

Proposed Amendments to Local Government New Zealand Rules - 2001

This Amendment relates to Issue 1 Authority to call a Special General Meeting.

To delete Rule G7 and substitute the following Rules:

- "G7.** A Special General Meeting of *Local Government New Zealand* to discuss any issue of relevance to members may be called
- (a) By the National Council under Rule G7A; or
 - (b) By the Chief Executive under Rule G7E.
- G7A.** The National Council may call a Special General Meeting of *Local Government New Zealand* at any time. However, any such Special General Meeting may only be held when notice of the meeting, the venue and the business to be considered has been given to each member authority at least seven working days before the date of the meeting.
- G7B.** Member authorities may petition the Chief Executive to call a Special General Meeting of *Local Government New Zealand*. The petition must,
- (a) Subject to Rule G7C, be signed by member authorities representing one third or more of the voting entitlement of all member authorities as set out in Rule H1 ; and
 - (b) State the issue or issues to be addressed at the Special General Meeting.
- G7C.** No member authority may sign the petition unless a Council resolution has been passed to that effect. The member authorities must send a copy of the Council resolution to the Chief Executive with the petition. The member authorities signing the petition must be from more than one sector group and from more than one zone.
- G7D.** On receiving the petition, the Chief Executive must give written notice to all member authorities that he or she has received the petition together with a copy of the petition.
- G7E.** If the Chief Executive is satisfied that the requirements of Rules G7B and G7D have been met, the Chief Executive must
- (a) Call a Special General Meeting to be held within 4 weeks after the date on which the Chief Executive received the petition; and
 - (b) Determine the time and venue of the meeting; and
 - (c) Give notice of the meeting, the venue, and the business to be considered to each member authority at least seven working days before the date of the meeting."

To amend Rule H1 by inserting after the words "sector group meeting", the words "or for the purposes of any petition under Rule G7B".

This Amendment Relates to Issue 2 Authority to Request a Special Election for President

To insert after Rule F7, the following Rules:

“CONFIDENCE IN PRESIDENT

- F7A.** A motion that the President must vacate **office** may be moved at
- (a) A Special General Meeting called in accordance with Rule **G7**, for the purpose of moving that motion; or
 - (b) An Annual General Meeting where the requirements of Rules **F7B** and **F7C** have been met.
- F7B.** Member authorities may petition the Chief Executive to include in the business of the Annual General Meeting a motion that the President must vacate office. Rules **G7B** to **G7D** apply to the petition. The Chief Executive must receive the petition at least 21 days before the date of the Annual General Meeting.
- F7C.** If the requirements of Rule **F7B** have been met, the Chief Executive must ensure that the motion is included on the Agenda of the Annual General Meeting. Notice of the motion must be included in the notice of business that must be given to each member authority under Rule **G5**.
- F7D.** At the Special General Meeting or the Annual General Meeting, the motion that the President must vacate **office** will be carried if there is simple majority of votes cast in favour of the motion. On the declaration that the motion is carried
- (a) The President is deemed to have resigned immediately on that declaration; and
 - (b) Rules **F17** and **F17A** apply as if there were a vacancy in the **office** of President.”

This Amendment relates to Issue 3 Right to Appoint an Acting President

To delete Rule F 17 and substitute the following Rules:

- "F17.** In the event of a vacancy occurring in the **office** of President within 24 months **after** the person assumed that **office**,
- (a) Rule F22 applies; and
 - (b) A postal ballot must be held subject to Rule F18 as soon as possible to elect an elected member to the vacant **office** of President.

- F17A.** In the event of a vacancy occurring in the **office** of President in any other case, Rule F23 applies."

To omit **from** Rule F18 the words "in accordance with Rule F 17", and substitute the words "under Rule F 17".

To omit from **Rule F20** the words "appointed under Rules F17-F19" and substitute the words "elected under Rule F17".

