Mayor has been appointed by the Mayor, or appointed by the council itself.

A council removing a Deputy Mayor must use the process set out in cl 18, sch 7, of the LGA 2002. (See Appendix 9)

LGA 2002, Sch. 7, cl 18.

5.6 Voting system for Deputy Mayors and committee chairs Pūnaha pōti mā ngā Kahika Tuarua me ngā Upoko komiti

The council must use one of the following two voting systems for electing:

- a) A Deputy Mayor; and/or
- b) A committee chair.

System A

The successful candidate must receive a majority of the votes of members present and voting.

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

Round One

- There is one round of voting.
- If a candidate receives the majority of votes they are elected.

- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the first round is excluded and a further round of voting occurs.

Round Two (if required)

- There is a second round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the second round is excluded and a further round of voting occurs.

Subsequent rounds (if required)

- There is a further round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes is excluded and a further round of voting occurs.

System B

- The successful candidate must receive more votes than any other candidate.
- There is only one round of voting.
- If two or more candidates tie for the most votes, the tie is resolved by lot.

LGA 2002, Sch. 7, cl 25.

6. Delegations¹

Te tuku mana

6.1 Only the holder of a delegated authority can rescind or amend a previous decision

Ka taea anake e te kaupupuri o te mana tuku te whakakore, te whakarerekē rānei i tētahi whakatau o mua

Where a council or a committee has delegated authority to another body, member or officer, they cannot rescind or amend a decision made under that delegated authority.

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

However, the current holder of the delegated authority may rescind or amend a previous decision made under the same authority.

Refer to Standing Orders Guide for scenarios on delegation practice.

6.2 Duty to consider delegations to community boards

Te haepapa ki te whai whakaaro ki te tuku mana ki ngā poari hapori

A council which has community board(s) must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

LGA 2002, Sch. 7, cl 32(6).

6.3 Limits on delegations

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 council, 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;

¹ Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Officer's declaration until the new council is sworn in. See the LGNZ Guide to Standing Orders for further information.

- e) The power to appoint a chief executive;
- f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- g) The power to adopt a remuneration and employment policy.

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

6.4 Committees may delegate

Ka āhei ngā komiti ki te tuku mana

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the council, may delegate any of its responsibilities, duties, or powers to a subcommittee or person.

A sub-delegation is subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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

6.5 Use of delegated powers

Te whakamahi i te mana tuku

The body, member or officer of the council who has been delegated authority to act may exercise those responsibilities, powers or duties:

- a) without confirmation by the body that delegated the authority; and
- b) in a like manner and with the same effect as the council or committee could have exercised or performed them.

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

6.6 Bodies are subject to the direction of the council

E herea ana ngā rōpū e ngā tohutohu a te kaunihera

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, or committee that appointed the subcommittee.

A committee, subcommittee or other subordinate decision-making body must carry out all general and special directions given to them by the local authority or committee.

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

7. Committees

Ngā komiti

7.1 Appointment of committees and subcommittees

Te kopou i ngā komiti me ngā komiti iti

A council may appoint the decision-making bodies that it considers appropriate. This includes committees, subcommittees and any other subordinate decision-making body.

Unless the council prohibits it, a committee can appoint subcommittees.

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

7.2 Discharge or reconstitution of committees and subcommittees

Te whakakore, te whakahou rānei i ngā komiti me ngā komiti iti

Unless legislation or regulation prevents it:

- a) a council can discharge or reconstitute a sub-ordinate decision-making body;
- b) a committee may discharge or reconstitute a subcommittee it has established;
- c) every subordinate decision-making body is discharged following a triennial general election.

LGA 2002, Sch. 7, cl 30(5) (7)

Note: Section 12(2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders for more information).

7.3 Appointment or discharge of committee members and subcommittee members

Te kopou, te whakakore rānei i ngā mema komiti me ngā mema komiti iti

A council may appoint or discharge any member of a committee, or subcommittee.

Committees may appoint or discharge members of the subcommittees they have established unless the council directs otherwise.

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

7.4 Membership of committees and subcommittees

Te memātanga o ngā komiti me ngā komiti iti

- A council or committee may appoint non-elected members (appointed members) to a committee or subcommittee.
- At least one member of a committee must be an elected member.
- An appointed member on a committee or subcommittee must, in the opinion of the council or the committee, have the skills, attributes or knowledge to assist the committee or subcommittee.
- A staff member of the council, in the course of their employment, can be a subcommittee member, but not a committee member.

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

7.5 Council may replace members if committee not discharged

Ka āhei te kaunihera ki te whakakapi mema mēnā kaore i whakakorehia te komiti

- A council may resolve that a committee or subcommittee is not to be discharged following a triennial general election.
- Where a committee has not been disestablished at a triennial general election, the council may replace the members after that election.

LGA 2002, Sch. 7, cl 31(5) & cl 30(7)

7.6 Membership of the Mayor

Te memātanga o te Kahika

The Mayor is a member of every committee of the council unless specific legislation provides otherwise (e.g. a committee established under s 189 of the Sale and Supply of Alcohol Act 2012).

LGA 2002, s 41A(5).

7.7 Decision not invalid despite irregularity in membership

Ka whai mana tonu te whakatau ahakoa te rangirua o te memātanga

A decision of a council or committee is not invalidated if:

- a) there is a vacancy in the membership of the council or committee at the time of the decision; or
- b) following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

LGA 2002, Sch. 7, cl 29.

7.8 Appointment of joint committees

Te kōupounga o ngā komiti taihono

A council may appoint a joint committee with another council or other public body if it has reached prior agreement with each council or public body.

The agreement must specify:

- a) the number of members each party may appoint;
- b) how the chairperson and deputy chairperson will be appointed;
- c) the committee's terms of reference ;
- d) what responsibilities, if any, are to be delegated to the committee by each party; and
- e) how the agreement may be varied.

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

LGA 2002, Sch. 7, cl 30A(1) - (3).

NB A Mayor who is a member of a joint committee by virtue of s 41A(5), is not counted as part of the quorum of that joint committee.

LGA 2002, Sch.7, cl 30A(6A)

7.9 Status of joint committees

Te mana o ngā komiti taihono

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

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

7.10 Power to appoint or discharge individual members of a joint committee

Te mana ki te kopou, ki te whakakore rānei i tētahi mema o te komiti taihono

Individual members of a joint committee may only be discharged or appointed by the council or public body that made the original appointment.

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

Pre-meeting

Hui tōmua

8. Giving notice

Te tuku pānui

8.1 Public notice – ordinary meetings

Pānui tūmatanui – ngā hui noa

The council must publicly notify all upcoming meetings:

- a) Every month:
 - i. by publishing a list of meetings scheduled for the following month;
 - ii. the list must be publicly notified not more than 14 and not less than 5 days before the end of the preceding month; and
 - iii. the public notice must include the dates, times and places of each meeting.
- b) Alternatively, where a meeting is scheduled to be held after the 21st day of any month:
 - i. the council can publicly notify the meeting(s) no more than 10 (and not less than 5) **working** days before the day on which the meeting is to be held.

LGA 2002 s.5, LGOIMA, s.2 & s 46

8.2 Public notice/publicly notified means:

Ko te tikanga o te pānui tūmatanui/te tuku pānui ki te hunga tūmatanui ko:

- a) notices or placards affixed to a noticeboard that is accessible to the public without charge in Waitangi, Kaingaroa, Owenga, and Pitt Island; and
- b) broadcasts transmitted on not less than 2 days on radio or television received generally within the Chatham Islands Territory (with 2 or more broadcasts on each of those days), which broadcasts shall specify that the Chatham Islands Council is giving public notice, the general effect of that notice, and where that notice can be accessed and where copies of the notice can be obtained; and
- c) publicly available on the council's internet site.

Chatham Islands Act 1991, s.9, LGA 2002 s.5, LGOIMA, s.2 & s 46, (see LGNZ Guide to Standing Orders for more information).

8.3 Notice to members - ordinary meetings

Te tuku pānui ki ngā mema – ngā hui noa

- The chief executive must advise every member of the time and place of every meeting.
- That advice must be given in writing.
- If the council has adopted a schedule of meetings, the advice must be given not less than 14 days before the first meeting of the schedule.
- If the council has not adopted a schedule of meetings, the advice must be given not less than 14 days before the meeting.

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

8.4 Extraordinary meeting may be called Ka āhei ki te karanga hui motuhake

An extraordinary council meeting may be called by:

- a) council resolution; or
- b) a written requisition delivered to the chief executive. The requisition must be signed by:
 - i. the Mayor or chairperson; or
 - ii. not less than one third of the total membership of the council (including vacancies).

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

8.5 Notice to members - extraordinary meetings Te tuku pānui ki ngā mema – ngā hui motuhake

The chief executive must give written notice to members advising them of the time and place of an extraordinary meeting (called under Standing Order 8.3).

The notice must:

- a) include the general nature of the business to be considered; and
- b) be provided to each member of the council at least three working days before the meeting day.

If the meeting is called by resolution, the chief executive can provide the notice in a lesser period (as specified in the resolution) provided it is not less than 24 hours.

LGA 2002, Sch. 7, cl 22(2).

8.6 Emergency meetings may be called Ka āhei te karanga hui ohore

In some instances, the council must deal with business urgently.

An Emergency Meeting may be called:

- a) when the notice requirements for an extraordinary meeting cannot be met; and
- b) it is not practicable to call the meeting by resolution.

An Emergency Meeting may be called by:

- a) the Mayor or chairperson; or
- b) the chief executive (if the Mayor or chairperson is unavailable).

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

8.7 Process for calling an emergency meeting

Te tukanga mō te karanga hui ohorere

Given the need for an emergency meeting, the person calling the meeting (or another person on their behalf) must give notice of the time and place of the meeting by whatever means is reasonable in the circumstances, at least 24 hours before the meeting.

Notice must be given to each member of the council and the chief executive.

