



BAY OF PLENTY  
EMERGENCY MANAGEMENT

GROUP

# Bay of Plenty Civil Defence Emergency Management Group Joint Committee Agenda

## NOTICE IS GIVEN

that the next meeting of the **Bay of Plenty Civil Defence Emergency Management Group Joint Committee** will be held in **Council Chambers, Whakatāne District Council, 14 Commerce St, Whakatāne** on:

**Monday 16 December 2019 commencing at 10:00 am**

Fiona McTavish

Chief Executive, Bay of Plenty Regional Council Toi Moana  
Administering Authority

6 December 2019





# Bay of Plenty Civil Defence Emergency Management Group

## Membership

<b>Members</b>	
Bay of Plenty Regional Council	Cr David Love Cr Stuart Crosby (Alternate)
Kawerau District Council	Mayor Malcolm Campbell Deputy Mayor Faylene Tunui (Alternate)
Ōpōtiki District Council	Mayor Lyn Riesterer Deputy Mayor Shona Browne (Alternate)
Rotorua Lakes Council	Mayor Steve Chadwick Deputy Mayor Dave Donaldson (Alternate)
Tauranga City Council	Mayor Tenby Powell Deputy Mayor Larry Baldock (Alternate)
Western Bay of Plenty District Council	Mayor Garry Webber Still to be confirmed (Alternate)
Whakatāne District Council	Mayor Judy Turner Deputy Mayor Andrew Iles (Alternate)
<b>Quorum</b>	Four members, consisting of the majority of the number of members

## Purpose and Role

The Bay of Plenty Civil Defence Emergency Management Group was established in accordance with Section 12 of the Civil Defence Emergency Management Act 2002 as a joint standing committee of the BOP member Councils under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. Membership includes all local authorities in the Bay of Plenty region. The Group operates pursuant to a Constitution approved by the Councils.

## Power to Act

The Civil Defence Emergency Management Group has a constitution and this specifies the functions and powers of the group.

By virtue of section 12(2) of the Civil Defence Emergency Management Act 2002, this committee is a permanent committee and is **not** deemed to be discharged at, and continues in existence following local authority triennial elections.

Under Section 23(1) of the Civil Defence Emergency Management Act 2002, the Bay of Plenty Regional Council is the Administering Authority for the Civil Defence Emergency Management Group.

Bay of Plenty Civil Defence Emergency Management Group reports to the various Councils.

## Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
  - name of participant;
  - organisation represented (if any);
  - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.



# Agenda

<b>1</b>	<b>Apologies</b>	
<b>2</b>	<b>Public Forum</b>	
<b>3</b>	<b>Acceptance of Late Items</b>	
<b>4</b>	<b>General Business</b>	
<b>5</b>	<b>Declarations of Conflicts of Interests</b>	
<b>6</b>	<b>For Information: Previous Minutes</b>	
<b>6.1</b>	<b>Civil Defence Emergency Management Group Joint Committee Minutes - 27 September 2019</b>	<b>11</b>
<b>7</b>	<b>Reports</b>	
<b>7.1</b>	<b>Confirmation of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee for the 2019 - 2022 Triennium</b>	<b>23</b>
	<ul style="list-style-type: none"><li>• Confirmation of Membership</li><li>• Election of Chairperson</li><li>• Election of Deputy Chairperson</li><li>• Adoption of Standing Orders</li></ul>	
	APPENDIX 1 - CDEM Group Constitution July 2013	29
	APPENDIX 2 - 2019-22 ADOPTED BOPRC Standing Orders	45
<b>7.2</b>	<b>Director Emergency Management Bay of Plenty Update</b>	
<b>7.3</b>	<b>Bay of Plenty Civil Defence Emergency Management Group Controller Appointments</b>	<b>127</b>
	APPENDIX 1 - Schedule 1 - Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers 16 December 2019	131
<b>8</b>	<b>Presentations</b>	
<b>8.1</b>	<b>International Associate Emergency Managers Awards</b>	
	Kristin Hoskin, International Associate Emergency Managers, Oceania Council Vice President will be in attendance to present the IAEM Awards.	
<b>9</b>	<b>Consideration of General Business</b>	





# Previous Minutes



# Minutes of the Civil Defence Emergency Management Group Joint Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Friday, 27 September 2019 commencing at 10.00 a.m.

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## Present:

**Chairman:** Mayor G Brownless (Tauranga City Council)

**Deputy Chairman:** Councillor D Love (Bay of Plenty Regional Council)

**Appointees:** Western Bay of Plenty District Council (WBOPDC): Mayor G Webber  
Whakatāne District Council (WDC): Deputy Mayor Judy Turner (Alternate)  
Ōpōtiki District Council (ODC): Mayor J Forbes  
Kawerau District Council (KDC): Mayor M Campbell

**In Attendance:** Emergency Management Bay of Plenty (EMBOP): Clinton Naude - Director; Matthew Harrex - Manager, Planning & Development; Nic Barnes – Emergency Management Advisor; Andrea Thompson - Personal Assistant  
KDC: Russell George - Chair of Coordinating Executive Group (CEG) & Chief Executive Officer  
BOPRC: Sarah Omundsen - General Manager, Regulatory Services; Donna Llewellyn - In-house Legal Counsel; Merinda Pansegrouw - Committee Advisor  
TCC: Rowan Wallace, Manager Emergency Management  
Other: Hon Peeni Henare - Minister of Civil Defence; Stefan Weir - Private Secretary Civil Defence, Department of the Prime Minister and Cabinet, New Zealand; John Titmus - Regional Coordinator, Ministry of Civil Defence and Emergency Management; Peter Clarke - Area Manager Bay of Plenty District, Fire and Emergency New Zealand; Mah'rufa Cassim - Student, Papamoa College; Sarah Cowie - Teacher, Papamoa College

**Apologies:** Mayor S Chadwick (RLC), Deputy Mayor D Donaldson (Alternate, RLC), Councillor S Browne (Alternate, ODC), Chairman D Leeder (Alternate, BOPRC)

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## 1 Apologies

### Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Accepts the apologies from Mayor S Chadwick, Deputy Mayor D Donaldson, Councillor S Browne and Chairman D Leeder tendered at the meeting.

Campbell/Webber  
CARRIED

## 2 Public Forum

Nil

## 3 Acceptance of Late Item

### Tabled letter received from Hon Peeni Henare - Minister of Civil Defence - Establishment of Disaster Relief Funds (NEMA)

Members noted that correspondence had been received from Hon Peeni Henare Minister of Civil Defence, dated 24 September 2019. The letter was in response to correspondence sent to the Minister following the Civil Defence Emergency Management Group Joint Committee meeting of 21 June 2019, enquiring about future considerations for disaster relief funding.

The Minister's letter would be considered under item 7.7 "*Update on Changes in Emergency Management for New Zealand – Hon Peeni Henare, Minister of Civil Defence*".

## 4 General Business

Nil

## 5 Confidential Business to be Transferred into the Open

Nil

## 6 Declaration of Conflicts of Interest

Nil

## 7 Previous Minutes

### 7.1 Civil Defence Emergency Management Group Joint Committee Minutes - 22 March 2019

#### Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 **Confirms the Civil Defence Emergency Management Group Joint Committee Minutes of 22 March 2019 as a true and correct record.**

Love/Forbes  
CARRIED

## 7.2 **Civil Defence Emergency Management Group Joint Committee Minutes - 21 June 2019**

### **Resolved**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 **Confirms the Civil Defence Emergency Management Group Joint Committee Minutes of 21 June 2019 as a true and correct record.**

Brownless/Turner  
CARRIED

### **Matter arising**

- **Emergency Management System Reform**

Regional Coordinator, Ministry of Civil Defence and Emergency Management John Titmus, advised that as part of the Emergency Management System Reform and amending the Civil Defence Emergency Management Act 2002 accordingly, Principal Policy Advisor - Department of the Prime Minister and Cabinet, Rachel Hyde was available to visit the Bay of Plenty Region and address the Joint Committee should there be any further information/clarification required.

## 7.3 **Director Emergency Management Bay of Plenty Update**

Director, Emergency Management Bay of Plenty Clinton Naude presented the report providing a high level summary of the key developments and activities in the Civil Defence Emergency Management sector.

### **Key Points:**

- Ministry of Civil Defence & Emergency Management (MCDEM) had signed-off and published the 3<sup>rd</sup> edition of the Coordinated Incident Management System (CIMS)
  - Emergency Management Bay of Plenty (EMBOP) would develop an implementation plan for the roll out of CIMS (3<sup>rd</sup> edition) across the Bay of Plenty CDEM Group ensuring that all training, exercises and multi-agency responses reflected CIMS (3<sup>rd</sup> edition) by 1 July 2020
- National Disaster Resilience Strategy came into effect on 10 April 2019 and replaced the previous National Civil Defence Emergency Management Strategy
- International Association of Emergency Managers (IAEM) 2019 Awards: EMBOP and BOPRC, supported by Bay of Plenty Schools had been awarded two international awards for their partnership in the Civil Defence Youth Ambassador Programme. These were: (1) IAEM-Oceania Partners in Preparedness Award and (2) IAEM-Global Partners in Preparedness Award
- Public Warning Systems test for the Bay of Plenty CDEM Group took place on 10 June 2019 - one siren in the Eastern Bay of Plenty did not activate and had subsequently been repaired

- Since there continued to be confusion amongst members of the public understanding the difference between the regional Text Alerting System (an opt-in system) and the National Emergency Mobile Alert (automatically sent to every phone), this would be reviewed in November 2019 following the next national test of the Emergency Mobile Alert System: once the national system reached a 70% coverage, the regional texting alert system would be phased out
- The National Welfare Coordination Group (NWCG) - Angela Reade, Bay of Plenty CDEM Group Welfare Manager has been appointed as one of the CDEM sector representatives to this national group
- Response and Recovery Leadership Programme: Two Bay of Plenty CDEM Group candidates had completed the first Response and Recovery Leadership Programme tier 1 course and one Bay of Plenty CDEM Group candidate had been enrolled on the current Response and Recovery Leadership Programme tier 1 course
- Bay of Plenty CDEM Group Response Seminar was hosted on 10 September 2019 in Mount Manganui. The theme of the seminar was the health sector emergency management
- New Zealand ShakeOut 2019 – next national earthquake drill and tsunami hikoi (walk) scheduled for 17 October 2019.

Members' Comments:

- Commended the Director, Emergency Management Bay of Plenty Clinton Naude on the quantum and quality of work undertaken in the emergency management field within the Bay of Plenty
- Congratulated Bay of Plenty CDEM Group Welfare Manager Angela Reade on being appointed as one of the CDEM sector representatives to the National Welfare Coordination Group
- Acknowledged that there were training issues due to resourcing challenges/maintained that sufficient resourcing/leadership training should be continuously prioritised.

10:17 a.m. Deputy Mayor Judy Turner **entered** the meeting.

## **Resolved**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Director Emergency Management Bay of Plenty Update.**

**Forbes/Campbell  
CARRIED**

## **7.4 Bay of Plenty Civil Defence Emergency Management Group - Recovery Manager Appointments**

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

## **Resolved**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Bay of Plenty Civil Defence Emergency Management Group - Recovery Manager Appointments;**
- 2 Approves the appointment by the Bay of Plenty CDEM Group Joint Committee of Nikki Melvin as a Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Kawerau District, as defined under s30 of the Civil Defence Emergency Management Act 2002;**
- 3 Approves the change in appointment by the Bay of Plenty CDEM Group Joint Committee of Glenn Sutton as Alternate Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Kawerau District, as defined under s30 of the Civil Defence Emergency Management Act 2002;**
- 4 Rescinds the appointment of Jacinda Lean as Alternate Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Tauranga City, as defined under s30 of the Civil Defence Emergency Management Act 2002.**

**Forbes/Brownless  
CARRIED**

## **7.5 Bay of Plenty CDEM Group Annual Report 2018/19**

Director, Emergency Management Bay of Plenty Clinton Naude and Manager, Planning & Development Matthew Harrex presented the Bay of Plenty CDEM Group Annual Report 2018/2019 for approval:

### Key Points:

- 2018/2019 has been a significant year for the Bay of Plenty Civil Defence Emergency Management (CDEM) Group filled with mayor achievements
- A number of successful reviews had followed Cyclone Debbie, Cyclone Cook and the 2017 Edgecumbe flooding event
- A key accomplishment had been the review, update and agreement to the new partnership agreement for the Bay of Plenty CDEM Group - a key recommendation from the 2018 review of the Bay of Plenty CDEM Groups service delivery model
- The past year had seen changes being initiated at national level on enhancing the emergency management system, with progress on the Emergency Management Assistance Team (EMAT) concept, developing the National Emergency Management Agency (NEMA) and amendments to the CDEM Act 2002
- Training was a concern and required focus during the next reporting period alongside the national focus on professionalising the emergency management sector
- Required an objective review of the current workforce model, i.e. needed a better model to ultimately be smarter and offering a shared workforce. This would also address the current training challenges
- Pointed out that in recommendation 3(c), the remaining balance of \$450,000 would be allocated for the following key projects:
  - To establish and maintain a multi-alerting platform
  - To provide additional resource for the development of a Te Ao Māori CDEM Framework
  - To develop bespoke training and public education packages to support formal training
  - To prepare and plan for the application of national and international guidance to the Bay of Plenty context; and
  - Technology improvements.

