# Kaunihera | Council

# Kaupapataka Wātea | Open Agenda

te kaunihera ā-rohe o matamata-piako district council






Notice is hereby given that an ordinary meeting of Matamata-Piako District Council will be held on:

**Ko te rā | Date:** **Tuesday 28 October 2025**
**Wā | Time:** **6:30pm**
**Wāhi | Venue:** **Matamata-Piako Civic and Memorial Centre**
**11 Tainui Street**
**MATAMATA**

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## NGĀ MEMA | MEMBERSHIP

**Tiamana | Chairperson:** **Manuhuia | Mayor**
Ash Tanner

**Mema | Members:** **Koromatua Tautoko | Deputy Mayor**
*To be confirmed*

**Kaunihera ā-Rohe | District Councillors**
Vincent Andersen
Grace Bonnar
Bruce Dewhurst
Tyrel Glass
Dayne Horne
Greg Marshall
Andrew McGiven
James Sainsbury
James Thomas
Gary Thompson
Rewiti Vaimoso
Sue Whiting

**Waea | Phone:** 07-884-0060
**Wāhitau | Address:** PO Box 266, Te Aroha 3342
**Īmēra | Email:** governance@mpdc.govt.nz
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# Ā-TIKANGA | PROCEDURAL



# NGĀ PŪRONGO A NGĀ ĀPIHA | OFFICER REPORTS

## 1 Whakatūwheratanga o te hui | Meeting Opening

## 2 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence

At the close of the agenda no apologies had been received.

## 3 Pānui i Ngā Take Ohorere Anō | Notification of Urgent/Additional Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

  (i) The reason why the item is not on the agenda; and

  (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting."

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

  (i) That item is a minor matter relating to the general business of the local authority; and

  (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

  (iii) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

## 4 Whākī pānga | Declaration of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

## 5 Whakaaetanga mēneti | Confirmation of Minutes

Due to this meeting being the first for the 2025-2028 triennium, there are no previous minutes to confirm.

## 6 Papa ā-iwi whānui | Public Forum

Due to this meeting being the first for the 2025-2028 triennium, there is no scheduled public forum.

**7 Pūrongo me whakatau | Decision Reports**

# 7.1 Declarations

**CM No.:** 3102257

## Te Kaupapa | Purpose

The purpose of this report is for the new elected members to make their declarations.

## Rāpopotonga Matua | Executive Summary

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

- the Mayor is required to make and sign a declaration in the presence of the Chief Executive Officer (or delegate).
- Councillors are required to make and sign a declaration in the presence of the Mayor (or delegate).

## Tūtohunga | Recommendation

**That:**

1. **Pursuant to Schedule 7, Part 1, Clause 14 of the Local Government Act 2002, the Mayor signs the declaration form in the presence of the Chief Executive.**

2. **Pursuant to Schedule 7, Part 1, Clause 14 of the Local Government Act 2002, all Councillors sign the declaration form in the presence of the Mayor.**

### Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Schedule 7, Part 1, Clause 14 of the Local Government Act 2002 sets out the requirements for elected members to sign a declaration prior to being sworn in to office.

Declaration by member

1) A person may not act as a member of a local authority until—
   a) that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and
   b) a written version of the declaration has been attested as provided under subclause (2).

2) The written declaration must be signed by the member and witnessed by—
   a) the chairperson; or
   b) the mayor; or
   c) a member of the local authority; or
   d) the chief executive of the local authority; or
   e) in the absence of the chief executive, some other officer appointed by the chief executive.

3) The form of the declaration must consist of the following elements:

Declaration by mayor or chairperson or member

"I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [region or district], the powers, authorities, and duties vested in, or imposed upon, me as [mayor or chairperson or member] of the [local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act

Dated at: [place, date]

Signature:

Signed in the presence of:
CD, [mayor or chairperson or member or chief executive of local authority]".

Forms for each member will be available for signing during the Inaugural Council meeting Tuesday, 28 October.

## Ngā Tāpiritanga | Attachments

There are no attachments for this report.

