

Ashburton District Council

AGENDA

Notice of Meeting:

The Inaugural meeting of the Ashburton District Council will be held on:

Date: Wednesday 29 October 2025

Time: 1.30pm

Venue: Hine Paaka Council Chamber

Te Whare Whakatere
2 Baring Square East
Ashburton

Membership

Mayor Liz McMillan

Members Carolyn Cameron
Phill Everest
Russell Ellis
Deb Gilkison
Phill Hooper
Jeanette Maxwell
Julie Moffett
Tony Todd
Richard Wilson

Meeting Timetable	
Time	Item
1.30pm	Welcome and introduction by Chief Executive
2.45pm	Afternoon Tea

The Chief Executive is in the Chair until the Mayor has made and attested the declaration.

1 Apologies

2 Extraordinary Business

Declarations

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24 October 2025

Declaration of Mayor

I, _____, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Ashburton District, the powers, authorities, and duties vested in or imposed upon me as Mayor of the Ashburton District Council, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act.

Dated at Ashburton, 29 October 2025

Witnessed by:

Hamish Riach
Chief Executive

Declaration of Councillor

I, _____ declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Ashburton District, the powers, authorities, and duties vested in or imposed upon me as a Member of the Ashburton District Council, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act.

Dated at Ashburton, 29 October 2025

Witnessed by:

Liz McMillan
Mayor

Hamish Riach
Chief Executive

Declaration of Methven Community Board Member

I, _____ declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Ashburton District, the powers, authorities, and duties vested in or imposed upon me as a Member of the Methven Community Board, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act.

Dated at Ashburton, 29 October 2025

Witnessed by:

Liz McMillan
Mayor

Hamish Riach
Chief Executive

3. *Declaration by Mayor*

No person is capable of acting as a member of a local authority until they have made the declaration that is set out in the sample attached. The law states that you must make this declaration both orally and in writing. The procedure to be followed at the Inaugural Meeting is that the Mayor will make the declaration first and she will then sign a written copy which will be witnessed by myself as Principal Administrative Officer of the Council. Then the Mayor and Chief Executive will take the declarations of each Councillor and Methven Community Board Member in turn.

4. *Declarations by the Members of the Ashburton District Council and Members of the Methven Community Board*

Each of the following elected members will read aloud the statutory declaration pursuant to Clause 14 of Schedule 7 of the Local Government Act 2002 and sign the written declaration, which will be witnessed by the Mayor and Chief Executive.

The Western Ward Councillors appointed to the Methven Community Board are required to make both declarations.

Ashburton District Councillors

Cr Carolyn Cameron
Cr Phill Everest
Cr Russell Ellis
Cr Phill Hooper
Cr Deb Gilkison
Cr Jeanette Maxwell
Cr Julie Moffett
Cr Tony Todd
Cr Richard Wilson

Methven Community Board Members

Faye Barrand
Megan Fitzgerald
Robin Jenkinson
Richie Owen
Simon Wareing

5. *Address by the Mayor*

Her Worship the Mayor Liz McMillan will address the Council.

6. *Certificate of Service presentation*

A certificate of service will be presented to former Councillor Rob Mackle. Cr Mackle was elected as a Western Ward Councillor in a by-election in May 2023.

7. *Explanation of Statutory Requirements*

The Local Government Act requires the Chief Executive to provide the Council with an overview of key legislation that elected members need to be aware of and have an understanding of in their role. This report highlights some of the key aspects of the following legislation:

- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Local Authority (Members' Interests) Act 1968
- Crimes Act 1961 – Sections 99, 105 and 105A
- Secret Commissions Act 1910
- Protected Disclosures Act 2000
- Public Records Act 2005
- Financial Markets Conduct Act 2013
- Health & Safety at Work Act 2015

A range of information is being provided to elected members which covers this material in more depth including:

- Ashburton District Council Standing Orders
- Code of Conduct (which includes a summary of key legislation and decision making processes)
- Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968 – Office of the Auditor General publication.