Members' Comments:

- Current challenges regarding training matters related to a political decision by territorial authorities to retain their own controllers – hence the current structure requiring 22 controllers across the Bay of Plenty region. Accordingly, the responsibility to resource local controllers would vest with the relevant territorial authorities. This arrangement should be challenged/reviewed in the new triennium
- Significant achievements by the Bay of Plenty CDEM Group, as reflected in the Annual Report, should be shared with territorial authorities' communication teams to enable sharing of this information with ratepayers via quarterly panui
- Reaffirmed the importance of committing to the training of resources
- Noted that members were not required to approve a budget, rather consider the utilisation of the current Bay of Plenty CDEM Group Reserve Funds.

Item for Staff Follow-up:

- The current workforce model/structure to be reviewed to ensure the most efficient/cost effective model for emergency management in the Bay of Plenty region.

**Resolved**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Bay of Plenty CDEM Group Annual Report 2018/19;**
- 2 Approves the Bay of Plenty CDEM Group Annual Report 2018/2019;**
- 3 Approves that the current Bay of Plenty CDEM Group Reserve Funds be utilised as follows:**
  - a. A balance of \$400,000 is retained in reserves to cover any unbudgeted response costs;**
  - b. Allocate \$450,000 to the 2020/2021 Bay of Plenty CDEM Group operational budget to lessen the CDEM Group Targeted Rate increase arising from the transition to the new delivery model;**
  - c. The remaining balance of \$450,000 is allocated for specific projects to enhance the capability of the Group over the 2019/20 and 2020/21 financial years.**

**Brownless/Forbes  
CARRIED**

## **7.6 Declaring States of Local Emergency during Local Government Elections**

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

Key Points:

- During local government elections when there may be no-one available to declare a state of local emergency as members could not act as elected representatives until they were sworn in, a state of local emergency could be declared through one of the following options:
  - The Minister of Civil Defence could declare a state of local emergency for a CDEM Group area or any district or ward within that area; or



- In circumstances that provided a period of warning, such as an impending adverse weather event, a council meeting may be called as soon as practicable to have the new council sworn in, allowing the Mayor to declare a state of local emergency.

## Resolved

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Declaring States of Local Emergency during Local Government Elections.**

**Forbes/Brownless  
CARRIED**

## 7.7 Fire and Emergency New Zealand - Establishment of Local Advisory Committees

*Refer Tabled Item 2 – Fact Sheet: Local Advisory Committees - Objective Reference A3387901.*

Peter Clarke, Area Manager Bay of Plenty District, Fire and Emergency New Zealand (FENZ) provided an update on the establishment of Local Advisory Committees:

### Key Points:

- The Fire and Emergency New Zealand Act 2017 had established Local Advisory Committees (LACs) to provide local input into national planning, ensuring that FENZ was responsive to the risks and needs of communities
- LACs would ensure that the voices of local communities were heard, particularly in relation to their risks and needs, and provided a mechanism for ensuring a strong local voice in fire and emergency services
- FENZ would be able to leverage the national network of LACs to better inform its planning processes and to help plan for and mitigate current and future risks, collaboratively with the community
- LACs would be advisory only, and would not be involved in governance, management or operational matters and decisions
- Recent trials had been completed in the Hawke's Bay and West Otago regions, with good learnings in preparation for setting up the next LACs
- The FENZ Board would appoint members to LACs after a nomination and selection process.

### In Response to Questions:

- Establishment of the LAC for the Bay of Plenty region was scheduled to commence June 2020
- LACs would be made up of local people who reflected a range of community interests and had a good understanding of local risks and needs.

## Resolved

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Fire and Emergency New Zealand - Establishment of Local Advisory Committees.**

**Love/Brownless  
CARRIED**

- 11:00 a.m. The meeting **adjourned**.
- 11:15 a.m. The meeting **reconvened**.
- 11:15 a.m. Hon Peeni Henare - Minister of Civil Defence and Stefan Weir - Private Secretary Civil Defence, Department of the Prime Minister and Cabinet, New Zealand **entered** the meeting.

## 7.8 Youth Ambassadors

*Refer Tabled Item 3 – Letter of appreciation presented to Mah'rufa Cassim from Mayor Brownless on behalf of Bay of Plenty Civil Defence Emergency Management Group - Objective Reference A3387901*

Civil Defence Youth Ambassador/Papamoa College Student Mah'rufa Cassim presented to members, and special guest, Hon Peeni Henare, Minister of Civil Defence the benefits of being part of the Civil Defence Youth Ambassador Programme, both as an attendee in 2018 and a mentor in 2019:

### Key Points:

- Obtained a much broader understanding of what civil defence emergency management involved
- Gained an increased understanding of natural hazards and appropriate disaster and emergency response processes and how students could take an active role
- Developed leadership skills
- Could assist with raising awareness of civil defence matters both at school and in the community
- Enjoyed the engagement with civil defence emergency staff members
- Helped her with a school project "Future focussed" and preparing the school to be ready for disasters
- The opportunity to participate in teamwork had helped improve skills such as communication, critical thinking, patience and project work
- Papamoa College/community benefitted from her participation – made connections and created an increased awareness/interest by educating her peers
- Expressed appreciation for the opportunity to both learn and contribute.

Hon Peeni Henare, Minister of Civil Defence thanked Mah'rufa for the great work she had achieved in her school and community.

Emergency Management Advisor Nic Barnes provided a brief overview of what the Civil Defence Youth Ambassador Programme involved: It was an internationally recognized workshop for students run by Emergency Management Bay of Plenty focussing on emergency preparedness and disaster response. The objective of the programme was to train students from every high school in the Bay of Plenty to become civil defence leaders.

Members noted that Emergency Management Bay of Plenty and the Bay of Plenty Regional Council, supported by Bay of Plenty Schools have been awarded two international awards for their partnership in the Civil Defence Youth Ambassador Programme. These were: (1) IAEM-Oceania Partners in Preparedness Award and (2) IAEM-Global Partners in Preparedness Award.

Mayor Brownless, on behalf of Bay of Plenty Civil Defence Emergency Management Group, presented Mah'rufa Cassim with a letter of appreciation for her engagement and commitment towards the Civil Defence Youth Ambassador Programme.

## 7.9 Update on Changes in Emergency Management for New Zealand – Hon Peeni Henare, Minister of Civil Defence

Refer Tabled Item 1 – Letter from Hon Peeni Henare, Minister of Civil Defence – Disaster Relief Funds (NEMA) dated 24 September 2019 - Objective Reference A3379514

Hon Peeni Henare, Minister of Civil Defence provided a verbal update on recent changes in emergency management for New Zealand:

### Key Points raised by Hon Peeni Henare:

- Congratulated all on being awarded two international awards for their partnership in the Civil Defence Youth Ambassador Programme
- Expressed appreciation and support for involving youth in civil defence emergency management matters
- Following the Technical Advisory Group's report into how New Zealand responded to natural disasters and emergencies, a multi-year work programme was developed to deliver extensive changes to New Zealand's emergency response system: the outcome being the development of the National Emergency Management Agency (NEMA), Emergency Management Assistance Teams (EMAT) and amendments to the CDEM Act 2002
- Purpose of NEMA was to (1) lift the mana of the civil defence portfolio by including it in the Prime Minister's Office and (2) to allow it to adapt and grow with the needs of the regions
- Emphasized the importance of regional leadership/growth. NEMA provided an opportunity to develop this along with the development of standards for crisis response at a regional level
- Emergency Management Assistance Team (EMAT) – “fly-in teams” would be providing specialist skills and better responses to natural disasters and other emergencies and would ensure that New Zealanders received a consistent level of support in any emergency, wherever and whenever it happened
- Emphasised that the changes required unity and a cohesive response
- Highlighted that the changes were in the interest of all new Zealanders and required the support of all the regions; encouraged and challenged all to embrace NEMA/EMAT and provide continuous feedback
- Stressed the importance of having serious discussions on matters relating to resilience and recovery. These needed to include all portfolios across national government
- Acknowledged the important role played by emergency management and thanked all for their continued commitment.

### Members' Comments:

- With regards to recovery and resilience in communities, in the past, Mayoral Relief Funds had been utilised to assist communities post severe events, and National Government had matched every dollar contributed by a Mayoral Relief Fund. Suggested that since incentivisation was an effective tool to assist communities with resilience and recovery, consideration be given to re-introduce the principle
- Expressed concern about the financial burdens carried by smaller local councils post extreme events
- Although local government was responsible for civil defence emergency management, no funding was provided for this - hence creating a tension between

the level/quality of service delivery required and rates to be levied (an example was sending staff members for training which would have an impact on business as usual/costs of resources).

**Resolved**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the letter from Hon Peeni Henare, Minister of Civil Defence – Disaster Relief Funds (NEMA) dated 24 September 2019.**

**Forbes/Webber  
CARRIED**

**8. General Business**

End of Triennium Words of Appreciation

Chairman Mayor Brownless thanked members, in particular the retiring mayors, and staff for their continued support during this triennium as well as their valuable contribution towards emergency management in the Bay of Plenty Region.

He conveyed his best wishes to all for the upcoming Local Government Elections.

**The meeting closed at 12:00 p.m.**



\_\_\_\_\_  
Mayor Greg Brownless – Chairperson  
Civil Defence Emergency Management  
Group Joint Committee



\_\_\_\_\_  
Date



\_\_\_\_\_  
Russell George  
Chair of Coordinating Executive Group



\_\_\_\_\_  
Date

# Reports



**Report To:** Civil Defence Emergency Management Group Joint Committee

**Meeting Date:** 16 December 2019

**Report From:** Clinton Naude, Director, Emergency Management Bay of Plenty

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## **Confirmation of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee for the 2019 - 2022 Triennium**

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### **Executive Summary**

At its first meeting following a local authority triennial election the Bay of Plenty Civil Defence Emergency Management Group (CDEMG) is required to elect its Chairperson and Deputy Chairperson for the three year term of the triennium.

Until these positions have been appointed the Chairperson of the Bay of Plenty CDEM Coordinating Executive Group will open and chair the meeting. This report sets out the process to conduct that election. The report also seeks confirmation of the standing orders to be used by the CDEMG Joint Committee (Joint Committee) and confirmation of membership.

### **Recommendations**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Confirmation of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee for the 2019 - 2022 Triennium;**
- 2 Confirms its membership is:**
  - a. Bay of Plenty Regional Council; Councillor David Love and Councillor Stuart Crosby (alternate)**
  - b. Kawerau District Council; Mayor Malcolm Campbell and Deputy Mayor Faylene Tunui (alternate)**
  - c. Ōpōtiki District Council; Mayor Lyn Riesterer and Deputy Mayor Shona Browne (alternate)**
  - d. Rotorua Lakes Council; Mayor Steve Chadwick and Deputy Mayor David Donaldson (alternate)**
  - e. Tauranga City Council; Mayor Tenby Powell and Deputy Mayor Larry Baldock (alternate)**

- f. **Western Bay of Plenty District Council; Mayor Garry Webber (Alternate still to be confirmed)**
  - g. **Whakatāne District Council; Mayor Judy Turner and Deputy Mayor Andrew Iles (alternate)**
- 3 **Confirms System B as its voting system to elect a Chairperson and a Deputy Chairperson as set out in Clause 25, Schedule 7 of the Local Government Act 2002;**
  - 4 **Elects the Group Chairperson for the 2019-2022 local authority triennium;**
  - 5 **Elects the Group Deputy Chairperson for the 2019-2022 local authority triennium;**
  - 6 **Adopts as its standing orders the document attached as Appendix 2, as adopted by the administering authority on 26 November 2019 pursuant to Clause 27 (1) and (2), Schedule 7 of the Local Government Act 2002, and Section 19(1) of the Civil Defence Emergency Management Act 2002;**
  - 7 **Confirms the following 2020 meeting dates:**
    - a. **Friday, 27 March 2020**
    - b. **Friday, 26 June 2020**
    - c. **Friday, 25 September 2020**
    - d. **Friday, 18 December 2020.**

## **1 Background**

The “Bay of Plenty Civil Defence Emergency Management Group Constitution (July 2013)” (“the constitution”) directs the governance arrangements for the CDEMG. The constitution determines that the CDEMG be established as a joint committee under the Local Government Act 2002. The constitution is attached to this report, **Appendix 1**.

## **2 Membership**

Under clause 3.5 of the constitution it determines that: “Each local authority will be represented on the Group by one person only, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson (“Representative”). ”

The delegated alternate representative shall represent their respective local authority on the CDEMG in the absence of the mayor or chairperson of that local authority.

## **3 Administering Authority**

Clause 10.1 of the constitution states that: “Under section 23 of the Civil Defence Emergency Management Act 2002, the administering authority for the Group is the Bay of Plenty Regional Council. The administering authority is responsible for providing administrative and related services that are required by the Group. The



functions of the Administering Authority are described in section 24 of the Act and in the Service Level Agreement.”

