# Kaunihera | Council

# Kaupapataka Wātea | Open Agenda

te kaunihera ā-rohe o matamata-piako district council








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

**Ko te rā | Date:** **Wednesday 18 November 2026**
**Wā | Time:** **9:00**
**Wāhi | Venue:** **Council Chambers**
**35 Kenrick Street**
**TE AROHA**

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## NGĀ MEMA | MEMBERSHIP

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

**Mema | Members:** **Koromatua Tautoko | Deputy Mayor**
James Sainsbury

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

**Waea | Phone:** 07-884-0060
**Wāhitau | Address:** 35 Kenrick Street, Te Aroha 3320
**Īmēra | Email:** governance@mpdc.govt.nz
**Kāinga Ipuranga | Website:** www.mpdc.govt.nz

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## 1 Whakatūwheratanga o te hui | Meeting Opening

Chairperson to open the meeting.

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

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

## 3 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

## 4 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the ordinary meeting of Matamata-Piako District Council, held on 28 October 2026

**5 Ngā Pūrongo A Ngā Āphia | Officer Reports**

# 5.1 Request for Te Manawhenua Forum Exception for Non-Elected Members' Voting and Quorum Rights

**CM No.:** 3248032

## Te Kaupapa | Purpose

To seek Council's approval to apply for an exception to new legislative restrictions on non-elected members' voting and quorum rights for Te Manawhenua Forum mō Matamata-Piako, and to support Waikato Regional Council's exception application for the Future Proof Implementation Committee.

## Rāpopotonga Matua | Executive Summary

From 19 March 2027, legislative changes will restrict affected non-elected members' voting rights and prevent them from counting towards a quorum. Council is asked to seek an exception under section 260A of the Local Government Act 2002 for Te Manawhenua Forum mō Matamata-Piako (Forum) and support Waikato Regional Council's exception application for the Future Proof Implementation Committee, preserving affected members' existing rights.

The Forum's current quorum requires both elected and iwi representatives, so the changes affect its existing governance arrangements. If the exception is declined, staff would work with the Forum to consider remaining a Council committee without non-elected members' voting or quorum rights, or becoming an advisory group.

Waikato Regional Council would coordinate a governance review for Future Proof if its application is declined.

## Tūtohunga | Recommendation

**That:**

1. **Council seeks an exception under section 260A of the Local Government Act 2002 for the affected non-elected members of Te Manawhenua Forum mō Matamata-Piako, to retain their existing voting rights and standing for quorum purposes.**

2. **Council acknowledges that should an exception not be granted for Te Manawhenua Forum mō Matamata-Piako, staff will work with Te Manawhenua Forum mō Matamata-Piako to review the governance arrangements**

3. **Council delegates authority to the Mayor to sign, and to the Chief Executive to submit, Council's exception application for Te Manawhenua Forum mō Matamata-Piako by 18 November 2026, consistent with the above decisions.**

## Tūtohunga | Recommendation

**That:**

4. **Council supports an application made by Waikato Regional Council for an exception under section 260A of the Local Government Act 2002 for the affected non-elected members of the Future Proof Implementation Committee to retain their existing voting rights and standing for quorum purposes.**

5. **Council acknowledges that should an exception not be granted for the Future Proof Implementation Committee, Waikato Regional Council staff will work with participating authorities to review the governance arrangements.**

### Horopaki | Background

The Local Government (System Improvements) Amendment Act 2026 was enacted on 19 September 2026. Among other changes, the Act amended Schedule 7 of the Local Government Act, to introduce new requirements relating to the voting rights and quorum status of non-elected members.

Section 260A of the Local Government Act 2002 enables councils to apply to the Minister of Local Government, through the Governor-General, for an exception to the requirements set out in clauses 23(4) and 31A(1) of Schedule 7. An exception may be sought in relation to:

- a specified class or type of committee;
- a particular committee; or
- a specified class or type of non-elected member.

The Minister of Local Government has advised through correspondence (attached), that Councils wishing to seek an exception, must do so by 18 November 2026. Although this is not a statutory deadline, Council needs to determine its approach for the affected arrangements by this date.

