



greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

Policy on the appointment of non-elected members to committees, subcommittees and advisory groups

A policy on the appointment of non-elected members to Council committees, subcommittees and advisory groups

Date adopted by Council:

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1. Purpose

This policy sets out an objective and transparent process for the appointment of non-elected members to committees, subcommittees and advisory groups.

2. Background

2.1 Relevant legislation and references

This policy has been determined with reference to clause 31, Schedule 7 of the Local Government Act 2002 (the Act).

The Standing Orders also give some guidance on the appointment or discharge of committee and subcommittee members. Standing Order 2.9.1 states:

The Council may appoint or discharge any member of a committee. Unless directed otherwise by the Council, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

If the Council or a committee wants to appoint a person who is not an elected member to a committee or subcommittee the appointment may be made if, in the opinion of Council or the committee, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee (Standing Order 2.9.2).¹

Advisory groups

There is no guidance in the Act or the Standing Orders regarding appointments to advisory groups, Advisory groups may be set up for a variety of reasons, typically to advise a committee or subcommittee on a particular issue or represent certain interests. GWRC's policy is to apply the same rules and processes as for committees and subcommittees.

2.2 Principles

The appointment and remuneration process for non-elected members will:

- be objective and transparent, while protecting individual privacy;
- manage conflicts of interest appropriately;
- take into account the context in which the Council, as a publicly accountable body, must operate;
- be made on the basis of skills, knowledge and experience, having regard to the nature and scope of the committee, subcommittee and advisory groups overall objectives;

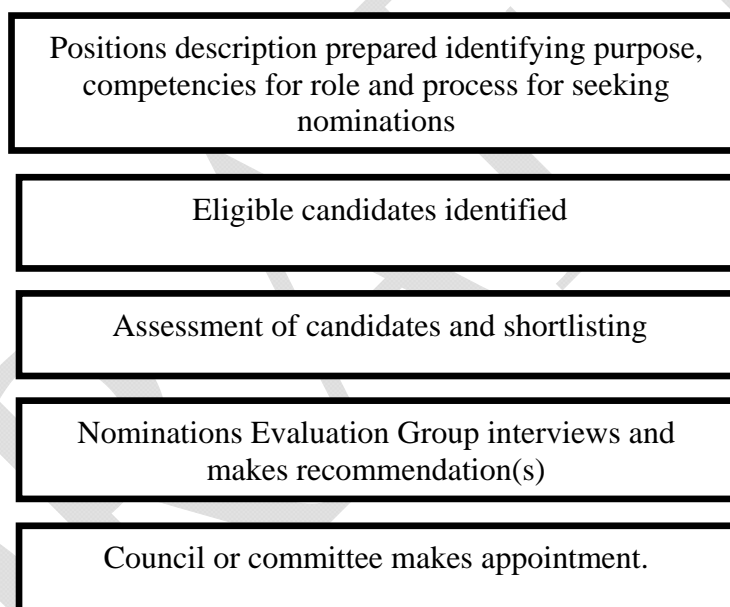
¹ This reflects clause 31, Schedule 7 of the Local Government Act 2002.
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2.3 Application of this policy

This policy set out a **generic process** for the appointment to and remuneration of non-elected members to Council committees, subcommittees and advisory groups. In addition to this policy, appointments to Council committees, subcommittees and advisory groups will also be governed by rules contained within their Terms of Reference as well as other resolutions and/or statutory directions. In the event of any conflict with this policy, such rules and regulations, will take precedence over this policy.

3. Outline of process

Subject to any applicable Terms of Reference, resolution or statutory direction, the below generic process should be followed in appointing non-elected members to committees, subcommittees and advisory groups.



Depending on the procedure adopted for the seeking of nominations, it may be possible for an appointments process to be worked through within a six week period between Council or committee meetings. If seeking nominations by way of public notice, it is likely that the process could not be completed within a single, six week meeting cycle.

4. Purpose of appointment and competencies (skills and experience) sought

Non-elected members will only be appointed to committees or subcommittees if they have “the skills, attributes or knowledge that will assist the work of the committee or subcommittee”.² The same principle will be applied to non-elected members on advisory

² Clause 31, Schedule 7 of the Local Government Act 2002; Standing Order 2.9.2.
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groups. The competencies and skills required for the appointment of non-elected members will be decided by the Council or committee, with consideration of:

- the nature and scope of the subordinate body, its future direction and requirements in its constitutional documents.
- the objectives and purposes of the subordinate body; these may include:
 - representing the views of the wider regional community;
 - representing a specific district's view;
 - representing the views of a specific user group;
 - representing an iwi or hapu view;
 - representing a territorial authority's view;
 - specific technical knowledge or skills relevant to the body; and
 - providing the group to which they are appointed with an independent view.
- the skills of existing members;
- outstanding skills, knowledge and experience required to contribute to the achievement of those objectives; and
- any future skills, knowledge and experience required.

