



WHANGANUI DISTRICT COUNCIL

Te Kaunihera a Rohe o Whanganui

AGENDA

Whanganui Rural Community Board Meeting 31 October 2019

NOTICE IS HEREBY GIVEN that a Meeting of Whanganui Rural Community Board will be convened on:

Date: Thursday, 31 October 2019

Time: 4:30pm

Location: Royal Wanganui Opera House
69 St Hill Street
Whanganui

Kym Fell
Chief Executive

Whanganui Rural Community Board
Membership
Bill Ashworth, Michael Dick, Alistair Duff, Sandra Falkner Grant Skilton, David Wells,
one vacancy
Councillor Representatives – To be appointed.

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1 APOLOGIES

The Chief Executive, chairing the meeting, will call for apologies.

2 REPORTS TO BOARD

2.1 RESULTS OF TRIENNIAL ELECTIONS - 12 OCTOBER 2019

Author: Louise Davies - Governance Services Officer

Authoriser: Kym Fell - Chief Executive

References: 1. Declaration of results

The triennial elections were held on 12 October 2019. The results were formally declared, as per the Local Electoral Act 2001, on 17 October 2019. They are attached for the Board's information.

Declaration of result of 2019 triennial local authority elections

In accordance with section 86 of the Local Electoral Act 2001, I declare the result of the election held on Saturday, 12 October 2019, for the Whanganui District to be:

Mayor of Whanganui District 1 vacancy

McDOUALL, Hamish Crichton	Independent	
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As the number of candidates did not exceed the number of vacancies, Hamish Crichton McDouall is elected unopposed as Mayor of Whanganui District.

I declare Hamish Crichton McDouall to be elected.

Councillors for Whanganui District 12 vacancies

CHANDULAL-MACKAY, Joshua Buchanan (Josh)	Independent	9055
REID, Peter Hadleigh (Hadleigh)	Independent	8658
DUNCAN, Jennifer Ruth (Jenny)	Independent	8265
CRAIG, Helen Marguerite (Mary)	—	8238
JOBLIN, Kathleen Frances (Kate)	Independent	7583
ANDERSON, Charles George (Charlie)	Independent	7343
VINSEN, Robin Victor (Rob)	Ratepayer Focused	6918
BAKER-HOGAN, Philippa June	Velodrome Events Centre	5853
TAYLOR, Alan Richard	—	5602
CROSSAN, Brent Raymond	—	5163
BARRON, Ross James (James)	—	4663
YOUNG, Graeme Walker	—	4492
LEBO, Danielle Lija (Dani)	—	4248
BARON, Steve	Truly Independent	4203
FALLEN, William Ross (Ross)	Independent	4148
BENNETT, Mary Bessina	—	3677
PRASAD, Vjeshwar	Independent	3388
FIRMIN, Kirtahi Jennifer Charmaine	—	3200
DUFF, Sharon Stuart	Independent	3178
BRIGHTWELL, Raymond John (Ray)	Independent	2979
EDMONDS, Matthew Lyle	Independent	2836
MEIKLEJOHN, Jo Ann (Jo)	Independent	2237
REWETI, Phillip Tuhinga (Bear)	—	2214
ANDERSON, Rodger David	—	2048
SHAND, Daniel James (Dan)	—	1905
MORDEY, Sam William	—	1850

SHEEHY, Jill Faith	—	1477
FOTHERGILL, Graeme Robinson	—	1439
URRY, Matthew Joseph	—	942
Informal		55
Blank		41

I declare Joshua Buchanan Chandulal-Mackay, Peter Hadleigh Reid, Jennifer Ruth Duncan, Helen Marguerite Mary Craig, Kathleen Frances Joblin, Charles George Anderson, Robin Victor Vinsen, Philippa June Baker-Hogan, Alan Richard Taylor, Brent Raymond Crossan, Ross James Barron and Graeme Walker Young to be elected.

Members for Whanganui Rural Community Board

Whanganui subdivision 2 vacancies

WELLS, David John	—	
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As the number of candidates did not exceed the number of vacancies, David John Wells is elected unopposed. A by-election to fill the remaining vacancy will be held early in 2020.

I declare David John Wells to be elected.

Kai Iwi subdivision 3 vacancies

DICK, Michael Kenneth	—	
FALKNER, Sandra Faye	—	
SKILTON, Grant Andrew	—	

As the number of candidates did not exceed the number of vacancies to be filled for this election, Michael Kenneth Dick, Sandra Faye Falkner and Grant Andrew Skilton are elected unopposed.

I declare Michael Kenneth Dick, Sandra Faye Falkner and Grant Andrew Skilton to be elected.

Kaitoke subdivision 2 vacancies

ASHWORTH, William Mataio (Bill)	—	
DUFF, Alistair Keith	—	

As the number of candidates did not exceed the number of vacancies, William Mataio Ashworth and Alistair Keith Duff are elected unopposed.