Te Mana Whenua Forum mō Matamata-Piako

Matamata-Piako District Council established Te Mana Whenua Forum mō Matamata-Piako (Forum) on 8 July 2004. The Forum currently consists of three elected members, namely, Mayor Ash Tanner, Deputy Mayor James Sainsbury, and Councillor Sailimalo Rewiti Vaimoso. There are fourteen non-elected members on the Forum representing the various Iwi in the district.

A quorum currently consists of at least one elected member and four representatives from different Iwi.

The purpose of the Forum is to consider matters that promote the social, economic, environmental and cultural wellbeing of Māori communities. The Forum's Heads of Agreement is linked here for consideration.

At a workshop open to the public held by Council, on 4 November 2026, Council provided staff with direction to seek an exception for Te Manawhenua Forum mō Matamata-Piako, in accordance with section 260A of the Local Government Act 2002.

Future Proof Implementation Committee

At their meeting on 29 October 2026, Waikato Regional Council resolved:

- *That Council formally resolves to support an application for an exception under section 260A of the LGA for the affected non-elected members of the Future Proof Implementation Committee to retain their existing voting rights and standing for quorum purposes, on the basis that each of the other participating member councils has been asked to pass an equivalent resolution, and agrees that the application be submitted while those resolutions of support are being obtained;*
- *agrees that, if an exception is not granted, staff work with the participating authorities to review the governance arrangements of the Future Proof Implementation Committee;*
- *delegates authority to the Chief Executive to finalise and submit Council's exception applications, and Council's resolution of support for the Future Proof Implementation Committee application, by 18 November 2026, consistent with these decisions.*

Matamata-Piako District Council is asked to consider this request.

## Ngā Take/Kōrerorero | Issues/Discussion

The Minister of Local Government has indicated that exceptions would be granted rarely, and that while Councils may continue to appoint non-elected members, any exceptions must be well justified and demonstrate that it is necessary or desirable.

At a workshop open to the public held by Matamata-Piako District Council, on 4 November 2026, Council provided staff with direction that if the exception is not granted staff will provide the Forum with options to either:

- Remain an official Committee of Council without voting rights and without being counted towards a quorum;

OR

- Change from an official Committee of Council to an Advisory Group. This option would not require a minimum attendance to satisfy a quorum and no need to vote on matters.

Staff have reached out to the Forum regarding the application for exception.

At this workshop Council also provided direction to not apply for an exception for the Risk and Assurance Committee, this can be handled through amendments to governance arrangements prior to 18 March 2027.

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

**Local Government (System Improvements) Amendment Act 2006**
The implementation of provisions dealing with non-elected members.

**Local Government Act 2002**
The amendment to Schedule7, restricting voting rights and counting towards a quorum of non-elected members on specified committees.

**Local Government Act 2002 (LGA 2002) Decision-making requirements**

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a low/medium level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

| Local Government Act 2002 decision making requirements | Staff/officer comment |
|---|---|
| Section 77 – Council needs to give consideration to the reasonable practicable options available. | Options are addressed above in this report. |
| Section 78 – requires consideration of the views of Interested/affected people | Staff have reached out to the Forum regarding the application for exception. |
| Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue | The Significance and Engagement Policy is considered above.<br>This issue is assessed as having a low/medium level of significance. |

**Policy Considerations**
To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

## Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

Matamata-Piako District Council's Community Outcomes are set out below:

| MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO \| OUR PLACE | MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI \| STRATEGIC DIRECTION |
|---|---|
| **TŌ MĀTOU WHAKAKITENGA \| OUR VISION**<br>Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. 'The heart | |

| of our community is our people, and the people are the heart of our community. | | | |
|---|---|---|---|
| **TŌ MĀTOU WHĀINGA MATUA \| OUR PRIORITIES (COMMUNITY OUTCOMES)** | | | |
|  |  |  |  |
| He wāhi kaingākau ki te manawa \| A place with people at its heart | He wāhi puawaitanga \| A place to thrive | He wāhi e poipoi ai tō tātou taiao \| A place that embraces our environment | He wāhi whakapapa, he wāhi hangahanga \| A place to belong and create |

All community outcomes are relevant to this report.

