



GREY DISTRICT COUNCIL

LOCAL GOVERNMENT STATEMENT

(per sect. 40 of the Local Government Act, 2002)

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FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES OF GREY DISTRICT COUNCIL

This can be summarized by means of the well known quote:

“GOVERNANCE FOR THE PEOPLE BY THE PEOPLE”

Council is a creature of Statute and derives its functions, duties and responsibilities from a range of Acts, Regulations, Bylaws and other Government directives. Attention is specifically drawn to the following provisions in the Local Government Act, 2002:

10. *Purpose of local government—*

The purpose of local government is—

- (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.*

11. *Role of local authority—*

The role of a local authority is to—

- (a) *give effect, in relation to its district or region, to the purpose of local government stated in section 10; and*
- (b) *perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.*

12. *Status and powers—*

- (1) *A local authority is a body corporate with perpetual succession.*
- (2) *For the purposes of performing its role, a local authority has—*
 - (a) *full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and*
 - (b) *for the purposes of paragraph (a), full rights, powers, and privileges.*
- (3) *Subsection (2) is subject to this Act, any other enactment, and the general law.*
- (4) *A territorial authority must exercise its powers under this section wholly or principally for the benefit of its district.*
- (5) *A regional council must exercise its powers under this section wholly or principally for the benefit of all or a significant part of its region, and not for the benefit of a single district.*
- (6) *Subsections (4) and (5) do not—*
 - (a) *prevent 2 or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or*
 - (b) *prevent a transfer of responsibility from one local authority to another in accordance with this Act; or*
 - (c) *restrict the activities of a council-controlled organisation.*

14. *Principles relating to local authorities—*

- (1) *In performing its role, a local authority must act in accordance with the following principles:*
 - (a) *a local authority should—*
 - (i) *conduct its business in an open, transparent, and democratically accountable manner; and*
 - (ii) *give effect to its identified priorities and desired outcomes in an efficient and effective manner;*
 - (b) *a local authority should make itself aware of, and should have regard to, the views of all of its communities; and*
 - (c) *when making a decision, a local authority should take account of—*
 - (i) *the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) *the interests of future as well as current communities; and*
 - (iii) *the likely impact of any decision on each aspect of well-being referred to in section 10:*

- (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes;*
 - (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and*
 - (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and*
 - (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and*
 - (h) in taking a sustainable development approach, a local authority should take into account—*
 - (i) the social, economic, and cultural well-being of people and communities; and*
 - (ii) the need to maintain and enhance the quality of the environment; and*
 - (iii) the reasonably foreseeable needs of future generations.*
- (2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).*

In addition Council has responsibilities in terms of a wide range of other legislation. Apart from this, Council has a representation role, a leadership role, and also advocacy and facilitation responsibilities.

THE ELECTORAL SYSTEM AND REPRESENTATION ARRANGEMENTS IN PLACE

Council, during 2005, reviewed its electoral system and approved the following principles:

1. *Council retains the current system whereby it elects councilors on a ward system on the basis of one for the Northern Ward, four for Central Ward, two for Eastern Ward and one for Southern Ward*
2. *The ward system provides for a system of fair and effective representation for communities and there is no need for communities to be created.*
3. *The Northern Ward Community Board be abolished.*
4. *The review will remain in place until after the 2010 elections.*

The above relates to the process prescribed in the Local Electoral Act, 2001 as amended by the Local Electoral Amendment Act, 2002.

LOCAL LEGISLATION IN PLACE

Only one local Act pertaining to Council is still in existence, namely :

- The Greymouth Harbour Board Empowering Act, 1982

This Act authorises the Council to sell Harbour Board Endowment Land in Blaketown subject to all income accruing to the Harbour Account.

COUNCIL MEMBERS' ROLES AND CODE OF CONDUCT

Council places a strong emphasis on Ethical and Professional conduct on the part of Members and the dignity and professionalism of Council as a body. The actual roles of members are defined through delegation but it is important to note that certain roles and functions of the Mayor have become established through custom under the Westminster system.

STATUTORY BACKGROUND

As basis for this, attention is drawn to the provisions of the following Sections in the Local Government Act, 2002:

“39. *Governance principles—*

A local authority must act in accordance with the following principles in relation to its governance:

- (a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and*
- (b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and*
- (c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and*
- (d) a local authority should be a good employer; and*
- (e) a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.*

41. *Governing bodies—*

- (2) A territorial authority must have a governing body consisting of members and a mayor elected in accordance with the Local Electoral Act 2001.*
- (3) A governing body of a local authority is responsible and democratically accountable for the decision-making of the local authority.*