7.1 **Local Government Act 2002**

7.1.1 Overview

Local Government's empowering statute is the Local Government Act 2002 (LGA).

The LGA spells out local government's purpose, its general powers, its specific by-law making powers and the principles and processes that councils must abide by when making decisions.

The LGA is based on the principle of general competency, which enables a council to choose the activities it undertakes and how it should undertake them. It states the role and purpose of local government.

"The purpose of local government is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.*

(S.10 LGA 2002)

This recognises local government's democratic role and highlights the ability of councils to make decisions and take action on behalf of their citizens. It also recognises both the representative and participative roles of local government. The purpose further recognises that local government ultimately exists to improve community well-being.

In performing its role, the Council must act in accordance with a number of principles. These include:

- Conducting its business in an open, transparent, and democratically accountable manner.

- Giving effect to its identified priorities and desired outcomes in an efficient and effective manner.
- It must make itself aware of, and should have regard to, the views of all its communities; and when making a decision, the Council should take account of –
 - (i) the diversity of the community, and the community's interests, within its district; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in sub-paragraphs (i) and (ii);
- The Council should provide opportunities for Maori to contribute to its decision-making processes.
- The Council should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and
- The Council should undertake any commercial transactions in accordance with sound business practices; and periodically –
 - (i) assess the expected returns to it from investing in, or undertaking, a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- The Council should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district, including by planning effectively for the future management of its assets; and
- In taking a sustainable development approach, the Council should take into account –
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.
- If any of these principles conflict in any particular case, the Council should resolve the conflict in accordance with the principle of openness, transparency and democratic accountability.

As elected Council representatives you are responsible for making policy decisions that guide our activities and provide the direction for our District's future.

The Ashburton District Council carries out a number of functions, responsibilities and activities which include:

- Constructing, managing and maintaining local infrastructure on behalf of the community. This infrastructure includes: roads, water supply, sewage disposal, refuse collection and disposal, and stormwater drainage

- Providing and maintaining community facilities and assets which include: parks and gardens, a library, community halls, a museum, an art gallery, cemeteries, swimming pools and public conveniences
- Planning for the future needs of the district
- Managing the environment for present and future residents
- Undertaking a regulatory role to ensure that residents have a safe, desirable and healthy environment in which to live
- Advocacy on behalf of the local community with central government, other local authorities and other agencies
- Promoting and facilitating development of the district that will benefit residents, and providing a comprehensive information service.

The Methven Community Board functions include to:

- represent, and act as an advocate for, the interest of its community
- consider and report on all matters referred to it by the territorial authority on any matter of interest or concern to the community board
- maintain an overview of services provided by the territorial authority within the community
- prepare an annual submission to the territorial authority for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the territorial authority.

7.1.2 Pecuniary Interest Register

The Local Government (Pecuniary Interests Register) Amendment Act 2022 came into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act 2002 relating to elected members' pecuniary interests.

Council must keep a register of its members' pecuniary interests and make a summary of this register publicly available. Council has appointed the Governance Team Leader as the Registrar who maintains the register and provides advice and guidance to elected members.

The key obligations of elected members (including members of the Methven Community Board) are to:

- make annual returns that contain information on certain pecuniary interests to the Registrar, within the statutory timeframe;
- ensure that the information contained in their returns is accurate; and
- in the event of becoming aware of an error or omission in their returns, advise the Registrar of that as soon as practicable.

The elected members' first return will be due on 16 February 2026, being 120 days after the date on which the elected members come into office under section 115 of the Local Electoral Act 2001. For the subsequent two years of this triennium, the due date is the last day of February.

The return must cover the 12 month period that ends on the day that is one calendar month before the return due date. The first return will therefore relate to the period from 17 January 2025 to 16 January 2026.

A pecuniary interest is defined as a matter or activity of financial benefit to the elected member. The matters and activities that must be disclosed in the member's return are set out in sections 54E and 54F of the Act.

If an elected member fails to comply with its obligations, this amounts to an offence which is punishable by a fine of up to \$5,000.