## Ngā Tāpiritanga | Attachments

A⇩. Letter from the Minister of Local Government

B⇩. Draft Te Manawhenua Forum letter requesting exception

## Ngā waitohu | Signatories

| | | |
|---|---|---|
| Author(s) | Tamara Kingi<br>**Kaiārahi Kāwana \| Governance Team Leader** | |

| | | |
|---|---|---|
| Approved by | Sandra Harris<br>**Pou Kaupapahere me te Kāwana \| Policy and Governance Manager** | |
| | Kelly Reith<br>**Hautū Tāngata me te Tutukinga \| Group Manager People and Performance** | |

**Hon Simon Watts**

Minister for Building and Construction
Minister of Climate Change
Minister of Local Government
Minister of Revenue
Minister for Auckland





29 SEP 2026

Mayors and regional council chairs
*By email*

Dear Mayors and Chairs

**Voting at council committee meetings**

On 18 September 2026, the Local Government (System Improvements) Amendment Act 2026 received Royal assent. The Act reserves voting rights on council committees, joint committees, subcommittees, and other subordinate decision-making bodies ("specified committees") for elected members only.

As I have stated previously, the purpose of this change is to strengthen democratic accountability. Councils may continue to appoint non-elected members to specified committees to provide expertise, stakeholder perspectives, or community representation. However, unless an exception applies, non-elected members must not vote and are not counted toward the quorum of the meeting.

Your council must comply with the Act from 18 March 2027. The purpose of this transition period is to ensure you have enough time to change the structure of or delegations to your council's specified committees, if required.

The Act also provides for certain exceptions. These include committees or appointments that are required under or for the purposes of another enactment and arrangements required to give effect to Treaty settlements.

Additionally, the Act provides for the Governor-General, on the recommendation of the Minister of Local Government, to grant exceptions where the Minister is satisfied these are necessary or desirable. Exceptions may be time-limited or indefinite, and with or without conditions.

My expectations are that exceptions will be granted rarely. The Government's policy is that non-elected members should generally be non-voting. Councils seeking an exception will therefore need to demonstrate a clear and specific justification that supports the statutory test that the exception is necessary or desirable.

The next page of this letter contains information on how requests for exceptions will be considered.

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If your council considers that an exception may be required, I encourage you to submit a request in writing to the Minister of Local Government by 18 November 2026 enclosing:

- A copy of a resolution from your council in support of the exception.
- Information about the issue the exception would address, why existing governance arrangements would not adequately address the issue, and how the council would manage the issue without an exception.
- Information about the role of the committee, the proposed role of non-elected members, and the steps that would be taken to maintain democratic legitimacy and public accountability.
- Information about how the exception fits within the broader statutory framework, including any comparable precedents.

Requests regarding a joint committee should ideally have the support of all councils who are members of the joint committee.

Requests should contain sufficient information for the Minister to recommend the exception to the Governor-General.

Officials at the Ministry for Cities, Environment, Regions and Transport (MCERT) will assess any requests received and provide advice to the Minister of Local Government after the election. It is my intention that decisions will be made and communicated early next year, and exceptions will come into force at the end of the transition period.

If you require more information:

- Visit the MCERT website at www.mcert.govt.nz/our-work/local-government/local-government-system-improvements/.
- Contact your MCERT Local Government Partnership Director.

Yours sincerely

Hon Simon Watts
**Minister of Local Government**

te kaunihera ā-rohe o
matamata-piako
district council

Hon. S Watts
Minister of Local Government
Private Bag 18041
Parliament Buildings
Wellington 6160
New Zealand

18 November 2026

**Application for an Exception under Section 260A of the Local Government Act 2002 for Te Manawhenua Forum mō Matamata-Piako**

Dear Sir,

This application responds to the changes introduced by the Local Government (System Improvements) Amendment Act 2026, including the restrictions on non-elected members' voting and recognition for quorum purposes due to take effect on 18 March 2027. Council seeks an exception before those restrictions commence, to preserve Te Manawhenua Forum mō Matamata-Piako's (Forum) existing arrangements for mana whenua participation.

Matamata-Piako District Council (Council) seeks an exception for the Forum under section 260A of the Local Government Act 2002, in relation to:

- Clause 23(4) of Schedule 7 (quorum requirements);
- Clause 31A(1) of Schedule 7 (voting of non-elected members).