To **delete** Rules F21 to F23 and substitute the following Rules:

- "F21.** The Vice-President is the Acting President for any period during which the President
- (a) Is overseas; or
 - (b) Is unable to undertake the duties of **office**; or
 - (c) Is on leave approved by the National Council.
- F22.** In the event of a vacancy occurring in the office of President within 24 months after the person assumed that office, the Vice-President is the Acting President until a postal ballot is held as set out in Rule F17 to elect an elected member to the vacant **office** of President.
- F23.** In the event of a vacancy occurring in the **office** of President in any other case, the Vice-President is the Acting President until a new President is elected in accordance with Rules F1 to F7.
- F23A.** If there is, at the same time, a vacancy in the **office** of President and a vacancy in the office of Vice-President within 24 months of the President and Vice-President assuming **office**, the National Council must appoint a National Council member to be Acting President until a postal ballot is held as set out in Rule F17 to elect an elected member to the vacant **office** of President."

This Amendment relates to Issue 4 Vice President and also Preferential Voting

To delete Rules F8 to F 12 and substitute the following Rules:

- "F8.** The Vice-President must be elected by ballot of member authorities in accordance with these Rules at the Annual General Meeting in the year following the year in which triennial local **government** elections are held.
- F9.** Any person (other than the President) holding **office** as a National Council member at the time at which the election for Vice-President is held, is qualified to be elected to the office of Vice-President.
- F10.** The election for Vice-President must be conducted in accordance with the Preferential Voting System used for the election of President as set out in Rules F3A to F4I and any references to the President are to be read as if they were references to the Vice-President."

To delete Rules F25 and F26 and substitute the following Rules:

- "F25.** In the event of a vacancy occurring in the office of Vice-President within 24 months after the person assumed that office, a postal ballot must be held, subject to Rule F27, as soon as practicable to elect a National Council member to the vacant office of Vice-President.
- F26.** In the event of a vacancy occurring in the office of Vice-President in any other case, the National Council must appoint a National Council member to the vacant office of Vice-President.
- F27.** Rule F10 applies, to any postal ballot held under Rule F25, subject to the following:
- (a) The close of nominations is at a date and time nominated by the Chief Executive being not less than four weeks nor more than six weeks after the vacancy arises;
 - (b) Completed voting papers must be **returned** to the Chief Executive not later than a date and time determined by the Chief Executive being not less than four weeks and not more than six weeks after the close of nominations; and
 - (c) The person elected assumes office immediately on the declaration of the result of ~~the~~ election.
- F28.** Any person elected under Rule F25 or appointed under Rule F26 holds office only for the unexpired portion of the term of office of that person's predecessor."

To delete Rule **H16** and substitute the following rule

"H16. If only one nomination is received for the **office** of Vice-President by the time nominations close, the person nominated is immediately deemed to be elected and must be declared Vice-President elect by the Chief Executive. If no nominations are received by the date nominations close, then the National Council has the power to fill the vacancy on the next occasion it meets **after** the vacancy has occurred."

To omit from Rule **H19** the words "of the Vice-Presidents", and substitute the words "of the Vice-President".

This Amendment relates to Issue 5 Presidential Voting Systems

To delete Rules F3 and F4 and substitute the following Rules:

- "F3.** The election for President must be conducted in accordance with the following Preferential Voting System.
- F3A.** For the purpose of the Preferential Voting System set out in these Rules,
- ABSOLUTE MAJORITY OF VOTES, in relation to a candidate, is the number of votes which is greater than one-half of the total number of voting papers other than non-transferable and informal voting papers
- NON-TRANSFERABLE VOTING PAPER means a voting paper on which no second or consecutive preference is recorded for an **unexcluded** candidate, and non-transferable has a corresponding meaning.
- F4.** Each member authority has the number of votes as set out in Rule H1. Each vote is transferable.
- F4A.** Each member authority exercises its vote
- (a) by marking on the voting paper the number "1" in the box next to the name of the candidate for President of the member authority's first preference; and
 - (b) by marking on the voting paper further consecutive numbers in descending order of preference in any or all of the remaining boxes next to the names of the remaining candidates (for example, "2" for the member authority's second preference, and "3" for the member authority's third preference and so on)
- F4B.** The number of first preferences recorded for each candidate must be counted and all informal voting papers must be rejected.
- F4C.** The candidate who obtains an absolute majority of votes is elected as President.
- F4D.** If no candidate has an absolute majority of votes, the candidate who has the fewest votes is to be excluded and each voting paper counted to that candidate, unless non-transferable, must be counted to the **unexcluded** candidates next in the order of the member authority's preference.
- F4E.** The process in Rule F4D must be repeated until one candidate has an absolute majority of votes.
- F4F.** In this Preferential Voting System, a voting paper must be set aside as informal if:
- (a) The figure "1" standing alone is not placed so as to indicate a first preference for a candidate; or

