

Regional Council Inaugural Meeting Agenda

NOTICE IS GIVEN that the Inaugural Meeting of the Regional Council will be held in Te Manuka Tutahi Marae, 105 Muriwai Drive, Whakatane 3120 on:

Wednesday 19 October 2022 COMMENCING AT 9.30 am

Bay of Plenty Regional Council - Toi Moana

Governance Commitment

**mō te taiao, mō ngā tāngata - our environment and our people
go hand-in-hand.**

We provide excellent governance when, individually and collectively, we:

- Trust and respect each other
- Stay strategic and focused
- Are courageous and challenge the status quo in all we do
- Listen to our stakeholders and value their input
- Listen to each other to understand various perspectives
- Act as a team who can challenge, change and add value
- Continually evaluate what we do

**TREAD LIGHTLY, THINK DEEPLY,
ACT WISELY, SPEAK KINDLY.**

Inaugural Meeting Agenda

E te Atua nui tonu, ko mātau ēnei e inoi atu nei ki a koe, kia tau mai te māramatanga ki a mātau whakarite mō tēnei rā, arahina hoki mātau, e eke ai te ōranga tonu ki ngā āhuatanga katoa a ngā tangata ki tō mātau rohe whānui tonu. Āmine.

“Almighty God we ask that you give us wisdom in the decisions we make here today and give us guidance in working with our regional communities to promote their social, economic, environmental and cultural well-being. Amen”.

1. Powhiri

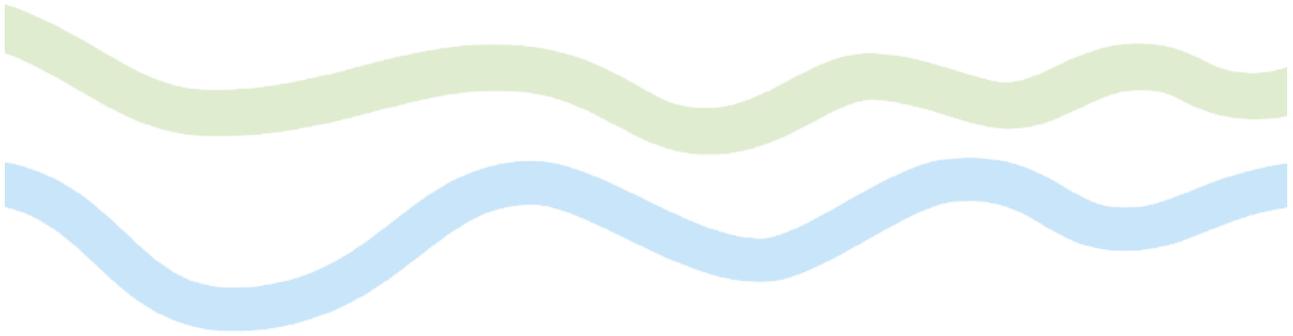
10.00am – 10.20am: Morning Tea

2. Reports

Decisions Required

2.1	Declarations by Elected Members	4
2.2	Election of Chairperson	6
2.3	Election of Deputy Chairperson	10
2.4	Summary of Relevant Legislation Affecting Members	14
2.5	Fixing of the Date and Time of the First Meeting of Council	22

3. Closing Karakia



Declaration by Elected Member

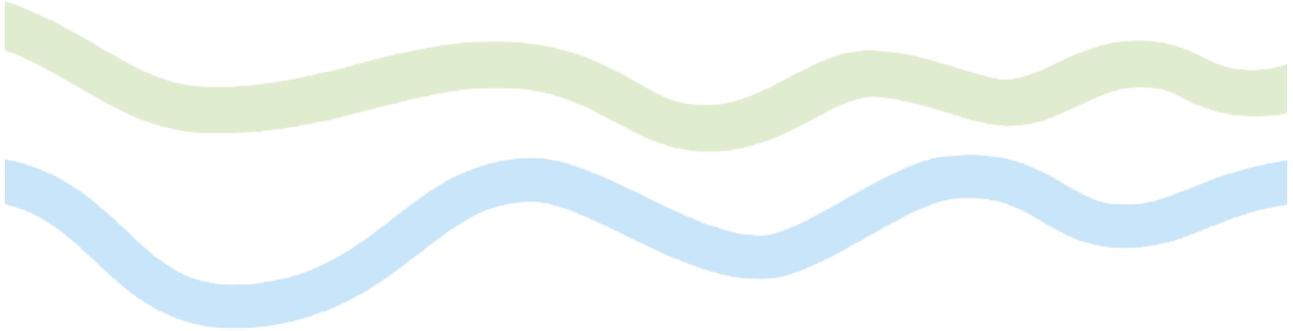
I, _____, declare that I will faithfully and impartially and according to the best of my skill and judgement execute and perform, in the best interests of the Bay of Plenty Region, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Bay of Plenty Regional Council by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