7.2 Local Government Official Information and Meetings Act 1987 (LGOIMA)

[LGOIMA](#) provides for all local government activities to take place in an open and transparent environment. It also specifies that, generally, all information held by a local authority in any form should be available to the public. The purpose of LGOIMA is to enable more effective participation by the public in the actions and decisions of local authorities and to promote the accountability of local authority members and officials with a view to enhancing respect for the law and promote good local government in New Zealand.

There are two aspects to this Act:

- Access to Local Authority Information; and
- Local Authority meetings

A brief overview of these provisions is provided in the following paragraphs.

7.2.1 Access to Local Authority Information

Generally, all information held by a local authority in any form should be available to the public. However, LGOIMA does provide that certain material does not constitute “information” for the purposes of the Act. This includes library or museum material, information acquired solely for reference or exhibition purposes, information held by the Council as agent for the purpose of safe custody and correspondence with the Ombudsman relating to a matter under investigation by that office.

It also sets out certain reasons that a Council can rely on to withhold particular information, such as the protection of privacy, commercial advantage, protection of negotiations, and the like (these are set out in the Council's Standing Orders).

LGOIMA provides for anyone to have the right to request information held by the Council and that if any such request is refused the applicant has the right of appeal to the Ombudsman. The Ombudsman will then consider the request; the nature and content of the information concerned and the grounds relied on for refusing to provide it. If the Ombudsman believes that some or all of the information should be released, they will recommend a course of action to the Council. It is then up to the Council to decide what to do. The Council's decision is reviewable by the High Court.

Another requirement of the Act is that Council publish a document outlining its functions and giving a general description of the information held by it. This material is published through the Local Governance Statement which is required to be updated within six months following each election.

The Local Governance Statement is publicly available on the Council's website, however it will need to be updated following the Council's decision on its governance structure for 2025-28.

LGOIMA specifically provides that there will be no liability on Councillors for any information released in good faith under the legislation. It should be noted however that the Privacy Act 2020 places strict limitations on Council in respect of the release of information relating to private individuals and this must be seen as curtailing the general rule.

Under LGOIMA the authority to make decisions regarding whether information should be released is delegated to the Chief Executive.

As a general rule, any information contained in the open section of any agenda (e.g. the pages that are not headed "public excluded") is already in the public domain. Any information marked "public excluded" or "confidential" should not be released or discussed outside the meeting concerned. If, as an elected member, you are asked to provide any such information to a third party you should refer the request to either myself or to the Group Manager responsible for the report. Should an elected member release confidential information and should the Council suffer any loss as a result, the member may become personally liable for the Council's loss if it can be shown that the member was not acting in good faith.

7.2.2 Local Authority Meetings

LGOIMA provides that all meetings of Council, which includes meetings of its committees and the Community Board, shall be open to the public unless certain specified reasons can be satisfied for excluding them.

These reasons are basically the same as for withholding information and are set out within Section 48 of the Act. It is necessary for the meeting to be satisfied that any one or more of these reasons exist before the public is excluded. Council officers will provide guidance and suggestions where it may be considered to be appropriate for the Council or for its committees or Community Board to meet with the public excluded.

LGOIMA also enables the Mayor (or Chairperson in the case of committees and the Community Board) to introduce an item that is not on the agenda as long as there is a clear reason why the item is not on the agenda and why it cannot wait until the next meeting. A formal resolution, including reasons must then be passed to receive and consider the item. This relates to major and urgent matters only.

The Council is still subject to the requirements of the decision making processes as set out in the Local Government Act 2002. LGOIMA states that in terms of minor matters, no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting of the local authority for further discussion. This requirement is not intended to make the decision making process any more difficult or protracted than necessary but to ensure transparency.

Agendas for Council and Committee meetings have to be made available to the public two clear working days before the day of the meeting. The agendas are published on the Council website ashburtondc.govt.nz.

Other provisions of the LGOIMA require meetings to be publicly notified and provide that any matter including defamatory matter published in any agenda, or oral statements made at any meeting are privileged unless proven to have been made with malice.