## Ngā waitohu | Signatories

| | | |
|---|---|---|
| Author(s) | Sandra Harris<br>**Pou Kaupapahere, Rāngai Mahitahi me te Kāwana \| Policy, Partnerships and Governance Manager** | |

| | | |
|---|---|---|
| Approved by | Kelly Reith<br>**Group Manager, Corporate, People & Relationships** | |

**7 Pūrongo me whakatau | Decision Reports**

# 7.2 Explanation of Legislation

**CM No.:** 3102256

## Te Kaupapa | Purpose

The purpose of the report is for the Chief Executive Officer (or delegate) to provide a general explanation of legislation as required by the Local Government Act 2002.

## Rāpopotonga Matua | Executive Summary

Pursuant to Schedule 7, Clause 21 of the Local Government Act 2002, the Chief Executive Officer (or delegate) is required to give a general explanation of the following legislation:

- The Local Government Official Information and Meetings Act 1987
- The Local Authorities (Members' Interests) Act 1968
- The Crimes Act 1961 – Sections 99, 105, 105A
- The Secret Commissions Act 1910; and
- Financial Markets Conduct Act 2013

While not required, information on some aspects of the Local Government Act 2002 and Public Records Act 2005 has been included in this report for information.

## Tūtohunga | Recommendation

**That:**

**1. The information be received.**

## Horopaki | Background

The Local Government Act 2002 requires the Chief Executive Officer (or delegate) to give a general explanation to Elected Members of relevant statutory obligations which include the provisions relating to meetings and official information, members; financial interests and disclosure duties, offences relating to corruption and secret commission prohibitions.

## Ngā Take/Kōrerorero | Issues/Discussion

### The Local Government Act 2002 (LGA)

The LGA is the primary piece of legislation that governs Local Authorities. While Elected Members must have regard for the whole LGA, their attention is drawn to the following points relating to the liability, indemnity, and disqualification of Elected Members, decision making and the purpose of Local Government.

Liability of Elected Members- Under Sections 44, 45 and 46 of the LGA a Local Authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions have occurred and the Local Authority has not been fully compensated for the action or omission concerned:

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

Following a report from the Auditor General and response from the Local Authority, the loss may be recoverable as a debt due to the Crown from each Elected Member of the Local Authority jointly and severally. Section 46 provides statutory defences for Elected Members to such proceedings.

Section 47 of the LGA applies if, in a proceeding commenced by the Attorney-General the Local Authority is:

- held to have:
  - disposed of, or dealt with, any of its property wrongfully or illegally; or
  - applied its property to any unlawful purpose; or
  - permitted the reserves that it must manage to be used for purposes not authorised by law; or
- restrained from acting in the ways referred to above.

The costs and other expenses arising out of the proceeding must not be paid out of general revenues by the Local Authority and must be paid, by order of the Court, by the Elected Members of the Local Authority who, by voting or otherwise, assented to the acts concerned.

Indemnity of Elected Members - In certain cases, under Section 43 of the LGA, Elected Members are indemnified by the Local Authority.

In general, the indemnity covers:

- Costs and damages for any civil liability arising from any action brought by a third party if the member was acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the Local Authority; and
- Costs arising from any successfully defended criminal action relating to acts or omissions of an Elected Member in their capacity as an Elected Member.

This indemnity does not extend to directors of Council Controlled Organisations, nor does this indemnity extend to liability for loss under Section 46 of the LGA.

Disqualification of Elected Members from Office- Under Schedule 7, Clause 1 of the LGA, Elected Members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, or if they cease to be or lose their status as an elector under the Electoral Act 1993 or for certain breaches of the Local Authorities (Members' Interests) Act 1968.

Decision Making provisions of section 76-81 of the LGA provide a detailed set of instructions and considerations to consider and follow when making decisions. In short:

- local authorities must identify all reasonably practicable options;
- assess the options in terms of their advantages and disadvantages;
- consider the relationship of Māori and their culture and traditions with their ancestral land, water sites, wāhi tapu, valued flora and fauna and other taonga (if the decision is a significant decision relating to land or significant bodies of water);
- consider community views and preferences (in itself this is not a requirement to consult).

These provisions apply to any decision regardless of its degree. In recognition of this, the LGA contains a provision that allows a local authority to tailor a decision making process to the significance and nature of the decision and circumstances in which it is made. This includes the:

- extent to which options are identified and assessed;
- the degree to which benefits and costs are quantified;
- the extent and detail of the information to be considered; and
- the extent of any written record.