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

8.8 Public notice – emergency and extraordinary meetings

Pānui tūmatanui – ngā hui ohorere me ngā hui motuhake

Where an emergency or extraordinary meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the council must still publicly notify the meeting.

The public notice must also include the general nature of the items being discussed at the meeting.

The public notice must

- a) be publicly notified as soon as practicable before the meeting; or
- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
 - i. as soon as practicable on the council’s website; and
 - ii. in any other manner which is reasonable in the circumstances.

LGOIMA, s 46(3).

8.9 An urgent meeting may be called

Ka āhei ki te karanga hui wawe

The chief executive may call an urgent meeting of the council before candidates to be declared elected after a recount are known if:

- a) an application for a recount has been made following a triennial general election; and
- b) an event occurs that, in the chief executive's opinion, requires the council to deal with a matter urgently; and
- c) the first meeting of the council has not yet been called.

LGA 2002, Sch. 7, cl 21A (1 & 2)

8.10 Process for calling an urgent meeting Te tukanga mō te karanga hui wawe

If the chief executive calls an urgent meeting, the chief executive must give notice of that meeting as soon as practicable to every person who:

- a) is not an affected candidate; and
- b) has been declared to be elected to the council.

Notice must be given to each of those persons:

- a) by whatever means is reasonable in the circumstances; and
- b) at least 24 hours before the meeting commences.

The notice must specify:

- a) the time and place of the urgent meeting; and
- b) the matter for determination at the urgent meeting.

LGA 2002, Sch.7, cl 21A (3(a) & 5), Sch.7, cl 21A (3)(b)

8.11 Public notice – urgent meetings Pānui tūmatanui – ngā hui wawe

Where an urgent meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the council must still publicly notify the meeting.

The public notice must include the general nature of the matter being discussed at the meeting and must:

- a) be publicly notified as soon as practicable before the meeting; or
- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
 - i. as soon as practicable on the council's website; and

- ii. in any other manner which is reasonable in accordance.

LGA 2002, Sch.7, cl 21A(4) & LGOIMA, s 46(3).

8.12 Conduct of urgent meetings Ngā whakahaere o ngā hui wawe

The council may only conduct the following business at an urgent meeting:

- a) in respect of the persons described in LGA 2002, sch7, cl21A(3)(a), the oral and written declarations of the mayor (if any) and members (under clause 14);
- b) a general explanation of LGOIMA and other laws affecting members, including the appropriate provisions of LAMIA; ss 99, 105, and 105A of the Crimes Act 1961; the Secret Commissions Act 1910; the Financial Markets Conduct Act 2013, and the LGA2002 provisions relating to the register of members' pecuniary interests (ss54A – 54I);
- c) The matter in respect of which the urgent meeting has been called.
- d) The election of a member to preside at the urgent meeting (if required).

Councils cannot consider any items other than those specified above.

If multiple urgent meetings are required, the items outlined in a) and b) (above) may be omitted from the business to be conducted if they have previously been dealt with.

The chief executive (or their nominee in the chief executive's absence) must chair the urgent meeting until:

- a) the mayor (if any) has made their oral and written declarations; or
- b) the members that are present have:
 - i. made their oral and written declarations; and
 - ii. elected one of their number to preside at the urgent meeting.

An affected candidate cannot participate in the meeting but may attend the meeting if it is open to the public.

LGA 2002, Sch. 7 Cl21B

8.13 Meetings not invalid Ngā hui e whai mana tonu ana

Failing to publicly notify a meeting does not, of itself, invalidate a meeting.

Where a council becomes aware that a meeting has not been properly notified, it must, as soon as possible, give public notice that the meeting has been held.

The public notice must state:

- a) the meeting has occurred without proper notice;
- b) the general nature of the items discussed; and
- c) the reasons why the meeting was not notified.

LGOIMA, s 46(5) & (6).

8.14 Resolutions passed at an extraordinary meeting Ngā tatūnga i ngā hui motuhake

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

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

LGOIMA, s 51A.

8.15 Meeting schedules Ngā hōtaka hui

A council may adopt a schedule of meetings. The schedule may cover any period of time that the council considers appropriate.

The council can amend the schedule at any time.

- Notifying the schedule to members is considered to be notification of every meeting on the schedule.
- Notifying members of an amendment to the schedule is notification of the amended meeting.

Nothing in this clause replaces the council's obligations under the LGOIMA for public notification of meetings.

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

8.16 Non-receipt of notice to members Te kore e whiwhi i te pānui ki ngā mema

A meeting of a council is not invalid if an elected member does not receive (or does not receive in time) notice of the meeting unless:

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

A member may waive the need to be given notice of meetings.

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

8.17 Meeting cancellations

Te whakakorenga o ngā hui

- The chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary.
- Reasons for cancellation may include lack of business, lack of quorum, or clash with another event.
- The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda Rārangi take o te hui

9.1 Preparation of the agenda – for members Te whakarite i te rārangi take – mā ngā mema

At least two working days prior to a meeting the chief executive must prepare an agenda for the meeting, to be circulated to all members attending the meeting.

Even though the agenda is the chief executive's responsibility, where practicable, the chief executive should consult the chairperson for the meeting about the agenda.

The agenda must:

- a) list the items to be brought before the meeting;
- b) include the reports and other attachments associated with the list of items in the agenda; and
- c) indicate which items are expected to be discussed with the public excluded. (see also standing order 9.14.).

LGOIMA, s 46A.

9.2 Process for raising items for a decision Te tukanga hei whakaara take kia whakatauhia ai

Council, committees, local boards and/or community boards and subordinate decision-making bodies may, by resolution, request reports on matters they determine.

For all decision-making bodies other than the council, requests for reports must fall within the scope of their terms of reference.

9.3 Chief executive may delay or refuse request

Ka āhei te tumu whakarae ki te whakaroa, te whakakore rānei i tētahi tono

The chief executive may delay commissioning, or not produce, reports that involve significant cost, unless agreed by the council, or are beyond the scope of the body that made the request.

Where the chief executive refuses a request to prepare a report, they will:

- a) discuss options for meeting the request with the respective chairperson;
- b) report back to a subsequent meeting:
 - i. with an estimate of the resourcing and/or cost involved; and
 - ii. seek direction on whether the report should still be prepared.

A chief executive may refuse a direct report request from an individual member. In this instance, an explanation should be provided to the member.

9.4 Order of business

Te raupapatanga o ngā take

At the meeting, the items are to be dealt with in the order in which they are listed on the agenda unless the chairperson, or the meeting (by resolution), decides otherwise.

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

9.5 Chairperson's recommendation

Te tūtohunga a te Upoko

A chairperson may provide a recommendation on an agenda item.

- The chairperson's recommendation can be provided before or during the meeting.
- Where a chairperson's recommendation varies significantly from an officer's recommendation, the chairperson must provide the reasons for the recommendation.
- The recommendation, and reasons, must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson may prepare report

Ka āhei te Upoko ki te whakarite pūrongo

The chairperson of a meeting may prepare a report to be included in the agenda provided the matter falls within the terms of reference for the meeting.

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

9.7 Public availability of the agenda

Te noho wātea o te rārangi take ki te hunga tūmatanui

The meeting information provided to members must be publicly available unless the information relates to a matter reasonably expected to be discussed with the public excluded.

LGOIMA, s. 5 & 46A.

9.8 Public inspection of agenda

Te tirohanga a te hunga tūmatanui i te rārangi take

A member of the public is entitled to inspect, during normal office hours, the agendas including associated reports provided to members.

The agendas must be available for viewing at the public offices of the council (including service delivery centres) and the public libraries under the council's control.

Agendas must be accompanied by

- a) the associated reports; or
- b) a notice advising where the reports can be inspected.

While the documents must be available for viewing at least two working days before a meeting, they should be made available with as much notice as possible before the meeting date.

It is sufficient for the documents to be available for electronic inspection.

No charge can be imposed for the inspection of the agendas (including reports).

LGOIMA, s 46A(1) - (3).

9.9 Withdrawal of agenda items

Te tango take i te rārangi take

The chief executive may withdraw an item from an agenda.

The chief executive should inform the chairperson of the reason(s) for the withdrawal.

9.10 Distribution of the agenda to members

Te tohatoha i te rārangi take ki ngā mema

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting.

In the case of extraordinary, emergency, or urgent meeting, the agenda must be made available as soon as is reasonable in the circumstances.

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

9.11 Status of agenda

Te tūnga o te rārangi take

No matter included on a meeting agenda, including any recommendations in associated reports, has been decided as final until it has been the subject of a formal resolution of the meeting.

9.12 Items not on the agenda – decision cannot be delayed

Ngā mea kāore i runga i te rārangi take – kāore e taea te whakatōmuri i te whakatau

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

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

LGOIMA, s 46A(7).

Items not included on an agenda may be considered at a meeting if included in a report from the chief executive or the chairperson.

Nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002.

9.13 Items not on the agenda – minor issues for discussion only

Ngā mea kāore i runga i te rārangi take – ko ngā take iti hei kaupapa kōrero anake

A meeting can discuss minor items which are not on an agenda if:

- a) the matter relates to council business; and
- b) at the start of the public part of the meeting, the chairperson explains that the matter will be discussed.

The meeting cannot make a resolution, decision, or recommendation on any minor matter that was not on the agenda for that meeting.

The meeting can, however, refer the matter to a subsequent meeting for further discussion.

LGOIMA, s 46A(7A).

9.14 Public excluded business on the agenda

Ngā take tūmataiti o te rārangi take

The chief executive may exclude a report, or part of a report, from an agenda where they expect it to be discussed once the public has been excluded (by resolution) from the meeting.

Where reports, or parts of reports, are withheld, the agenda and proposed recommendation must clearly indicate:

- a) the matter is expected to be discussed with the public excluded;
- b) the general subject of any items to be considered while the public is excluded;

- c) the reasons for passing a resolution (with reference to the particular provision relied on for each matter); and
- d) the actual ground in section 48(1) relied on to exclude the public.