7.3 Local Authorities (Members Interests) Act 1968

The [Local Authorities \(Members' Interests\) Act 1968](#) helps to protect the integrity of local authority decision-making by ensuring that Councillors are not affected by personal motives when they participate in Council decision-making and cannot use their position to obtain preferential access to contracts.

This Act deals with two forms of “interest”, pecuniary interest and non-pecuniary interest.

The obligations under this Act are in addition to the obligations of elected members to provide pecuniary interests returns under the Local Government Act 2002, as discussed in section 6.1.2 above.

7.3.1 Pecuniary interest

The two specific rules in the Act are that members cannot:

1. Enter into contracts with their local authority worth more than \$25,000 (including GST) in a financial year unless the Auditor-General approves the contracts (referred to as the contracting rule). Breach of this rule results in automatic disqualification from office; and
2. Participate in matters before the Council / Community Board in which they have a pecuniary interest, other than an interest in common with the public (referred to as the participation rule). Breach of this rule is a criminal offence and conviction results in automatic disqualification from office.

A pecuniary interest is one that involves money. This could be direct or indirect. It is sometimes difficult to decide whether an interest in a particular matter is pecuniary or some other kind. It is always the responsibility of elected members to make this decision, to declare any interest when appropriate and to ensure that as an elected member you comply with the Act's requirements at all times.

The Act generally provides that no person shall be capable of being a member of Council / Community Board if that person is concerned or interested in any contracts with the Council / Community Board where the total payments made by the Council in respect of such contracts exceeds \$25,000 in any one financial year. The Act also provides that an “interest” exists where a member's spouse is involved and/or where a member or their spouse is a major shareholder or have control or management of a company which contracts with Council or where the company has a pecuniary interest in the decision. It may also apply where your family trust has a contract with the Council.

The Act does provide that on application to it the Office of the Auditor General may give specific approval to a member being concerned or interested in a particular contract, in which case the provisions of the Act will not disqualify the Councillor from remaining in office. The approval needs to be gained before the contract concerned is entered into.

The Act also requires that a member shall not vote or take part in the discussion of any matter in which he/she has any pecuniary interest, other than an interest in common with the public. Though not an absolute requirement of the Act, the Council's Standing Orders require that, where a member declares an interest in the issue being debated, the member must withdraw from the Council Chambers. This interest is required to be declared by the member and is noted in the minutes.

The Office of the Auditor General is the agency which oversees this legislation and it also has the responsibility and power to institute proceedings against any member. The Act does not define pecuniary interest, however the Office of the Auditor-General uses the following test:

"Whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."

In deciding whether you have a pecuniary interest you should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision – do I have a reasonable expectation of gain or loss of money as a result of making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the Act apply to me?
- Could I apply to the Auditor-General for approval to participate?

It is important that you pay particular attention to the contents of this Act as this is one of the few areas of the Council's business where staff do not set out to provide pro-active advice and members are personally liable for compliance with the provisions of this Act.

7.3.2 Non-pecuniary interest

Non-pecuniary interest is any interest the member may have in an issue that does not involve money. A common term for this is "bias".

Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias. The principle is that justice should not only be done, but it should be seen to be done. Bias may be exhibited where:-

- By their statements or conduct a member may indicate that they have predetermined the matter before hearing or considering all of the relevant information on it (including the Council's debate); or
- The member has a close relationship with an individual or organisation affected by the matter.

Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree. The question you need to consider, drawn from case law, is:

"Is there, to a reasonable, fair-minded and informed observer, a real indication of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

If there is, the member should declare their interest and withdraw from the debate. The law about bias does not put you at risk of personal liability. Instead, the validity of the Council's decision could be at risk.

The need for public confidence in the decision-making process is paramount and perception can be an important factor.

Again the information provided by Office of the Auditor General provides some excellent advice and information on this issue. Practically I would suggest that if you feel that you may have an “interest” in any matter before the Council or a Committee of which you are a member then you should discuss the issue with your lawyer (at no cost to the Council), the Mayor, the Committee Chair or me before the meeting. While this will not relieve you of your obligations under the Act it will provide you with some independent guidance.