46. *Members of local authority liable for loss—*

- (1) If the Auditor-General has made a report on a loss to a local authority under section 44, then, without limiting any other person's liability for the loss, the loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally.*
- (2) If the members of the local authority or any other person or persons do not pay the amount of the loss to the Crown or the local authority within a reasonable time, the Crown may commence proceedings to recover the loss from any or all of those members.*
- (3) Any amount recovered by the Crown under subsection (2), less all costs incurred by the Crown in respect of the recovery, must be paid by the Crown to the local authority concerned.*
- (4) It is a defence to any proceedings under subsection (2) if the defendant proves that the act or failure to act resulting in the loss occurred—*
 - (a) without the defendant's knowledge; or*
 - (b) with the defendant's knowledge but against the defendant's protest made at or before the time when the loss occurred; or*
 - (c) contrary to the manner in which the defendant voted on the issue at a meeting of the local authority;*
or

- (d) *in circumstances where, although being a party to the act or failure to act, the defendant acted in good faith and in reliance on reports, statements, financial data, or other information prepared or supplied, or on professional or expert advice given, by any of the following persons:*
- (i) *an employee of the local authority whom the defendant believed on reasonable grounds to be reliable and competent in relation to the matters concerned;*
 - (ii) *a professional adviser or expert in relation to matters that the defendant believed on reasonable grounds to be within the person's professional or expert competence.*
47. *Members may be required to pay costs of proceeding in certain cases—*
- (1) *This section applies if, in a proceeding commenced by the Attorney-General, the local authority is—*
- (a) *held to have—*
 - (i) *disposed of, or dealt with, any of its property wrongfully or illegally; or*
 - (ii) *applied its property to any unlawful purpose; or*
 - (iii) *permitted the reserves that it must manage to be used for purposes not authorised by law; or*
 - (b) *restrained from acting in the ways referred to in paragraph (a).*
- (2) *If subsection (1) applies, costs and other expenses arising out of the proceeding or incurred in doing the things to which the proceeding relates—*
- (a) *must not be paid out of general revenues by the local authority; and*
 - (b) *must be paid, by order of the Court, by the members of the local authority who, by voting or otherwise, assented to the acts concerned.*
- (3) *The Court must not make an order under subsection (2) against a member of the local authority if the member proves that, in doing the act concerned,—*
- (a) *the member acted in good faith and in accordance with the written advice of the solicitor to the local authority; or*
 - (b) *the member acted honestly and reasonably and, having regard to all the circumstances of the case, the member ought fairly to be excused.”*

The following provisions in Schedule 7 to the Act is also important;

14. *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:*
- “ 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 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) this (number) day of (month) (year)*
- Signature*
- Signed in the presence of:*
- CD, (mayor or chairperson or member or chief executive of local authority)0*
15. *Code of conduct—*
- (1) *A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.*

- (2) *The code of conduct must set out—*
- (a) *understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—*
 - (i) *behaviour toward one another, staff, and the public; and*
 - (ii) *disclosure of information, including (but not limited to) the provision of any document, to elected members that—*
 - (A) *is received by, or is in the possession of, an member; and*
 - (B) *relates to the ability of the local authority to give effect to any provision of this Act; and*
 - (b) *a general explanation of—*
 - (i) *the Local Government Official Information and Meetings Act 1987; and*
 - (ii) *any other enactment or rule of law applicable to members.*
- (3) *A local authority may amend or replace its code of conduct, but may not revoke it without replacement.*
- (4) *A member of a local authority must comply with the code of conduct of that local authority.*
- (5) *A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.*
- (6) *After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.*
- (7) *To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.*
16. *Members to abide by standing orders—*
- (1) *A member of a local authority must abide by the standing orders adopted under clause 27.*
 - (2) *A member of the police, or an officer or employee of a local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member—*
 - (a) *refuses or fails to leave the meeting; or*
 - (b) *having left the meeting, attempts to re-enter the meeting without the permission of the chairperson.*

MEMBER ROLES

The Roles of the members can be summarised as follows:

The Mayor: (elected at large)

- Charing Council meetings per Sect 26 of Schedule 7 of the Local Government Act, 2002. This includes ensuring the orderly conduct of meetings per the standing orders.
- To advocate on behalf of the community. This involves promoting the District and representing its interests. In this respect, it is advisable that the Mayor will consult with other members of Council.
- To act as ceremonial head of Council.
- To provide leadership and feedback to other members to function as a team
- To act as Justice of the Peace (ex officio).
- To represent Council on other bodies
- To act as principal spokesperson for Council

The Deputy Mayor: (appointed by Council)

- To, in terms of Sect 17(3) of the Local Government Act 2003, with the consent of the mayor or chairperson, act as Mayor or Chairperson
- To, where the Mayor or chairperson is prevented from executing their duties or exercising their powers through illness or any other reason, or whilst there is a vacancy in the office of the Mayor, to act as Mayor or Chairperson as the case may be.

Elected members:

- To, as a Council, develop and adopt Council policy
- To, as Council, monitor the performance of the Council against its stated objectives and policies
- To, as Council, act as prudent steward of Council's resources.
- To, as Council, appoint the Chief Executive.
- To, as Council, represent the interests of the residents and ratepayers of the District.

