



Report 05.1
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File E/02/02/01

Committee Policy, Finance and Strategy
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Standing Orders 2005

1. Purpose

For the Committee to consider and recommend to the Council that it adopt new standing orders

2. Significance of decision

The matters in this report do not trigger the significance policy of the Council or section 76(3)(b) of the Local Government Act 2002 (LGA 2002).

3. Background

The rules of conduct that govern meetings of the Council and its committees are contained in the Wellington Regional Council (Standing Orders) Bylaw 1990 (“the Bylaw”). The Bylaw first came into effect on 1 March 1990. While there have been a number of amendments since that date, the pace of legislative change has meant that the Bylaw is now well out of date. It is therefore recommended that the Bylaw be revoked and new standing orders be adopted.

4. Comment

The law as it relates to the conduct of meetings can be found in the LGA 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Any new standing orders should:

- accurately record the law as it relates to the conduct of meetings
- record any exercise of discretion by the Council in respect of the law. For example, the Council can choose between different voting systems when electing a chairperson at an inaugural meeting. It can also decide whether to provide for the exercise of a casting vote by a chairperson in the event of an equality of votes.

- serve as a convenient guide to the rules of procedure that govern meetings of the Council and its committees.

Draft standing orders have been prepared for consideration by the Council (**attachment 1** to this Report 05.1) and it is recommended that these be adopted subject to any amendments that may be decided during consideration of the draft Standing Orders by the Policy, Finance and Strategy Committee.

The draft standing orders have been based on *Model Standing Orders For Meetings of Local Authorities and Community Boards* (NZS 9202:2003). However, as NZS 9202:2003 does not take account of the changes to LGA 2002 and LGOIMA made last year and includes some irrelevant material it is appropriate to adopt standing orders that are personal to Greater Wellington and reflect the choices of this council (particularly in respect of a chairperson's right to exercise a casting vote – see draft standing order 4.2, **attachment 1**).

Ordinarily, the process to revoke a bylaw is quite involved and requires the use of the special consultative procedure. In this case however it is possible to revoke the Bylaw simply by way of Council resolution. This is because section 294 of LGA 2002 provides that bylaws that constitute the standing orders of a local authority can be revoked in the same way as other standing orders.

It is therefore recommended that the Council revoke the Bylaw and adopt the draft standing orders, subject to any necessary amendments. Any resolution to adopt new standing orders must be by a vote of not less than 75 percent of members present.

5. Communication

If adopted, a copy of the Greater Wellington Regional Council Standing Orders 2005 will be made provided to councillors, and made available to officers via the intranet.

6. Recommendation

That the Committee recommend to the Council that it:

1. ***Note** that, pursuant to section 294 of the Local Government Act 2002 (“the Act”), bylaws that constitute the standing orders of a local authority, such as the Wellington Regional Council (Standing Orders) Bylaw 1990 are standing orders as if adopted in the manner provided for in clause 27, schedule 7, of the Act.*
2. ***Note** that pursuant to section 27, schedule 7, of the Act, the Wellington Regional Council must adopt new standing orders by a vote of not less than 75 percent of the members present*
3. ***Revoke** the Wellington Regional Council (Standing Orders) Bylaw 1990*

4. ***Adopt** the Greater Wellington Regional Council Standing Orders 2005
(attached as **appendix 1** to this report) as its standing orders*

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