The significance of a decision is defined as the degree of importance that the local authority assesses a decision to have regard to:

- the principles set out in section 14;
- the extent of the local authority's resources;
- the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or views and preferences of other persons.

Purpose of Local Government-:

a) to enable democratic local decision-making and action by, and on behalf of communities; and
b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The Local Government (System Improvements) Amendment Bill proposes to change the purpose of Local Government alongside other changes. The Bill is currently before the Select Committee.

**Public Records Act 2005**

The Public Records Act's purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Public Records Act 2005 provides for the continuity of the National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs Elected Members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the Council's records.

**The Local Government Official Information and Meetings Act 1987 (LGOIMA)**

LGOIMA applies to every local authority in New Zealand and has two main aspects. The first concerns "Official Information", its availability and the means of making it available. The second aspect deals with meetings of local authorities and their committees and in particular the right of the public to attend such meetings. LGOIMA is about open government and accountability.

Official Information- LGOIMA contains rules relating to the disclosure of information held by a Local Authority to the public. The underlying principle of LGOIMA is that information should be made available unless there is good reason to withhold it.

In general, sections 6 and 7 of LGOIMA provide the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety;
- withholding the information is necessary to:
    - protect the privacy of natural persons;
    - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of, the information;
    - avoid offence to tikanga Māori or avoid disclosure of wāhi tapu locations;

- protect an obligation of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest;
- maintain free and frank discussion or protect officers and Elected Members from harassment;
- maintain litigation or legal professional privilege;
- enable the Council to carry out without prejudice or disadvantage commercial activities or negotiations;
- prevent the use of information for improper gain or disadvantage.

A decision to release or withhold information must be made by Council within 20 working days of the request being received. Elected Members should advise the Chief Executive of any requests for information that are made to them as soon as practicable.

The obligations of LGOIMA are binding on Elected Members and apply to the disclosure of information held by an Elected Member, in his or her capacity as an Elected Member, to a member of the public. This includes email correspondence and any communication including conversations with Elected Members in his or her capacity as an Elected Member, and information held on a Council issued devices such as a laptop or phone.

Meetings - LGOIMA also sets out the procedural requirements for the meetings of Local Authorities, the publication of agendas, procedures for discussion with the public excluded and access by the public to the agendas and minutes of meetings.

The grounds for excluding the public from a meeting are similar to those for withholding official information. These relate to protection of personal privacy, professionally privileged or commercially sensitive information and the maintenance of public health, safety and order. There are two exceptions to this, firstly the ground of maintaining free and frank expression of opinions by Elected Members does not enable exclusion of the public from meetings. Secondly the public may be excluded where a local authority wishes to deliberate in private on a decision against which a right of appeal lies to any court or tribunal.

Of particular importance for the roles and conduct of Elected Members is the fact that the Chair has the responsibility to maintain order at meetings, but all Elected Members should accept a personal responsibility for the maintenance of acceptable standards of address and debate.

**The Local Authorities (Members' Interests) Act 1968**

The two particularly significant sections of this Act relate to Contracting and Pecuniary Interests. A third consideration is Conflict of Interest. It is important to note that these provisions also relate to a member's spouse or partner.

Contracting- Section 3 of this Act provides that an Elected Member is disqualified from office or from election to office, if that Elected Member is concerned or interested in any contracts or subcontracts under which payments made by or on behalf of the Local Authority exceed $25,000 in any financial year, unless prior approval has been obtained from the Auditor General.

Voting and Discussion on Issues- Elected Members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the Elected Member's spouse contracts with the authority or has a pecuniary interest. Elected Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Conflict of Interests- Elected Members must make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council.

Elected Members may also contact the Office of the Auditor General for guidance as to whether that Elected Member has a pecuniary interest. If there is a pecuniary interest, Council may seek an exemption to allow that Elected Member to participate or vote on a particular issue in which they may have a pecuniary interest.

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

Elected Members should also be familiar with the common law concerning non-pecuniary conflicts of interest. This includes issues of predetermination and bias (whether real or perceived) on the part of Elected Members when making a decision as an Elected Member of Council.