It is important to note that individual members of Council have no powers as individuals. Council has approved an informal Portfolio system whereby individual members are given certain portfolios. This system is an alternative to the Committee system and leaves Council as committee with portfolio holders having the following delegated authority:

- To, make a recommendation on any matter falling within the ambit of his/her portfolio.
- To, when asked for comment, make comment to the media on any issue that falls within his/her portfolio.

In exercising the powers in terms hereof, Portfolio Councillors:

- May not become involved in the day to day administration of any municipal Department or function
- Do not have any executive powers. This means that they cannot initiate any action without a clear mandate of Council.
- Must observe the provisions of amongst others the Local Government Official Information and Meetings Act, 1987 and the Privacy Act, 1993
- May not bind Council in any way.

In order to make roles and responsibilities clear, Council passed a range of decisions which come down to:

- Continued support for the system with Council acting as Committee of Council
- Recognition that the focus of any matter may develop beyond the portfolio involving another portfolio, in which case the new portfolio holder will liaise with the "previous" portfolio holder(s) in exercising his/her duties as portfolio Councillor
- Recognition of the need to work co-operatively and to liaise amongst each other in order to present a single viewpoint/recommendation.

CODE OF CONDUCT

A copy of the Code of Conduct for Elected Members is obtainable free of charge from Council's Offices. By way of summary, the following:

- The following principles of good governance will at all times be observed:
 - Public interest without any personal or singular causes being promoted
 - Honesty and Integrity including avoidance of situations where this may be compromised or deemed to have been compromised
 - Objectivity with merit and not personal views as basis for decisions with bias and pre-determination absent
 - Accountability
 - Openness in respect of their actions and that of Council
 - Personal judgment on the basis of facts and not caucus pressure
 - Respect for Council as body and others including the impartiality and integrity of Council staff and equality of everybody
 - Duty to uphold the Law in accordance with the public trust in them and the fact that "illegal" Council decisions are unenforceable
 - Prudent and lawful use of Council resources
 - Leadership also on the form of a willingness to act decisively

- Positive relationships:
 - with other members
 - with Council staff
 - with the community
 - with the media where:
 - the Mayor is the first source for an official viewpoint but he can refer the matter to the Portfolio Councillor
 - any comments made by portfolio Councillors be “cleared” with the Mayor
 - individual Councillor comment is in order subject that it is clearly qualified to represent a personal view and not that of Council
- Confidentiality will at all times be respected and maintained. Council members will be privy to information that should be dealt with in confidence and will not breach that confidentiality. Members recognize that breaches impede the performance of council and may lead to civil action against Council. On this basis, all information, including Council agendas are confidential to members even though they may be public documents.
- Conflicts of interest should be avoided. Should there be any possibility or perceived possibility of any such conflict, the member should declare an interest and not participate in or vote on the matter.
- Council seeks to promote the highest standards of ethics amongst members and this is reflected in the way members will claim legitimate expenses, a prohibition on any influencing of Council as body or its employees for personal gain, a prohibition against the use of Council resources for personal business including campaigning, not soliciting, demand or request any gift, reward or benefit by virtue of position and to notify the Chief Executive of any gift accepted especially where the gift value is in excess of \$100 in which case it will be recorded in the publicly available Register of Interests of Members.
- Punitive action against Members acting in breach of the Code of Conduct
- A triennial review of the Code of Conduct

In addition, attention is drawn to the fact that Council Members are subject to a range of other legislative provisions, notably :

- The Local Authorities (Members' Interests) Act, 1968
- The Secret Commissions Act, 1910
- The Crimes Act, 1961
- The Securities Act, 1978
- The Standing Orders

GOVERNANCE STRUCTURES, MEMBERSHIP, PROCESSES AND DELEGATIONS

The governance structure comprises the Mayor, elected at large, and 8 Council members elected in ward context.

Council does not have a committee system and has the following Standing Subcommittees in place :

- The Tenders Committee
- The Staff Committee (managing Chief Executive Officer's Employment Agreement)
- The Joint Floodwall Committee

Council Members:

Mr Tony Kokshoorn – Mayor

Mr Doug Truman QSM - Deputy Mayor (Central Ward)

Mr Kevin Brown QSM, JP - (Central Ward)

Mr Ian Cummings - (Central Ward)

Ms Karen Hamilton - (Central Ward)

Mr Cliff Sandrey - (Northern Ward)

Mr Paul Berry - (Eastern Ward)

Mr Milton Osborne - (Eastern Ward)

Mr Peter Haddock - (Southern Ward)

Public participation:

Council promotes public participation in local government decision-making strongly and suggests the following options:

Access to Council -

- Input into Council consultative processes
- Phone or talk to your Council Member. This person will arrange for the Portfolio holder to also become involved
- Phone or talk to the Mayor
- Appointments with either of the above
- Written inputs via the Chief Executive
- Asking for speaking rights at Council meetings. Three requirements apply, namely application to the Mayor at least 10 days before the meeting, a 10 minute time limitation, and the need for the focus of your address to be an item on the agenda.