## **4 Election of Joint Committee Chairperson and Deputy Chairperson**

Under Clause 13.1 of the constitution, it determines that; “The Group will appoint its Chairperson and Deputy Chairperson at the first meeting of the Group following each triennial Local Government Election.”

Under Clause 25, Schedule 7 of the Local Government Act 2002 if a vote is required, the joint committee must select a voting system to elect its Chair and deputy. The two voting system options are set out below.

The Chair of the CDEM Coordinating Executive Group will conduct the election and firstly ask the CDEMG to confirm its voting system for each appointment (should it be needed), and once this has been decided, will then call for nominations. It is proposed that each nomination for each position (and vote) be dealt with separately.

It is recommended that the CDEMG confirms System B as its voting system. System B aligns with Clause 13.2 of the constitution, which states there will only be one round of voting and if two or more candidates ties for the most votes, the tie will be resolved by lot.

### **4.1 Voting Systems**

Under Clause 25, Schedule 7 of the Local Government Act 2002, if a vote is required the following provisions apply:

*“Voting Systems for Certain Appointments*

- (1) *This clause applies to-*
- (a) *the election or appointment of the chairperson and deputy chairperson of a regional council; and*
  - (b) *the election or appointment of the deputy mayor; and*
  - (c) *the election or appointment of the chairperson and deputy chairperson of a committee; and*
  - (d) *the election or appointment of a representative of a local authority.*

*If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting.*

- (a) *the voting system in subclause (3) (system A):*
- (b) *the voting system in subclause (4) (system B).”*

*“(3) System A-*

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

## **5 Standing Orders**

Under Clause 12.2 of the constitution, representatives may agree to use other standing orders in accordance with the provisions of Section 19 (1) of the Civil Defence Emergency Management Act 2002 (CDEM Act).

Section 19 (1) of the CDEM Act states that if three quarters of the representatives of the CDEMG agree, they may follow standing orders other than the New Zealand Standard for standing orders.

Bay of Plenty Regional Council (BOPRC) adopted the new Standing Orders on 26 November 2019. Some minor amendments to the LGNZ model standing orders have been made. Those relevant to the Joint Committee are:

- Emergency Meetings procedures (Clause 8.5);
- Members recorded as “absent on Council business” in Minutes when advised of attendance on other Council Business (Clause 13.4);
- Clearer definition of “working days” (Clause 2);

- Provision for keeping digital Minutes (Clause 29.2) and insertion of Chairs' digital signatures (Clause 28.4);
- Inclusion of council's website as a means of giving public notice;
- Status of Workshops (Appendix 10) - At the time of scheduling a workshop, the Chairperson or Committee Chairperson has the discretion to determine whether a workshop will be open to the public or conducted as a public excluded workshop.

These changes have been incorporated into the draft Standing Orders attached to this report, **Appendix 2**.

In adopting the proposed Standing Orders the Local Government Act 2002, Schedule 7, Part 1, Clause 27(3), requires a vote of not less than 75% of the members present (i.e. 11 members in favour if all 14 members are present).

It is recommended the CDEMG adopt the new Standing Orders for the 2019-2022 triennium, as appended to this report as **Appendix 2**.

## **6 Quorum**

Under Clause 12.4 of the constitution it determines that the quorum for a meeting will consist of; “ ... *half the members if the number of members (including vacancies) is even; or a majority of members if the number of members (including vacancies is odd.*” This is consistent with the Bay of Plenty Regional Council Standing Orders.

Therefore a quorum for the CDEMG is four members.

## **7 2020 Meeting Dates**

The following dates are confirmed for Group Meetings in 2020:

- Friday, 27 March 2020
- Friday, 26 June 2020
- Friday, 25 September 2020
- Friday, 18 December 2020

## **8 Budget Implications**

There are no specific financial implications arising from this report.

All Bay of Plenty Civil Defence Emergency Management Group budgets are provided for in the local authority Long Term Plans.

**for Russell George, CDEMG Coordinating Executive Group Chairman**

Clinton Naude  
**Director, Emergency Management Bay of Plenty**

**6 December 2019**

# **APPENDIX 1**

## **CDEM Group Constitution July 2013**





# **Bay of Plenty Civil Defence Emergency Management Group**

## **CONSTITUTION**

### **Parties:**

**Bay of Plenty Regional Council  
Kawerau District Council  
Opotiki District Council  
Rotorua District Council  
Tauranga City Council  
Western Bay of Plenty District Council  
Whakatane District Council**

July 2013

Bay of Plenty Civil Defence Emergency Management Group  
C/O Bay of Plenty Regional Council  
5 Quay Street  
PO Box 364  
Whakatāne 3158  
New Zealand

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## 1. Parties

1.1 Each of the following local authorities is a Party to this Constitution and is a Member of the Bay of Plenty Civil Defence Emergency Management Group:

- (a) Bay of Plenty Regional Council;
- (b) Kawerau District Council;
- (c) Opotiki District Council;
- (d) Rotorua District Council;
- (e) Tauranga City Council;
- (f) Western Bay of Plenty District Council; and
- (g) Whakatane District Council.

## 2. Definitions

2.1 In this Constitution:

"Act" means the Civil Defence Emergency Management Act 2002 (as amended, supplemented or replaced from time to time).

"Administering Authority" means the Bay of Plenty Regional Council.

"Bay of Plenty Region" means the Bay of Plenty Region as defined in the Local Government (Bay of Plenty Region) Reorganisation Order 1989.

"Co-ordinating Executive Group" or "CEG" means the Co-ordinating Executive Group established pursuant to section 20(1) of the Act and clause 16 of this Constitution.

"Constitution" means this Constitution which sets out the obligations and rules of operation for the Group and which has been adopted by resolution of the Group.

"Founding Constitution" means the Bay of Plenty Civil Defence Emergency Management Group Constitution to which each Party listed in clause 1.1 is a party and which was adopted by the Group on 4 August 2003.

"Group" or "CDEM Group" means the joint standing committee of mayors/chairperson of local authorities within the Bay of Plenty Region established pursuant to section 12 of the Act and under the Founding Constitution.

"Group Emergency Management Office" means the Emergency Management Office established under clause 17 of this Constitution.

"Group Controller" means a person appointed under clause 21 of this Constitution and pursuant to section 26 of the Act to discharge and perform the functions, powers and duties of Group Controller of the Bay of Plenty Region as set out in section 28 of the Act.

"Group Plan" means the Bay of Plenty Civil Defence Emergency Group Plan prepared by the Group in accordance with the Act and clause 15 of this Constitution.

"Member" and "Members" means a local authority (including the Bay of Plenty Regional Council) that is a member of the Group.

"Party" or "Parties" means a party to this Constitution.

"Reference Documents" has the meaning set out in clause 6.1.

"Representative" has the meaning set out in clause 3.5.

"Service Level Agreement" has the meaning set out in clause 6.1(b).

"Standing Orders" means the New Zealand Standard Model Standing Orders for Meetings of Local Authorities and Community Boards (NZS 9202:2003), or any New Zealand Standard substituted for that standard.

### **3. Membership of the Group**

- 3.1 The Group was established in accordance with section 12 of the Act as a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 pursuant to the Founding Constitution.
- 3.2 The Group is known as the Bay of Plenty Civil Defence Emergency Management Group.
- 3.3 Each local authority named in this Constitution is required to be a Member of the Group pursuant to section 13(1) of the Act.
- 3.4 The members of the Group are those local authorities named in clause 1.1 of this Constitution, and any other local authorities lying partly within the boundaries of the Bay of Plenty region who, by resolution of the Members, are permitted to join the Group.
- 3.5 Each local authority will be represented on the Group by one person only, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson ("Representative").
- 3.6 Pursuant to clause 30(9) of Schedule 7 of the Local Government Act 2002, the power to discharge any individual Representative and appoint his or her replacement must be exercised only by the Member that made that appointment.
- 3.7 Each Member's Representative must be reaffirmed by each Member as soon as practicable following each triennial Local Government election.

### **4. Adoption of Constitution**

- 4.1 This Constitution replaces the Founding Constitution and will come into force on the date that:
  - (a) The Group passes a unanimous resolution revoking the Founding Constitution and adopting this Constitution; and

(b) The last Member to sign signs this Constitution.

4.2 The Founding Constitution will be revoked and will cease to have effect from the date on which this Constitution is adopted.

4.3 The terms of this Constitution may only be amended by unanimous written resolution of the Group.

## 5. Purpose of Constitution

5.1 The purpose of this Constitution is to:

(a) Set out the purposes, functions, powers, and duties of the Group and its Members in accordance with the requirements of the Act,

(b) Provide for the administrative arrangements of the Group, and

(c) Set out the rules relating to the conduct and operation of the Group.

5.2 For the avoidance of doubt, in the event of any inconsistency between the terms of the Act and the terms of this Constitution, the Act will prevail.

## 6. Documents Incorporated by Reference

6.1 The following documents (as amended, supplemented or replaced by unanimous resolution of the Group) are incorporated by reference and form a part of this Constitution ("Reference Documents"):

(a) The Policy for the Appointment and Development of Controllers (January 2013).

(b) The Service Level Agreement between the Bay of Plenty Regional Council and the Bay of Plenty CDEM Group relating to the provision of administrative functions to the Group by the Bay of Plenty Regional Council ("Service Level Agreement").

(c) The Co-ordinating Executive Group's Terms of Reference.

6.2 The Parties acknowledge that nothing in the Reference Documents may derogate from, or be inconsistent with, the Act or the terms of this Constitution. In the event of any inconsistency between the Reference Documents and:

(a) The Act, the Act will prevail; and

(b) This Constitution, this Constitution will prevail.

## 7. Functions of the Group

7.1 The functions of the Group and of each Member are described in the Act, including but not limited to, sections 17-20, 25-27, 48, 56, 59 and 64. Key functions of the Group are also described in clause 7.2 below and in the following parts of this Constitution.

7.2 Section 17 of the Act states that the functions of a Civil Defence Emergency Management Group, and of each member, include:

(a) In relation to relevant hazards and risks:

- (i) Identifying, assessing, and managing those hazards and risks;
  - (ii) consulting and communicating about risks; and
  - (iii) identifying and implementing cost-effective risk reduction;
- (b) Taking all steps necessary on an on-going basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel. This includes volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area;
  - (c) Taking all steps necessary on an on-going basis to maintain and provide, or to arrange the provision of material, services, information, and any other resources for effective civil defence emergency management in its area;
  - (d) Responding to and managing the adverse effects of emergencies in its area;
  - (e) Carrying out recovery activities;
  - (f) When requested, assisting other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups);
  - (g) Within its area, promoting and raising public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the Act;
  - (h) Monitoring and reporting on compliance within its area with the Act and legislative provisions relevant to the purpose of the Act,
  - (i) Developing, approving, implementing, and monitoring a civil defence emergency management group plan and regularly reviewing the plan;
  - (j) Participating in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan; and
  - (k) Promoting civil defence emergency management in its area that is consistent with the purpose of the Act.

## 8. General Powers of the Group

- 8.1 Pursuant to section 18 of the Act, the Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to Members, the Group Controller or other persons.
- 8.2 Without limiting the generality of section 18 of the Act, the Group may:
  - (a) Recruit and train volunteers for civil defence emergency management tasks;

- (b) Conduct civil defence emergency management training exercises, practices, and rehearsals;
- (c) Issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or any civil defence emergency management plan;
- (d) Provide, maintain, control, and operate warning systems;
- (e) Provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency; and
- (f) Exercise any other powers that are necessary to give effect to any civil defence emergency management plan.

## 9. **Obligations of Members**

### 9.1 Each Member of the Group will:

- (a) Appoint one elected representative to the Group;
- (b) Pursuant to section 20(1) of the Act, appoint its chief executive officer or a person acting on the chief executive officer's behalf to the Co-ordinating Executive Group;
- (c) Participate in the preparation of, and agree to, the content of the Group Plan;
- (d) Contribute technical expertise and resources to maintain an effective Group and local level civil defence emergency response capability; and
- (e) Provide to the Group the information (or reports) that may be required by it to discharge its powers, functions and duties under the Act and the Group Plan; and
- (f) Provide its share of funding to the Group as required pursuant to the terms of the Group Plan, the Service Level Agreement, the Group budget (agreed by the Members pursuant to clause 18 of this Constitution) or as otherwise agreed in writing by the Members of the Group.

9.2 Each local authority Member of the Group will be responsible for the risk reduction, readiness, response and recovery arrangements required of it under the Act, and under the Group Plan, or as otherwise agreed by the Group.

9.3 Every obligation, agreement, covenant, responsibility and liability under the Group Plan is binding and enforceable on every Member of the Group.

## 10. **Administering Authority**

10.1 Pursuant to section 23 of the Act, the Administering Authority for the Group is the Bay of Plenty Regional Council. The Administering Authority is responsible for providing administrative and related services that are required by the Group. The functions of the Administering Authority are described in section 24 of the Act and in the Service Level Agreement.

10.2 The costs payable to, and recoverable by, the Administering Authority for the services provided to the Group are set out in the Service Level Agreement.