LGOIMA, s. 46A(8)-(9) and 48(3)

Note: The Ombudsman advises that the reason for passing a resolution should contain specific details about the harm the Council is trying to avoid, rather than simply reciting the clause from section 6 or section 7(2) as it is written in the LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Te whakaaetanga motuhake e pā ana ki te rārangi take me ngā meneti

Where a meeting is open to the public and:

- a) a member of the public is given a copy of the agenda or further statements;
or
- b) a member of the public is given a copy of the minutes;

The publication of any defamatory matter included in the agenda or minutes is privileged, unless it is proved (through defamation proceedings) that the defendant:

- a) was motivated by ill will toward the plaintiff, or
- b) took improper advantage of the publication.

LGOIMA, s 52.

Meeting Procedures

Ngā tikanga o ngā hui

10. Opening and closing

Te whakatuwhera me te whakakapi

The chairperson, or any person authorised by the chairperson, may make a statement or prayer, or similar, to open/close a meeting.

Appropriate karakia timitanga and mihi whakatau, or pōwhiri, may also be considered to open, and karakia whakamutunga to close, a meeting where appropriate.

11. Quorum

Kōrama

Note: A meeting is constituted if a quorum is present, regardless of whether all of the members are voting or entitled to vote (*LGA 2002, Sch. 7, cl 23(1)*).

No business may be conducted if a quorum of members is not present for the whole time the business is being considered.

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

11.1 Council meetings

Ngā hui kaunihera

The quorum for a meeting of the council is:

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

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

11.2 Committee and subcommittee meetings

Ngā hui komiti me ngā hui komiti iti

- A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the body's terms of reference.
- A committee may set the quorum for any subcommittees it establishes.
- The minimum quorum for a committee or subcommittee is two members.
- The quorum of a committee (but not a subcommittee) must include at least one member of the council.

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

11.3 Joint Committees Ngā Komiti Taihono

The quorum for a meeting of a Joint Committee is:

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

A Joint Committee Agreement may vary the quorum requirement above to provide that a quorum must include 1 or more members appointed by each party.

LGA 2002, Sch. 7, cl 30A(6)(b) &(c).

11.4 Mayor as member of a joint committee Te kahika hei mema o tētahi komiti taihono

A Mayor is a member of all Joint Committees.

If the Mayor is a member solely due to s 41A(5), the Mayor is not counted as a member of the committee for determining:

- a) The number of members required to constitute a quorum; or
- b) Whether a quorum exists at a meeting.

LGA 2002, s 41A(5), Sch. 7, cl30A(6A)

11.5 Meeting lapses where no quorum Te tārewatanga o ngā hui mēnā karekau he kōrama

A meeting lapses, and the chairperson must vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting.

- The chairperson has the discretion to wait for a longer period if members are known to be travelling to the meeting but have been delayed.
- If a quorum is lost during a meeting, the meeting lapses if the quorum is not present within 15 minutes.
- No business may be conducted while waiting for the quorum to be reached.

Minutes must record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended and left, causing the quorum to lapse.

11.6 Business from lapsed meetings Ngā take o 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 or refers the matter to another body with appropriate decision-making authority, and this is notified by the chief executive.

12. Public access and recording

Te āheinga a te hunga tūmatanui me ngā hopunga

12.1 Meetings open to the public

E tuwhera ana ngā hui ki te hunga tūmatanui

Every meeting of the council (including its committees) must be open to the public unless the public has been excluded.

Members of the news media are considered to be members of the public.

LGOIMA, s 47, 48 & 49(a).

12.2 Grounds for removing the public

Ngā take e panaia ai te hunga tūmatanui

The chairperson may require a member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

LGOIMA, s 50(1).

12.3 Council may record meetings

Ka āhei te kaunihera ki te hopu i ngā hui

Where the council intends to record a meeting(s), the venue should contain clear signage indicating that proceedings may be recorded.

12.4 Public may record meetings

Ka āhei te hunga tūmatanui 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.
- The process of recording must not distract the meeting from conducting its business.
- Where circumstances require, the chairperson may direct the recording to stop for a specified period of time.

13. Attendance

Taetaenga

13.1 Members right to attend meetings

Te mōtika a ngā mema ki te tae ki ngā hui

A member of a council, or of a council committee, has the right to attend any meeting of the council or a committee unless they have been lawfully excluded.

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

If a member of a council is not an appointed member of the meeting which they are attending, they:

- a) may not vote on any matter at that meeting; but
- b) may, with the permission of the chair, take part in the meeting's discussions (subject to standing order 13.2).

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

Note: this section does not confer any rights to appointed members on council committees.

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

Te tae atu i te wā e whakahaere whakawākanga ana tētahi komiti

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

13.3 Leave of absence

Tamōtanga ōkawa

A council may grant a member leave of absence following an application from that member (including the Mayor).

To protect members' privacy the council may delegate authority to the Mayor to grant a leave of absence to a member. In the absence of the Mayor, the Deputy Mayor may exercise that authority.

The Mayor, or Deputy Mayor, will inform all members of the council whenever a member has been granted leave of absence under delegated authority.

Meeting minutes will record that a member has a leave of absence as an apology for that meeting.

13.4 Apologies

Ngā whakapāha

A member who does not have leave of absence may tender an apology if they intend being absent from all or part of a meeting.

The chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apology.

Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

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

13.5 Recording apologies

Te tuhi i ngā whakapāha

The minutes must record:

- a) any apologies tendered before or during the meeting, including whether they were accepted or declined; and
- b) the time of arrival and departure of all members.

13.6 Absent without leave

Tamōtanga ōpaki

Members who miss four consecutive meetings of the council (the governing body), without a leave of absence or apology having been accepted, will create an extraordinary vacancy.

This standing order doesn't apply to extraordinary meetings.

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

13.7 Right to attend by audio or audiovisual link

Te mōtika kia tae atu mā te hononga oro, ataata rongō rānei

Provided the conditions in Standing Orders 13.11 and 13.12 are met:

- a) Members of the council and its committees have the right to attend meetings by electronic link unless they have been lawfully excluded.
- b) Members of the public, for the purpose of a deputation or public forum, approved by the chairperson, have the right to attend meetings by electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Te tūnga a te mema: kōrama

Where these standing orders provide for members attendance by electronic link, members who attend meetings by electronic link are counted as present for the purposes of the quorum.

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

13.9 Member's status: voting

Te tūnga a te mema: te pōti

Where a meeting has a quorum, the members attending by electronic link can vote on any items raised at the meeting.

13.10 Chairperson's duties

Ngā haepapa a te Upoko

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

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

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

13.11 Conditions for attending by audio or audiovisual link

Ngā here o te tae atu mā te hononga 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 atu mā te hononga oro, ataata-rongo rānei

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

Where a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the council or its committees.

13.13 Chairperson may terminate link

Ka āhei te Upoko ki te momotu i te hononga

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

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

13.14 Giving or showing a document

Te hoatu, te whakaatu tuhinga rānei

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

- a) transmitting it electronically;
- b) using the audio visual link; or
- c) any other manner that the chairperson thinks fit.

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

13.15 Link failure

Mūhoretanga o 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.

The chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

14. Chairperson's role in meetings

Te mahi a te Upoko i ngā hui

14.1 Council meetings

Ngā hui kaunihera

- The Mayor must chair all council meetings unless they vacate the chair. The Mayor may vacate the chair for an entire meeting or part of a meeting.
- The Deputy Mayor must chair the council meeting if the Mayor is absent from a meeting or vacates the chair.
- The members present must elect an acting chairperson if the Mayor and Deputy Mayor are not present and/or have vacated the chair.
- The Deputy Mayor or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the duration of the meeting.

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

14.2 Other meetings

Ētahi atu hui

The chairperson of a committee or subcommittee must chair each meeting unless they vacate the chair for all or part of a meeting.

The deputy chairperson (if any) must chair the meeting if the chairperson is absent or has vacated the chair.

The committee members present must elect an acting chairperson if the deputy chairperson is absent or has not been appointed.

The deputy chairperson or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the meeting.

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

14.3 Addressing the chairperson

Te kōrero ki te Upoko

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

14.4 Chairperson's rulings

Ngā whakatau a te Upoko

The chairperson will decide all procedural questions, including those where insufficient provision is made by the Standing Orders.

Where a point of order questions the chairperson's ruling, the deputy chairperson will decide.

Refusal to obey a chairperson's ruling or direction constitutes contempt (see Standing Order 20.5).

14.5 Chairperson standing

Te mana o te Upoko

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

14.6 Member's right to speak

Te mōtika o te mema ki te kōrero

Members are entitled to speak in accordance with these Standing Orders.

Members should address the chairperson when speaking.

Members may not leave their place while speaking unless they have the leave of the chairperson.

14.7 Chairperson may prioritise speakers

Ka āhei te Upoko ki te whakaraupapa i ngā kaikōrero

When two or more members want to speak the chairperson will determine the speaking order and name the member who may speak first.

Members who wish to speak have precedence where they intend to:

- a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- b) move a motion to terminate or adjourn the debate; and/or
- c) make a point of explanation; and/or
- d) request the chairperson to permit the member a special request.

15. Public Forums

Ngā Wānanga Tūmatanui

Public forums are a defined period of time, put aside for the purpose of public input.

Public forums enable members of the public to bring items of their choice, not on the meeting's agenda, to the attention of the council.

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

15.1 Time limits

Ngā tepenga wā

A period of up to 30 minutes will be available for the public forum at each scheduled council meeting.

Speakers can speak for up to five minutes (excluding questions).

Requests to speak at a public forum must be:

- a) made to the chief executive (or their delegate);
- b) made at least one clear day before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

The chairperson has discretion to:

- a) extend a speaker's allocated speaking time;
- b) where there are more than six speakers presenting in the public forum, restrict one or more speakers allocated speaking time, or
- c) waive the time requirement for requesting permission to speak in the public forum.

