



# **ATTACHMENTS**

**UNDER SEPARATE COVER**

**Waihemo Community Board**

**17 November 2025**

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**Waitaki**  
District Council  
TE KAUNIHERA Ā ROHE O WAITAKI



# **Draft Code of Conduct for Elected Members**

Anga Tikanga Whanonga  
2025-2028 Triennium

## **Introduction Kupu whakataki**

Congratulations on being elected as a member of local government. Your community has chosen you to represent them and make decisions on their behalf – decisions that will provide benefit for current and future generations. It's an honour that should not be taken lightly.

The way you conduct yourself while participating as a member of your council should reflect the responsibility you have been given. This requires you to be inclusive of all, respectful, and to uphold the mana of your position.

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

It is an important part of building community confidence in our system and processes, and contributes to:

- good governance of the district,
- effective decision-making and community engagement,
- the credibility and accountability of Waitaki District Council to its communities, and
- a culture of mutual trust and respect between members, and with management.

The Code promotes effective working relationships within Council and between Council and the community.

It promotes free and frank debate, which in turn results in good decision-making. It is not a means of preventing members from expressing their personal views, provided they are clearly indicated as personal views. Rather, the Code is designed to promote robust debate and the expression of all views by providing a framework to ensure that debate is conducted in a civil and respectful way.

The Code sets boundaries on standards of behaviour and the *Policy for Investigating and Ruling on Alleged Breaches of the Code of Conduct* provides a means of resolving situations when elected members breach those standards.

## **Review and amendment**

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

# Code of Conduct

## Wāhanga Tuatahi: Anga Tikanga Whanonga

### **Members' commitment** Nga herenga a ngā mema

These commitments apply when conducting the business of the local authority as its representative, and communicating with other members, the media, the public, or staff.

**By adopting the Code of Conduct members agree that they will:**

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

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

*The Waitaki District Council Code of Conduct has been drafted in accordance with the requirements of Clause 15 of Schedule 7 of the Local Government Act 2002, which requires every local authority to adopt a code of conduct for members of the local authority. More detail explaining the Code is set out in Appendix 1.*

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

### 1.1 Definitions

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

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

Local authority means the Council or community board which has adopted this Code.

### 1.2 Te Tiriti o Waitangi

The Waitaki District Council commits to operating in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and acknowledges the following principles:

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

### 1.3 Principles of good governance

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

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

### 1.4 Behaviours

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

- conducting the business of the local authority,
- acting as a representative of the local authority,
- acting as a representative of their electorate,
- communicating with other members, the media, the public and staff, and

- using social media and other communication channels.<sup>1</sup>

Where a member's conduct falls short of these standards, members accept that they may be subject to a complaint made under the *Waitaki District Council Policy for Investigating and Ruling on Alleged Breaches of the Code of Conduct*.

#### **1.4.1 Respect**

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

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

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

#### **1.4.2 Bullying, harassment, and discrimination**

Members will treat all people fairly and will not:

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

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

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

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

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following<sup>2</sup>:

- Age
- Disability
- Ethnic or national origin
- Political opinion
- Sex
- Skin, hair, or eye colour
- Employment status
- Family status
- Religious belief
- Sexual orientation
- Race
- Ethical belief
- Marital status
- Gender identity

#### **1.4.3 Sharing information**

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

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

#### **1.4.4 Expressing personal views publicly**

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

<sup>1</sup> Please refer to the Guidelines for the responsible use of social media in the LGNZ *Good Governance Guide* (2022).

<sup>2</sup> See Human Rights Commission <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>.

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

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

Members will abide by the social media protocols described in Attachment A of LGNZ's *Good Governance Guide* (2022), available at <https://d1pepq1a2249p5.cloudfront.net/media/documents/The-Good-Governance-Guide.pdf>.

#### **1.4.5      Provide equitable contribution**

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

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

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

#### **1.4.6      Disrepute**

Members will not bring the local authority into disrepute.

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

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

#### **1.4.7      Use of position for personal advantage**

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

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

#### **1.4.8      Impartiality**

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

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

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

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

**1.4.9      Maintaining confidentiality**

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

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

# **Draft Policy for Investigating and Ruling on Alleged Breaches of the Elected Member Code of Conduct**

2025-2028 Triennium



## Principles

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

- The complaints process will be independent, impartial, and respectful of members' privacy.
- Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- Members will have a right to seek independent advice, be represented, and, if they choose, be accompanied by a support person throughout the process.
- Complaints will be resolved at the lowest level of resolution possible, with priority given to finding a mediated settlement.
- Complainants, and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution<sup>1</sup>.