If an Elected Member decides that they have a non-pecuniary interest they must:

- declare that they have a non-pecuniary interest when the matter comes up at a meeting;
- ensure that their declaration is recorded in the minutes; and
- refrain from discussion or voting on the matter.

Failure to observe the common law in this area may result in a judicial review of a Council decision.

Guidance is provided by the Office of the Auditor General in relation to these matters and Elected Members are encouraged to familiarise themselves with this information.

Local Authorities (Members' Interests) Act 1968: A guide for members of local authorities on managing financial conflicts of interest — Office of the Auditor-General New Zealand (oag.parliament.nz)

The Regulatory Systems (Internal Affairs) Amendment Bill proposes to change the threshold for the total payments for contracts that Elected Members have an interest in. This Bill is currently before the Select Committee.

### Crimes Act 1961

Under the Crimes Act 1961 it is unlawful for an Elected Member to:

- accept or solicit for themselves (or anyone else) any bribe (meaning money, valuable consideration, office, or employment, or any benefit, whether direct or indirect) for acting or not acting in relation to the business of Council; or
- use or disclose information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected Members convicted of these offences will also be automatically disqualified from office.

### Secret Commissions Act 1910

Under the Secret Commissions Act 1910 it is unlawful for an Elected Member to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under the Secret Commissions Act 1910 a person can be imprisoned for up to two years, fined up to $1,000, or both. Elected Members convicted of these offences can be automatically disqualified from office.

### Financial Markets Conduct Act 2013

The Financial Markets Conduct Act 2013 essentially places Elected Members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

## Mōrearea | Risk

Real or perceived non-compliance with any of the legislation mentioned in this report may expose Council to the risk of negative media coverage, poor community perception of Council and lack of trust in Council's decision-making and governance. This risk is managed by providing members with this report outlining the components of key legislation to which they are expected to adhere.

All reports to Council and Committees, such as this report, will also include a section on Legal and Policy considerations, where officers will draw attention to specific legislation, regulations, policies and/or bylaws relating to the matter at hand.

## Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Relevant legislation has been explained within this report. Elected Members should note that this report does not constitute legal advice.

## Ngā Tāpiritanga | Attachments

There are no attachments for this report.

## Ngā waitohu | Signatories

| | | |
|---|---|---|
| Author(s) | Sandra Harris<br>**Pou Kaupapahere, Rāngai Mahitahi me te Kāwana \| Policy, Partnerships and Governance Manager** | |

| | | |
|---|---|---|
| Approved by | Kelly Reith<br>**Group Manager, Corporate, People & Relationships** | |

**7 Pūrongo me whakatau | Decision Reports**

# 7.3 Setting of the First Ordinary Meeting for the 2025-2028 Triennium

**CM No.:** 3102255

## Te Kaupapa | Purpose

The purpose of this report is for the newly elected Council to set the first ordinary meeting of the 2025-2028 triennium.

## Rāpopotonga Matua | Executive Summary

Schedule 7 section 21 of the Local Government Act 2022 requires Council to set the date and time of the first ordinary meeting of the local authority, or the adoption of a schedule of meetings at their first meeting of the 2025-2028 triennium.

This report requests Council set the date and time of the first ordinary meeting of Council for Wednesday 5 November 2025, 9.00am at the Matamata-Piako District Council Chambers, 35 Kenrick Street, Te Aroha.

At this meeting on 5 November, Council will be asked to adopt a schedule of meetings for the remainder of 2025. A schedule of meetings for 2026 will be adopted in December 2025.

## Tūtohunga | Recommendation

**That:**

1. **Council resolves to hold the first ordinary meeting of Council for the 2025-2028 triennium on Wednesday, 5 November 2025, 9.00am at the Matamata-Piako District Council Chambers, 35 Kenrick Street, Te Aroha.**

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

| | | |
|---|---|---|
| Author(s) | Sandra Harris<br>**Pou Kaupapahere, Rāngai Mahitahi me te Kāwana \| Policy, Partnerships and Governance Manager** | |

| | | |
|---|---|---|
| Approved by | Kelly Reith<br>**Group Manager, Corporate, People & Relationships** | |

**7 Pūrongo me whakatau | Decision Reports**

# 7.4 Appointment of Deputy Mayor for the 2025-2028 Triennium

**CM No.:** 3102423

## Te Kaupapa | Purpose

The purpose of this report is for the Mayor to appoint the Deputy Mayor for the 2025-2028 triennium.

