Council

Meeting of 21 October 2026

Business Unit: Corporate
Date Created: 05 October 2026

Voting and Quorum for non-elected members - Exception Requests

Purpose Te Aronga o te Pūrongo

The purpose of this report is to seek Council approval to request two exceptions under section 260A of the Local Government Act 2002, to enable non-elected members of the Finance & Performance Committee and Manawatū Water Services Committee to continue to vote and be counted towards quorum.

Recommendations Ngā Tūtohinga

That the Council:

1. Approves an application to the Minister of Local Government seeking an exception from clauses 23(4) and 31A(1) of Schedule 7 of the Local Government Act for non-elected members of the Finance & Performance Committee, to enable those members to continue to vote and be counted towards quorum.

2. Approves an application to the Minister of Local Government seeking an exception from clauses 23(4) and 31A(1) of Schedule 7 of the Local Government Act for non-elected members of the Manawatū Water Services Committee, to enable those members to continue to vote and be counted towards quorum.

3. Authorises the Mayor and Chief Executive to finalise and submit the exception applications to the Minister of Local Government.

   OR

4. Does not approve applications for exceptions to the Minister of Local Government.

Report prepared by:
Ash Garstang
Governance and Assurance Manager

Approved for submission by:
Shayne Harris
Chief Executive

---

1 Background Ngā Kōrero o Muri

1.1 The Local Government (System Improvements) Amendment Act 2026 received Royal assent on 18 September 2026. Among other changes, the Amendment Act introduced new restrictions on the voting and quorum rights of non-elected members appointed to local authority committees. Changes to quorum and voting come into effect 18 March 2027.

1.2 The Amendment Act inserted two key clauses into Schedule 7 of the Local Government Act 2002 (LGA).

- Clause 23(4) states that non-elected members are not to be counted when determining the number required for a quorum and are not to be counted towards meeting that quorum.

- Clause 31A(1) states that non-elected members cannot vote.

1.3 Section 260A of the LGA enables the Governor-General to approve exceptions for specific committees, or types of committees, upon the recommendation of the Minister of Local Government. Exceptions can be indefinite or for a specific period of time.

1.4 The Minister wrote to councils on 29 September 2026 (Attachment 1), advising of the process to request an exception. Councils can make applications for exceptions to the Minister by 18 November 2026 and these should be supported by a Council resolution.

1.5 MCERT officials have confirmed that, at this stage, they have not been directed to undertake work on potential exceptions for particular types or classes of committees. Council should therefore not assume that a broader exception will be made that would apply to either of its committees.

1.6 The Minister has advised in his letter that applications should include:

- Information about the role and purpose of the relevant committee.

- Why removing voting and quorum rights from non-elected members would create an issue, and how the committee would operate without an exception.

- What safeguards will be in place to protect democratic accountability, should the exception be approved.

- Information about how the exception fits within the broader statutory framework, including any comparable precedents.

2 Strategic Fit Te Tautika ki te Rautaki

2.1 Not applicable.

3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

3.1 Council has two committees with non-elected members:

- Finance & Performance Committee – there are two non-elected members, being the Chair and Deputy Chair.
- Manawatū Water Services Committee – there is one non-elected member, being the Chair.

3.2 Council should determine whether to seek exceptions under section 260A to enable non-elected members appointed to these committees to continue to vote and be counted towards quorum.

Finance & Performance Committee

3.3 Finance & Performance has a broad assurance and oversight role, including responsibilities relating to financial reporting, risk management, internal controls, internal and external audit, legislative compliance and Council's organisational performance.

3.4 Council has appointed two non-elected members onto the Committee, who hold the positions of Chairperson and Deputy Chairperson. The purpose of these appointments is to provide independent leadership and specialist expertise.

3.5 The Chairperson is a Chartered Accountant and the Deputy Chairperson has a law degree and extensive legal experience, providing skillsets that strongly complement the Committee's financial, risk and assurance responsibilities.

Manawatū Water Services Committee

3.6 The Manawatū Water Services Committee provides dedicated governance oversight of Council's water services activities, including operational and financial performance, asset management, project delivery, risk and regulatory compliance.

3.7 Council currently has one non-elected member on the Committee, who holds the position of Chairperson. The purpose of this appointment is to provide dedicated governance leadership and an external perspective over the delivery and development of Manawatū Water Services.

3.8 The Chairperson's role is broader than that of an adviser or technical expert. The Chairperson is responsible for leading the Committee, facilitating its consideration of matters and participating in its collective governance and decision-making.

3.9 If the exceptions are not granted, Council could retain the non-elected members of both committees in their Chairperson or Deputy Chairperson roles. They could continue to lead meetings, contribute to discussion and provide expertise, but could not vote or count towards quorum. Removing voting rights would create a distinction between their responsibility for leading the Committee's functions and their ability to participate in formal decision-making.

3.10 If exceptions are granted, democratic accountability would continue to be maintained through elected member representation on both committees. Council would also continue to determine committee membership, terms of reference and delegations, with matters reserved to Council continuing to be determined by elected members.

3.11 Council is asked to either:

- Approve the recommendation for officers to draft two exception requests: one for the Finance & Performance Committee and one for the Manawatū Water Services Committee, subject to the wording being approved by the Mayor and Chief Executive.

  OR

- Not approve applications for exceptions to the Minister.

4 Risk Assessment Te Arotake Tūraru

4.1 If Council approves applications for exceptions, the principal risk is that one or both applications are declined. The Minister has advised that exceptions are expected to be rare, and there is no assurance that either application will satisfy the statutory test.

4.2 While this risk is obviously unavoidable, care will be taken to ensure that the letter requests explicitly provide all information requested by the Minister.

4.3 If the exceptions are not granted, the affected non-elected members will by default remain members on the committees. Any necessary amendments to quorum arrangements will be brought back to Council for approval.

5 Engagement Te Whakapānga

Significance of Decision

5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

Māori and Cultural Engagement

5.2 There are no known cultural considerations associated with the matters addressed in this report.

Community Engagement

5.3 No community engagement is warranted.

6 Operational Implications Ngā Pānga Whakahaere

6.1 There are no operational implications with this report.

7 Financial Implications Ngā Pānga Ahumoni

7.1 There are no financial implications with this report. Remuneration for non-elected members is managed separately and there is no requirement to revisit these arrangements based on the voting or quorum status of these members.

8 Statutory Requirements Ngā Here ā-Ture

8.1 Statutory requirements are referenced in other parts of the report, as necessary.

9 Next Steps Te Kokenga

9.1 If approved, officers will draft the applications for exceptions for the Mayor and Chief Executive's approval.

10 Attachments Ngā Āpitihanga

- Letter from Minister of Local Government – 29 September 2026