Council or the relevant committee should consider these matters, to ensure that those with knowledge of the competencies sought are formulating the criteria relevant to the proposed appointment.

At the outcome of this step there should be a clear position description for the role that identifies the necessary skills and experiences sought.

5. Identification of candidates

The appropriate avenue for seeking nominations should be decided in the first instance, with reference to any stipulations in the relevant Terms of Reference, resolution or statute. Where this is not stipulated, the significance and purpose of the appointment will determine what avenues should be used to generate candidates: Possible avenues for seeking nominations or identifying candidates include:

- public advertisement;
- approaching government agencies (e.g. New Zealand Transport Agency, Ministry of Women's Affairs, The New Zealand Office of Ethnic Affairs, Ministry of Pacific

Island Affairs, Te Puni Kokiri, Ministry of Consumer Affairs, Office for Disabilities Issues) for nominations from their candidate databases;

- recruitment agencies;
- Councillor or officer referrals; and
- inviting nominations from the region's territorial authorities.

Purpose of appointment

Where the purpose of the appointment is to have a member who represents the views of the wider regional community, a specific regional community or who is appointed to provide an independent view, a public advertisement should be published, advising that non-elected members are being sought. The public advertisement should include the purpose of the appointment and any necessary competencies that the appointee(s) should possess.

Where the purpose of the appointment is to have a member who represents the views of a territorial authority, government department, iwi³ or hapu, or specific interest group, the relevant organisation(s) would be asked to nominate a person whom they believe has the desired attributes to fulfil the purpose of the role.

In both cases, nominations could also be made via Councillor or officer referrals, and could also be generated from relevant databases.

Decisions on the nominations process to be applied should be made by the body responsible for the appointment (Council or committee) and need to be mindful of the competencies sought and the desirability of achieving diversity in representation in order to achieve a good pool of high quality candidates.

5.1 Eligible candidates

The Local Government Act 2002 and Standing Orders provide that at least one member of a committee must be an elected member of Council. Subcommittees and advisory groups need not have any elected members of Council.

GWRC employees are prohibited from being members of committees but may be members of subcommittees and advisory groups.

6. Assessment of candidates (consideration of skills, knowledge and experience)

The relevant General Manager receives candidate applications and develops a shortlist of candidates (4-5 candidates per position) for consideration by a Nominations Evaluation Group. If candidate numbers are inadequate, then the process for seeking nominations will be revisited and repeated.

³ Ara Tahi, the inter-iwi representative group, may be asked to nominate persons for appointment to a Council committee or sub-ordinate body. Any nominations put forward by Ara Tahi will be considered in accordance with this policy.

The Nominations Evaluation Group is responsible for interviewing shortlisted candidates and preparing a report for the Council, outlining its recommendations. As well as bearing in mind the required attributes for the particular role, the Nominations Evaluation Group may also consider:

- competence;
- level of expertise;
- ability to analyse, question and apply judgement;
- ability to maintain an open mind;
- level of local knowledge;
- diversity;
- links into the community and willingness to utilise those links;
- integrity; and
- ability to devote time and attention to the entity.

The Nominations Evaluation Group will comprise:

- the Council Chairperson;
- the chairperson of the relevant Council committee; and
- the relevant General Manager.

6.1 Conflicts of interest

Any/all relevant interests should be declared during the assessment stage, so that the potential for a conflict of interest can be assessed in advance of an appointment being made. Further guidance on the management of interests and conflicts can be found on the Office of the Auditor-General website:

Managing conflicts of interest: Guidance for public entities, refer www.oag.govt.nz/2007/conflicts-public-entities/

Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968, refer <http://www.oag.govt.nz/2010/lamia>

7. Council/committee decision and appointment

Where the body (committee, subcommittee or advisory body) to which the appointment is being made has been established by the Council the Council shall be responsible for making the decision on appointments.

In any other case, the establishing body may make the appointment decision, e.g. a committee establishing a subcommittee may appoint non-elected members to that subcommittee.

Reports recommending appointments will be considered in a public excluded portion of a Council or committee meeting to protect candidate privacy.⁴

A public announcement of the appointment will be made as soon as practicable after Council has made its decision and received confirmation of acceptance from the candidate.

8. Remuneration

The remuneration of non-elected members of committees, subcommittees and advisory groups is a standard daily meeting allowance plus travel costs (mileage, parking, public transport costs) at a rate determined by Council, unless the Council resolves a specific rate to apply to non-elected members of a particular committee, subcommittee or advisory group.

⁴ Section 48 of the Local Government Official Information and Meetings Act 1987 (LGOIMA) states that the public may be excluded from the whole or any part of a meeting when, amongst other things, "the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist". LGOIMA states that good reason will exist when it is necessary to protect the privacy of natural persons.