15.2 Restrictions

Ngā aukatinga

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

- a) a speaker is repeating views presented by an earlier speaker at the same public forum;
- b) more than two speakers have requested to speak on the same matter at the same meeting;
- c) the speaker is criticising elected members and/or staff;
- d) the speaker is being repetitious, disrespectful or offensive;

- e) the speaker has previously spoken on the same issue;
- f) the speaker has caused disruption at multiple previous committee and/or council meetings;
- g) the matter is subject to legal proceedings;
- h) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity; and/or
- i) decision-making authority on the matter rests with another body or individual.

15.3 Questions at public forums

Ngā pātai i ngā wānanga tūmatanui

With the chairperson's permission, members may ask questions of speakers at the conclusion of their presentation.

Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

The speaker may not ask questions of either members or staff.

15.4 No resolutions

Kāore he tatūnga

No debate or decisions can be made at the meeting on issues raised during the public forum.

16. Deputations

Ngā whakaaturanga ōkawa

The purpose of a deputation is to enable a person, group, or organisation, to make a presentation about an item(s) on a meeting agenda.

Deputations may be heard at the commencement of the meeting, or at the time that the relevant agenda item is being considered.

Requests to make a deputation must be:

- a) made to the chief executive (or their delegate);
- b) made at least five clear days before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

Any documents to be included in the deputation must be received at least two days in advance to allow time for translation

The chairperson has the discretion to waive the time requirement for requesting permission to make a deputation.

Members of the public may not question either members or staff.

16.1 Time limits

Ngā tepenga wā

Unless the chairperson has restricted the speaking time under Standing Order 16.2:

- a) speakers can speak for up to five minutes (excluding questions); and
- b) no more than two speakers can speak on behalf of a deputation.

The chairperson has discretion to extend a speaker's speaking time.

16.2 Restrictions

Ngā aukatinga

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

- a) a speaker is repeating views presented by an earlier speaker at the meeting;
- b) the speaker is criticising elected members and/or staff;
- c) the speaker is being repetitious, disrespectful or offensive;
- d) the speaker has previously spoken on the same issue;
- e) the matter is subject to legal proceedings;

- f) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity and/or
- g) where a member of the public has previously caused a disruption at multiple meetings, the chairperson may decline a deputation request and require the individual to provide their views in writing.

16.3 Questions of a deputation

Ngā pātai o te whakaaturanga ōkawa

With the permission of the chairperson, members may ask questions of any speakers at the conclusion of the deputation.

Questions are to be confined to obtaining information or clarification on items raised by the deputation.

Those making the deputation may not ask questions of either members or staff.

16.4 Resolutions

Ngā tatūnga

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

17. Petitions

Ngā petihana

17.1 Form of petitions

Te āhua o ngā petihana

Petitions may be presented to a council or committee meeting provided the subject matter falls within the terms of reference of the intended meeting.

Petitions must:

- a) contain at least 20 signatures and consist of fewer than 150 words (not including signatories);
- b) be received by the chief executive at least five working days before the meeting at which they will be presented; and
- c) must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege); and
- d) May be written in English, te reo Māori, or given in sign language. Petitioners should inform the chief executive in sufficient time to allow translation services to be arranged.

The chairperson may waive the requirement that petitions are required five working days before the meeting.

17.2 Petition presented by petitioner

Petihana i whakaaturia e te kaipetihana

A petitioner who presents a petition to the council or a committee may speak for five minutes (excluding questions) about the petition unless the meeting resolves otherwise.

The chairperson must terminate the presentation if they believe the petitioner is being disrespectful, offensive, or making malicious statements.

17.3 Petition presented by member

Petihana i whakaaturia e tētahi mema

A member may present a petition on behalf of a petitioner. In doing so the member must confine themselves to presenting:

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

18. Exclusion of public

Te aukati i te hunga tūmatanui

18.1 Motions and resolutions to exclude the public

Ngā mōtini me ngā tatūnga ki te aukati i te hunga tūmatanui

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

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

A resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The council must:

- a) include the general subject for each matter to be excluded;
- b) describe the grounds in section 48 for excluding the public;
- c) have considered whether the public interest in the matter weighs against excluding the public;
- d) provide reason(s), should the resolution pass, set out in plain English and including sufficient detail.

The resolution forms part of the meeting's minutes.

Note: Section 7(2)(f)(i) (free and frank expression) cannot be used as a ground to exclude the public from meetings.

LGOIMA, s 48.

18.2 Specified individuals may remain

Ka āhei ētahi tāngata ka tautuhia ki te noho atu

A resolution to exclude the public may provide for specified individuals to remain if the meeting believes they have knowledge that will assist the meeting.

If it is proposed that specified individuals should stay, the resolution must state how their knowledge is relevant and will be of assistance.

No resolution is needed for people entitled to be at the meeting (such as relevant staff and officials contracted to the council for advice on the matter).

LGOIMA, s 48(6).

18.3 Public excluded items

Ngā take tūmataiti

The chief executive must indicate, on the agenda, any matter they expect the meeting to consider with the public excluded.

The chief executive may exclude reports, the content or items from reports, expected to be discussed with the public excluded.

LGOIMA, s 46A(8) & (9).

18.4 Non-disclosure of information

Te kore e whāki mōhiohio

Members and officers may only discuss the information relating to public excluded agenda items and reports with another member, an officer, or a person authorised by the chief executive.

This restriction does not apply where a meeting has resolved, or the chief executive has decided, to make the information publicly available because:

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

18.5 Release of information from public excluded session

Te tuku i ngā mōhiohio o tētahi hui tūmataiti

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

The chief executive may release information which has been considered at a public excluded session when it is determined that the grounds to withhold the information no longer exist.

19. Voting Te pōti

19.1 Decisions by majority vote Ngā whakatau mā ngā pōti a te tokomaha

Unless the LGA 2002 or council's standing orders provide otherwise, council and committees must decide all items before a meeting by:

- a) a vote; and
- b) the majority of members that are present and voting.

LGA 2002, Sch. 7, cl 24(1) & (4).

19.2 Open voting Te pōti tuwhera

All items must be determined by open voting.

Everyone present at a meeting must be able to see (or hear) how each individual councillor votes.

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

19.3 Chairperson has a casting vote Mā te Upoko 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 Tikanga pōti

The method of voting must be as follows:

- a) The chairperson, in putting the motion, must:
 - i. call for an expression of opinion on the voices; or
 - ii. take a show of hands; and
 - iii. announce the result.
- b) The chairperson's announcement is conclusive unless it is questioned immediately by a member, in which event the chairperson will call a division.
- c) The chairperson, or a member, may call for a division instead of, or immediately after, voting by voice and/or taking a show of hands.

Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division. The result must be publicly displayed and notified to the chairperson who must declare the result.

19.5 Calling for a division

Te karanga wehewehenga

When a division is called, the chief executive must:

- a) record the names of the members voting for and against the motion
- b) record the names of members abstaining
- c) provide the outcome to the chairperson to declare the result.

The result of the division including members' names and the way in which they voted must be entered into the minutes.

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

19.6 Request to have votes recorded

Te tono kia tuhia ngā pōti

- A member may request their vote, or abstention is recorded in the minutes.
- The request must be received immediately after the vote is taken.
- The minutes must record the member's vote or abstention.
- Recording any other items, such as a members' reason for their vote or abstention, is not permitted.

19.7 Members may abstain

Ka āhei ngā mema ki te noho puku

- A member may abstain from voting.
- A member does not need to provide a reason for their abstention.

20. Conduct

Whanonga

20.1 Calling to order

Te whakatuwhera i te hui

When the chairperson calls members to order they must be seated and stop speaking.

If a member fails to stop speaking and take their seat, the chairperson may direct the member to leave the meeting immediately.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

20.2 Behaviour consistent with Code of Conduct

Me ū ngā whanonga ki te Tikanga Whanonga

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

Ngā whakakahoretanga me ngā whakapāha

The chairperson may require a member, or speaker, to apologise and/or withdraw offending comments where the individual:

- a) has been disrespectful of another member, staff or the public; or
- b) contravened the council's Code of Conduct.

If the member refuses to comply with the chairperson's instruction, the chairperson may:

- a) direct that the individual leave the meeting for a specified time and/or
- b) make a complaint under the Code of Conduct.

20.4 Disorderly conduct – members and public

Whanonga kino – ngā mema me te hunga tūmatanui

A member whose behaviour is disorderly or is creating a disturbance, may be asked by the chairperson to leave the room immediately.

The chairperson must specify whether the member is required to leave for:

- a) the remainder of the meeting; or

- b) a lesser period.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

If the disorder continues the chairperson may adjourn the meeting for a specified time.

20.5 Contempt

Te whakahāwea

Where the chairperson has repeatedly cautioned a member for disorderly conduct the meeting may resolve that the member is in contempt.

The resolution must be recorded in the meeting's minutes.

A member who has been found to be in contempt and continues to be cautioned by the chairperson for disorderly conduct, may be subject to Standing Order 20.6.

20.6 Removal from meeting

Te pana 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:

- a) the member has refused or failed to do so; or
- b) has left the meeting and attempted to re-enter it without the chairperson's permission.

20.7 Financial conflicts of interests

Ngā pānga 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 a meeting, other than an interest that they hold in common with the public.

The nature of the interest does not need to be disclosed.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless:

- a) an exception set out in s 6 of the LAMIA applies to them, or
- b) the Auditor-General has granted an exemption or declaration under s 6(4), 3(a) or 3(aa) of the LAMIA.

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

The chairperson, chief executive and/or the meeting cannot rule on whether a member has a financial interest in the matter being discussed.

The minutes must record any declarations of financial interests and the members' abstention from any discussion and voting on the matter.

LAMIA, ss 3, 6 & 7.