Access to Staff:

- Phone or talk to a staff member
- Appointments with Managers or the Chief Executive
- Written inputs to the Chief Executive

CONSULTATION POLICY

As background to this, attention is drawn to the provisions of Section 82 of the Local Government Act, 2002 which reads as follows:

82. *Principles of consultation—*
- (1) *Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:*
 - (a) *that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons;*
 - (b) *that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority;*
 - (c) *that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented;*
 - (d) *that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons;*
 - (e) *that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration;*
 - (f) *that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.*
 - (2) *A local authority must ensure that it has in place processes for consulting with Maori in accordance with subsection (1).*
 - (3) *The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.*
 - (4) *A local authority must, in exercising its discretion under subsection (3), have regard to—*
 - (a) *the requirements of section 78; and*
 - (b) *the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and*
 - (c) *the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and*
 - (d) *the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and*
 - (e) *the costs and benefits of any consultation process or procedure.*
 - (5) *Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.*

A copy of Council's consultation policy, drafted in compliance with the above, is obtainable from Council offices free of charge. The salient principles in the policy are as follows:

- The purpose of the Policy is to provide for an open, honest and accountable relationship between Council and its Ratepayers in a way that facilitates community ownership of Council decisions.

- The policy recognizes the need to consult with
 - local Maori per the provisions of the Local Government Act,2002. Council is committed to do so but to also build on its association with Ngati Waewae as part of this process
 - those most effected/potentially affected by an issue
 - the community on issues of significance in line with Council's significance policies.
 - Special interest groups

- Consultation will be done on the following basis:
 - facts and options will be clearly, objectively and neutrally stated
 - adequate notice and time for responses will be given
 - provision for submitters to speak to their submissions will be available
 - inputs will be considered with an open mind
 - interested parties will be advised of the outcome of the consultation undertaken
 - we will adhere to legal requirements, i.e. in respect of process and intent.

MEETING PROCESSES

COUNCIL

Council meets every second Monday of every month of the year with the exception of January. Council normally is in recess after its December meeting until its February meeting with only urgent matters being attended to by means of Special Meetings.

The Mayor chairs meetings and, in his absence, the Deputy Mayor. As a local authority, Council is bound by the Standing Orders. Council adopted the Model Standing Orders NZS 9202:2003 and a copy can be viewed at council offices. The purpose of the Standing Orders is to structure and bring order to meetings. It inter-relates closely with the Local Government Act and the Local Government Official Information and Meetings Act, 1987. The Standing Orders, amongst others, provide for:

- Quorum requirements
- Notification of meeting requirements
- Special and Emergency meeting provisions
- Accessibility to public requirements
- Exclusion of public provisions
- Conduct at meetings
- Order of Business requirements
- Rules of debate
- Motions and Amendments
- Qualified privilege
- Minutes
- Deputations

In terms of Sect. 27 of Schedule 7 to the Act, any amendment of the Standing Orders requires a vote of not less than 75% of the members present at the meeting attending to the amendment.

Meetings are open to the public with the exception of those items that Council designate to be dealt with in the public excluded section. Only matters that meet the requirements of the Local Government Official Information and Meetings Act, 1987, in respect of confidentiality are dealt with in confidence. The decision whether any matter is dealt with in confidence or not is, however, contestable by means of a motion by any member. For this reason all members are bound by any decision re confidentiality and is subject to censure if this confidentiality is breached. If the confidentiality arises from any Privacy Act issue or where commercial sensitivity is involved, any breach may result in civil claims against the member having breached confidentiality. Agenda, notification and other such requirements per the Local Government Official Information and Meeting Act, 1987 are also strictly adhered to.

Anyone can request speaking rights and three requirements apply:

- Application to the Mayor at least 10 days before the meeting
- A time limit of 10 minutes with the option of an extension subject to Council approval
- The theme of the speaking rights must appear as item on the Agenda.

Members of the public wishing to address more general issues can apply to do so at the Public Forum which takes place on a monthly basis immediately before the commencement of the Council meeting.

LIAISON WITH MAORI

Attention is drawn to the following provisions in the Local Government Act, 2002:

4. *Treaty of Waitangi—*

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Maori in local authority decision-making processes.