Council requests that you recommend an Order in Council under section 260A specifying that these provisions do not apply to the Forum.

Council seeks approval for non-elected members appointed to this Forum to continue to exercise their voting rights and be counted towards a quorum. The two elements serve distinct purposes: voting enables these members to participate in forming the Forum's collective position, while quorum recognition acknowledges their membership when determining whether the Forum can transact business. Retaining both would preserve their participation in the Forum's formal processes, rather than limiting their contribution to discussion alone.
Without an exception, Council would need to adjust the Forum's arrangements to comply with the restrictions on voting and quorum recognition for non-elected members. Council would seek to retain mana whenua representatives' contribution through discussion and advice and would need to review the Forum's governing arrangements and meeting procedures accordingly. The exception is therefore sought to preserve substantive participation within the Forum, rather than participation limited to discussion and advice.

Council established the Forum on 8 July 2004 and has been running for 22 years and is a vital Council Committee. The Forum was established to provide formal governance mechanisms

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through which iwi representatives and elected members jointly consider matters of significance to mana whenua and the wider district.

The Forum is a standing committee of Council whose purpose is to facilitate tangata whenua contribution to Council's decision-making. Its membership brings together elected Council representatives—the Mayor, Deputy Mayor and a councillor—and representatives of Ngāti Hauā, Ngāti Rāhiri-Tumutumu, Raukawa, Ngāti Maru, Ngāti Whanaunga, Ngāti Pāoa, Ngāti Hinerangi and Ngāti Tamaterā. The appointed iwi representatives contribute the perspectives of their communities to the Forum's deliberations and recommendations. Council seeks to preserve their ability to participate in forming those recommendations alongside elected members, within the Forum's existing role and authority.

The Forum reflects Council's commitment to developing and maintaining meaningful relationships with mana whenua and supports Council's obligations in accordance with:

- The Local Government Act 2002;
- Council's Significance and Engagement Policy; and
- Council's objective relating to Māori participation in decision making.

The proposed exception would support Council's implementation of section 81 of the Local Government Act 2002, particularly the requirement in section 81(1)(a) to establish and maintain processes to provide opportunities for Māori to contribute to Council's decision-making. The Forum is a well established local mechanism for that contribution. Council does not suggest that section 81 itself confers voting or quorum rights, or overrides the new restrictions. Rather, Council seeks to use the exception mechanism in section 260A to preserve those aspects of the Forum's existing arrangements while continuing to meet its wider statutory responsibilities. The request is confined to clauses 23(4) and 31A(1) of Schedule 7 as they apply to this Forum. It would not confer additional decision-making powers or remove Council's oversight, reporting arrangements, public access to agendas and minutes, or conflict-management safeguards. This approach would preserve the Forum's contribution to decision-making while retaining Council's accountability arrangements. Council is willing to discuss conditions that appropriately define the scope and operation of the exception.

The Forum shapes Council decision-making by bringing elected members and mana whenua representatives together to consider issues of significance to the district. While its recommendations are generally referred to Council for formal adoption, forming those recommendations is itself an important part of the decision-making process. Its influence therefore extends beyond providing advice: it enables representatives to deliberate together and establish a collective position for Council's consideration. Removing voting rights would allow mana whenua representatives to contribute to discussion but not vote on the recommendations that emerge. Full participation in these processes reflects the purpose for which the Forum was established and supports meaningful participation in matters that affect tangata whenua and the wider community.

Council seeks a targeted exception for this Forum, not a general exception for all Council committees. Existing accountability safeguards include reporting to Council, public access to agendas and minutes, and conflict-management arrangements. These safeguards provide visibility of the Forum's business and a means of managing conflicts of interest. Elected members participate in the Forum, and its recommendations are generally referred to Council for formal adoption. The exception would not expand the Forum's delegated authority or alter the requirement for Council adoption where that is currently required. If the exception is granted, Council proposes to retain these safeguards and review the heads of agreement to ensure that the Forum's membership, appointment process, quorum, voting arrangements and reporting obligations are clearly recorded. Council is happy to discuss proportionate conditions that preserve meaningful mana whenua participation while protecting democratic accountability.

Kind regards

Mayor Ash Tanner on behalf of Matamata-Piako District Council

Attach council resolution



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