20.8 Non-financial conflicts of interests

Ngā pānga taharua ahumoni

- Non-financial interests involve questions about whether the judgement of a member could be affected by a separate interest, or duty, which that member may have in relation to a particular matter.
- If a member considers that they have a non-financial conflict of interest in a matter that may influence their judgement, they must not take part in the discussions about that matter, or any subsequent vote.
- The member must leave the table when the matter is considered but does not need to leave the room.
- The minutes must record the declaration and member's subsequent abstention from discussion and voting.
- The chairperson, chief executive and/or the meeting cannot rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Te whakaaetanga motuhake i roto i ngā tuhinga hui

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

LGOIMA, s 53.

20.10 Qualified privilege additional to any other provisions

He āpitihanga te whakaaetanga motuhake ki ētahi atu whakaritenga

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies because of any other enactment or rule of law applying to any meeting of the council.

LGOIMA, s 53.

20.11 Electronic devices at meetings

Ngā pūrere hiko i ngā hui

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

21. General rules of debate

Ngā tikanga ahuhānui o te tautohetohe

21.1 Chairperson may exercise discretion

Ka āhei te Upoko ki te whakarite i tāna ake whakatau

The chairperson has discretion to apply any procedural items in this section of Standing Orders as they see fit.

21.2 Time limits on speakers

Ngā tepenga wā mō ngā kaikōrero

The following time limits apply to members speaking at meetings:

- a) movers of motions when speaking to the motion – five minutes;
- b) movers of motions when exercising their right of reply – five minutes; and
- c) other members – five minutes.

Time limits can be extended by:

- a) resolution, or
- b) at the chairperson's discretion.

21.3 Questions to staff

Ngā pātai ki ngā kaimahi

The chairperson has discretion to decide whether questions can be put to staff once the debate has begun.

The chairperson has discretion to determine:

- a) how the question is to be dealt with; or
- b) whether the question needs to be answered or not.

21.4 Questions of clarification during debate

Ngā pātai whakamārama i te wā o te tautohetohe

At any point in a debate a member may ask the chairperson:

- a) for clarification about the nature and content of the motion; and/or
- b) the particular stage the debate has reached.

21.5 Members may speak only once

Kotahi anake te wā e kōrero ai ngā mema

A member, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 - 22.4, may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson.

Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

Te tepenga o te nui o ngā kaikōrero

If three speakers have spoken in support of, or in opposition to, a motion, the chairperson may call for a speaker to the contrary.

If there is no speaker to the contrary, the chairperson must put the motion after the mover's right of reply.

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

21.7 Mover and seconder may reserve speech

Ka āhei te kaimōtini me te kaitautoko ki te tārewa i ā rāua kōrero

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

21.8 Speaking only to relevant items

Te kōrero mō ngā take hāngai anake

Members may only speak to:

- a) a matter on the meeting agenda;
- b) a motion or amendment which they propose; or
- c) to raise a point of order.

Members must confine their remarks strictly to the motion or amendment they are speaking to.

The chairperson's rulings on these items are final and not open to challenge.

21.9 Restating motions

Te whakapuaki anō i ngā mōtini

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

21.10 Criticism of resolutions

Te whakahē tatūnga

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

21.11 Objecting to words

Te whakahē kupu

A member may object to words used by another member in debate and ask that the objection be recorded in the minutes.

The objection must be lodged at the time the words are used, and before any other member has spoken.

The chairperson must order the minutes to record the objection.

Note: This provision does not prevent a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

21.12 Right of reply

Mōtika whakautu kōrero

The mover of a motion has a right of reply.

The mover of an amendment to the motion does not.

In their reply, the mover must confine themselves to answering previous speakers and not introduce any new items.

A mover has only one right of reply. The mover can exercise their right of reply either at the end of the debate on the motion (whether original, substituted or substantive) or at the end of the debate on a proposed amendment.

The original mover may speak once to the principal motion and once to each amendment without losing their right of reply.

If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

Kāore tētahi atu mema e āhei ki te kōrero

No member may speak:

- a) after the mover has started their reply;
- b) after the mover has indicated that they want to forego their reply; or
- c) where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

Ngā mōtini whakatārewa

The carrying of any motion to adjourn a meeting supersedes other business, including business yet to be resolved.

Any adjourned business must be considered at the next meeting.

Business referred to, or referred back to, another decision-making body must be considered at the next ordinary meeting of that body, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

Te whakaae a te Upoko ki ngā mōtini whakakapi

The chairperson may only accept a closure motion where:

- a) there have been at least two speakers for and two speakers against the motion proposed to be closed; or
- b) the chairperson considers it reasonable to do so.

However, the chairperson must put a closure motion if there are no further speakers in the debate.

When the meeting is debating an amendment, the closure motion relates to the amendment.

If a closure motion is carried, the mover of the motion under debate has the right of reply (unless the mover has already exercised that right) after which the chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

Ngā tukanga mō te kōrero me te whakatau mōtini

22.1 Options for speaking and moving

Kōwhiringa ki te kōrero me te mōtini

This subsection provides three options for speaking and moving motions and amendments at a meeting of council and its committees.

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

22.2 Option A

Kōwhiringa A

- a) The mover and seconder of a motion cannot move or second an amendment (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend a matter in the report. In this case the original mover or seconder may also move or second the amendment).
- b) Only members who have not spoken to the motion (whether original, substituted or substantive) motion may move or second an amendment to it.
- c) A member may only move or second one amendment in a debate. It does not matter whether the amendment is carried (and becomes the substantive motion) or lost.
- d) Members can speak to any amendment. The meeting may reword a motion provided that:
 - i. the mover and seconder agree to the rewording; and
 - ii. the majority of members agree to the rewording.

22.3 Option B

Kōwhiringa B

- a) The mover and seconder of a motion cannot move or second an amendment (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also move or second the amendment).
- b) Any members, regardless of whether they have spoken to the motion (whether original, substituted or substantive), may move or second an amendment to it.

- c) The mover or seconder of an amendment that is carried can move or second a subsequent amendment.
- d) A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- e) Members can speak to any amendment.
- f) The meeting may reword a motion provided that:
 - i. the mover and seconder agree to the rewording; and
 - ii. the majority of members agree to the rewording.

22.4 Option C Kōwhiringa C

- a) The mover and seconder of a motion can move or second an amendment.
- b) Any members, regardless of whether they have spoken to the motion (whether original, substituted or substantive), may move or second an amendment to it.
- c) The mover or seconder of an amendment (whether it is carried or lost) can move or second further amendments.
- d) Members can speak to any amendment.
- e) The meeting may reword a motion provided that:
 - i. the mover and seconder agree to the rewording; and
 - ii. the majority of members agree to the rewording.

23. Motions and amendments

Ngā mōtini me ngā menemana

23.1 Proposing and seconding motions

Te whakatakoto me te tautoko mōtini

- All motions, and amendments to motions moved during a debate, must be seconded (including notices of motion).
- The chairperson may then state the motion and propose it for discussion.
- A motion should be moved and seconded before debate but after questions.
- Any motion, including substituted motions and amendments, that are not seconded are not valid and should not be entered in the minutes.
- Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in writing

Ngā mōtini ā-tuhi

The chairperson may require movers of motions, including substituted motions and amendments, to provide them in writing.

23.3 Motions expressed in parts

Ngā mōtini i whakatakotohia ki ngā wāhanga

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

Ngā mōtini whakakapi

The meeting may replace a motion with a substitute provided that:

- a) the substituted motion has been moved and seconded; and
- b) the mover and seconder of the original motion agree to its replacement.

All members may speak to the substituted motion.

23.5 Amendments to motions

Ngā menemana ki ngā mōtini

Subject to standing order 23.6, the meeting may amend a motion provided that:

- a) the motion has been moved and seconded; and
- b) the mover and seconder of the original motion agree to its amendment.

All members may speak to the amendment.

23.6 Amendments must be relevant and not direct negatives

Me hāngai ngā menemana, otirā kia kua e whakakahore

Every proposed amendment must be relevant to the motion under discussion.

Proposed amendments cannot be similar to an amendment that has already been lost.

An amendment cannot be a direct negative to the motion.

Amendments must comply with the decision-making provisions of Part 6 of the LGA 2002.

Reasons for not accepting an amendment include:

- a) not directly relevant;
- b) in conflict with a carried amendment;
- c) similar to a lost amendment;
- d) would negate a committee decision if made under delegated authority;
- e) being in conflict with a motion referred to the governing body by that meeting; or
- f) direct negative.

23.7 Foreshadowed amendments

Ngā menemana i tūtohua

Only one amendment can be debated at a time.

The meeting must dispose of a proposed or existing amendment before a new amendment can be moved.

Members may foreshadow, to the chairperson, an intention to move further amendments and may advise the nature of those amendments.

23.8 Lost amendments

Ngā menemana mūhore

Where a proposed amendment is lost, the meeting will resume the debate on the motion (whether original, substituted or substantive).

Any member who has not spoken to that motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

23.9 Carried amendments

Ngā menemana i mana

Where an amendment is carried;

- a) The motion, incorporating the amendment, becomes the substantive motion.
- b) the meeting will resume the debate on the substantive motion.

Members who have not spoken to the original motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

23.10 Where a motion is lost Ina hinga tētahi mōtini

Where a motion that recommends a course of action is lost, a new motion, with the consent of the chairperson, may be proposed to provide an alternative course of action.

23.11 Withdrawal of motions and amendments Te tango mōtini, menemana hoki

The meeting owns a motion or amendment once it has been moved, seconded and put to the meeting for discussion.

The mover cannot withdraw a motion or amendment without the agreement of the majority of members who are present and voting.

The mover of an original motion cannot withdraw the motion if an amendment has been moved, seconded and put to the meeting for discussion unless the amendment has been lost, or withdrawn .by agreement

Refer to Standing Order 23.4.

23.12 No speakers after reply or motion has been put Kāore e āhei te kōrero i muri i te whakatakoto whakautu, mōtini rānei

No member may speak to a motion once:

- a) the mover has started their right of reply; or
- b) the chairperson has started putting the motion.

24. Revocation or alteration of resolutions

Te whakakore, te whakarerekē rānei i ngā tatūnga

24.1 Member may move revocation of a decision by notice of motion

Ka āhei te mema ki te whakakore i tētahi whakataunga mā te whakatakoto mōtini

A member of a decision-making body may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the same decision-making body.