14. *Principles relating to local authorities—*

- (1) *In performing its role, a local authority must act in accordance with the following principles:*
(c) *a local authority should provide opportunities for Maori to contribute to its decision-making processes:*

77. *Requirements in relation to decisions—*

- (1) *A local authority must, in the course of the decision-making process,—*
(c) *if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.*

81. *Contributions to decision-making processes by Maori—*

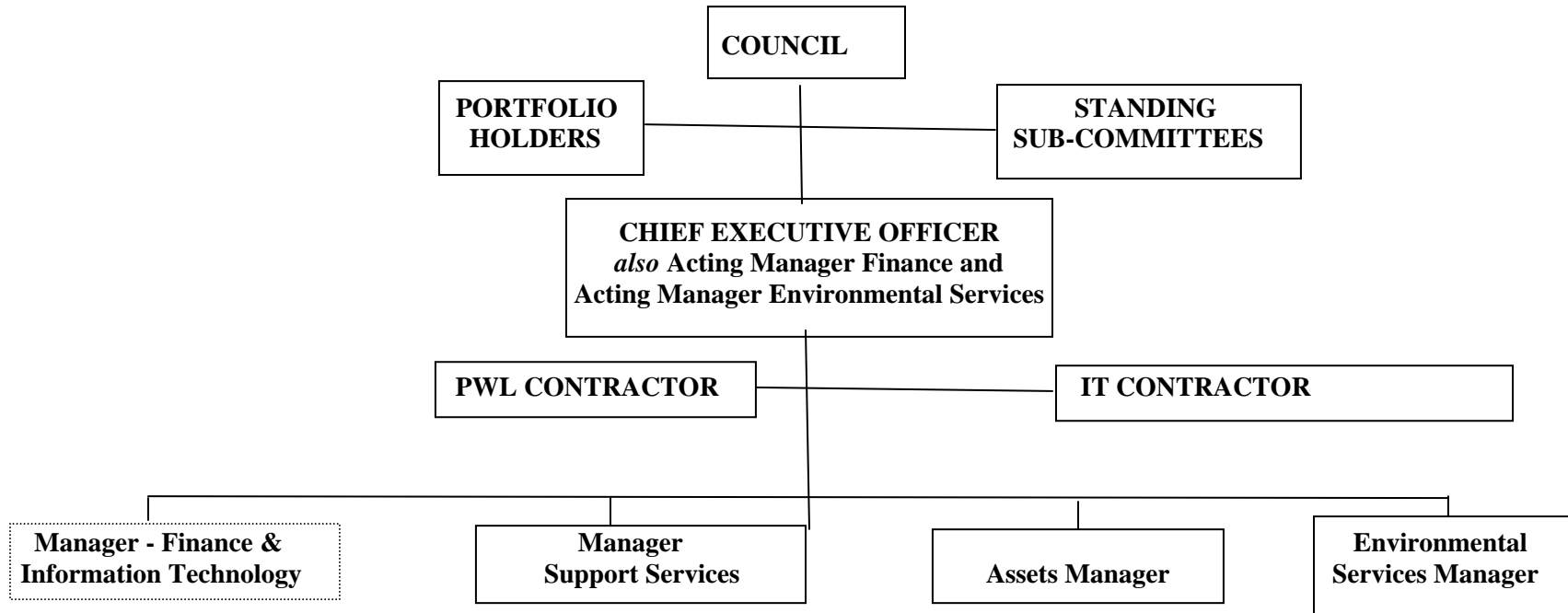
- (1) *A local authority must—*
(a) *establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and*
(b) *consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and*
(d) *provide relevant information to Maori for the purposes of paragraphs (a) and (b).*
(2) *A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—*
(a) *the role of the local authority, as set out in section 11; and*
(b) *such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.*

Council deals with this in four ways:

- Consultation with Maori. Council recognises that Maori have cultural and other interests not in keeping with the other residents in our community. Council also acknowledges that cultural perceptions of decision-making may involve different processes to what are generally employed. A key component to this process is to determine who constitutes “Maori” for purposes hereof.
- Consultation with Ngati Waewae as local Iwi on all issues involving Maori in our District as well as all land held by or on behalf of Maori which is not covered by a Resource Consent. In addition, in recognition of the status of Ngati Waewae as local Iwi, Council is in the process of entering into a formal Memorandum of Understanding with them
- Encouragement that Maori stand as candidates for municipal elections.
- One Portfolio is for Maori affairs and liaison methodologies are put in place to keep consultation positive and productive.

THE MANAGEMENT STRUCTURE AND ITS ASSOCIATION WITH ELECTED MEMBERS

This can be explained as follows :



Association of Management Team with Council Members

In terms of the Local Government Act 2002, the Chief Executive Officer is the contact between Council and its administration. Notwithstanding this, and subject thereto that the association is managed appropriately, the Chief Executive Officer has relaxed this by means of delegation and the association between manager and even other staff is much more "informal" than would otherwise be the case. The Chief Executive Officer promotes frequent contact between managers and portfolio holders as well as manager participation during Council meetings. Council as a body also encourages the management team to take part in Council activities and workshops whilst managers are also invited to attend Council functions.