10.3 The relationship between the Administering Authority, the Co-ordinating Executive Group and the Group Emergency Management office is described in the Service Level Agreement.

**11. Representatives to have full Delegated Authority**

11.1 Each local authority Member agrees to give full delegated authority to its Representative in order to enable the Group to exercise the functions, powers, and duties of Members under the Act within approved Group budgets (including those functions, powers and duties referred to in clauses 7 and 8 of this Constitution).

11.2 At meetings of the Group, each Member's Representative is expected to have full authority to vote and make decisions on behalf of that Member in respect of the matters referred to in clause 11.1 above.

**12. Meetings**

12.1 The Group must follow the Standing Orders at its meetings.

12.2 Representatives may agree to amend the Standing Orders, or agree to use other standing orders, only in accordance with provisions of section 19(1) of the Act.

12.3 Meetings of the Group will be held at such times and places as agreed by the Members, provided that there will be no less than three (3) meetings held in each calendar year.

12.4 A meeting will be duly constituted if a quorum is present. Pursuant to clause 30(9) of Schedule 7 of the Local Government Act 2002, the quorum for a meeting will consist of:

- (a) Half of the Members if the number of Members (including vacancies) is even; or
- (b) A majority of Members if the number of Members (including vacancies) is odd.

12.5 A representative of the Ministry of Civil Defence and Emergency Management will be entitled to attend Group meetings and meetings of the Co-ordinating Executive Group in an observer capacity. The Ministry's representative will not have a vote.

**13. Chairperson and Deputy Chairperson**

13.1 The Group will appoint a Chairperson and a Deputy Chairperson for the Group at the first meeting of the Group following each triennial Local Government election.

13.2 The Chairperson or Deputy Chairperson (as the case may be) will be appointed if he or she receives more votes than any other candidate. There will only be one round of voting. If two or more candidates tie for the most votes, the tie will be resolved by lot.

13.3 The appointed Chairperson and Deputy Chairperson will hold office until the first meeting of the Group following the next triennial Local Government election,

provided that the office of an appointed Chairperson or Deputy Chairperson will come to an end if that person ceases to be a Representative of a Member. If the position of Chairperson or Deputy Chairperson becomes vacant, a replacement will be appointed by the Group in the same manner as provided for in clause 13.2.

**14. Voting**

14.1 Each Member has one vote in relation to a matter put to a vote at a meeting of the Group.

14.2 All actions taken by the Group (other than the entering into contracts on behalf of the Group within the Group budget as authorised under clause 19 of this Constitution) must first be approved by the majority of members that are present and voting.

**15. Civil Defence Emergency Management Group Plan**

15.1 The Group will prepare, approve and adopt a Group Plan in accordance with sections 48 to 55 of the Act.

15.2 The Group will review the Group Plan in accordance with sections 56 and 57 of the Act.

**16. Co-ordinating Executive Group**

16.1 In accordance with section 20 of the Act, the Group has established and will maintain the appointment of a Co-ordinating Executive Group. The Co-ordinating Executive Group will include any co-opted members as defined in the current Group Plan or that are appointed by the Co-ordinating Executive Group.

16.2 Membership of the Co-ordinating Executive Group will include:

- (a) The Chief Executive Officer of each Member local authority or a person acting on the Chief Executive Officer's behalf;
- (b) A senior Police employee who is assigned for the purpose by the Commissioner of Police;
- (c) A senior member of the Fire Service who is assigned for the purpose by the National Commander;
- (d) The Chief Executive Officer of the hospital, and health services operating in the area or a person acting on the Chief Executive Officer's behalf; and
- (e) Any other persons that may be co-opted by the Group.

16.3 The responsibilities of the Co-ordinating Executive Group are set out in section 20(2) of the Act. The functions and operations of the Co-ordinating Executive Group are described in the Co-ordinating Executive Group's Terms of Reference.

**17. Group Emergency Management Office**

17.1 The Administering Authority will establish and manage a Group Emergency Management Office on behalf of the Group.

17.2 The Group Emergency Management Office will co-ordinate technical expertise, planning and operational functions, performance monitoring, co-ordination of Group wide projects, and any other functions assigned to it by the Group.

17.3 The Administering Authority will employ staff for the Group Emergency Management Office as authorised by the Group and manage the office's expenditure in accordance with the principles of the Local Government Act 2002 and amendments and the terms of the Service Level Agreement.

## 18. **Group Funding and Budget**

18.1 The process for agreeing the annual work programme and the budget for the Group will be as follows:

- (a) Annually (by November) a draft work programme and associated budgetary requirements will be prepared for the upcoming financial year;
- (b) The proposed budget for the Group will include on-going operational costs (such as staffing and the Group emergency co-ordination centre) and the annual work programme;
- (c) The draft budget for the Group will be agreed by the CEG and/or the Group by December to enable it to be included in the annual plan processes for each Member.

18.2 The Group Plan will set out the arrangements for cost apportionment between Members of the Group for the Group funding costs.

## 19. **Contracts**

19.1 The parties agree that the Administering Authority is authorised on behalf of the Group to sign contracts in the Group's name for the provision of goods and/or services to the Group, provided that the value of each such contract (excluding GST) does not exceed the then current approved Group budget for such goods and/or services.

19.2 The prior written approval of the Group (passed by majority vote) will be required for any contract to be entered into by the Group for the provision of goods and/or services where:

- (a) The value (excluding GST) of the contract exceeds the then current approved Group budget for such goods and/or services; or
- (b) The goods and/or services being acquired pursuant to the contract are outside of the scope of the then current approved Group work programme.

19.3 The Parties acknowledge that during a state of emergency the persons named in section 94 of the Act may also enter into contracts on behalf of the Group for any purposes of the Act in accordance with the terms of that section.

## 20. **No Discharge Following a Triennial Election**

20.1 Pursuant to section 12(2) of the Act, clauses 30(5) or (7) of Schedule 7 of the Local Government Act 2002 must not be read as permitting, during a term of local government or as a consequence of a local government election, the discharge or reconstitution of the Group.



20.2 Accordingly, the Parties acknowledge that each Member is not required to pass a resolution prior to each triennial election in order to provide for the continued existence of the Group.

**21. Appointment of Group Controller**

21.1 In accordance with section 26(1) of the Act, the Group must appoint, either by name or by reference to the holder of an office, a suitably qualified and experienced person to be the Group Controller for its area.

21.2 In accordance with section 26(2) of the Act, the Group must also appoint at least one suitably qualified and experienced person who will perform the functions, duties and exercise the powers of the Group Controller in the event of absence or vacancy in the office of the Group Controller.

21.3 The Group will appoint the Group Controller in accordance with the terms of the Policy for the Appointment and Development of Controllers (January 2013) (as that policy is amended from time to time by unanimous resolution of the Group).

**22. Appointment of Local Controllers**

22.1 In accordance with section 27(1) of the Act, the Group may appoint one or more persons to be a Local Controller.

22.2 The Group will appoint the Local Controller(s) in accordance with the terms of the Policy for the Appointment and Development of Controllers (January 2013) (as that policy is amended from time to time by unanimous resolution of the Group).

**23. Appointment of Persons who may Declare a State of Local Emergency**

23.1 In accordance with section 25 of the Act and section 5.8 of the Group Plan, the Group has appointed authority to declare a state of local emergency for its area to the following persons in descending order:

- (a) The Chair of the CDEM Group;
- (b) The Deputy Chair of the CDEM Group; and
- (c) Any other member of the CDEM Group.

23.2 Any declaration of a state of local emergency is to be made in accordance with the provisions of sections 68 to 73 of the Act.

23.3 Noting clause 23.1 above, the Group recognises that in accordance with section 25(5) of the Act, the Mayor of a territorial authority, or an elected member of the territorial authority designated to act on behalf of the Mayor if the Mayor is absent, may declare a state of local emergency that covers the district of that territorial authority.

23.4 The Group recognises that if a state of local emergency has not been declared under section 68 of the Act in respect of an area, section 69 of the Act authorises the Minister responsible for the administration of the Act to declare a state of local emergency for the area concerned.

24. **Good Faith**

24.1 In the event of any circumstances arising that were unforeseen by the Parties at the time that this Constitution was adopted, the Parties agree that they will negotiate in good faith to add to or vary this Constitution to resolve the impact of those circumstances in the best interests of:

- (a) The members of the Group collectively; and
- (b) The Bay of Plenty Region represented by the Members of the Group collectively.

25. **Dispute Resolution**

25.1 The Parties will try to resolve any dispute arising out of the interpretation of this Constitution, including any question regarding its existence, validity or termination, by good faith negotiations in the first instance.

25.2 If the Parties are unable to resolve the dispute by good faith negotiations within 15 working days, then any Party may refer the matter to arbitration by giving written notice to each of the other Parties setting out the particulars of the dispute and requiring the dispute to be referred to arbitration. The arbitration will be before a single arbitrator agreed on by the Parties and will be carried out in accordance with the Arbitration Act 1996.

25.3 If the Parties are unable to agree upon the appointment of a single arbitrator within five (5) working days of the receipt of the written notice requiring the dispute to be arbitrated, or if any arbitrator agreed upon refuses, or fails to act within fourteen days of his or her appointment, then any Party may request the President of the New Zealand Law Society (or their nominee) to appoint an arbitrator.

25.4 In this clause time will be of the essence and the Parties agree to be bound by any decision, determination or award given pursuant to these provisions.

26. **Variations**

26.1 Any member may propose a variation, deletion or addition to this Constitution by putting forward in writing the wording of the proposed variation, deletion or addition to a meeting of the Group.

26.2 This Constitution will only be varied if the Group passes a unanimous resolution to amend the Constitution and this is duly recorded by the Parties in writing.

EXECUTED by the Parties:

THE COMMON SEAL of  
BAY OF PLENTY REGIONAL COUNCIL  
was affixed in the presence of:



*[Handwritten signature]*

2 - 10 - 2013

**THE COMMON SEAL of  
KAWERAU DISTRICT COUNCIL**  
was affixed in the presence of:



*[Handwritten signature]*  
.....

*5/9/13*  
.....

**THE COMMON SEAL of  
OPOTIKI DISTRICT COUNCIL**  
was affixed in the presence of:



*[Handwritten signature]*  
.....

*14-09-2013*  
.....

**THE COMMON SEAL of  
ROTORUA DISTRICT COUNCIL**  
was affixed in the presence of:



*[Handwritten signature]*  
.....

*2/10/2013*  
.....

**THE COMMON SEAL of  
TAURANGA CITY COUNCIL**  
was affixed in the presence of:



*[Handwritten signature]*  
.....

*1/10/2013*  
.....

THE COMMON SEAL of  
WESTERN BAY OF PLENTY DISTRICT  
COUNCIL was affixed in the presence of:



1.10.2013



THE COMMON SEAL of  
WHAKATANE DISTRICT COUNCIL  
was affixed in the presence of:



12-9-13



## **APPENDIX 2**

### **2019.11.26 2019-22 ADOPTED BOPRC Standing Orders PDF**





# Bay of Plenty Regional Council Standing Orders Eleventh Triennium 2019-2022

Adopted 26 November 2019





## Preface

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

In doing so, the application of Standing Orders contributes to greater public confidence in the quality of local governance and democracy in general.

These Standing Orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that councils adopt Standing Order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see Clause 27 schedule 7 of the Local Government Act 2002).

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

All members of a local authority must abide by Standing Orders.

The Bay of Plenty Regional Council's Standing Orders are modelled on those provided by Local Government New Zealand.

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



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# 1 Introduction

These Standing Orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the Legislative Provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that Statutory Provisions are complied with and the spirit of the legislation fulfilled.

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

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

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

## 1.1 Principles

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

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

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

## 1.2 Statutory References

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

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

## 1.3 Acronyms

LGA 2002    Local Government Act 2002

LGOIMA    Local Government Official Information and Meetings Act 1987

LAMIA    Local Authorities (Members' Interests) Act 1968

## 1.4 Application

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

## 2 Definitions

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

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

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

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

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

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

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

**Chief executive** means the Chief Executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorised by the Chief Executive.

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

**Committee** includes, in relation to a local authority:

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

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

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

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

**Electronic link** means both an audio and audio visual link.

**Emergency meeting** has the same meaning as defined in Clause 22A of Schedule 7 of the LGA 2002.

**Extraordinary meeting** has the same meaning as defined in Clause 22 of Schedule 7 of the LGA 2002.

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

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

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

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

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

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

**Meeting** means any first, inaugural, ordinary, or extraordinary meeting of a local authority, committee, subcommittee or subordinate decision-making bodies of the local authority, convened under the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA).

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

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

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

**Motion** means a formal proposal to a meeting.

**Mover** means the member who initiates a motion.

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

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

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

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

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

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

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

**Present at the meeting to constitute quorum** means the member is to be physically present in the room.

**Presiding member** means the person chairing a meeting.

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

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

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

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

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

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

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

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

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

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

**Regional Council Chairperson** means the member of the governing body of a regional council elected as Chairperson of that regional council under clause 25 Schedule 7 LGA 2002.