The notice of motion must set out:

- a) the resolution or part of the resolution which the member proposes to revoke or alter;
- b) the decision-maker and meeting date when the resolution was passed;
- c) the motion, if any, which the member proposes to replace it with; and
- d) sufficient information to satisfy the decision-making provisions of sections 77-82 of Part 6, of the LGA 2002.

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

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

Mā te rōpū nā rātou te whakatau e whakakore

Where a committee, subcommittee, joint committee, other subordinate decision-making body has made a resolution under delegated authority, only that body may revoke or amend the resolution (assuming the resolution has been legally made).

This provision does not prevent the body that delegated authority from removing or amending a delegation.

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

Refer also to Part 6 (Delegations) of these Standing Orders

24.3 Requirement to give notice

Te herenga ki te whakamōhio atu

A notice of motion to revoke, or alter, a previous resolution must:

- a) be in writing;
- b) be signed by not less than one third of the members of the council or body that made the resolution (including vacancies); and

- c) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of intended motion via email including the scanned electronic signatures of members.

If the notice of motion is lost, the chief executive cannot accept a similar notice of motion which is substantially the same in purpose and effect within the next twelve months.

24.4 Restrictions on actions under the affected resolution Ngā herenga o ngā mahi i raro i te tatūnga 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 if, in the opinion of the chairperson:

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

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

24.5 Revocation or alteration by resolution at same meeting Te whakakore, te whakarerekē rānei mā te tatūnga i taua hui tonu

A meeting may revoke or alter a previous resolution made at the same meeting where:

- a) the meeting has received fresh facts or information concerning the resolution during the course of the meeting; and
- b) 75 per cent of the members present and voting have agreed, by resolution, to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report Te whakakore, te whakarerekē rānei mā te tūtohunga i roto pūrongo

The council, on a recommendation in a report by the chairperson, chief executive, a committee or subcommittee, a subordinate decision-making body or a local or community board, may revoke or alter all or part of a resolution passed by a previous meeting.

The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

25. Procedural motions

Ngā mōtini ā-hātepe

25.1 Procedural motions must be taken immediately

Me wawe tonu te pōti mō ngā mōtini ā-hātepe

A procedural motion to close or adjourn a debate takes precedence over other business, except points of order and rights of reply.

If a procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate.

The chairperson must accept a procedural motion to close or adjourn debate:

- a) after two speakers have spoken for the motion and two have spoken against the motion; or
- b) in the chairperson's opinion it is reasonable to accept the closure.

25.2 Procedural motions to close or adjourn a debate

Ngā mōtini ā-hātepe hei whakakapi, hei 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 now be put (a closure motion);
- c) that the matter being discussed be adjourned to a specified time and place and not be further discussed at the meeting;
- d) that the matter of business being discussed lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- e) that the matter being discussed be referred (or referred back) to the relevant committee or local or community board.

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

25.3 Voting on procedural motions

Te pōti mō ngā mōtini ā-hātepe

A majority of members present, and voting, must decide any procedural motion to close or adjourn a debate.

If a procedural motion is lost, no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

Ngā tautohetohe mō ngā take kua whakatārewatia

When debate resumes on items that have been previously adjourned all members can speak on the items.

25.5 Remaining business at adjourned meetings

Ngā take e toe tonu ana i ngā hui kua whakatārewatia

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

25.6 Business referred to the council, committee or local or community board

Ngā take i tohua ki te kaunihera, komiti, poari ā-rohe, hapori rānei

Where a matter is referred to, or referred back to, a committee or a local or community board, the committee or board will consider the matter at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

Ētahi atu momo mōtini ā-hatepe

The chairperson has the discretion to allow any other procedural motion not contained in these Standing Orders.

26. Points of order Ngā ui tikanga

26.1 Members may raise points of order Ka āhei ngā mema ki te tuku ui tikanga

Any member may raise a point of order when they believe these Standing Orders have been breached.

When a point of order is raised, the member who was speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order Ngā kaupapa hei tuku ui tikanga

A member raising a point of order must state precisely what its subject is.

Points of order may be raised for the following subjects:

a.	Disorder	Bringing disorder to the attention of the chairperson.
b.	Language	Highlighting use of disrespectful, offensive or malicious language.
c.	Irrelevance	Informing the chairperson that the topic being discussed is not the matter currently before the meeting.
d.	Misrepresentation	Alerting the chairperson of a misrepresentation in a statement made by a member, an officer or a council employee.
e.	Breach of standing order	Highlighting a possible breach of a standing order which must specify which standing order is subject to the breach.
f.	Recording of words	Requesting that the minutes record any words that have been the subject of an objection.

26.3 Contradictions Ngā whakahorihori

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 Ngā ui tikanga i te wā o te wehewehenga

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 Upoko i ngā ui tikanga

The chairperson may decide a point of order immediately after it has been raised or may choose to hear further argument about the point before deciding.

The chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

Where a point of order concerns the performance of the chairperson, the chairperson will:

- a) refer the point of order to the deputy chairperson; or
- b) if there is no deputy chairperson, another member to hear arguments and make a ruling.

27. Notice of motion

Te pānui mōtini

27.1 Notice of intended motion to be in writing

Me tuhi te pānui mōtini

A notice of intended motion must:

- a) be in writing;
- b) be signed by the mover;
- c) state the meeting at which it is proposed the motion be considered; and
- d) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of an intended motion via email and include a scanned electronic signature of the mover.

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

27.2 Refusal of notice of motion

Te whakakāhore 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;
- b) is not related to the role or functions of the council or the meeting concerned;
- c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make;
- d) is concerned with matters which are already the subject of reports or recommendations to the meeting concerned;
- e) fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should recommend that the proposal is referred to the chief executive for consideration and report; or

- f) concerns a matter where council has delegated decision-making authority to a subordinate body or a local or community board.

Where the refusal is due to f), the chief executive must refer the notice of motion to the appropriate body or board.

The chief executive should provide reasons for refusing a notice of motion to the mover.

27.3 Mover of notice of motion

Te kaimōtini o te pānui mōtini

A meeting may not consider a notice of motion in the absence of the mover unless the mover has provided written authorisation for another member to move the motion.

27.4 Alteration of notice of motion

Te whakarerekē i te pānui mōtini

Only the mover may alter a proposed notice of motion.

Any alteration requires the agreement of a majority of those present at the meeting and must be made at the time the motion is moved.

Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Āhea mōnehu ai 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 tuari i te pānui mōtini ki rōpū kē

Where a notice of motion refers to a matter ordinarily dealt with by a committee of the council or a local or community board, the chief executive must refer the notice of motion to that committee or board.

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

27.7 Repeat notices of motion

Ngā pānui mōtini tārua

When a motion has been considered and rejected by the council or a committee:

- a) No similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

- b) No other notice which, in the chairperson's opinion, has the same effect, may be put while the original motion stands.

28. Minutes Meneti

28.1 Minutes to be evidence of proceedings

Ko ngā meneti te taunakitanga o ngā hui

The council, its committees and subcommittees must authorise and keep minutes of their proceedings.

When confirmed by resolution at a subsequent meeting, or following authorisation by the chairperson (by manual or electronic signature) the minutes will be authenticated and stored in hard or electronic copy.

Once authorised, the minutes are the *prima facie* evidence of the proceedings they relate to.

LGA 2002, Sch.. 7, cl 28.

28.2 Items recorded in minutes

Ngā take i tuhia 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) members absent without apology or leave of absence;
- f) members absent on council business;
- g) the arrival and departure times of members;
- h) any failure of a quorum;
- i) a list of any external speakers and the topics they addressed;
- j) a list of the matter considered;
- k) matter tabled at the meeting;
- l) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders;
- m) the names of all movers, and seconders;
- n) any objections made to words used;

- o) all divisions taken and, if taken, a record of each members' vote;
- p) the names of any members requesting that their vote or abstention be recorded;
- q) any declarations of financial or non-financial conflicts of interest;
- r) the contempt, censure and removal of any members;
- s) any resolutions to exclude members of the public;
- t) the time at which the meeting concludes or adjourns; and
- u) the names of people permitted to stay in public excluded.

Note: hearings under the RMA 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

Kāore e kōrerorerotia ngā take kei 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 tonu 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 council before the next election of members.

29. Keeping a record

Te pupuri mauhanga

29.1 Maintaining accurate records

Te pupuri mauhanga tika

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

A council must maintain all public records that are in its control in an accessible form, to be able to be used for subsequent reference.

Public Records Act 2002, s 17.

29.2 Method for maintaining records

Te tikanga pupuri 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

Tirotirohanga

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

LGOIMA, s 51.

29.4 Inspection of public excluded items

Tirotirohanga o ngā take tūmataiti

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

Referenced documents

Ngā tuhinga i kōrerotia

1. Commissions of Inquiry Act 1908
 2. Crimes Act 1961
 3. Contract and Law Act 2017
 4. Financial Markets Conduct Act 2013
 5. Local Authorities (Members' Interests) Act 1968 (LAMIA)
 6. Local Electoral Act 2001 (LEA)
 7. Local Government Act 1974 and 2002 (LGA)
 8. Local Government Official Information and Meetings Act 1987 (LGOIMA)
 9. Public Records Act 2005
 10. Resource Management Act 1991 (RMA)
 11. Sale and Supply of Alcohol Act 2012
 12. Secret Commissions Act 1910
 13. Securities Act 1978
 14. Chatham Islands Act 1995
-

Appendix 1: Grounds to exclude the public

Āpitianga 1: Ngā take e aukatihia ai te hunga tūmatanui

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

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable any council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

LGOIMA, s 7.

Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public is not excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

LGOIMA, s 48.