Dated at Whakatāne this 19th day of October 2022.

Signature: _____

In the Presence of:

Fiona McTavish
Chief Executive



He Whakapuakanga nā te Mema Kōwhiri

E whakapuaki ana ahau, a _____, ka mahi ahau i runga i te ngākau pono me te tōkeketanga e ai ki ōku pūkenga me ōku mōhiotanga mō te tino painga o Toi Moana, ā, ka manaaki ahau i ngā mana, ngā manatū, me ngā kawenga ka whakareia mai, ka ūhia rānei ki runga ahau hei mema o Toi Moana i raro i te Ture Kāwanatanga ā-Rohe 2002, te Ture Mōhiohio Ōkawa Kāwanatanga ā-Rohe 1987, i raro rānei i tētahi ture kē.

I Whakatāne i tēnei rā te 19 o Whiringa-ā-nuku 2022.

Moko: _____

I mua i te aroaro o:

Fiona McTavish
Pou Whakahaere



Report To:	Regional Council
Meeting Date:	19 October 2022
Report Writer:	Yvonne Tatton, Governance Manager
Report Authoriser:	Fiona McTavish, Chief Executive
Purpose:	To appoint the Chairperson for the 2022-2025 triennium

Election of Chairperson

Executive Summary

The Chief Executive will chair the meeting until the election and signed declaration of the Chairperson under Clause 14, Schedule 7, of the Local Government Act 2002 (LGA).

The Regional Council Chairperson is elected by vote, under Clause 24, Schedule 7, of the LGA, by Councillors who are present and voting.

There are two different voting systems identified in the LGA (System A and System B) and Council is required to adopt the system they will use for electing the Chairperson.

After the Chairperson is elected and has read and signed the Chairperson declaration, the newly elected Council Chairperson will chair the rest of the meeting.

Recommendations

That the Regional Council:

- 1 Receives the report, Election of Chairperson.**
- 2 Selects System ____ as the voting system to elect the Chairperson;**
- 3 Elects _____ as the Chairperson of the Bay of Plenty Regional Council - Toi Moana.**

1. Introduction

1.1 Legislative Framework

The process for the election of the Bay of Plenty Regional Council Chairperson is set out in Schedule 7 of the Local Government Act 2002, clauses 21 and 25.

The Chief Executive is required to call for nominations for the election of the Chairperson as outlined in clause 21.

If a vote is required the Chief Executive must follow the provisions of clause 25, which identifies the two voting systems that Council may use to conduct a vote.

1.1.1 Voting System

System A -

- (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
- (b) *has the following characteristics:*
 - (i) *there is a first round of voting for all candidates; and*
 - (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
 - (iii) *If no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*

In any round of voting if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot."

System B -

- (a) *requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*
- (b) *has the following characteristics:*
 - (i) *there is only one round of voting; and*
 - (ii) *if two or more candidates tie for the most votes, the tie is resolved by lot."*

1.1.2 The Voting Process

- a) Council resolves its voting system to be adopted and the procedure to be used in the event of a tie.
- b) Nominations for Chairperson called for (nominated and seconded).
- c) Nominees may be allowed a period of up to 10 minutes to make a presentation.
- d) Voting for Chairperson as per agreed system.
- e) Chairperson declared elected.

The Chairperson then reads and signs the Chairperson's Declaration.

In agreeing the voting process, ground rules need also to be noted.

Ground Rules

- a) A member may nominate or second themselves.
- b) Any member can call for a Division under Standing Orders (a record of how members voted).
- c) Any member can abstain from voting.
- d) In the event of a tie between the highest (and/or lowest) polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate’s name drawn out, by an independent person (such as the Chief Executive), is deemed to be elected.