## Who can make a complaint?

The Code of Conduct is designed to be a self-regulatory instrument, and complaints regarding a breach of the Code can only be made by members themselves, or the chief executive, who can make a complaint on behalf of their staff. Complaints cannot be made by members of the public using this process. On receipt of a complaint, the chief executive must forward the complaint to an independent person, either an independent investigator or an initial assessor, for an assessment.

## Role of the initial assessor<sup>2</sup>

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

If a complaint is not dismissed, the initial assessor may initiate one of the following:

### 1. Refer to Mayor

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

- that the member attends a relevant training course,
- that the member works with a mentor for a period, or
- that the member tenders an apology.

### 2. Mediation

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

*Complaints that are dismissed, referred to the Mayor, or resolved by mediation will not be reported to the full council.*

### 3. Refer to an independent investigator

Where the initial assessor finds that the complaint is serious or no resolution can be reached and/or mediation is refused, the initial assessor will refer the complaint to an independent investigator. The independent investigator will be selected by the chief executive. Complaints that involve the Mayor, the chair of a committee, sub-committee, or community board, or the chief executive will be referred directly to the independent investigator.

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<sup>1</sup> For example, by enabling both parties to access a council's Employee Assistance Programme (EAP) or elected members' equivalent.

<sup>2</sup> See Appendix 1 §1.2 for advice on the appointment of an Initial Assessor.

### **Role of the independent investigator<sup>3</sup>**

The independent investigator will:

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

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

### **Determining the significance of an alleged breach**

The independent investigator may take whatever actions they need to determine the significance of a complaint, within the budgetary constraints set by the chief executive, including reassessing the complaint.

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

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

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

### **Independent investigator can make a binding rule**

On completing their investigation, an independent investigator may dismiss a complaint or make a binding ruling which the governing body will implement.

The independent investigator's ruling will be contained in a report to the council's chief executive which will form the basis of a consequent report to the governing body to inform them of the decision and the actions that they may be required to take.

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

### **Costs and support**

The council must ensure that members who make a complaint are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support. Such support will be determined by the chief executive. The council will not meet the legal costs of a complainant or respondent unless such costs have been agreed to as being appropriate and reasonable support by the chief executive at the point the complaint is referred to an investigator.

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

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<sup>3</sup> See Appendix 1 §1.2 for advice on the appointment of an Independent Investigator.

## Appendix 1: Guidelines

### 1.1 Process for determining and investigating complaints

#### Step 1: Chief executive receives complaint

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

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

#### Step 2: Initial assessor makes an assessment and arranges mediation

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

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

If the complaint is found to be a breach of the Code of Conduct, the independent investigator will inform the initial assessor and the chief executive. The initial assessor will inform the complainant and respondent.

The independent investigator will then assess the nature and effect of the breach and prepare a report for the council on the seriousness of the breach and recommend actions commensurate with that breach. In preparing that report the independent investigator may:

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

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

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

#### Step 4: Process for considering the investigator's report

The Waitaki District Council's policy for investigating and ruling on complaints provides for an independent investigator's recommendations to be binding on the local authority, therefore:

- The chief executive's report, containing the independent investigator's recommendations and their full report, will be presented to a meeting of the full council for information only.
- The report will be received in a public meeting unless grounds, such as s 48 LGOIMA, exist for the exclusion of the public.
- If the report is not received in a public meeting, the chief executive's report may also outline the plan for the report's public release, for the governing body's information and comments.

## **1.2 Selecting the initial assessor and independent investigator**

### **Selecting an initial assessor**

The chief executive is responsible for this.

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

For example:

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

### **Selecting an independent investigator**

The chief executive is responsible for this.

At the beginning of each triennium the chief executive, will compile a list of independent investigators. The chief executive will notify the Council of the list of independent investigators. In selecting them, a chief executive may consider:

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

The chief executive will select an investigator from the list to undertake a specific investigation based on a range of factors of their determining, including, but not limited to, suitability of skills, availability of the investigators, the size and nature of the complaint, cost and such other factors that may be deemed relevant at the time or to the nature of the complaint.

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

## **1.3 Actions that may be applied when a breach has been confirmed**

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

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

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

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

**Please note:** Actions 1-6 will typically not be reported to the local authority. Actions 7-15, which have a high degree of public interest, namely democratic representation, should be considered in an open meeting, unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987, for not doing so.