7.4 Crimes Act 1961 : Sections 99, 105 & 105A

Under the Crimes Act 1961 it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council
- Use information gained in the course of their duties for their, or another person’s monetary gain or advantage.

Section 99 of the Crimes Act 1961 defines a member or employee of a local authority as an official.

For the avoidance of doubt and for the purposes of this Act this means that each elected member of the Council is considered to be an official of the Council. Section 99 also defines a “bribe” as being “any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect”. The words “or indirect” open this definition considerably, e.g. an offer of employment to a son or a daughter could be construed as amounting to being a bribe so members need to be aware of their exposure under this Act through other family members.

Section 105 and 105A provide:

105. Corruption and bribery of official—

- (1) Every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or herself or any other person in respect of any act done or omitted, or to be done or omitted, by him or her in his or her official capacity.*
- (2) Everyone is liable to imprisonment for a term not exceeding 7 years who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any official in respect of any act or omission by him or her in his or her official capacity.*

105A. Corrupt use of official information—

Every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly uses or discloses any information, acquired by him or her in his or her official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself or any other person.

As elected members are deemed to be “officials” for the purposes of this Act and you are therefore subject to these penalties if you are found to be in breach of them. Such a conviction would also have the consequences of loss of office in terms of Clause 1 of Schedule 7 of the Local Government Act 2002 (which disqualifies a member who is convicted of an offence punishable by a term of imprisonment of two years or more).

7.5 Secret Commissions Act 1910

This Act basically establishes offences relating to the giving, receiving or soliciting of gifts or other consideration as an inducement or reward for doing or forbearing to do something in relation to the affairs of the Council, or showing or having shown favour or disfavour to any person in relation to the Council's affairs or business (section 4(1)). It applies to elected members and covers any such gifts given, received or solicited by *"any parent, husband, wife, or child of any agent, or to his partner, clerk, or servant, or (at the agent's request or suggestion) to any other person"*.

The Act makes it an offence for any agent (for the purposes of the Act an elected member is deemed to be an "Agent" of the Council) (section 16(1)(b)) to accept gifts without the consent of the principal (the Council), not to disclose a pecuniary interest in any contract which the agent makes on behalf of the principal, or who knowingly delivers to their principal a false receipt, invoice, account or other document in relation to the principal's business.

It is an offence to divert, obstruct, or interfere with the proper course of the affairs or business of the Council, or to fail to use due diligence in the prosecution of its affairs or business, with intent to obtain any gift or other consideration from any person interested in the affairs or business of the Council (section 4(2)).

It also provides that it is an offence for any person to advise a party to enter into a contract with a third party and to receive gifts or consideration from that third party as reward for procuring the contract, unless that person is known by the party to be the agent of that third party. It further provides that the act of aiding or abetting or in any way facilitating an offence against the Act is itself an offence.

Prosecutions made for offences under this Act require the approval of the Attorney-General who has the power to decide whether to prosecute. Any person who commits an offence against this Act is liable to imprisonment for a term not exceeding 7 years. Such a conviction would also have the consequences of loss of office in terms of Clause 1 of Schedule 7 of the Local Government Act 2002.

7.6 Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 came into force on 1 July 2022 to provide protection to elected members. Under the Act the definition of a discloser includes a person on the governing board of a public sector organisation (PSO), which includes elected members of a local authority.

Under the Act a discloser who discloses information about a serious wrongdoing by the PSO is protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the employee.

Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources, conduct that risks individual or public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence; and oppressive, unlawfully discriminatory conduct, gross negligence or gross mismanagement by a public official.

Protection under the Act applies where the discloser has information about a serious wrongdoing in or by the discloser's organisation; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and desires protection under the Act.

The Act requires disclosure to follow the internal procedures of the Public Sector Organisation. The Council is required to establish internal procedures to address the receipt of and dealing with information about serious wrongdoing in or by the Council.