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

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

**Second** means the member who seconds a motion.

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

**Subordinate decision-making body** means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority.

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

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

**Subcommittee means** a subordinate decision-making body established by a Council, or a committee of a Council. See definition of "Committee".

**Working day** means a day of the week other than:

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

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

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

**Workshop** means in the context of these Standing Orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

## **General matters**

### **3 Standing Orders**

#### **3.1 Obligation to adopt Standing Orders**

A Council is required to operate in accordance with Standing Orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing Orders must not contravene any Act.

*Clause 27(1) & (2), Schedule 7, LGA 2002.*

#### **3.2 Process for adoption and alteration of Standing Orders**

The adoption of Standing Orders and any amendment to Standing Orders must be made by the Council and by a vote of not less than 75% of the members present.

*Clause 27(3) Schedule 7, LGA 2002.*

#### **3.3 Members must obey Standing Orders**

All members of the local authority, including members of committees and subcommittees, must obey these Standing Orders.

*Clause 16(1) Schedule 7, LGA 2002.*

#### **3.4 Application of Standing Orders**

These Standing Orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies, including meetings and parts of meetings that the public are excluded from.

#### **3.5 Temporary suspension of Standing Orders**

Any member of a Council, committee, subcommittee and subordinate, may move a motion to suspend specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75% of the members present and voting must support the motion for it to be carried.

*Clause 27(4), Schedule 7, LGA 2002.*

A motion to suspend Standing Orders may also identify the specific Standing Orders to be suspended. In the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

#### **3.6 Quasi-judicial proceedings**

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



### **3.7 Physical address of members**

Every member of a local authority must give to the Chief Executive, a physical residential or business address within the region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within five working days of the publication of the declaration of the election results.

## **4 Meetings**

### **4.1 Legal requirement to hold meetings**

The local authority must hold meetings for the good Government of its region. Meetings must be called and conducted in accordance with:

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

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

### **4.2 Meeting duration**

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10:30 pm, unless the meeting resolves to continue. If there is no such resolution, any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

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

### **4.3 Language**

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

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

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

## **4.4 Webcasting meetings**

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

## **4.5 First meeting (inaugural)**

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

*Clause 21(1) - (4), Schedule 7, LGA 2002.*

## **4.6 Requirements for the first meeting**

The Chief Executive (or, in the absence of the Chief Executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see Clause 21(4), Schedule 7 (LGA 2002)).

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

- (a) The making and attesting of the declarations required of the Chairperson (if any) and members under Clause 14, Schedule 7, (LGA 2002),
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under Clause 14 Schedule 7, (LGA 2002),
- (c) A general explanation, given or arranged by the Chief Executive, of:
  - (i) LGOIMA, and
  - (ii) Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings, and
- (e) The election of the Deputy Chairperson in accordance with Clause 17 Schedule 7, (LGA 2002).

*Clause 21(5), Schedule 7, LGA 2002.*

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

## **5 Appointments and elections**

### **5.1 Elections of Regional Chairpersons, and Deputy Chairpersons**

The Council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.3) when electing people to the following positions:

- The Chairperson and Deputy Chairperson of a regional council,
- The Chairperson and Deputy Chairperson of a committee, and
- A representative of a local authority.

*Clause 25 Schedule 7, LGA 2002.*

### **5.2 Removal of a Chairperson, Deputy Chairperson**

A Chairperson or Deputy Chairperson can only be removed in accordance with the process set out in Clause 18, Schedule 7, of the LGA 2002. See Appendix 9.

*Clause 18, Schedule 7, LGA 2002.*

### **5.3 Voting system for Chairpersons, Deputy Chairpersons and Committee Chairs**

When electing a regional council Chair, a Deputy Mayor or a Committee Chair, the local authority must resolve to use one of the following two voting systems.

#### **System A**

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

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

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

## **System B**

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

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

*Clause 25 Schedule 7, LGA 2002.*

## **6. Delegations**

### **6.1 Limits on delegations**

Unless clearly stated in the LGA or any other Act, a Council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

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

*Clause 32 (1), Schedule 7, LGA 2002.*

### **6.2 Committees may delegate**

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

*Clause (2) & (3), Schedule 7, LGA 2002.*

### **6.3 Use of delegated powers**

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

*Clause 32(2) & (3)(4), Schedule 7, LGA 2002.*

### **6.4 Decisions made under delegated authority cannot be rescinded or amended**

Nothing in these Standing Orders allows a Council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body, carried out under a delegation authorising the making of that decision.

*Clause 30 (6), Schedule 7, LGA 2002.*

### **6.5 Committees and sub committees subject to the direction of the local authority**

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

*Clause 30 (3) & (4), Schedule 7, LGA 2002.*

**Please note:** 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.

## **7. Committees**

### **7.1 Appointment of committees and subcommittees**

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

*Clause 30(1) & (2), Schedule 7, LGA 2002.*

## **7.2 Discharge or reconstitution of committees and subcommittees**

Unless expressly provided otherwise in legislation or regulation:

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

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

*Clause 30 (5) & (7), Schedule 7, LGA 2002.*

**Please note:** s.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.

## **7.3 Appointment or discharge of committee members and subcommittee members**

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

*Clause 31 (1) & (2), Schedule 7, LGA 2002.*

## **7.4 Elected members on committees and subcommittees**

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

At least one member of a committee must be an elected member of the Council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

*Clause 31(4) Schedule 7, LGA 2002.*

## **7.5 Local authority may replace members if committee not discharged**

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

*Clause 31(5), Schedule 7, LGA 2002.*

## **7.6 Decision not invalid despite irregularity in membership**

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

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

*Clause 29, Schedule 7, LGA 2002.*

## **7.7 Appointment of joint committees**

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

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

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

*Clause 30A (1) & (2), Schedule 7, LGA 2002.*

## **7.8 Status of joint committees**

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

*Clause 30A (5), Schedule 7, LGA 2002.*

## **7.9 Power to appoint or discharge individual members of a joint committee**

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

*Clause 30A (6)(a), Schedule 7, LGA 2002.*

## **Pre-meeting**

### **8. Giving notice**

#### **8.1 Public notice – ordinary meetings**

All meetings scheduled for the following month must be publicly notified not more than fourteen days and not less than five days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month, public notification may be given not more than ten nor less than five working days before the day on which the meeting is to be held.

*Section 46, LGOIMA.*

#### **8.2 Notice to members - ordinary meetings**

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

*Clause 19 (5), Schedule 7, LGA 2002.*

#### **8.3 Extraordinary meeting may be called**

An extraordinary Council meeting may be called by:

- (a) Resolution of the Council: or
- (b) A requisition in writing delivered to the Chief Executive which is signed by:
  - i. The Chairperson, or
  - ii. Not less than one third of the total membership of the Council (including vacancies).

*Clause 22 (1), Schedule 7, LGA 2002.*

#### **8.4 Notice to members - extraordinary meetings**

The Chief Executive must give notice, in writing, of the time and place of an extraordinary meeting called under Standing Order 8.3, as well as the general nature of business to be considered to each member of the Council at least three working days before the day appointed for the meeting. If the meeting is called by a resolution, then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

*Clause 22 (3), Schedule 7, LGA 2002.*



## **8.5 Emergency meetings may be called**

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

- (a) The Chairperson, or
- (b) If the Chairperson is unavailable, the Chief Executive.

*Clause 22A(1), Schedule 7 LGA 2002.*

## **8.6 Process for calling an emergency meeting**

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

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

*Clause 22A (2), Schedule 7 LGA 2002.*

## **8.7 Public notice – emergency and extraordinary meetings**

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

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

*Section 46 (3) LGOIMA.*

## **8.8 Meetings not invalid**

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

That the meeting occurred without proper notification,

- The general nature of the business transacted, and
- The reasons why the meeting was not properly notified.

*Section 46 (6), LGOIMA.*

## **8.9 Resolutions passed at an extraordinary meeting**

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

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

*Section 51A, LGOIMA.*

## **8.10 Meeting schedules**

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

*Clause 19 (6) Schedule 7, LGA 2002.*

## **8.11 Non-receipt of notice to members**

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

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

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

*Clause 20 (1) & (2), Schedule 7, LGA 2002.*

## **8.12 Meeting cancellations**

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

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

## **9. Meeting agenda**

### **9.1 Preparation of the agenda**

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

When preparing business items for an agenda the Chief Executive should consult the Chairperson.

### **9.2 Process for raising matters for a decision**

Requests for reports may be made by a resolution of the Council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the Council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 12.

### **9.3 Chief executive may delay or refuse request**

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

If a member makes a direct request to a Chief Executive asking that a report is prepared the Chief Executive may refuse. In such cases an explanation should be provided to the member.

### **9.4 Order of business**

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

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

### **9.5 Chairperson's recommendation**

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

### **9.6 Chairperson's report**

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

## **9.7 Public availability of the agenda**

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

*Section 5 & 46A, LGOIMA.*

## **9.8 Public inspection of agenda**

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

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

*Section 46A (1), LGOIMA.*

## **9.9 Withdrawal of agenda items**

If justified by circumstances an agenda item may be withdrawn by the Chief Executive. In the event of an item being withdrawn, the Chief Executive should inform the Chairperson.

## **9.10 Distribution of the agenda**

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

The Chief Executive may send the agenda, and other materials relating to the meeting or other Council business, to members by electronic means.

## **9.11 Status of agenda**

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

## **9.12 Items of business not on the agenda which cannot be delayed**

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

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

*Section 46A (7), LGOIMA.*

Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.

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

## **9.13 Discussion of minor matters not on the agenda**

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

*Section 46A (7A), LGOIMA.*

## **9.14 Public excluded business on the agenda**

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

*Section 46A (9), LGOIMA.*

## **9.15 Qualified privilege relating to agenda and minutes**

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

*Section 52, LGOIMA.*

# Meeting Procedures

## 10. Opening and closing

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

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

## 11. Quorum

### 11.1 Council meetings

The quorum for a meeting of the Council is:

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

*Clause 23 (3)(a) Schedule 7, LGA 2002.*

### 11.2 Committees and subcommittee meetings

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

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees, at least one member of the quorum must be a member of the Council.

*Clause 23 (3)(b) Schedule 7, LGA 2002.*

### 11.3 Joint Committees

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

*Clause 30A (6)(c) Schedule 7, LGA 2002.*

## **11.4 Requirement for a quorum**

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

*Clause 23(1) & (2) Schedule 7, LGA 2002.*

## **11.5 Meeting lapses where no quorum**

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

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

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

## **11.6 Business from lapsed meetings**

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

# **12. Public access and recording**

## **12.1 Meetings open to the public**

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

*Section 47 & 49(a), LGOIMA.*

## **12.2 Grounds for removing the public**

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

## **12.3 Local authority may record meetings**

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

## **12.4 Public may record meetings**

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require, the Chairperson may stop the recording for a period of time.

## **13. Attendance**

### **13.1 Members right to attend meetings**

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

*Clause 19(2), Schedule 7, LGA 2002.*

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

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

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

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

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

### **13.3 Leave of absence**

A Council may grant a member leave of absence following an application from that member. The Council delegates the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Deputy Chair may approve an application from the Chairperson. The Chairperson will advise all members of the Council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record a leave of absence for a member as an apology for that meeting.



## **13.4 Apologies**

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

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

## **13.5 Recording apologies**

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

## **13.6 Absent without leave**

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

*Clause 5 (d) Schedule 7, LGA 2002.*

## **13.7 Right to attend by audio or audio visual link**

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

## **13.8 Member's status: quorum**

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

*Clause 25A (4), Schedule 7, LGA 2002.*

## **13.9 Member's status: Voting**

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

## **13.10 Chairperson's duties**

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:
  - 1 Everyone participating in the meeting can hear each other,
  - 2 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,
  - 3 The requirements of Part 7 of LGOIMA are met, and
  - 4 The requirements in these Standing Orders are met.

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

*Clause 25A (3) Schedule 7, LGA 2002.*

## **13.11 Conditions for attending by audio or audio visual link**

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

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

## **13.12 Request to attend by audio or audio visual link**

Where possible, a member will give the Chairperson and the Chief Executive at least two working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

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

Approved participation by audio-visual link is available at designated Council offices as the preferred venues as determined by the Chairperson and co-ordinated by the Chief Executive.

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

### **13.13 Chairperson may terminate link**

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

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting,
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members,
- (c) It is distracting to the members who are physically present at the meeting, and
- (d) The quality of the link is no longer suitable.

### **13.14 Giving or showing a document**

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

- (a) Transmitting it electronically,
- (b) Using the audio visual link, or
- (c) Any other manner that the Chairperson thinks fit.