Appendix 2: Sample resolution to exclude the public

Āpitianga 2: Tauira o te tatūnga aukati i te hunga tūmatanui

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

1. that the public is excluded from:
 - The whole of the proceedings of this meeting; *(deleted if not applicable)*
 - The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

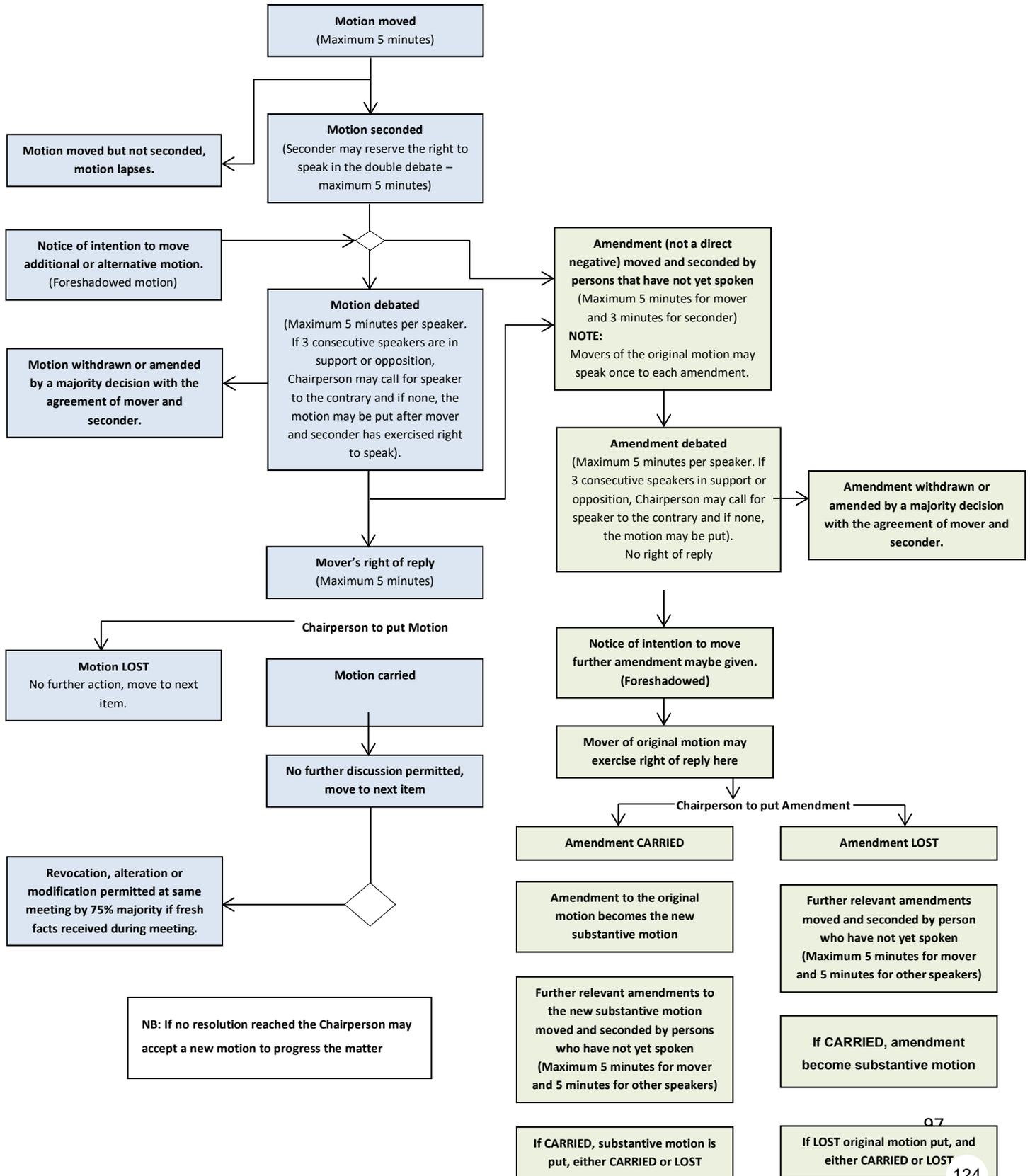
2. That (name of person(s)) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (specify). (Delete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

Appendix 3: Motions and amendments (Option A)

Āpitianga 3: Ngā mōtini me ngā menemana (Kōwhiringa A)

Motions without amendments

Motions with amendments

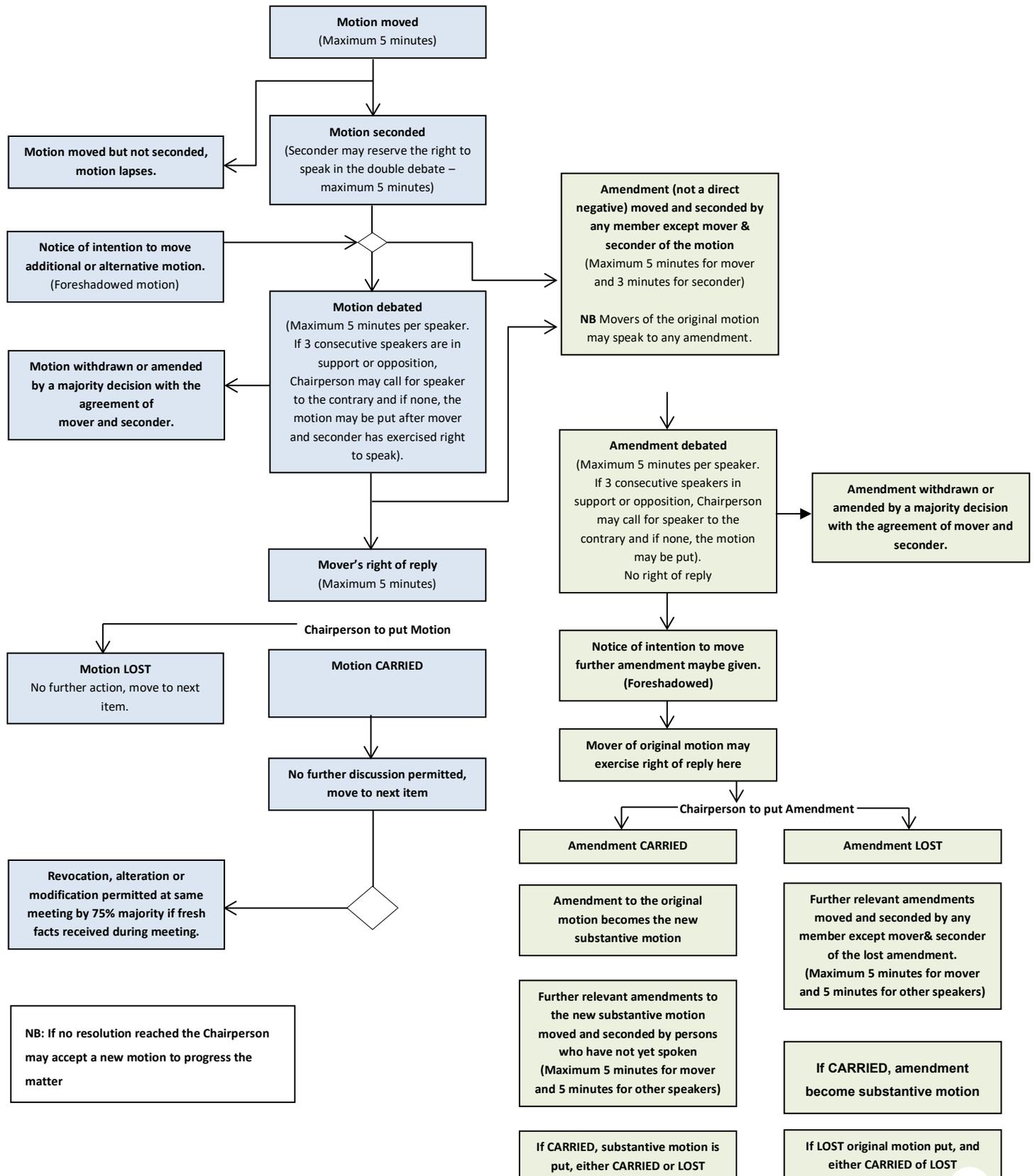


Appendix 4: Motions and amendments (Option B)

Āpitianga 4: Ngā mōtini me ngā menemana (Kōwhiringa B)