EQUAL EMPLOYMENT OPPORTUNITIES POLICY

Equal Employment Opportunity

Council, also through the Chief Executive Officer, aims to be a Good Employer In :

Recruitment : by giving preference to the person who is best suited to the position;

Training : encouraging staff to plan and train to better themselves and the Council;

Promotion : recognising and rewarding ability and achievement after taking into account the restrictions imposed by the size of the Organisation.

Monitoring : all job descriptions, specifications and advertisements will be couched in such terms so as to be non-racist, non-sexist and non-discriminatory against disabled persons.

Objective:

To comply with the statutory requirements and to ensure a happy productive administration .

KEY APPROVED PLANNING AND POLICY DOCUMENTS

PLANNING:

Attention is drawn to the following planning documents, copies of which are obtainable from Council offices free of charge:

The District Plan

This plan, developed in terms of the Resource Management Act, 1991, provides for development standards to be complied with (as effects) and is the most important protocol to ensure sustainable development and protection of rights.

Council is currently involved in planning initiatives for Port of Greymouth, Punakaiki and environs and Lake Brunner and environs. Full opportunity for public participation will be available.

The Long Term Community Outcomes Plan. (LTCOP)

This plan, more commonly referred to as the Long Term Council Community Plan (LTCCP) is a requirement of the Local Government Act, 2002, but is a strategic plan in our case as a result of Council's decision to link the long term planning qualities of an LTCCP with the strong focus of the Community Outcomes.

POLICIES:

The more notable Policies of Council include:

- The Consultation Policy
- The Decision-making Policy
- The Significance Policy
- Policy on Equity and Access for People with Disabilities (in draft)
- Enforcement Policy
- Code of Conduct for Elected Members
- Staff Development and Education Policy
- Treasury Policies (Funding, Investment, Borrowing)
- Occupational Safety and Health Policy
- Stress Management Action Plan
- Rating Policies (
- Rental Housing Property Portfolio policy

All policies referred to in Section 102 of the Local Government Act, 2002, are subject to review only as part of the LTCCP process.

ACCESS TO OFFICIAL INFORMATION

Attention is drawn to the following provisions in the Local Government Official Information and Meetings Act, 1987:

5. *Principle of availability—*

The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

6. *Conclusive reasons for withholding official information—*

Good reason for withholding official information exists, for the purpose of section 5 of this Act, if the making available of that 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.*

7. *Other reasons for withholding official information—*

(1) *Where this section applies, good reason for withholding official information exists, for the purpose of section 5 of this Act, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.*

(2) *Subject to sections 6, 8, and 17 of this Act, this section applies if, and only if, 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—*
 - (i) *Would disclose a trade secret; or*
 - (ii) *Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or*
- [(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 Maori, 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—*
 - (i) *Would 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) *Would be likely otherwise to damage the public interest; or*
- (c) *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—*
 - (i) *The free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) of this Act applies, in the course of their duty; or*
 - (ii) *The protection of such members, officers, employees, and persons from improper pressure or harassment; or*
- (g) *Maintain legal professional privilege; or*

- (h) Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any local authority 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.

10. Requests—

- (1) Any person may request any local authority to make available to that person any specified official information.
- [(1A) Notwithstanding subsection (1) of this section, a request made, on or after the date of commencement of this subsection, by or on behalf of a natural person for access to any personal information which is about that person shall be deemed to be a request made pursuant to subclause (1)(b) of principle 6 of the Privacy Act 1993, and shall be dealt with accordingly, and nothing in this Part or in Part 5 of this Act shall apply in relation to any such request.]
- (2) The official information requested shall be specified with due particularity in the request.
- (3) If the person making the request asks that that request be treated as urgent, that person shall give that person's reasons for seeking the information urgently.

11. Assistance—

It is the duty of every local authority to give reasonable assistance to a person who—

- (a) Wishes to make a request in accordance with section 10 of this Act; or
- (b) In making a request under section 10 of this Act, has not made that request in accordance with that section; or
- (c) Has not made that person's request to the appropriate local authority or Department or Minister of the Crown or organisation,—

to make a request in a manner that is in accordance with that section or to direct that person's request to the appropriate local authority or Department or Minister of the Crown or organisation.

13. Decisions on requests—

- (1) Subject to this Act, the local authority to which a request is made in accordance with section 10 of this Act, or is transferred in accordance with section 12 of this Act or section 14 of the Official Information Act 1982, shall, as soon as reasonably practicable, and in no case later than 20 working days after the day on which the request is received by that local authority,—
 - (a) Decide whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any); and
 - (b) Give or post to the person who made the request notice of the decision on the request.
- [(1A) Subject to section 23 of this Act, every local authority (including a local authority whose activities are funded in whole or in part by another person) may charge for the supply of official information under this Act.]
- (2) Any charge for the supply of official information under this Act shall not exceed the prescribed amount.
- (3) Where no such amount is prescribed, any charge fixed shall be reasonable, and regard may be had to the cost of the labour and materials involved in making the information available and to any costs incurred pursuant to a request of the applicant to make the information available urgently.
- (4) The local authority may require that the whole or part of any charge be paid in advance.
- (5) Where a request in accordance with section 10 of this Act is made or transferred to a local authority, the decision on that request shall be made by the [chief executive] of that local authority or an officer or employee of that local authority authorised by that [chief executive] unless that request is transferred in accordance with section 12 of this Act to another local authority or to a Department, Minister of the Crown, or organisation.
- (5) Nothing in subsection (5) of this section prevents the [chief executive] of a local authority or any officer or employee of a local authority from consulting a local authority or any other person in relation to the decision that the [chief executive] or officer or employee proposes to make on any request made to the local authority in accordance with section 10 of this Act or transferred to the local authority in accordance with section 12 of this Act or section 14 of the Official Information Act 1982.