#### Responses to statutory breaches

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

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the Local Authorities (Members' Interests) Act 1968).
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under section 44 of the Local Government Act 2002 which may result in the member having to make good the loss or damage).
- Breaches relating to the commission of a criminal offence will be referred to the Police (which may leave the elected member liable for criminal prosecution).

#### 1.4 Legislation which sets standards for ethical behaviour

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

The key statutes that promote ethical behaviour are listed below.

##### Local Government Act 2002 (LGA 2002)

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

- implementing the decisions of the local authority,
- providing advice to members of the local authority and to its community boards, if any, and

- ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an act, regulation, or bylaw, are properly performed, or exercised,
- ensuring the effective and efficient management of the activities of the local authority,
- facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
- providing leadership for the staff of the local authority,
- employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
- negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

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

The LGOIMA 1987 sets rules for ensuring the public can access official information unless there is a valid reason for withholding it. All information should be considered public and released accordingly unless there is a compelling case for confidentiality. Even where information has been classified as confidential, the best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

There are both conclusive and other reasons for withholding information set out in sections 6 and 7 of LGOIMA 1987, which include:

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

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

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

- protect the privacy of natural persons, including that of deceased natural persons,

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

Regarding these ‘other’ reasons, a public interest balancing test applies. In these cases, the Council must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under the LGOIMA 1987 need to be made by the appropriately authorised people within the council, and elected members must work within the rules adopted by the council.

The LGOIMA 1987 also sets out the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

#### ***The role of the Ombudsman***

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament.

An Ombudsman’s primary role under the Ombudsman Act 1975 is to independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under the LGOIMA 1987.

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

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

#### **Local Authorities (Members’ Interests) Act 1968 (LAMIA 1968)**

##### ***Pecuniary interests***

The LAMIA 1968 provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA 1968 has two main rules, referred to here as the contracting rule (in section 3 of the LAMIA 1968) and the participation rule (in section 6 of the LAMIA 1968).

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

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

The LAMIA 1968 does not define when a person is “concerned or interested” in a contract (for the purposes of section 3) or when they are interested “directly or indirectly” in a decision (for the purposes of section 6). However, it does set out two situations where this occurs. These are broadly where:

- a person’s spouse or partner is “concerned or interested” in the contract or where they have a pecuniary interest in the decision, or
- a person or their spouse or partner is involved in a company that is “concerned or interested” in the contract or where the company has a pecuniary interest in the decision.

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

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

In addition to the issue of pecuniary interests, which are addressed through the LAMIA 1968, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider this question: Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?

The question is not limited to actual bias but relates to the appearance or possibility of bias. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any conflicting interest or relationship, and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

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

#### ***Seeking exemption from the Auditor-General***

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA 1968, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

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

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

#### ***Protected Disclosures (Protection of Whistleblowers) Act 2022 (PDA 2022)***

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

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

- an offence,
- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment,
- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial,
- an unlawful, corrupt, or irregular use of public funds or public resources,

- oppressive, unlawfully discriminatory, or grossly negligent, or gross mismanagement by a public sector employee or a person performing a function or duty or exercising power on behalf of a public sector organisation or the Government.

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

#### **Serious Fraud Office Act 1990 (SFOA 1990)**

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

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

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

#### **Local Government (Pecuniary Interests Register) Act 2022 (LGPIRA 2022)**

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

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

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

**Health and Safety at Work Act 2015 (HSWA 2015)**

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

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

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

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

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

**Harmful Digital Communications Act 2015 (HDCA 2015)**

The HDCA 2015 was passed to help people deal with serious or repeated harmful digital communications.

It covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the HDCA 2015 a digital communication should not:

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

More information about the HDCA 2015 can be found at [Netsafe](#).

**1.5 Appendix 1 as guidelines only**

Appendix 1 of this policy is to be interpreted as guidelines, not as part of the Waitaki District Council Code of Conduct or the Waitaki District Council Policy for Investigating and Ruling on Alleged Breaches of the Code, except where it is referenced explicitly. The guidelines in Appendix 1 have been prepared to assist members and officials with implementing the Code of Conduct and Policy for Investigating Alleged Breaches of the Code.



**Waitaki District Council  
Draft Standing Orders for Council  
and Community Boards  
2025-2028 Triennium**



## **Introduction**

### **Kupu whakataki**

These standing orders contain rules for the conduct of meetings of council, committees, subcommittees, and community boards. 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.

