



Order Paper for the first meeting following the election

of the

Wānaka Community Board

Wednesday, 30 October 2019

commencing at 4.00pm

In the Lake Hāwea Community Centre, Myra Street
Hāwea

**Wānaka Community Board
30 October 2019**

Agenda for the first meeting of the Wānaka Community Board following the 2019 triennial Local Government Elections, to be held in the Lake Hāwea Community Centre, Myra Street, Hāwea on Wednesday 30 October 2019 commencing at 4.00pm.

No. Title**Welcome from the Chief Executive****Attendance and Apologies****Confirmation of Agenda****1 The Making and Attesting of Declarations**

Pursuant to Schedule 7, Clause 14 and Schedule 7, Clause 21(5)(a) of the Local Government Act

2 Election of Chairperson and Deputy Chairperson

Pursuant to Schedule 7, Clause 21(5)(b) and 21(5)(e) of the Local Government Act 2002.

3 Legal Responsibilities

Schedule 7, Clause 21(5)(c) of the Local Government Act 2002 requires a general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting members to be provided. A briefing prepared by the Council's General Counsel is attached for the Board's information.

4 First Ordinary Wānaka Community Board meeting

The fixing of the date and time of the first meeting of the Wānaka Community or the adoption of a schedule of meetings pursuant to Schedule 7 Clause 21(5)(c) of the Local Government Act 2002.

5 Meeting Schedule

The Council will adopt a meeting schedule for 2020 before the end of the year. A six-weekly meeting cycle containing standing committees with a full Council meeting at the end each cycle is being proposed. The meeting schedule will recommend dates for Wānaka Community Board meetings within this cycle. In the interim, the Board may wish to agree a December meeting which will bridge the period before the schedule commences.



**DECLARATION BY MEMBER OF THE
WĀNAKA COMMUNITY BOARD**

I, **Judith Audrey Battson**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Wānaka Ward of the Queenstown Lakes District, the powers, authorities, and duties vested in or imposed upon me as member of the Wānaka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hāwea this 30th day of October, 2019.

Signature

Signed in the Presence of



**DECLARATION BY MEMBER OF THE
WĀNAKA COMMUNITY BOARD**

I, **Barry William Bruce**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Wānaka Ward of the Queenstown Lakes District, the powers, authorities, and duties vested in or imposed upon me as member of the Wānaka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hāwea this 30th day of October, 2019.

Signature

Signed in the Presence of



**DECLARATION BY MEMBER OF THE
WĀNAKA COMMUNITY BOARD**

I, **Christopher Keith Hadfield**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Wānaka Ward of the Queenstown Lakes District, the powers, authorities, and duties vested in or imposed upon me as member of the Wānaka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hāwea this 30th day of October, 2019.

Signature

Signed in the Presence of



**DECLARATION BY MEMBER OF THE
WĀNAKA COMMUNITY BOARD**

I, **Calum Lewis MacDonald MacLeod**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Wānaka Ward of the Queenstown Lakes District, the powers, authorities, and duties vested in or imposed upon me as member of the Wānaka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hāwea this 30th day of October, 2019.

Signature

Signed in the Presence of



**DECLARATION BY MEMBER OF THE
WĀNAKA COMMUNITY BOARD**

I, **Niamh Elizabeth Shaw**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Wānaka Ward of the Queenstown Lakes District, the powers, authorities, and duties vested in or imposed upon me as member of the Wānaka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hāwea this 30th day of October, 2019.

Signature

Signed in the Presence of



**DECLARATION BY MEMBER OF THE
WĀNAKA COMMUNITY BOARD**

I, **Quentin Clifford Smith**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Wānaka Ward of the Queenstown Lakes District, the powers, authorities, and duties vested in or imposed upon me as member of the Wānaka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hāwea this 30th day of October, 2019.

Signature

Signed in the Presence of



**DECLARATION BY MEMBER OF THE
WĀNAKA COMMUNITY BOARD**

I, **Edward Richard Miles Taylor**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Wānaka Ward of the Queenstown Lakes District, the powers, authorities, and duties vested in or imposed upon me as member of the Wānaka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hāwea this 30th day of October, 2019.

Signature

Signed in the Presence of

Legal Responsibilities

What we will cover

- > At the first meeting of a local authority the LGA requires us to provide a general explanation of:
 - > LGOIMA
 - > Local Authorities (Members' Interests) Act 1968
 - > Sections 99, 105, 105A of the Crimes Act 1961
 - > The Secret Commissions Act 1910
 - > The Financial Markets Conduct Act 2013

LGOIMA

Local Government Official Information and Meetings Act

- > Official information
- > Principle of availability
- > Reasons for withholding in sections 6, 7 and 17
- > Chief executive responsibility
- > Review by Ombudsman

LGOIMA - Meetings

- > Meetings to be held in public
- > Reasons for excluding public based on official information reasons
- > Formal process for excluding public
- > Public notification
- > Availability of agendas and matters not on the agenda
- > Maintenance of order

Members Interests Act

- > Contracting rule - Disqualifying contracts of elected members (limit of \$25,000 per year)
- > Participation rule - Prohibition on discussing or voting on question in which elected member has a pecuniary interest

Section 6(1)

“A member of a local authority or of a committee ... shall not vote on or take part in the discussion of any matter ... in which he has, directly or indirectly, any pecuniary interest, other than an interest in common with the public.”

Pecuniary Interest

- > Essentially a financial interest of some sort
- > Can include financial disadvantage or financial advantage
- > Can be indirect
- > Deemed interests under the Act:
 - > singly or jointly with spouse holds 10% or more of share capital
 - > is managing director or general manager (or spouse is)
 - > member of controlling company / managing director combination Deemed interests

Declaration of interests

- > Member must declare to the meeting that they have a pecuniary interest and abstain from discussion and voting - which must be recorded in the minutes

Liability of Councillors

- > General indemnity by Council
 - > Costs and damages for civil liability if good faith and in pursuance of Council's responsibilities or powers
 - > Costs of successful defence of criminal liability relating to acts in capacity as a member
- > Auditor-General may report on unlawful loss - members liable, subject to certain defences



Crimes Act 1961

- > Section 99 - definition of “official”
- > Section 105 - corruption and bribery
- > Section 105A - corrupt use of official information

Secret Commissions Act 1910

- > Councillor deemed to be an agent
- > Offences relating to accepting inducements or rewards
- > Offence to fail to disclose pecuniary interest in contract
- > Imprisonment, fines, disqualification

Financial Markets Conduct Act

- > Elected members are “directors” whenever Council offers financial products (eg debt or equity securities) - may be personally liable for registered documents (eg disclosure statements) containing false or misleading information
- > Elected members can be “information insiders” and subject to civil and criminal penalties for trading breaches in relation to listed companies (eg where member possesses material information relating to a listed issuer that is not generally available to the market and trades or encourages to trade etc)