I declare William Mataio Ashworth and Alistair Keith Duff to be elected.



Poll Results

Electoral System Poll

The result of this poll is **binding** on Whanganui District Council for the 2022 and 2025 triennial local authority elections.

Do you want to elect candidates using the First Past the Post electoral system, or the Single Transferable Vote system?

I vote for First Past the Post (FPP)	10608
I vote for Single Transferable Voting (STV)	2590
Informal	10
Blank	915

Representation Poll – Basis of election

The result of this poll is **non-binding** on Whanganui District Council.

Do you want to elect candidates based on a ward system, or do you want them to stand 'at large' (across the whole district)?

I vote to keep the voting area system as it is now – 'at large'	10373
I vote for a ward system to be considered by the Council	2327
Informal	8
Blank	1415

Representation Poll – Number of councillors

The result of this poll is **non-binding** on Whanganui District Council.

Do you want to keep the number of Whanganui district councillors at 12, or do you want to reduce the number to 10?

I vote for the number of councillors to be reduced to 10	8072
I vote for the number of councillors to remain at 12	5252
Informal	5
Blank	794

Noeline Moosman
Electoral Officer
Whanganui District Council
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Visit: www.whanganui.govt.nz/election2019

Thursday, 17 October 2019

2.2 DECLARATION OF MEMBERS

Author: Kate Barnes - Senior Democracy Advisor

Authoriser: Kym Fell - Chief Executive

The Members elected to the Whanganui Rural Community Board will take the Oath of Office and sign their written declarations.

1. Bill Ashworth
2. Michael Dick
3. Alistair Duff
4. Sandra Falkner
5. Grant Skilton
6. David Wells

Each member will make the following declaration:

"I, _____, 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 the Whanganui Rural Community, the powers, authorities, and duties vested in, or imposed upon me, as a Member of the Whanganui Rural Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act."

2.3 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Author: Louise Davies - Governance Services Officer

Authoriser: Kym Fell - Chief Executive

Significance of decision – In terms of the Significance and Engagement Policy 2018, the recommended decision is not significant.

Recommendation

That the Whanganui Rural Community Board

- (a) determines the voting system (A or B) to be used for the election of the Chairperson and Deputy Chairperson
- (b) notes that _____ has been duly elected to the role of Chairperson
- (c) notes that _____ has been duly elected to the role of Deputy Chairperson

The Chief Executive will ask for the meeting to move and second the resolution by nominating which of the following voting systems they wish the meeting to use.

System A

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

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

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

System B

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

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

cl. 25 Schedule 7, LGA 2002.

Once the meeting has resolved which voting system it will use in the election of the Chairperson the Chief Executive will call for nominations for Chairperson.

The Chief Executive will then conduct the election using the voting system resolved by the meeting.

The Chief Executive will declare the result of the election of the Chairperson who will then assume the Chair.

The Chairperson will call for nominations for Deputy Chairperson and conduct the election (if required) using the previously determined voting system.

2.4 GENERAL EXPLANATION OF LAWS AFFECTING MEMBERS

Author: Kate Barnes - Senior Democracy Advisor

Authoriser: Rob Goldsbury - Legal Counsel
Kym Fell - Chief Executive

References: Nil

Significance of decision – In terms of the Significance and Engagement Policy 2018, the recommended decision is not significant.

Recommendation

THAT the Whanganui Rural Community Board receive the report – General explanation of laws affecting Members.

Executive Summary

The Local Government Act 2002 requires that at the first meeting of the Whanganui Rural Community Board following the triennial election the Chief Executive gives or arranges for a general explanation of the laws affecting Members:

- the Local Government Official Information and Meetings Act 1987; and
- other laws affecting members, including—
 - the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and
 - sections 99, 105, and 105A of the Crimes Act 1961; and
 - the Secret Commissions Act 1910; and
 - the Financial Markets Conduct Act 2013;

Key information

Council officers will briefly summarise the laws outlined in this report. The specified legislation is not the entirety of laws that apply to community boards and their members. Members are encouraged to further inform themselves about the various legislation underpinning their role and opportunity for upskilling will be provided through the Council induction programme and beyond.

Local Government Official Information and Meetings Act 1987 (LGOIMA)

The main focus of LGOIMA is the retention and release of official information held by Council and the conduct of Council and Community Board meetings; the latter being evidenced by Standing Orders.

The fundamental principle in LGOIMA is that information held by the Council is publicly available, unless one or more specified ground for withholding applies. That principle applies to all information held by Council and includes matters discussed in the public excluded section of Community Board meetings. The Chief Executive administers the release of official information.

LGOIMA regulates the grounds on which the public may be excluded from a Community Board meeting; generally only when good reason to withhold information exists as defined in sections 7

and 48 of the Act which includes where the subject matter is one where a right of appeal exists to a Court or Tribunal against the decision made by the Community Board. Before excluding the public the meeting must pass a resolution stating the subject of each matter to be considered in public excluded and the reason(s) for excluding the public.