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

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

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

## **Principles**

### **Ngā mātāpono**

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 complies 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 and community board 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.

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

**Clear working days**

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

**Committee**

Includes, in relation to a council:

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

**Community board**

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

**Conflict of Interest**

Includes:

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

**Contempt**

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

**Council**

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

**Debate**

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

**Deliberative vote**

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

**Deputation**

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

**Division**

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

**Electronic link**

Both an audio and audiovisual link.

**Emergency meeting**

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

**Extraordinary meeting**

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

**Foreshadowed motion**

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

**Internet site**

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

**Joint committee**

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

**Karakia timatanga**

An opening prayer or blessing.

**Karakia whakamutunga**

A closing prayer or blessing.

**Lawfully excluded**

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

**Leave of absence**

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

**Local authority**

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

**Mayor**

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

**Meeting**

Any first, inaugural, ordinary, extraordinary, emergency or urgent meeting of a local authority 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 24.1 – 24.7.

**Public excluded information**

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

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

**Public excluded session**

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

**Public forum**

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

**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, on the council's website. The notice/notification must be published in at least one daily newspaper circulating in the region or district of the council, or one or more other newspapers that have a combined circulation in that region or district, which is at least equivalent to that of a daily newspaper circulating in that region or district.

**Qualified privilege**

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

**Quasi-judicial**

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

**Quorum**

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

**Resolution**

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

**Right of reply**

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

**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 such as community boards.

Standing Orders apply to any meeting (or part meeting) where the public have 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 or district.

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

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

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

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

### **4.2 Meeting duration**

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. Delegations<sup>1</sup>

Te tuku mana

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<sup>1</sup> 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.

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

Ka taea anake e te kaipupuri 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;
- 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 mematanga 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 mematanga 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 mematanga

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

- there is a vacancy in the membership of the council or committee at the time of the decision; or
- 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 koupounga 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:

- the number of members each party may appoint;
- 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) publicly available on the council's internet site; and
- b) published in at least:
  - i. 1 daily newspaper which circulates in the region or district of the council; or
  - ii. 1 or more other newspapers that have a combined circulation equivalent to the newspaper in i) above.

*LGA 2002 s.5, LGOIMA, s.2 & s 46, (see LGNZ Guide to Standing Orders for more information).*

**8.3 Notice to members - ordinary meetings**

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 ohorere

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:

- list the items to be brought before the meeting;
- include the reports and other attachments associated with the list of items in the agenda; and
- 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 tirotirohanga 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, cl 30A(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 ūkawa

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 ūpaki

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 rongo 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 pāngā 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 ahuwhānui 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**

Mötika 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 kaua 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-hātepe

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 seconds;
- 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 kōreroreroa 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 mauhangā

### 29.1 Maintaining accurate records

#### Te pupuri mauhangā 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 mauhangā

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

#### Tirotirohangā

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

#### Tirotirohangā o ngā take tūmataitī

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

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**Appendix 1: Grounds to exclude the public**

**Āpitihanga 1: Ngā take e aukatihia ai te hunga tūmatanui**

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

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
  - (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - (b) To endanger the safety of any person.
  
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
  - (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information would:
    - i. Disclose a trade secret; or
    - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
  - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
  - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
    - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
    - ii. Be likely otherwise to damage the public interest.
  - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (f) Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment; or
  - (g) Maintain legal professional privilege; or
  - (h) Enable any council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
  - (i) Enable any council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

*LGOIMA, s 7.*

*Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public is not excluded.*

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
  - (a) Be contrary to the provisions of a specified enactment; or
  - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
  - (a) Any proceedings before a Council where:
    - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
    - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
    - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

*LGOIMA, s 48.*

**Appendix 2: Sample resolution to exclude the public**

Āpitihanga 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"><li>i. be contrary to the provisions of a specified enactment; or</li><li>ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).</li></ol>
		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"><li>i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or</li><li>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)).</li></ol>
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

<b>Meeting Item No. and subject</b>	<b>Reason for excluding the public</b>	<b>Grounds for excluding the public</b>
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> <li>i. disclose a trade secret; or</li> <li>ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).</li> </ul>
		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"> <li>• a resource consent, or</li> <li>• a water conservation order, or</li> <li>• a requirement for a designation or</li> <li>• an heritage order,</li> </ul> (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"> <li>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</li> <li>ii. would be likely otherwise to damage the public interest (s 7(2)(c)).</li> </ul>
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