*Clause 25(A) (6) Schedule 7, LGA 2002.*

### **13.15 Link failure**

Where an audio or audio visual 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**

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

## **14. Chairperson's role in meetings**

### **14.1 Council meetings**

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

*Clause 26(1), (5) & (6) Schedule 7, LGA 2002.*

### **14.2 Other meetings**

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

*Clause 26(2), (5) & (6), Schedule 7 LGA 2002.*

### **14.3 Addressing the Chairperson**

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

### **14.4 Chairperson's rulings**

The Chairperson will decide all procedural questions where insufficient provision is made by these Standing Orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

### **14.5 Chairperson standing**

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

### **14.6 Member's right to speak**

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

## **14.7 Chairperson may prioritise speakers**

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

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

## **15. Public Forums**

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

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

### **15.1 Time limits**

A period of up to 15 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the Chief Executive (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the Chairperson. Requests are to outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to five minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds three in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

### **15.2 Restrictions**

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

- A speaker is repeating views presented by an earlier speaker at the same public forum,
- The speaker is criticising elected members and/or staff,
- The speaker is being repetitious, disrespectful or offensive,
- The speaker has previously spoken on the same issue,

- The matter is subject to legal proceedings, and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

### **15.3 Questions at public forums**

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

### **15.4 No resolutions**

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

## **16. Deputations**

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's Terms of Reference. Deputations should be approved by the Chairperson, or an official with delegated authority, six working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

### **16.1 Time limits**

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

### **16.2 Restrictions**

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

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

### **16.3 Questions of a deputation**

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

### **16.4 Resolutions**

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

## **17. Petitions**

### **17.1 Form of petitions**

Petitions may be presented to the local authority or any of its committees as long as the subject matter falls within the Terms of Reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the Chief Executive at least six working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see Standing Order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language are to advise the Chief Executive three working days to allow translation services to be arranged.

### **17.2 Petition presented by petitioner**

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

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

### **17.3 Petition presented by member**

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

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

## **18. Exclusion of public**

### **18.1 Motions and resolutions to exclude the public**

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

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

If the motion is passed, the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

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

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

*s. 48 LGOIMA.*

### **18.2 Specified people may remain**

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

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

*s.48 (6) LGOIMA.*



### **18.3 Public excluded items**

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

*s.46A (8) LGOIMA.*

### **18.4 Non-disclosure of information**

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

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

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

### **18.5 Release of information from public excluded session**

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

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

## **19. Voting**

### **19.1 Decisions by majority vote**

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

*Clause 24 (1), Schedule 7, LGA 2002.*

### **19.2 Open voting**

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

*Clause 24 (3) Schedule 7, LGA 2002.*

### **19.3 Chairperson has a casting vote**

The 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.

*Clause 24 (2) Schedule 7, LGA 2002.*

### **19.4 Method of voting**

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division,
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands, and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

### **19.5 Calling for a division**

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

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

### **19.6 Request to have votes recorded**

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

### **19.7 Members may abstain**

Any member may abstain from voting.

## **20. Conduct**

### **20.1 Calling to order**

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

## **20.2 Behaviour consistent with Code of Conduct**

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

## **20.3 Retractions and apologies**

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

## **20.4 Disorderly Conduct**

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

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

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

## **20.5 Contempt**

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

## **20.6 Removal from meeting**

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

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

## **20.7 Financial conflicts of interests**

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

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

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

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

*Section 6 & 7 LAMIA.*

## **20.8 Non-financial conflicts of interests**

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

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

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

## **20.9 Qualified privilege for meeting proceedings**

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

*Section 53, LGOIMA.*

## **20.10 Qualified privilege additional to any other provisions**

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

*Section 53, LGOIMA.*

## **20.11 Electronic devices at meetings**

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

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business, or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

## **21. General rules of debate**

### **21.1 Chairperson may exercise discretion**

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

### **21.2 Time limits on speakers**

The following time limits apply to members speaking at meetings:

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

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

### **21.3 Questions to staff**

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

### **21.4 Questions of clarification**

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

### **21.5 Members may speak only once**

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

### **21.6 Limits on number of speakers**

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

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

### **21.7 Secunder may reserve speech**

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

## **21.8 Speaking only to relevant matters**

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this Standing Order are final and not open to challenge.

## **21.9 Restating motions**

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

## **21.10 Criticism of resolutions**

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

## **21.11 Objecting to words**

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

## **21.12 Right of reply**

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

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

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried, the mover of the motion has the right of reply before the motion or amendment is put to the vote.

## **21.13 No other member may speak**

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

- (a) After the mover has started their reply,
- (b) After the mover has indicated that they want to forego this right, and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

## **21.14 Adjournment motions**

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

## **21.15 Chairperson's acceptance of closure motions**

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

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

## **22. General procedures for speaking and moving motions**

### **22.1 Options for speaking and moving**

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option B applies unless, on the recommendation of the Chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option C for the meeting generally, or for any specified items on the agenda.

### **22.2 Option 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 propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## **22.3 Option B**

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

## **22.4 Option C**

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## **22.5 Procedure if no resolution reached**

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

# **23. Motions and amendments**

## **23.1 Proposing and seconding motions**

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

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



## **23.2 Motions in writing**

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

## **23.3 Motions expressed in parts**

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

## **23.4 Substituted motion**

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

## **23.5 Amendments to be relevant and not direct negatives**

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

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

## **23.6 Foreshadowed amendments**

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

## **23.7 Lost amendments**

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

## **23.8 Carried amendments**

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

## **23.9 Where a motion is lost**

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

## **23.10 Withdrawal of motions and amendments**

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

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

## **23.11 No speakers after reply or motion has been put**

A member may not speak to any motion once:

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

## **24. Revocation or alteration of resolutions**

### **24.1 Member may move revocation of a decision**

A member may give the Chief Executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the Council or committee. The notice must set out:

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

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

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

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

*Clause 30 (6) Schedule 7, LGA 2002.*

## **24.3 Requirement to give notice**

A member must give notice to the Chief Executive at least five working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

## **24.4 Restrictions on actions under the affected resolution**

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

Exceptions apply where, in the opinion of the Chairperson:

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

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the Chief Executive.

## **24.5 Revocation or alteration by resolution at same meeting**

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75% of the members present and voting must agree to the revocation or alteration.

## **24.6 Revocation or alteration by recommendation in report**

The local authority, on a recommendation in a report by the Chairperson, Chief Executive, or any committee or subcommittee, 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.

*Clause 30 (6) Schedule 7, LGA 2002.*

## **25. Procedural motions**

### **25.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded, the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the Chairperson's opinion, it is reasonable to accept the closure motion.

### **25.2 Procedural motions to close or adjourn a debate**

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place),
- (b) That the motion under debate should now be put (a closure motion),
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting,
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

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

### **25.3 Voting on procedural motions**

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

## **25.4 Debate on adjourned items**

When debate resumes on items of business that have been previously adjourned, all members are entitled to speak on the items.

## **25.5 Remaining business at adjourned meetings**

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

## **25.6 Business referred to the Council or a committee**

Where an item of business is referred (or referred back) to a committee, the committee will consider the item at its next meeting unless the meeting resolves otherwise.

## **25.7 Other types of procedural motions**

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these Standing Orders.

## **26. Points of order**

### **26.1 Members may raise points of order**

Any member may raise a point of order when they believe these Standing Orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

### **26.2 Subjects for points of order**

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson,
- (b) Language – to highlight use of disrespectful, offensive or malicious language,
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting,
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a Council employee,
- (e) Breach of Standing Order – to highlight a possible breach of a Standing Order while also specifying which Standing Order is subject to the breach, and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

## **26.3 Contradictions**

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

## **26.4 Point of order during division**

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

## **26.5 Chairperson's decision on points of order**

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

## **27. Notices of motion**

### **27.1 Notice of intended motion to be in writing**

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the Chief Executive at least five clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received, the Chief Executive must give members notice in writing of the intended motion at least two clear working days' notice of the date of the meeting at which it will be considered.

### **27.2 Refusal of notice of motion**

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice, or
- (b) Is not related to the role or functions of the local authority or meeting concerned, or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive officer may make, or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned, or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of Section 77-82 LGA 2002, or

- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

### **27.3 Mover of notice of motion**

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

### **27.4 Alteration of notice of motion**

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

### **27.5 When notices of motion lapse**

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

### **27.6 Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority must be referred to that committee by the Chief Executive.

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

### **27.7 Repeat notices of motion**

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority, no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

## 28. Minutes

### 28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised, the minutes are the *prima facie* evidence of the proceedings they relate to.

*Clause 28 Schedule 7, LGA 2002.*

### 28.2 Matters recorded in minutes

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting,
- (b) The names of the members present,
- (c) The Chairperson,
- (d) Any apologies or leaves of absences,
- (e) The arrival and departure times of members,
- (f) Any failure of a quorum,
- (g) A list of any external speakers and the topics they addressed,
- (h) A list of the items considered,
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders,
- (j) The names of all movers, and seconders,
- (k) Any objections made to words used,
- (l) All divisions taken and, if taken, a record of each members' vote,
- (m) The names of any members requesting that their vote or abstention be recorded,
- (n) Any declarations of financial or non-financial conflicts of interest,
- (o) The contempt, censure and removal of any members,
- (p) Any resolutions to exclude members of the public,
- (q) The time at which the meeting concludes or adjourns, and
- (r) The names of people permitted to stay in public excluded.

**Please Note:** hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.



### **28.3 No discussion on minutes**

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

### **28.4 Minutes of last meeting before election**

The Chief Executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority, its committees and subcommittees before the next election of members.

## **29. Keeping a record**

### **29.1 Maintaining accurate records**

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

*Section 17 Public Records Act 2005.*

### **29.2 Method for maintaining records**

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically, the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained, and
- (b) The information is readily accessible so as to be usable for subsequent reference.

*Section 229(1) of the Contract and Commercial Law Act 2017.*

### **29.3 Inspection**

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

*s. 51 LGOIMA.*

### **29.4 Inspection of public excluded matters**

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

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Commercial Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

## Appendix 1: Grounds to exclude the public

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.

See Section 7 LGOIMA 1987.

*Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.*

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

See Section 48 LGOIMA.

## Appendix 2: Sample resolution to exclude the public

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, (*delete if not applicable*),
- The following parts of the proceedings of this meeting, namely, (*delete if not applicable*),

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

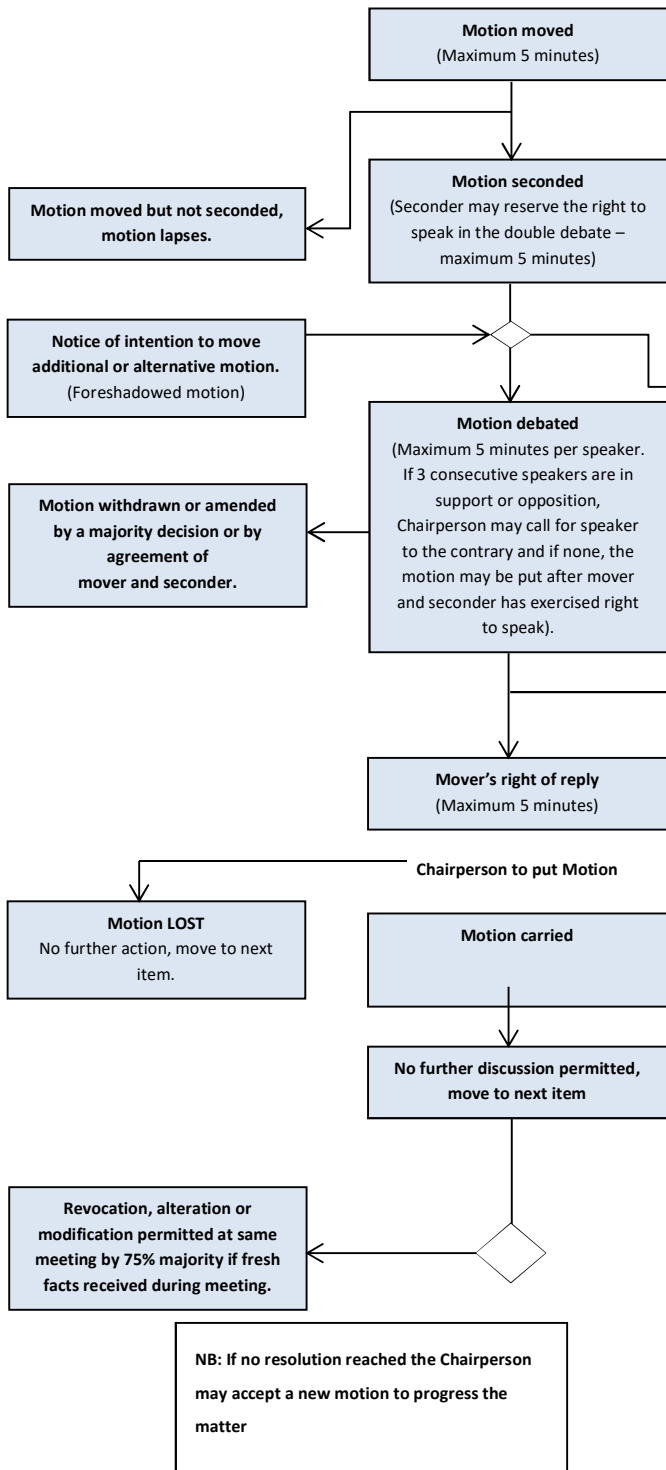
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— i. be contrary to the provisions of a specified enactment, or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: i. a right of appeal lies to a court or tribunal against the final decision of the Councils in those proceedings, or ii. the Council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		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)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		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)).
		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)).