- (b) At the point at which (and not before) the same preference is set opposite the name of more than one candidates; or
- (c) Rule H20 applies; or
- (d) The voting paper is unmarked or void for uncertainty.

F4G. For the purpose of these Rules,

- (a) Every voting paper not rejected as informal must be counted in every count until it becomes non-transferable when it must be rejected in all further counts; and
- (b) If a candidate is excluded, any voting paper counted to the candidate is non-transferable if there is not indicated on it a consecutive preference for 1 or more **unexcluded** candidates.

F4H. If, on any count, 2 or more candidates have an equal number of votes and one of them has to be excluded, the Chief Executive must decide which candidate is to be excluded by the drawing of lots. If, in the final count, 2 candidates have an equal number of votes, the Chief Executive must decide which of them is to be elected by the drawing of lots.

To delete Rule H18.

This Amendment relates to Issue 7 Length of Terms

To omit from Rule E8 the words “not later than 10 December in each year in which”, and substitute the words “within eight weeks after the”.

To delete Rule E9 and substitute the following Rule:

- "E9.** Persons appointed to the National Council under Rules E1 – E8 assume office on the day that is eight weeks **after** the triennial local government elections are held, and subject to Rules E12 – E16 serve in office until their successors have assumed office”.

To delete Rule E12 and substitute the following Rules:

- "E12.** If any National Council member (other than the President):
- (a) Resigns from the National Council by giving written notice to that effect to the Chief Executive; or
 - (b) Subject to Rule E1 2A, ceases to hold office as an elected member; or
 - (c) Is elected to the office of President;
- then that person’s position as a National Council member immediately becomes vacant.
- E12A.** If a National Council member ceases to hold office as an elected member at the triennial local **government** elections, the person continues to hold office as a National Council member until his or her successor assumes office under Rule E9."

Further Amendments

To delete Rule E1 and substitute the following Rule:

- "E1.** The National Council of *Local Government New Zealand* consists of the President and 14 members appointed as follows:
- (a) Two persons appointed by Zone One;
 - (b) One person appointed by each of Zones Two, Three, Four, Five and Six;
 - (c) Three persons appointed by the Metropolitan Group;
 - (d) Two persons appointed by the Regional Group;
 - (e) One person appointed by each of the Provincial and Rural Groups."

To add to Rule G1 the words "on or" before the words "before the 31st day of July" so that it now reads:

- "G1.** An Annual General Meeting of member authorities must be held on or before the 31st day of July in each year at such time and place that is fixed by *Local Government New Zealand*."

To delete Rule H1 and substitute the following Rule:

- "H1.** Subject to Rules H3 and H4, at the Annual General Meeting, and any Special General Meeting, or zone or sector group meeting, or for the purposes of any petition under Rule G7B, member authorities admitted to membership under Rule C1 are entitled to vote as follows:
- (a) Member authorities having an annual subscription of \$80,000 or over – 6 votes;
 - (b) Member authorities having an annual subscription of \$50,000 to \$79,999.99 – 5 votes;
 - (c) Member authorities having an annual subscription of \$30,000 to \$49,999.99 – 3 votes;
 - (d) Member authorities having an annual subscription of \$20,000 to \$29,999.99 – 2 votes;
 - (e) Member authorities having an annual subscription of less than \$20,000 – 1 vote. "

To delete Rule J7 and substitute the following Rule:

- "J7.** In accordance with the Public Audit Act 2001, the auditor of *Local Government New Zealand* is the Auditor-General and the provisions of the Public Audit Act 2001 apply to the audit of the financial statements of *Local Government New Zealand*."