1.2 Alignment with Strategic Framework

The Way We Work We continually seek opportunities to innovate and improve.

Holding the Regional Council’s Inaugural Meeting on a marae and in a community environment enables greater community participation and connection.

1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected			
<input type="checkbox"/> Environmental	<input checked="" type="checkbox"/> Cultural Medium - Positive	<input checked="" type="checkbox"/> Social Medium - Positive	<input type="checkbox"/> Economic

Holding the Inaugural Meeting on the marae and inviting community to attend encourages our communities to participate in local government processes which in turn supports community social and cultural wellbeing.

2. Considerations

2.1 Risks and Mitigations

There are no significant risks associated with this matter.

2.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

2.3 Implications for Māori

Iwi leaders have been invited to join in the Inaugural Meeting ceremony to be held on the marae as an important recognition of Regional Council’s commitment to building strong and sustainable relationships with Māori.

2.4 Community Engagement



While the wider community is invited to attend the inaugural ceremony further engagement with the community is not required as the recommended decision relates to procedural matters only.

2.5 **Financial Implications**

There are no material unbudgeted financial implications and this fits within the allocated Governance Activity budget for 2022-2023.

3. **Next Steps**

The appointed person holds office as the Chairperson for the duration of the 2022 - 2025 triennium or until such time as the Council resolves to remove them from office under Clause 18 Schedule 7 of the LGA.



Report To:	Regional Council
Meeting Date:	19 October 2022
Report Writer:	Yvonne Tatton, Governance Manager
Report Authoriser:	Fiona McTavish, Chief Executive
Purpose:	To appoint the Deputy Chairperson for the 2022-2025 triennium

Election of Deputy Chairperson

Executive Summary

The Regional Council Deputy Chairperson is elected by vote, under Clause 24, Schedule 7, of the LGA, requiring the Deputy Chairperson to be elected by Councillors who are present and voting.

There are two different voting systems identified in the LGA (System A and System B). Council is required to adopt the system they will use for electing the Deputy Chairperson.

Recommendations

That the Regional Council:

- 1 Receives the report, Election of Deputy Chairperson.**
- 2 Selects System A or selects System B as the voting system to elect the Deputy Chairperson;**
- 3 Elects Cr _____ as the Deputy Chairperson of Bay of Plenty Regional Council – Toi Moana.**

1. Introduction

1.1 Legislative Framework

The Chairperson is required to call for nominations for the election of the Council's Deputy Chairperson as outlined in clause 21, Schedule 7 of the Local Government Act 2002 (LGA).

If a vote is required the Chief Executive must follow the provisions of clause 25, which identifies the two voting systems that Council may use to conduct a vote.

1.1.1 Voting System

System A -

- (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
- (b) *has the following characteristics:*
 - (i) *there is a first round of voting for all candidates; and*
 - (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
 - (iii) *If no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*

In any round of voting if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot."

System B -

- (a) *requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*
- (b) *has the following characteristics:*
 - (i) *there is only one round of voting; and*
 - (ii) *if two or more candidates tie for the most votes, the tie is resolved by lot."*

1.1.2 The Voting Process

- a) Council resolves its voting system to be adopted and the procedure in the event of a tie.
- b) Nominations for Deputy Chairperson called for (nominated and seconded).
- c) Nominees may be allowed a period of up to 10 minutes to make a presentation.
- d) Voting for Deputy Chairperson as per agreed system.
- e) Deputy Chairperson declared elected.

In agreeing the voting process, ground rules need also to be agreed.

Ground Rules

- a) A member may nominate or second themselves.
- b) Any member can call for a Division under Standing Orders (a record of how

members voted).

- c) Any member can abstain from voting.
- d) In the event of a tie between the highest (and/or lowest) polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate drawn out, by an independent person (such as the Chief Executive), is deemed to be elected.

1.2 Alignment with Strategic Framework

The Way We Work We continually seek opportunities to innovate and improve.

Holding the Regional Council’s Inaugural Meeting on a marae and in the community enables greater community participation and connection.

1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected

Environmental
 Cultural
 Social
 Economic

Holding the Inaugural Meeting on the marae and inviting community to attend encourages our communities to participate in local government processes which in turn supports community social and cultural wellbeing.