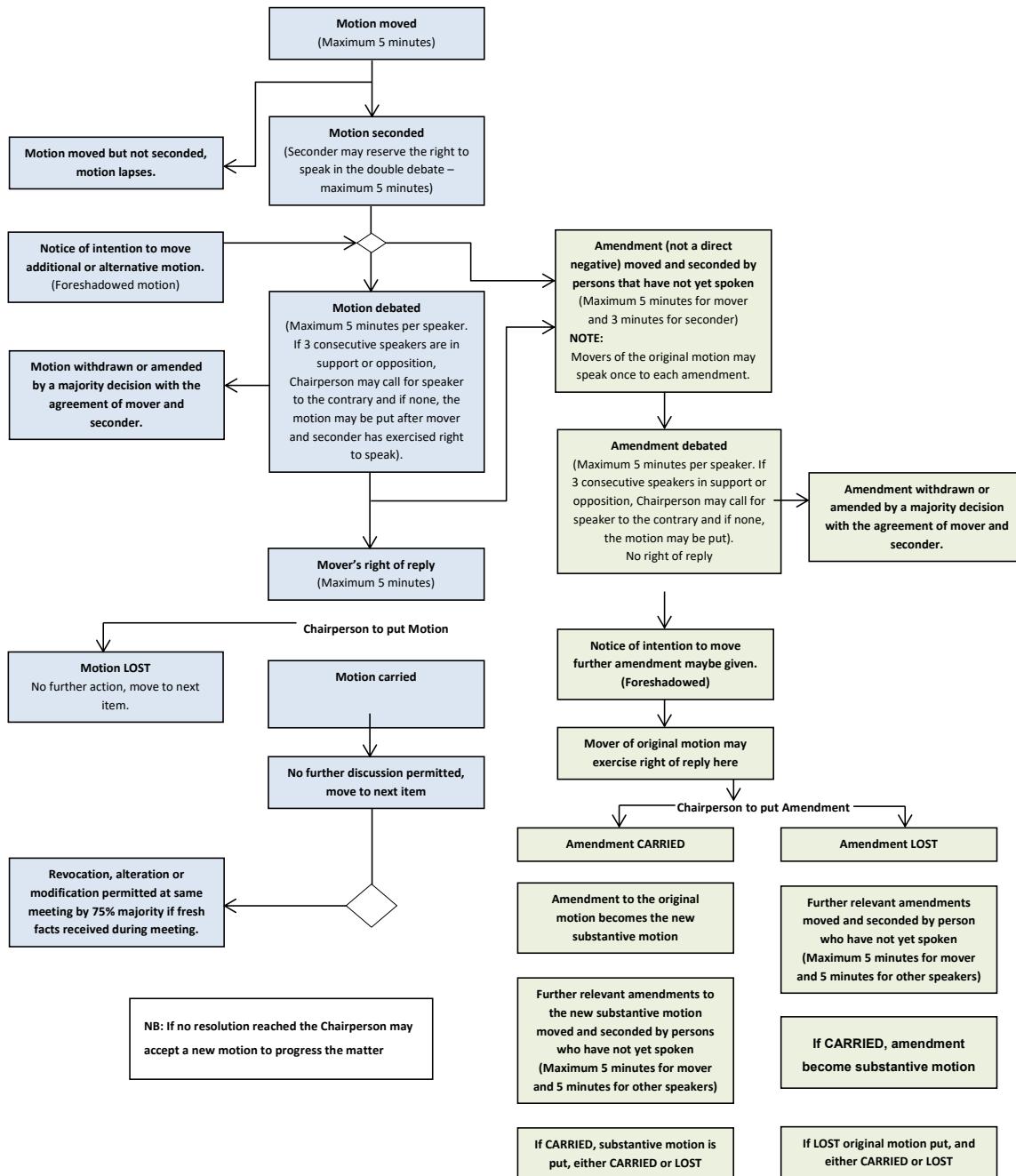
2. That (name of person(s)) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (specify). (Delete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

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

Āpitihanga 3: Ngā mōtini me ngā menemana (Kōwhiringa A)

**Motions without amendments**

**Motions with amendments**





**Appendix 4: Table of procedural motions**  
Āpitihanga 4: 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. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is 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 chairpersons on	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

## **Appendix 5: Powers of a Chairperson**

### **Āpitihanga 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.