15. Documents—

- (1) *Where the information requested by any person is comprised in a document, that information may be made available in one or more of the following ways:*
 - (a) *By giving the person a reasonable opportunity to inspect the document; or*
 - (b) *By providing the person with a copy of the document; or*
 - (c) *In the case of a document that is an article or thing from which sounds or visual images are capable of being reproduced, by making arrangements for the person to hear or view those sounds or visual images; or*
 - d) *In the case of a document by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form, by providing the person with a written transcript of the words recorded or contained in the document; or*
 - (e) *By giving an excerpt or summary of the contents; or*
 - (f) *By furnishing oral information about its contents.*
- (2) *Subject to section 16 of this Act, the local authority shall make the information available in the way preferred by the person requesting it unless to do so would—*
 - (a) *Impair efficient administration; or*
 - (b) *Be contrary to any legal duty of any local authority in respect of the document; or*
 - (c) *Prejudice the interests protected by section 6 or section 7 of this Act and (in the case of the interests protected by section 7 of this Act) there is no countervailing public interest.*
- (3) *Where the information is not provided in the way preferred by the person requesting it, the local authority shall, subject to section 8 of this Act, give to that person—*
 - (a) *The reason for not providing the information in that way; and*
 - (b) *If that person so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section 6 or section 7 of this Act and (in the case of the interests protected by section 7 of this Act) there is no countervailing public interest*

17. *Refusal of requests—*

A request made in accordance with section 10 of this Act may be refused only for one or more of the following reasons, namely:

- (a) *That, by virtue of section 6 or section 7 of this Act, there is good reason for withholding the information:*
- (b) *That, by virtue of section 8 of this Act, the local authority does not confirm or deny the existence or non-existence of the information requested:*
- (c) *That the making available of the information requested would—*
 - (i) *Be contrary to the provisions of a specified enactment; or*
 - (ii) *Constitute contempt of Court or of the House of Representatives:*
- (d) *That the information requested is or will soon be publicly available:*
- (e) *That the document alleged to contain the information requested does not exist or cannot be found:*
- (f) *That the information requested cannot be made available without substantial collation or research:*
- (g) *That the information requested is not held by the local authority and the person dealing with the request has no grounds for believing that the information is either—*
 - (i) *Held by another local authority or a Department or Minister of the Crown or organisation; or*
 - (ii) *Connected more closely with the functions of another local authority, or a Department or Minister of the Crown or organisation:*
- (h) *That the request is frivolous or vexatious or that the information requested is trivial.*

18. *Reason for refusal to be given—*

Where a request made in accordance with section 10 of this Act is refused, the local authority shall—

- (a) Subject to section 8 of this Act, give to the applicant—
 - (i) The reason for its refusal; and
 - (ii) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section 6 or section 7 of this Act and (in the case of the interests protected by section 7 of this Act) there is no countervailing public interest; and
- (c) Give to the applicant information concerning the applicant's right, by way of complaint under section 27(3) of this Act to an Ombudsman, to seek an investigation and review of the refusal.

22. *Right of access by person to reasons for decisions affecting that person—*

(1) *Subject to sections 6, 7(2)(b), 8, and 44 of this Act, where a local authority makes, on or after the 1st day of March 1988, a decision or recommendation in respect of any person, being a decision or recommendation in respect of that person in that person's personal capacity, that person has the right to and shall, on request made within a reasonable time of the making of the decision or recommendation, be given a written statement of—*

- (a) *The findings on material issues of fact; and*
- (b) *Subject to [subsection (1A) of this section], a reference to the information on which the findings were based; and*
- (c) *The reasons for the decision or recommendation.*

[(1A) *A reference to the information on which any findings were based need not be given under subsection (1)(b) of this section if—*

- (a) *The disclosure of the information or of information identifying the person who supplied it, being evaluative material, would breach an express or implied promise—*
 - (i) *Which was made to the person who supplied the information; and*
 - (ii) *Which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or*
- (b) *After consultation undertaken (where practicable) by or on behalf of the local authority with a natural person's medical practitioner, the local authority is satisfied that—*
 - (i) *The information relates to that person; and*
 - (ii) *The disclosure of the information (being information that relates to the physical or mental health of the person making the request under this section) would be likely to prejudice the physical or mental health of that person; or*
- (c) *In the case of a natural person under the age of 16, the disclosure of that information would be contrary to that person's interests; or*
- (d) *The disclosure of that information (being information in respect of a person who has been convicted of an offence or is or has been detained in custody) would be likely to prejudice the safe custody or the rehabilitation of that person.]*