## Rāpopotonga Matua | Executive Summary

The Deputy Mayor must be appointed at the first meeting of the local authority under Clause 21(5)(e) of Schedule 7 of the Local Government Act 2002.

Section 41A(3) of the Local Government Act 2002 states a Mayor has the power to appoint the Deputy Mayor.

S41A(4) of the Local Government Act 2002 does provide for the Council to overturn the appointment of the Deputy Mayor appointed by the Mayor however the Council must follow a process set out under Clause 18 of Schedule 7.

## Tūtohunga | Recommendation

**That:**

**1. The Mayor appoints _____ as Deputy Mayor.**

### Horopaki | Background

The following extracts from the Local Government Act 2002 are attached for reference:

- Section 41A - Role and powers of mayors
- Schedule 7
  - Clause 17 Election of deputy mayor or deputy chairperson
  - Clause 18 Power to remove chairperson, deputy chairperson, or deputy mayor
  - Clause 25 Voting systems for certain appointments

### Ngā Tāpiritanga | Attachments

A⇩. Local Government Act 2002 Section 41A Role and powers of mayors

B⇩. Local Government Act 2002 Schedule 7, Clause 17 and 18

C⇩. Local Government Act 2002 Schedule 7, Clause 25

### Ngā waitohu | Signatories

| | | |
|---|---|---|
| Author(s) | Sandra Harris<br>**Pou Kaupapahere, Rāngai Mahitahi me te Kāwana \| Policy, Partnerships and** | |

| | | |
|---|---|---|
| | **Governance Manager** | |

| | | |
|---|---|---|
| Approved by | Kelly Reith<br>**Group Manager, Corporate, People & Relationships** | |

PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

# Local Government Act 2002

If you need more information about this Act, please contact the administering agency: **Department of Internal Affairs**

- Warning: Some amendments have not yet been incorporated

### 41A Role and powers of mayors

(1) The role of a mayor is to provide leadership to—

(a) the other members of the territorial authority; and

(b) the people in the district of the territorial authority.

(2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

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

(a) to appoint the deputy mayor:

(b) to establish committees of the territorial authority:

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

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

(ii) may appoint himself or herself.

(4) However, nothing in subsection (3) limits or prevents a territorial authority from—

(a) removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or

(b) discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or

(c) appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or

(d) discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).

(5) A mayor is a member of each committee of a territorial authority.

(5A) *[Repealed]*

(6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).

(7) To avoid doubt,—

(a) clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a):

(b) clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

Section 41A: inserted, on 12 October 2013, by section 21 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 41A(5A): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

*Election and removal of chairperson, deputy chairperson, and deputy mayor*

### 17 Election of deputy mayor or deputy chairperson

(1) A territorial authority must elect 1 of its members to be its deputy mayor in accordance with clause 25.

(2) A regional council must elect 1 of its members to be its deputy chairperson in accordance with clause 25.

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

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

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

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

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

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

Compare: 1974 No 66 s 101U

### 18 Power to remove chairperson, deputy chairperson, or deputy mayor

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

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

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

(a) a resolution of the territorial authority or regional council; or

(b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).

(4) A resolution or requisition must—

(a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and

(b) indicate whether or not, if the chairperson, deputy chairperson, or deputy mayor is removed from office, a new chairperson, deputy chairperson, or deputy mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.

(5) A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.

(6) The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.

(7) A resolution removing a chairperson, deputy chairperson, or deputy mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

Compare: 1974 No 66 s 101V

## Voting systems for certain appointments

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**).

System A—

(a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and

(b) has the following characteristics:

(i) there is a first round of voting for all candidates; and

(ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and

(iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and

(iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B—

(a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and

(b) has the following characteristics:

(i) there is only 1 round of voting; and

(ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Compare: 1974 No 66 s 114K

Schedule 7 clause 25(2): substituted, on 7 July 2004, by section 26(8) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 25(3): substituted, on 7 July 2004, by section 26(8) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 25(4): added, on 7 July 2004, by section 26(8) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).