2. Considerations

2.1 Risks and Mitigations

There are no significant risks associated with this matter.

2.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

2.3 Implications for Māori

Iwi leaders have been invited to join in the Inaugural Meeting ceremony to be held on the marae as an important recognition of Regional Council’s commitment to building strong and sustainable relationships with Māori.

2.4 Community Engagement



While the wider community is invited to attend the inaugural ceremony further engagement with the community is not required as the recommended decision relates to procedural matters only.

2.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated Governance Activity budget in the Annual Plan 2022-2023.

3. Next Steps

The appointed person holds office as the Deputy Chairperson for the duration of the 2022 - 2025 triennium or until such time as the Council resolves to remove them from office under Clause 18 Schedule 7 of the LGA.



Report To:	Regional Council
Meeting Date:	19 October 2022
Report Writer:	Jessica Easton, Legal and Commercial Manager
Report Authoriser:	Mat Taylor, General Manager, Corporate
Purpose:	Provides an explanation of key legislation affecting Elected Members

Summary of Relevant Legislation Affecting Members

Executive Summary

This report provides a high-level general explanation of key legislation affecting Elected Members. This is required under the Local Government Act 2002 for the first meeting of a local authority following general election.

Recommendations

That the Regional Council:

- 1 Receives the report, Summary of Relevant Legislation Affecting Members.**

1. Introduction

The primary legislation which established the Regional Council and sets out the role, functions and powers of councils is the Local Government Act 2002 (LGA). Under Part 1 of Schedule 2 of the LGA, Regional Council is a “local authority” as distinct from a territorial authority.

Clause 21(5) of Schedule 7 of the LGA requires that the business to be conducted at the first Council meeting following the triennial elections must include a general explanation of:

- The Local Government Official Information and Meetings Act 1987; and
- Other laws affecting members, including:
 - the appropriate provisions of the Local Authorities (Member Interests) Act 1968;
 - sections 99, 105 and 105A of the Crimes Act 1961;

- the Secret Commissions Act 1910; and
- the Financial Market Conduct Act 2013.

This report also includes a general explanation of other key legislation affecting members, namely:

- the Health and Safety at Work Act 2015;
- the Privacy Act 2020; and
- the Public Records Act 2005.

1.1 Alignment with Strategic Framework

The Way We Work We continually seek opportunities to innovate and improve.

2. Summary of Legislation Affecting Members

2.1 Local Government Act 2002 (LGA)

The purpose, role and powers of local authorities (City Councils, District Councils, Regional Councils, Unitary Authorities and Community Boards) are set out in Part 2 of the LGA.

Under section 10, the purpose of local government is to enable democratic local decision-making by and on behalf of communities; and promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

In giving effect to that purpose, “good-quality” in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance are efficient, effective, and appropriate to present and anticipated future circumstances.

Section 14 stipulates “principles” for the governance and management of local authorities. These principles and other provisions are intended to ensure that members are responsible, open, transparent, and democratically accountable in their decision-making. Section 42 sets out the role of the Chief Executive but in summary, their role is to implement decisions, provide advice and generally manage the activities of the local authority.

Schedule 7 sets out numerous issues of relevance to members including remuneration, code of conduct, meeting procedures and conduct, subordinate decision-making structures, delegations and other matters. Aspects of the Local Government Official Information and Meetings Act 1987 (below) also have a bearing on Council meetings.

The Local Government (Pecuniary Interests Register) Amendment Act 2022 has added requirements to the LGA around how elected members and Council staff manage pecuniary interests. This is an aspect of avoiding conflicts of interest (e.g. a Councillor voting on a matter they stand to gain on financially). Councils are required to maintain a register (and make a summary publicly available) for the purpose of “[recording] members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making”.

Elected members must provide a return each year of the triennium (the first is due 120 days after coming into office). There are a range of matters that need to be

included in a return, such as company directorships or other financial interests in companies, other employment and real property (land or buildings). Further guidance on this will be provided separately as a briefing for Councillors.