The Council's Protected Disclosures Policy is available on the Council's website www.ashburtondc.govt.nz.

7.7 Public Records Act 2005

The Public Records Act 2005 (the Act) establishes a regulatory framework for information and records management across the public sector, including local authorities. Local authorities include all regional councils and territorial authorities, council-controlled organisations, and local government organisations.

The Act requires that full and accurate records of the affairs of local authorities are created, maintained and accessible, and provides for the preservation of, and public access to, records of long-term value. This enables government accountability and enhances public confidence in the integrity of public and local authority records.

Information created or received in the conduct of the Council, regardless of format, are local authority records. In their official role elected members may receive information directly, and are responsible for ensuring local authority records are captured and managed in accordance with statutory requirements and internal Council policies.

7.8 Financial Markets Conduct Act 2013

The main purposes of the Financial Markets Conduct Act is to promote the development of fair, efficient, and transparent financial markets in New Zealand, and the confident and informed participation in them of businesses, investors, and consumers. Financial markets include markets for the provision of financial services, and capital markets.

To the extent the Council may wish at some point to raise capital through the issue of debt or equity securities, compliance with the Act will be relevant to elected members. There will be obligations imposed on them in respect of matters such as the proposed governance arrangements for any securities issued and the information to be disclosed to prospective investors. In this regard, elected members will be treated the same as company directors.

Professional advice, both internally and externally, would be provided before the Council considers and makes any decisions. However, elected members should be aware they may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

7.9 Health & Safety at Work Act 2015

The Health and Safety at Work Act 2015 (HSWA) came into force on 4 April 2016.

The Council is treated as a single 'Person Conducting a Business Undertaking' (PCBU) under the Act. It has a duty to ensure as far as reasonably practical the health and safety of workers. There is a duty to manage risks.

Elected members are defined as "Officers under the Act; somebody who exercises significant influence over management of the PCBU. They must exercise "due diligence" to ensure the PCBU complies with its duties.

Due diligence obligations include:

- Keeping up to date with health and safety matters;
- Understanding the nature of Council's business and its hazards and risks;
- Ensuring the PCBU has appropriate resources and processes to eliminate or minimise risks to health and safety;
- Ensuring there are appropriate reporting and investigation processes in place;
- Monitoring those processes; and
- Verifying all the above is happening.

The Act exempts certain office holders from liability. This includes Councillors who, when acting in that capacity, are exempt from prosecution for failing to fulfil the duty of an Officer. The Act does not exempt the Chief Executive.

7.10 Personal Liability of Elected Members

Elected Members are indemnified in respect of their actions as a member of the Council. Section 43 of the Local Government Act 2002 provides for this indemnity (by the Council) in relation to:

- a) civil liability (both for costs and damages) if the Member is acting in good faith and in pursuance of the responsibilities or powers of the Council;
- b) costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as an elected member.

The Local Government Act provides for a theoretical personal exposure on the part of elected members in certain circumstances if the Council has incurred loss due to actions of the Council. The loss must arise out of one of the following situations:

- if the Council unlawfully spends money;
- if the Council unlawfully sells or disposes of an asset;
- if the Council unlawfully incurs a liability;
- if the Council intentionally or negligently fails to enforce the collection of money it is lawfully entitled to receive.

If the Auditor-General has reported on a "loss", then that loss is recoverable as a debt due to the Crown. This must be paid back to the Council from each elected member jointly and severally. However, as a Member of the Ashburton District Council, you have a defence if you can prove that the act or failure which led to the loss occurred:

- without your knowledge; or
- with your knowledge but against your protest made at or before the time when the loss occurred; or
- contrary to the manner in which you voted on the issue at a meeting of the Council; or
- in circumstances where you acted in good faith and relied on information or professional or expert advice given by a Council officer or professional advisor on matters which you reasonably believed were within that person's competency.

Recommendation

That the report be received.