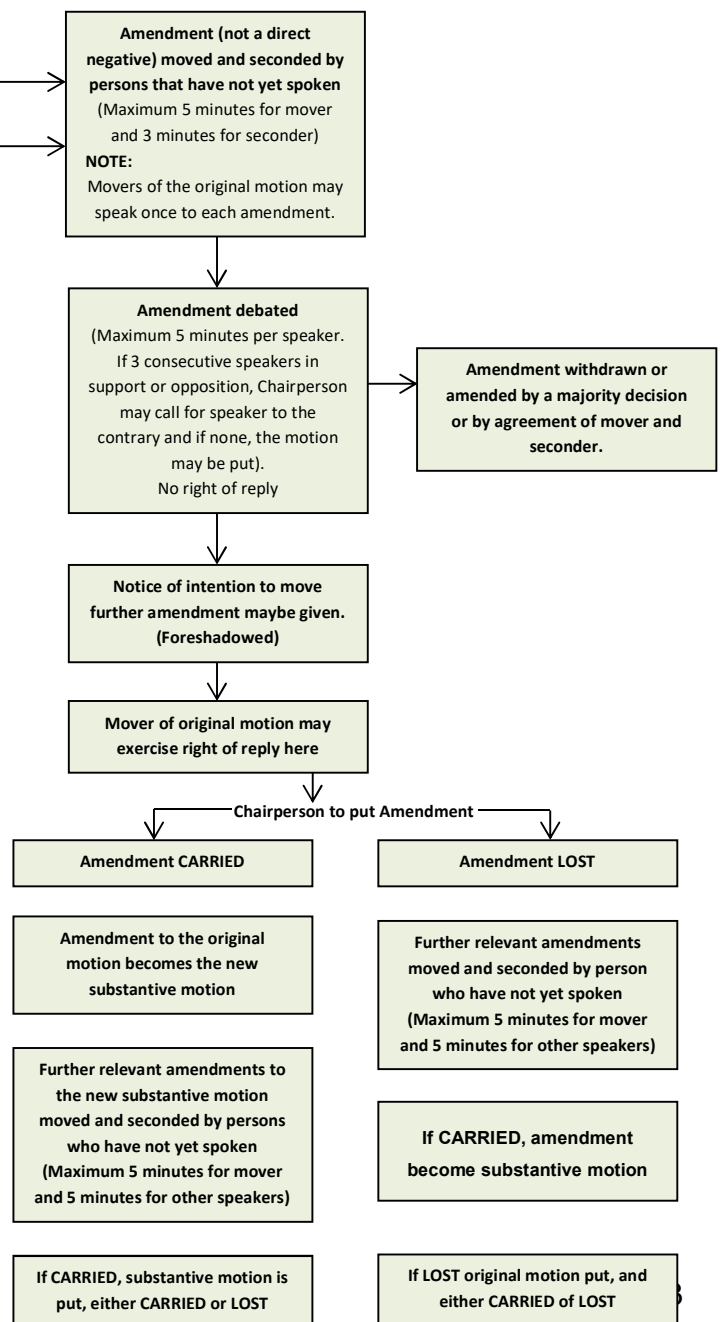
2 That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*).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