[(1B) *For the purposes of subsection (1A) of this section, the term "evaluative material" means evaluative or opinion material compiled solely—*

- (a) *For the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates—*
 - (i) *For employment or for appointment to office; or*
 - (ii) *For promotion in employment or office or for continuation in employment or office; or*
 - (iii) *For removal from employment or office; or*
 - (iv) *For the awarding of contracts, awards, scholarships, honours, or other benefits; or*
- (b) *For the purpose of determining whether any contract, award, scholarship, honour, or benefit should be continued, modified, or cancelled.]*

(2) *Sections 10(3), 11 to 14, and 18 of this Act shall apply, with all necessary modifications, to a request made under subsection (1) of this section.*

23. *Right of access to personal information—*

- (1) *Subject to this Part of this Act, and to sections 8 and 44 of this Act, every person has a right to and shall, on request, be given . . . access to any personal information which—*
- (a) *Is about that person; and*
 - (b) *Is held in such a way that it can readily be retrieved.*
- [(1A) *The right conferred by subsection (1) of this section may be exercised only by a person who is not a natural person.*]
- (2) *Sections 10(3), 11 to 16, and 18 of this Act shall apply, with all necessary modifications, to a request made under subsection (1) of this section.*
- (3) *Where any person is given access to any personal information under this section, that person shall be advised of that person's right, under section 25 of this Act, to request the correction of that information.*
- (4) *Nothing in this section requires, or imposes any responsibility on, any local authority to compile files or data banks of personal information.*

24. *Precautions—*

Where a request is made under section 23(1) of this Act, the local authority—

- (a) *Shall not give access to that information unless it is satisfied concerning the identity of the person making the request; and*
- (b) *Shall ensure, by the adoption of appropriate procedures, that any information intended for a person is received—*
 - (i) *Only by that person; or*
 - (ii) *Where the request is made by an agent of the person, only by that person or that person's agent; and*
- (c) *Shall ensure that, where the request is made by an agent of the person, the agent has the written authority of that person to obtain the information or is otherwise properly authorised by that person to obtain the information.*

25. *Correction of information—*

- (1) *Every person who is given access under section 23(1) of this Act to personal information may, by letter addressed to the local authority,—*
- (a) *Request correction of the personal information where the person believes that the information—*
 - (i) *Is inaccurate; or*
 - (ii) *Is incomplete and gives a misleading impression; and*
 - (b) *Require that a notation be attached to the information indicating the nature of any correction requested but not made.*
- (2) *Where a local authority receives a letter pursuant to subsection (1) of this section, it shall inform the person by whom or by which the letter was sent of the action taken by the local authority as a result of the letter.*

26. *Reasons for refusal of requests for personal information—*

- (1) *A local authority may refuse to disclose any personal information requested under section 23(1) of this Act, if, and only if,—*
- (a) *The disclosure of the information would be likely to prejudice any of the interests protected by section 6 or section 7(2)(b) of this Act and (in the case of the interests protected by section 7(2)(b) of this Act) there is no countervailing public interest; or*
 - (b) *The disclosure of the information would involve the unwarranted disclosure of the affairs of another person or of a deceased person; or*
 - (c) *The disclosure of the information or of information identifying the person who supplied it, being evaluative material, would breach an express or implied promise—*
 - (i) *Which was made to the person who supplied the information; and*
 - (ii) *Which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or*
 - (d) *Repealed.*
 - (e) *Repealed.*
 - (f) *Repealed.*

- (g) *The disclosure of the information would breach legal professional privilege; or*
- (h) *The request is frivolous or vexatious, or the information requested is trivial.*
- (2) *No reasons other than one or more of the reasons set out in subsection (1) of this section justifies a refusal to disclose any personal information requested under section 23(1) of this Act.*
- [3) *For the purposes of subsection (1)(c) of this section, the term "evaluative material" means evaluative or opinion material compiled solely—*
 - (a) *For the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates for the awarding of contracts, awards, or other benefits; or*
 - (b) *For the purpose of determining whether any contract, award, or benefit should be continued, modified, or cancelled.]*

Council is committed to openness and transparency and respects the right of its residents to access official information for legitimate, productive, purposes. Council therefore fully supports the principles of the legislation as quoted and will provide such access as far as is practicable. Any such access will, at all times, be considered against the need to protect rights of persons other than Council or Council Members. As to cost (refer Sect. 13(12A) above), it is important to note that the Department of Justice has promulgated a fee determination which determination is obtainable from Council offices free of charge.