Hamish Riach
Chief Executive

8. *Appointments made by the Mayor*

- **Appointment of Deputy Mayor**

The appointment of the Deputy Mayor is required to be undertaken at the inaugural meeting of the local authority in accordance with clause 21(5)(e) of Schedule 7 of the Local Government Act 2002.

Clause 3 of section 41A of the Local Government Act 2002, gives the Mayor the power to appoint the Deputy Mayor.

Clause 4 of section 41A does provide for the Council to overturn the appointment of the Deputy Mayor appointed by the Mayor, however the Council must follow a process set out under Clause 17 of Schedule 7 of the Act.

I have chosen to appoint Councillor _____ as the Deputy Mayor.

I would like to congratulate Councillor _____ and wish them all the best in their role as Deputy Mayor.

- **Appointment of Western Ward Councillors to Methven Community Board**

I am confirming the appointments of the two Western Ward Councillors to the Methven Community Board. To enable Deb Gilkison and Jeanette Maxwell to fulfil their roles on the Community Board, they have been required to make their declarations for both a Councillor and a Community Board member. The combination of both declarations meets the requirements of the Local Government Act 2002 (cl.14, S7).

Recommendation

- | |
|--|
| <ol style="list-style-type: none">1 That Council notes the appointment by the Mayor of Councillor _____ as Deputy Mayor.2 That Council notes the appointments of Western Ward Councillors Deb Gilkison and Jeanette Maxwell to the Methven Community Board. |
|--|

- **Governance Structure for the 2025-2028 Triennium**

At the beginning of each triennium the Council is required to have a governance structure to perform its business and duties throughout its three year term.

It is my intention to bring a report to Council on 5 November 2025, with my proposal for establishing committees and confirming the elected member appointments.

Liz McMillan
Mayor

9. Council meeting schedule - 2025

The Local Government Act 2002, S21(5)(d) requires that a schedule of Council meetings be adopted for the remainder of the 2025 year.

Council meetings are proposed for 5 November, 3 December and 17 December. Provision has been made for some other meetings and workshops that may be subject to change.

The 2026 meeting schedule will be considered by Council at the 5 November meeting.

	October	November	December	
MON			1	MON
TUE			2	TUE
WED	1		3 <i>Annual Plan & Budget Workshop</i> Council	WED
THU	2		4	THU
FRI	3		5	FRI
SAT	4	1	6	SAT
SUN	5	2	7	SUN
MON	6	3 Methven Community Board	8 <i>MCB Workshop</i>	MON
TUE	7	4	9	TUE
WED	8	5 Council	10 <i>Council Activity Briefings</i>	WED
THU	9	6	11	THU
FRI	10	7	12	FRI
SAT	11 Election Day	8	13	SAT
SUN	12	9	14	SUN
MON	13	10	15	MON
TUE	14	11	16	TUE
WED	15	12 <i>LGNZ Rural & Provincial</i>	17 <i>Citizenship Ceremony</i> Council	WED
THU	16	13 <i>LGNZ Rural & Provincial</i>	18	THU
FRI	17	14 Canterbury Anniversary	19	FRI
SAT	18	15	20	SAT
SUN	19	16	21	SUN
MON	20	17	22	MON
TUE	21	18	23	TUE
WED	22	19 <i>Three Waters Committee</i>	24	WED
THU	23	20 <i>Council Workshop</i>	25 Closed	THU
FRI	24	21	26 Closed	FRI
SAT	25	22	27	SAT
SUN	26	23	28	SUN
MON	27 Labour Day	24	29 Closed	MON
TUE	28	25 <i>Council Hearings</i>	30 Closed	TUE
WED	29 Inaugural Council	26 <i>Hearing Deliberations</i>	31 Closed	WED
THU	30 <i>Ashburton Contracting AGM</i>	27 <i>Canterbury Mayoral Forum</i>		THU
FRI	31	28 <i>Canterbury Mayoral Forum</i>		FRI
SAT		29		SAT
SUN		30		SUN

Recommendation

That Council adopts the schedule of meetings for the period 29 October to December 2025.