



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

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

Draft

Date adopted by Council:

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Draft

1. Background

The Standing Orders give some guidance on the appointment or discharge of committee and subcommittee members. Standing Order 8.1 states:

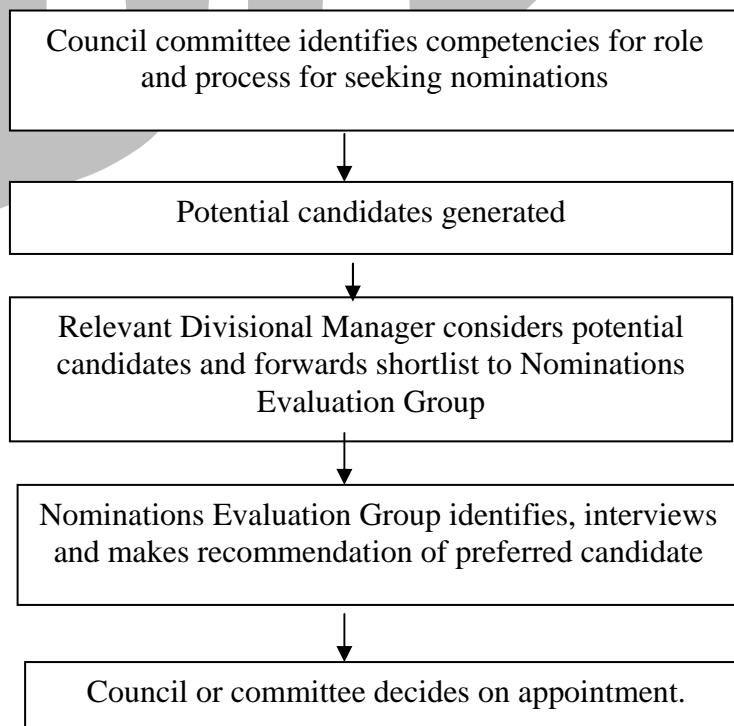
The Council may appoint or discharge any member of a committee. Unless directed otherwise by the Council, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

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 8.2).¹

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 need not have any elected members of Council, and employees are prohibited from being members of committees but may be members of subcommittees.

Subject to any applicable Terms of Reference, resolution or statutory direction,² the following generic process should be followed in appointing non-elected members to committees and subcommittees.

2. Outline of generic process



¹ This reflects clause 31, Schedule 7 of the Local Government Act 2002.

² For example, s178 Land Transport Act 1998.

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.

3. Clarity of purpose of appointment and competencies (skills and experience) sought

Non-elected members may 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”.³ Consideration of the key purposes of current subordinate bodies would therefore assist identifying non-elected members who meet these criteria. These 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 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.

4. Identification of candidates

The significance of the appointment will determine which of the following avenues should be used to generate candidates:

- public advertisement;
- approaching government agencies (e.g. Crown Company Monitoring Advisory Unit, Ministry of Women’s Affairs, Department of Internal Affairs (Ethnic Affairs), Ministry of Pacific Island Affairs, Te Puni Kokiri, Ministry of Consumer Affairs) for nominations from their candidate databases;
- recruitment agencies;
- Councillor or officer referrals; and

³ Clause 31, Schedule 7 of the Local Government Act 2002; Standing Order 8.2.
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- inviting nominations from the region's territorial authorities.

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, iwi⁴ 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 internally, by members of the entity, and could also be generated from relevant databases.

Decisions on the nominations process to be applied should be made by a 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. Evaluating candidates and identification of preferred candidate

The relevant Divisional Manager receives candidate applications and develops a shortlist of candidates (say 4-5 candidates per position) for consideration by a Nominations Evaluation Group.

For the appointment of non-elected members to committees, the Nominations Evaluation Group should comprise of the Council Chairperson, the chairperson of the relevant Council committee, and the relevant Divisional Manager.

For the appointment of non-elected members to subcommittees, the Nominations Evaluation Group should comprise of the chairperson of the relevant Council committee, a committee member, and the relevant Divisional Manager.

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;

⁴ 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.
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- 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 identifies and interviews the preferred candidate. Based on this process, it prepares a report for the relevant committee, outlining its recommendations.

6. Council/committee decision

The relevant committee then makes decisions on appointments to a subcommittee. The Council makes decisions on appointments to a committee.

Reports recommending appointments should usually be considered in a public excluded portion of a Council or committee meeting.

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.

While there is not an obligation to consider appointments in a public excluded session it will usually be the most prudent thing to do. It is important that applicants are confident that their privacy will not be compromised during the appointment process.

7. Remuneration

The remuneration of non-appointed members of committees and subcommittees is a daily meeting allowance plus travel costs (mileage and parking) at a rate determined by Council, unless the Council resolves a specific rate to apply to non-elected members of a committee or sub-committee.