# Appendix 3: Motions and amendments (Option A)

## Motions without amendments

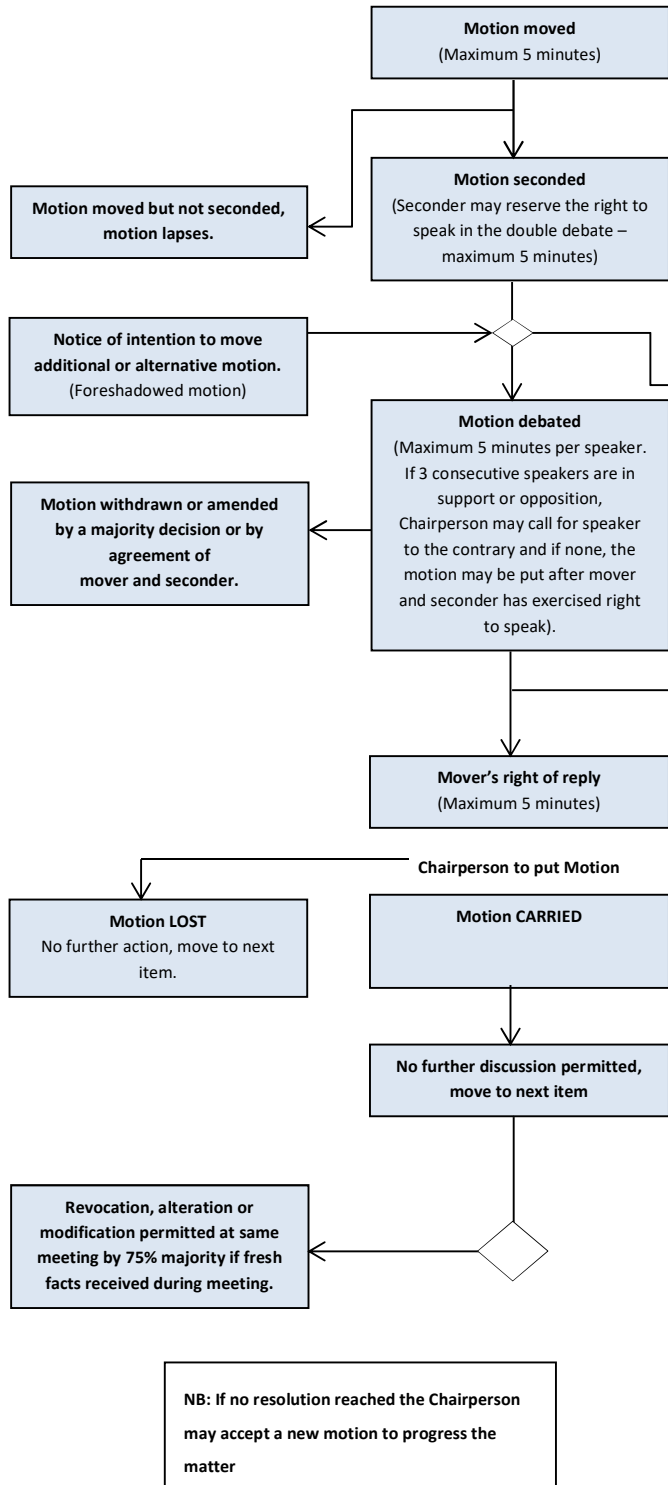


## Motions with amendments

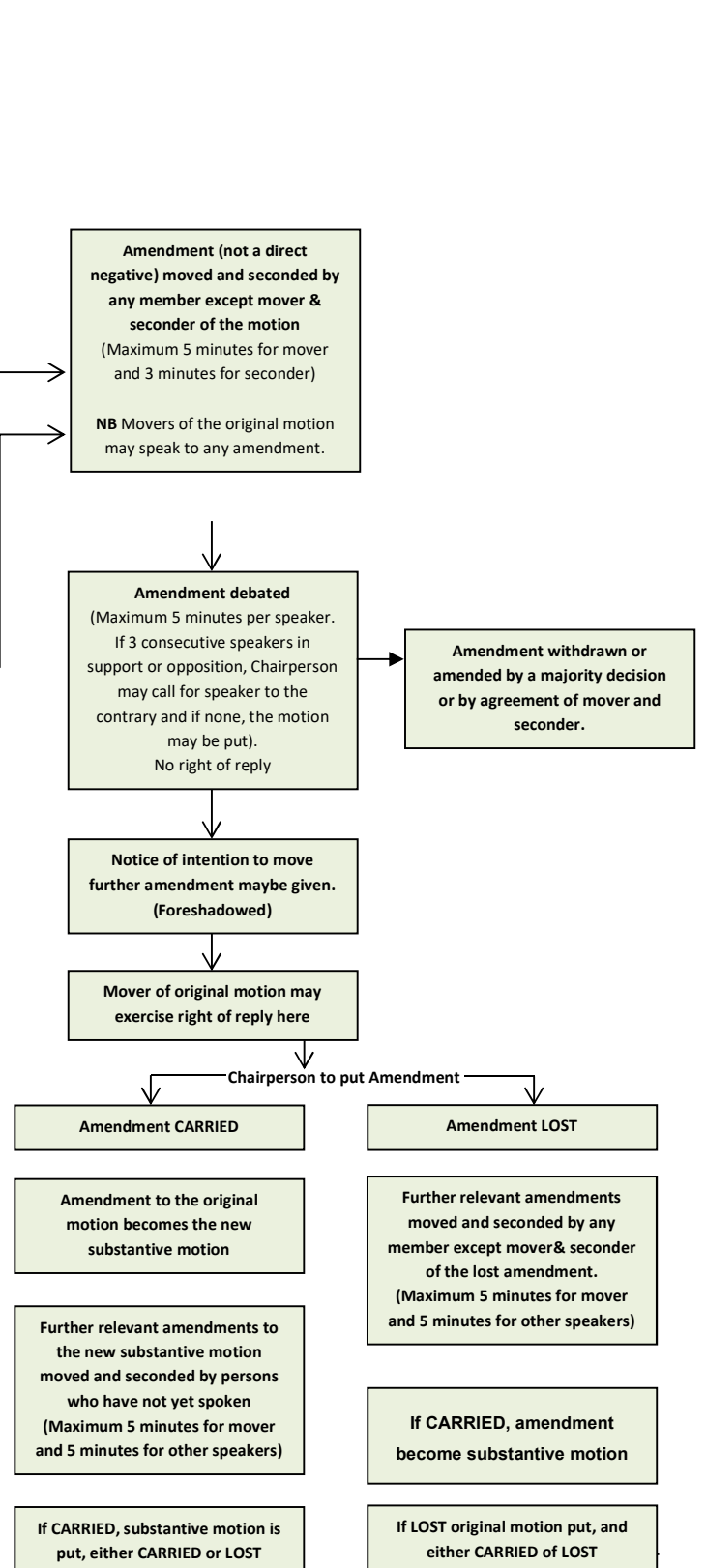


# Appendix 4: Motions and amendments (Option B)

## Motions without amendments



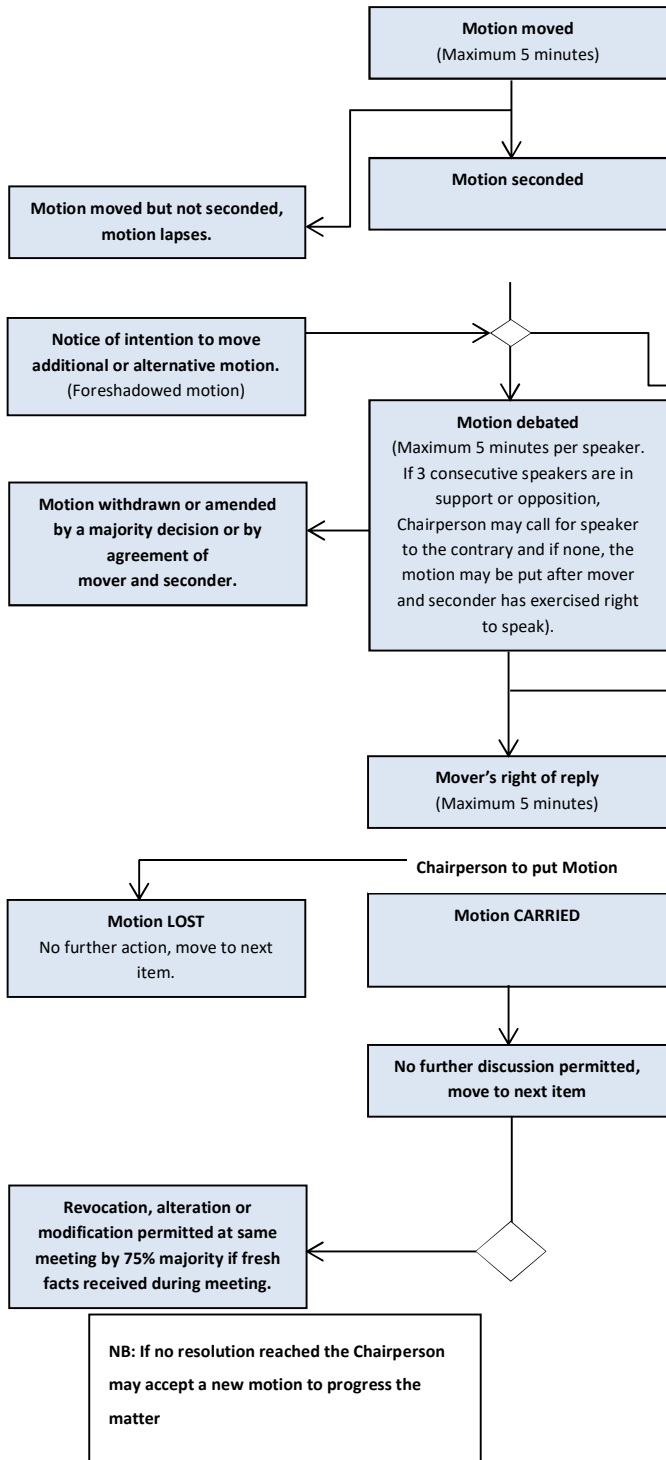
## Motions with amendments



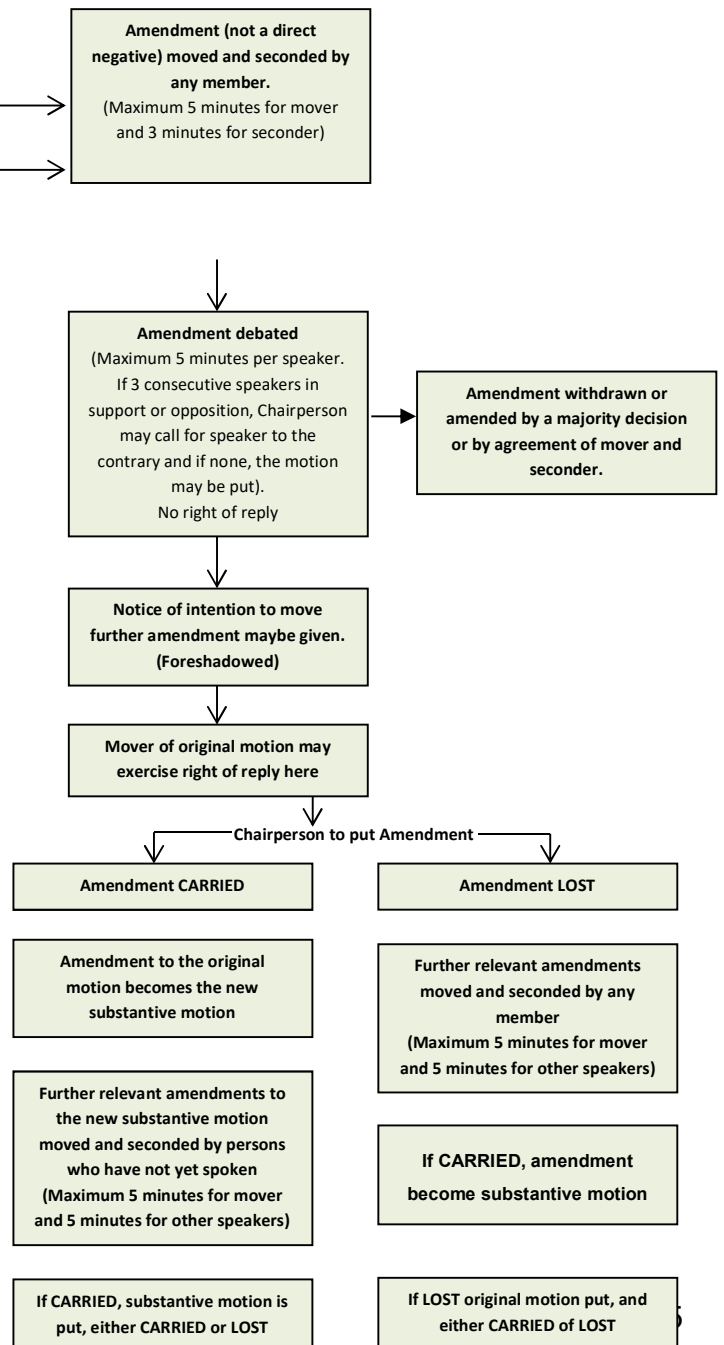


# Appendix 5: Motions and amendments (Option C)

## Motions without amendments



## Motions with amendments



## Appendix 6: Table of procedural motions

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 Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See Standing Order 3.14

## **Appendix 7: Webcasting protocols**

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

- 1 The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
- 2 Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
- 3 Generally interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
- 4 PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
- 5 Shots unrelated to the proceedings, or not in the public interest, are not permitted.
- 6 If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
- 7 Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

## **Appendix 8: Powers of a Chairperson**

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

### **Chairperson to decide all questions**

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

### **Chairperson to decide points of order**

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

### **Items not on the agenda**

Major items not on the agenda may be dealt with at that meeting, if so resolved by the 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**

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**

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

### **Chairperson's voting**

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

### **Motion in writing**

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

### **Motion in parts**

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

### **Notice of motion**

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice, or
- (b) Is not within the scope of the role or functions of the local authority, or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the Chief Executive may have made, or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

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

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

### **Action on previous resolutions**

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

### **Repeat notice of motion**

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion, unless signed by not less than one third of the members of the local authority, including vacancies.

### **Revocation or alteration of previous resolution**

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

### **Chairperson may call a meeting**

The Chairperson:

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

### **Irrelevant matter and needless repetition**

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

### **Taking down words**

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

### **Explanations**

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

### **Chairperson rising**

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

### **Members may leave places**

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

### **Priority of speakers**

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

### **Minutes**

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Chief Executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

### **Questions of speakers**

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

### **Withdrawal of offensive or malicious expressions**

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

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

### **Chairperson's rulings**

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

### **Disorderly behaviour**

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

### **Failure to leave meeting**

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

### **Audio or audio visual attendance**

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.

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



## **Appendix 9: Process for removing a Chairperson or Deputy Chairperson from office**

- 1 At a meeting that is in accordance with this clause, a regional council may remove its Chairperson, Deputy Chairperson, or Deputy Chairperson from office.
- 2 If a Chairperson, Deputy Chairperson, or Deputy Chairperson is removed from office at that meeting, the regional may elect a new Chairperson, Deputy Chairperson, or Deputy Chairperson at that meeting.
- 3 A meeting to remove a Chairperson, Deputy Chairperson, or Deputy Chairperson may be called by:
  - (a) A resolution of the Regional Council, or
  - (b) A requisition in writing signed by the majority of the total membership of the Regional Council (excluding vacancies).
- 4 A resolution or requisition must:
  - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting, and
  - (b) Indicate whether or not, if the Chairperson, Deputy Chairperson, or Deputy Chairperson is removed from office, a new Chairperson, Deputy Chairperson, or Deputy Chairperson is to be elected at the meeting if a majority of the total membership of the Regional Council (excluding vacancies) so resolves.
- 5 A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
- 6 The Chief Executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
- 7 A resolution removing a Chairperson, Deputy Chairperson, or Deputy Chairperson carries if a majority of the total membership of the Regional Council (excluding vacancies) votes in favour of the resolution.

*Clause 18 Schedule 7, LGA 2002.*

## **Appendix 10: Workshops**

### **Definition of workshop**

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

### **Application of Standing Orders to workshops**

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

### **Calling a workshop**

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees,
- (b) The Mayor,
- (c) A committee Chairperson, or
- (d) The Chief Executive.

### **Status of workshops**

At the time of scheduling a workshop, the Chairperson or Committee Chairperson has the discretion to determine whether a workshop will be open to the public or conducted as a public excluded workshop.

Where a workshop is open to the public, the workshop will be advertised and workshop information available on the Council's website.

Where a workshop is to be held in confidential, no public notice is required however the grounds to exclude the public must align with those identified in Section 7 LGOIMA 1987.

### **Process for calling workshops**

The Chief Executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop,
- (b) Advise the date, time and place, and
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

### **Record of workshop**

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

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

## **Appendix 11: Sample order of business**

### **Open section**

- (a) Apologies.
- (b) Declarations of interest.
- (c) Confirmation of minutes.
- (d) Leave of absence.
- (e) Acknowledgements and tributes.
- (f) Petitions
- (g) Public input.
- (h) Extraordinary business.
- (i) Notices of motion.
- (j) Reports of committees.
- (k) Reports of the Chief Executive and staff.
- (l) Chairperson, Deputy Chairperson and elected members' reports (information).

### **Public Excluded section**

- (m) Reports of committees.
- (n) Reports of the Chief Executive and staff.
- (o) Chairperson, Deputy Chairperson and elected members' reports (information).

## **Appendix 12: Process for raising matters for a decision**

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

- Report of Chief Executive,
- Report of a Chairperson,
- Report of a committee, and
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of Chief Executive, or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.



**Report To:** Civil Defence Emergency Management Group Joint Committee

**Meeting Date:** 16 December 2019

**Report From:** Clinton Naude, Director, Emergency Management Bay of Plenty

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## **Bay of Plenty Civil Defence Emergency Management Group Controller Appointments**

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### **Executive Summary**

This paper seeks the Bay of Plenty Civil Defence Emergency Management Group Joint Committee to rescind the appointment of four Alternate Group Controllers. These rescindments are due to changes in positions and circumstances.

### **Recommendations**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Bay of Plenty Civil Defence Emergency Management Group Controller Appointments;**
- 2 Rescinds the appointment of the following Bay of Plenty Civil Defence Emergency Management alternate Group Controllers;**
  - Chris Ingle, General Manager, Integrated Catchments, Bay of Plenty Regional Council
  - Warwick Murray, Consultant Natural Resource Management Consulting Services
  - Craig Morris, Manager Recovery and Projects, Emergency Management Bay of Plenty
  - Jono Meldrum, Manager Operational Readiness, Emergency Management Bay of Plenty

### **1 Introduction**

1. Section 26(2) of the Civil Defence Emergency Management Act 2002 provides for a Civil Defence Emergency Management Group to appoint persons to be an alternate Group Controller. Appointments and rescindments as alternate Group Controllers are required to be approved by the Bay of Plenty Civil Defence Emergency Management Group Joint Committee.

## **2 Amendments to Bay of Plenty Civil Defence Emergency Management alternate Group Controller appointments**

### **2.1 Bay of Plenty Regional Council**

Chris Ingle, General Manager, Integrated Catchments, Bay of Plenty Regional Council has resigned from his position of alternative Group Controller for the Bay of Plenty Civil Defence Emergency Management Group.

### **2.2 Emergency Management Bay of Plenty**

Warwick Murray, Consultant Natural Resource Management Consulting Services has resigned from his position as alternative Group Controller for the Bay of Plenty Civil Defence Emergency Management Group.

### **2.3 Emergency Management Bay of Plenty**

Craig Morris, Manager Recovery and Projects, Emergency Management Bay of Plenty is the appointed Bay of Plenty Civil Defence Emergency Management Group Recovery Manager under Section 29(1) of the Civil Defence Emergency Management Act 2002. To de-conflict the roles and responsibilities of the two statutory appointments Craig's appointment as alternative Group Controller for the Bay of Plenty Civil Defence Emergency Management Group is to be rescinded to allow Craig to focus on the role of Group Recovery Manager.

### **2.4 Emergency Management Bay of Plenty**

Jono Meldrum, Manager Operational Readiness, Emergency Management Bay of Plenty has resigned from his position in Emergency Management Bay of Plenty, and the role of Alternative Group Controller for the Bay of Plenty Civil Defence Emergency Management Group

## **3 Schedule 1 – Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers**

Schedule 1 – Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers reflects the current appointed Group Controller, alternate Group Controllers, Local Controllers and alternate Local Controllers. The schedule is attached as Appendix 1.

## **4 Budget Implications**

### **4.1 Current Year Budget**

There are no budget implications as a result of this paper

### **4.2 Future Budget Implications**

There are no future budget implications as a result of this paper



Andrea Thompson  
**Executive Assistant**

**for Director, Emergency Management Bay of Plenty**

**6 December 2019**



# **APPENDIX 1**

## **Schedule 1 - Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers 16 December 2019**



## Schedule 1 – Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers

The following are controllers appointed to the Bay of Plenty CDEM Group under the requirements of the CDEM Act 2002, and are ratified under this policy by the Bay of Plenty CDEM Group Joint Committee on 16 December 2019

Signature	Chair of the Bay of Plenty CDEM Group  Dated: 16 December 2019
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<b>Group Controller Section 26 of the CDEM Act 2002</b>	<i>Director Emergency Management Bay of Plenty</i> <b>Clinton Naude</b>	<b>Alternate Group Controllers</b>	<b>1. Angela Reade 2. Matthew Harrex</b>
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<b>Rotorua Local Controller Section 27 of the CDEM Act 2002</b>	<b>Stavros Michael</b>	<b>Alternate Local Controllers</b>	<b>1. Bruce Horne</b>
			<b>2. Suzanne Craig</b>
			<b>3. Regan Fraser</b>
			<b>4. Richard Horne</b>

<b>Tauranga / Western Bay Local Controller Section 27 of the CDEM Act 2002</b>	<b>Eric Newman</b>	<b>Alternate Local Controllers</b>	<b>1. Gary Allis</b>
			<b>2. Philip Martelli</b>
			<b>3. Paul Davidson</b>
			<b>4. Peter Watson</b>

<b>Whakatane Local Controller Section 27 of the CDEM Act 2002</b>	<b>Vacant</b>	<b>Alternate Local Controllers</b>	<b>1. Mike Naude 2. Nicholas Woodley</b>
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<b>Opotiki Local Controller Section 27 of the CDEM Act 2002</b>	<b>Gerard McCormack</b>	<b>Alternate Local Controllers</b>	<b>1. Aileen Lawrie</b>
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<b>Kawerau Local Controller Section 27 of the CDEM Act 2002</b>	<b>Lee Barton</b>	<b>Alternate Local Controllers</b>	<b>1. Vacant</b>
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# **Presentations**