Motions without amendments

Motions with amendments

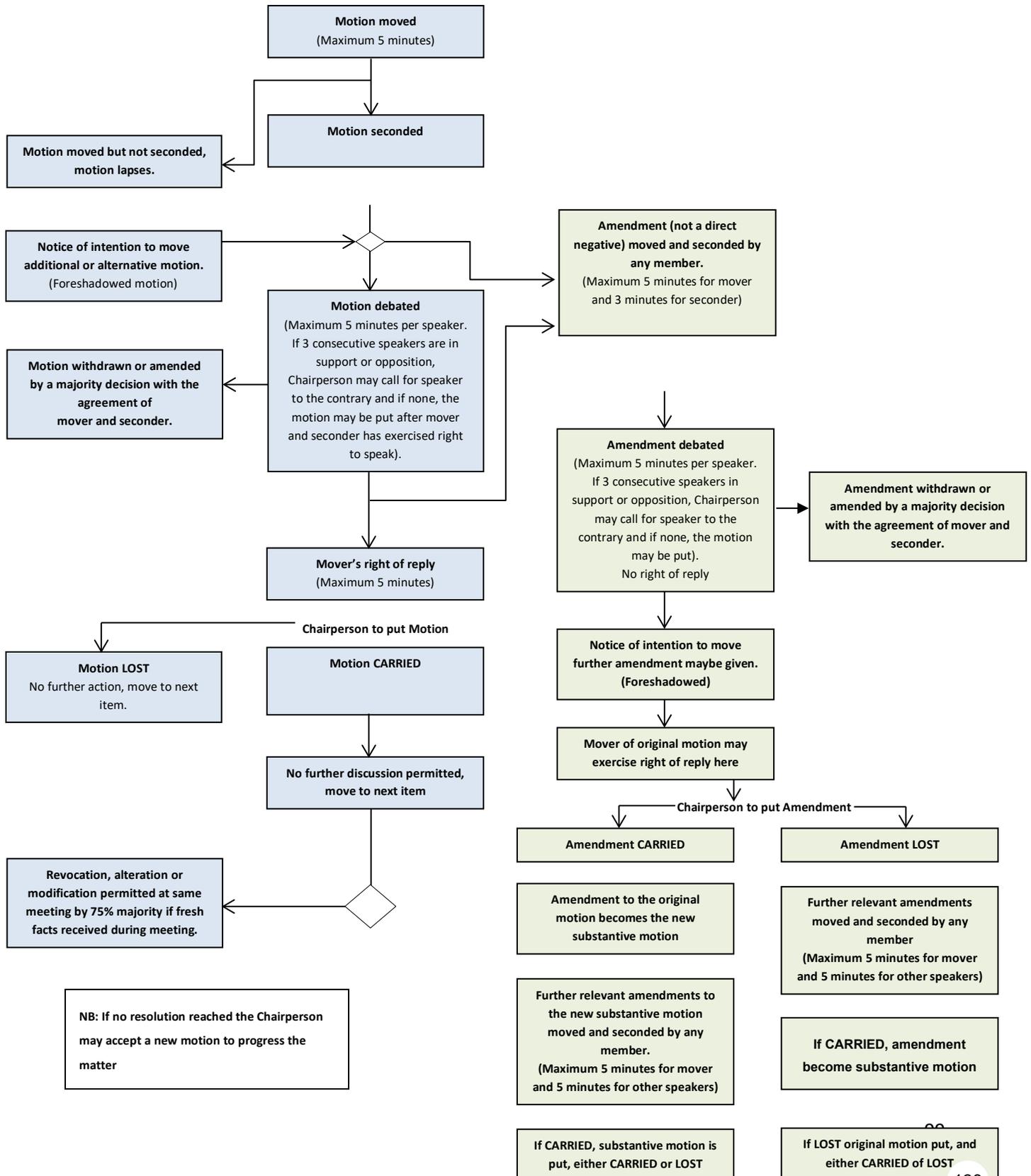


Appendix 5: Motions and amendments (Option C) sample order of

Āpitianga 5: Ngā mōtini me ngā menemana (Kōwhiringa C)

Motions without amendments

Motions with amendments



Appendix 6: Table of procedural motions

Āpitianga 6: Tūtohi o ngā mōtini ā-hātepe

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
(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.
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is 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 7: Powers of a Chairperson

Āpitianga 7: Ngā mana a te Upoko

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

Items not on the agenda (SO.9.12)

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

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

Chairperson's report (SO.9.6)

The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation (SO.9.5)

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

Chairperson may call a meeting (SO. 11.6)

The chairperson:

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

Audio or audio visual attendance (SO.13.10)

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

- a) The technology for the link is available and of suitable quality; and
- b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;

- ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
- iii. The requirements of Part 7 of LGOIMA are met; and
- iv. The requirements in these Standing Orders are met.

Chairperson to decide all questions (SO. 14.4)

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

Chairperson's rulings (SO.14.4)

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

Chairperson rising (SO.14.5)

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

Explanations (SO. 14.6)

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

Members may leave places (SO.14.6)

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

Priority of speakers (SO.14.7)

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

Questions of speakers (SO.16.3)

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

Chairperson's voting (SO19.3)

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

Withdrawal of offensive or malicious expressions (SO.20.3)

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

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

Disorderly behaviour (SO.20.4)

The chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO.20.6)

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

Irrelevant matter and needless repetition (SO.21.8)

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

Taking down words (SO.21.11)

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

Motion in writing (SO.23.2)

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

Motion in parts (SO.23.3)

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

Action on previous resolutions (SO.24.4)

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

Revocation or alteration of previous resolution (SO 24.6)

A chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these Standing Orders.

Chairperson to decide points of order (SO. 26.5)

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

Notice of motion (SO.27.2)

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

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

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

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

Repeat notice of motion (SO.27.7)

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Minutes (SO.28.1)

The chairperson is to sign the minutes and proceedings of every meeting once confirmed. The chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.



Council

2.8 Code of Conduct

Date of meeting	05 November 2025
Author	Paul Eagle, Chief Executive

Purpose

To provide elected members with an overview of the Chatham Islands Council Code of Conduct for the 2025–2028 triennium. The Code is based on the 2022 Local Government New Zealand Code of Conduct template.

Recommendations

That the Chatham Islands Council:

1. **Receives** the report.
2. **Notes** that clause 15 of Schedule 7 of the Local Government Act 2002 requires the Chatham Islands Council to have a Code of Conduct and requires members to comply with the Code of Conduct.
3. **Notes** that the Code of Conduct will be reviewed within the 2025-2028 triennium.

Background

The Code of Conduct sets clear expectations for how elected members are expected to conduct themselves in their official capacity. This includes relationships with the public, Council staff, fellow elected members, and the media. The Code aims to promote integrity, respect, transparency, and accountability across Council activities.

Key points

The Code of Conduct is based on the template prepared by Local Government New Zealand (LGNZ) in 2022.

Clause 15, Schedule 7 of the Local Government Act 2002 requires all councils to adopt a Code of Conduct. In addition, clause 15(3) provides that a council may amend or replace its Code of Conduct but may not revoke it without replacement.

Members are required to comply with the Code of Conduct (however, a breach of the Code of Conduct does not constitute an offence under the Local Government Act 2002).

Any amendments to, or the adoption of a new Code of Conduct requires a vote in support of not less than 75% of the members present.

The Code incorporates both legal obligations and ethical standards, drawing on national frameworks such as the Nolan Principles (eg. selflessness, honesty, leadership) and the principles of Te Tiriti o Waitangi. It promotes:

- Openness and accountability
- Respect and courtesy
- Transparency in decision-making
- Integrity in the use of power or influence
- Commitment to public service and good governance

What the Code covers

The Code outlines expected conduct in the following areas:

- **Confidentiality** – protecting sensitive or confidential Council information.
- **Conflicts of interest** – declaring financial or personal interests that may influence decision-making.
- **Respectful behaviour** – avoiding any form of bullying, harassment, or discrimination.
- **Use of position** – never using Council office for personal gain.
- **Social media** – exercising care in all online communications.
- **Public statements** – clarifying when views expressed are personal or reflect Council policy.

Complaints and Breaches

The Code includes a structured process for resolving issues. Complaints may only be lodged by elected members or the Chief Executive. Breaches are categorised as:

- **Minor breaches** – may be resolved informally through advice, discussion, or mediation.
- **Material breaches** – may require a formal investigation and lead to sanctions or reporting.

The goal is to uphold the integrity of Council decision-making and provide a fair process for accountability.

Implications of the Local Government (System Improvements) Amendment Bill

The Local Government (System Improvements) Amendment Bill, currently before Parliament, proposes centralised changes that would require all councils – including the Chatham Islands Council – to adopt a standardised, mandatory Code of Conduct and Standing Orders issued by the Secretary for Local Government.

This change would replace the current model where councils develop and customise their own Codes, typically based on LGNZ templates. The new standard Code would apply to both elected members and community board members and must be included in official induction processes.

Until the legislation is passed and implemented, either by the end of 2025 or early 2026, the Chatham Islands Council's 2025 – 2028 Code remains valid. Council officers will continue to monitor the Bill's progress and advise on any transitional or compliance requirements.

Attachments

Code of Conduct



Chatham Islands Council

Code of Conduct

11th Triennium 2025-2028

Received at the 5 November 2025 meeting of Council

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1. Introduction

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

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

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

2. Scope

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

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

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

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

3. Values

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

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;

3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.¹

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

4. Role and responsibilities

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

4.1 Members

The role of the governing body includes:

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

¹ See Code of Conduct Guide for examples.

4.2 Chief Executive

The role of the Chief Executive includes:

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

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

5. Relationships

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

5.1 Relationships between members

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

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

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

5.2 Relationships with staff

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

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

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

5.3 Relationship with the public

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

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

6. Media and social media

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

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - Comments shall be consistent with the Code;
 - Comments must not purposefully misrepresent the views of the Council or the views of other members;

- Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
- Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

7. Information

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

7.1 Confidential information

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

7.2 Information received in capacity as an elected member

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

8. Conflicts of Interest

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

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

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

vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

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

9. Register of Interests

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

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

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

10. Ethical behaviour

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

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and

- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

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

11. Creating a supportive and inclusive environment

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

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

12. Breaches of the Code

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

12.1 Principles

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

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:

² A self-assessment template is provided in the Guidance to the code.

- Have a right to know that an investigation process is underway;
- Are given due notice and are provided with an opportunity to be heard;
- Have confidence that any hearing will be impartial;
- Have a right to seek appropriate advice and be represented; and
- Have their privacy respected.

12.2 Complaints

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

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

Complaint referred to Mayor

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

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

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

Complaint referred to Independent Investigator

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

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

⁴ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list

12.3 Materiality

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

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

13. Penalties and actions

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

13.1 Material breaches

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

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

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

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

specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as EquiP.

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

13.2 Statutory breaches

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

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

14. Review

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

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

Appendix A: Guidelines on the personal use of social media

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

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

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

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

The Local Authorities (Members' Interests) Act 1968

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

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

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

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

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

Determining whether a pecuniary interest exists

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

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

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

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?

- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

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

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

The contracting rule

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

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

Non-pecuniary conflicts of interest

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

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

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

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

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

In determining whether or not they might be perceived as biased, members must also 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).

Local Government Official Information and Meetings Act 1987

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

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

See Standing Orders for more detail.

Secret Commissions Act 1910

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

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

Crimes Act 1961

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

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

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

Financial Markets Conduct Act 2013

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

The Local Government Act 2002

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

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

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

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

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

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

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

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

Step 1: Chief Executive receives complaint

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

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

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

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

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

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

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

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

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

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

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

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

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

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

Step 5: Process for considering the investigator's report

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

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

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

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