The Chairperson of a meeting may ask any member of the public to leave the meeting if that person's behaviour is likely to prejudice or to continue to prejudice the orderly conduct of that meeting if that member of the public is permitted to remain in that meeting.

Members whose conduct prevents the orderly conduct of the meeting may be asked to leave by the Chairperson under Standing Orders.

Local Authorities (Members' Interest) Act 1968 (LAMIA)

The LAMIA is overseen by the Auditor-General; it is a small but significant part of the legal framework for local democracy. It regulates situations where an elected member's personal interest impinge on, or could be seen as impinging on, their duties as an elected member.

LAMIA has two main rules:

1. The Contracting Rule

No person shall be capable of being elected as or appointed to be or of being a member of Council or of any committee of Council, if the total of all payments made or to be made by or on behalf of Council in respect of all contracts made by it in which that person is concerned or interested exceeds \$25,000 in any financial year unless approval has been obtained from the Auditor-General.

The \$25,000 limit relates to the value of all payments made in respect of all contracts, in which the member is interested during the financial year. It does not apply separately to each contract; nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by the member. The contracting rule also applies to subcontracts.

The penalty for breach of this provision is the immediate loss of office and the possibility of a fine being imposed.

2. The Discussing and Voting Rule

An elected member shall not vote on or take part in the discussion of any matter in which the elected member has, directly or indirectly, any pecuniary interest, other than an interest in common with the public, unless a statutory exception applies. The penalty for breach of the discussing and voting rule constitutes an offence, and on conviction results in vacation of office.

Crimes Act 1961 (sections 99, 105, and 105A)

It is an offence against section 105 of the Act for an official to seek or obtain a reward for performing their official duties. It is a further offence, under section 105A of the Act for an official to use any information, acquired in their official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for them or any other person. Elected members and employees of any local authority or public body come within the definition of 'official'.

Section 99 of the Act defines 'official' as "any person in the service of the Sovereign in right of New Zealand (whether that service is honorary or not, and whether it is within or outside New Zealand), or any member or employee of any local authority or public body, or any person employed in the education service within the meaning of the State Sector Act 1988".

Section 105 "Every official is liable to imprisonment for a term not exceeding 7 years who, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or any other person in respect of any act done or omitted, or to be done or omitted, by him in his official capacity; and that everyone is liable to imprisonment for a term not exceeding 7 years who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any official in respect of any act or omission by him in his official capacity".

Section 105A "Every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly uses or discloses any information, acquired by him in his official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or any other person".

Secret Commissions Act 1910

Every elected member is deemed to be an agent of the Whanganui Rural Community Board. Under the Secret Commissions Act it is an offence for a member to either corruptly give or agree to offer or give to any agent any gift or other consideration as an inducement to reward for any action of forbearance in relation to the Board's affairs or business, or for showing favour or disfavour to any person, in relation to the Board's affairs or business.

Financial Markets Conduct Act 2013 (FMCA)

The Financial Markets Conduct Act 2013 (FMCA) governs how financial products are created, promoted and sold, and the ongoing responsibilities of those who offer, deal and trade them.

The main purposes of the FMCA are to:

- Promote the confident and informed participation of businesses, investors, and consumers in the financial markets.
- Promote and facilitate the development of fair, efficient, and transparent financial markets.

The FMCA imposes on elected members the same responsibilities as company directors whenever the Board offers securities (debt or equity) to the public. Members may be personally liable if investment documents such as a disclosure statement contain untrue statements and may be liable for criminal prosecution if the requirements of the FMCA are not met.

The Act also prohibits any elected member who has information about a listed company that is not generally available to the market, from trading in that company's shares or from disclosing that information.

The penalties for certain offences under this Act (false or misleading statements in disclosure documents – 10 years; or insider trading – 5 years) are such that if an elected member was convicted, that conviction would result in ouster from office.

The Board at this time does not offer securities to the public therefore the FMCA does not impact on the Board's current business activities.

2.5 SCHEDULE OF MEETINGS - REMAINDER OF 2019**Author:** Louise Davies - Governance Services Officer**Authoriser:** Kym Fell - Chief Executive

Significance of decision – In terms of the Significance and Engagement Policy 2018, the recommended decision is not significant.

Recommendation

That the Whanganui Rural Community Board:

- (a) resolves to hold a meeting on 4 December 2019
- (b) notes that a meeting schedule for 2020 will be prepared for consideration at the next meeting of the Board.

A proposed meeting date is recommended in accordance with Schedule 7, Clause 21 of the Local Government Act 2002.

This schedule covers the Board for the remainder of 2019. A full schedule for 2020 will be provided for the Board's consideration at its next meeting.