2.2 **Local Government Official Information and Meetings Act 1987 (LGOIMA)**

The LGOIMA is broadly about ensuring openness and transparency in local government so as to enhance public participation and increase accountability for local authorities. Section 4 has the following purposes (in summary):

- increase the availability of official information and promote the open and public transaction of Council business;
- provide for proper access to official information held by local authorities relating to that person; and
- protect official information and deliberations of local authorities to the extent consistent with the public interest and preservation of personal privacy. The LGOIMA framework is based on the overarching principle of availability of official information unless there is good reason for withholding it.

Sections 6 and 7 set out the good reasons for withholding information, which include:

- prejudice the maintenance of law, including detection of offences and right to a fair trial;
- endanger the safety of any person;
- protect the privacy of natural persons;
- avoid disclosure of a trade secret or unreasonably prejudice the commercial position of a person who supplied information;
- protect an obligation of confidence (although this ground has qualifications);
- avoid prejudice to measures protecting public health or safety;
- avoid prejudice to measures to mitigate material public loss;
- maintain effective conduct of public affairs through free and frank expression of members or officials in course of their duty; or protection of them from improper pressure or harassment;
- maintain legal professional privilege;
- avoid prejudice or disadvantage in the conduct of commercial activities;
- enable, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); and
- prevent the use of official information for improper gain or advantage

The application of any of these withholding grounds is subject to consideration of any countervailing public interest which may (or may not) render it desirable to make the official information available.

These grounds (with the exception of free and frank expression) provide the main basis when Council can determine to exclude the public from a meeting. Every resolution to exclude the public from a meeting is required to state the subject of each matter being considered and the reason and grounds under the LGOIMA on which the public is being excluded.

The LGOIMA also contains “rules” for the conduct of meetings of Council. These rules are mandatory and additional to those contained in Schedule 7 of the LGA or in the Council’s standing orders. The rules imposed under LGOIMA for meetings are intended to ensure that:

- Meetings of Council and its Committees are publicly notified;
- Members of the public can obtain copies of agendas of all meetings including the reports and other information to be provided to members for consideration and discussion at meetings; and
- All the business dealt with at the meeting will be listed in the agenda for the meeting. However, an item that is not on the agenda can be considered at a meeting if special circumstances exist and procedures and restrictions imposed by the act are observed.

2.3 **Local Authorities (Members’ Interests) Act 1968 (LAMIA)**

This legislation regulates the making of contracts between a local authority and elected members, and has restrictions for such matters under consideration by Council where a member has a pecuniary interest. The LAMIA is separate from the LGA (and the new 2022 pecuniary interests register requirements), but some interests may fit into both regimes.

Section 6(1) of the LAMIA stipulates that any member who has “...*directly or indirectly any pecuniary interest other than an interest in common with the public...*” being dealt with by Council or a Committee shall not vote or take part in any discussion on the matter.

Instances where a member is deemed to have a pecuniary interest are set out in section 6. In particular, the interest of a spouse is deemed to be interest of the member for the purposes of this legislation. Section 6 also identifies situations that are deemed not to create a pecuniary interest.

Section 3(1) of the LAMIA operates to limit the extent to which a member may act as a contractor (or subcontractor) to Council. Any member who earns more than \$25,000 (GST inclusive) in a year from contracts with Council, is automatically disqualified from office unless Audit Office approval to the excess is obtained under section 3(3)(aa).

Audit Office approval is likely for specific contracts if - the contract was put out to public tender and the member submitted the best price; and approval is sought (and obtained) before the contract is entered into.

As well, should any Councillor have a concern that a conflict of interest may exist (either for pecuniary or other general interests), you should immediately discuss it with the Chief Executive, the Governance Manager or the Audit Office (if applicable).

For more information, please refer to “*The Office of the Auditor General – Managing conflicts of interest: A guide for the public sector (June 2020).*”

2.4 **Crimes Act 1961 (CA)**

The CA makes it a crime for any official to corruptly accept any bribe, to do or fail to do any act in official capacity. This includes Councillors and staff. It is also illegal to corruptly use information acquired in an official capacity.

Under Part 6 – Crimes affecting the administration of law and justice - sections 99, 105 and 105A are quoted below and need no further explanation.

99 Interpretation – In this part of the Act, unless the context otherwise requires -

“Bribe” means any money, valuable consideration, office or employment, or any benefit, whether direct or indirect:

“Judicial Officer” means a Judge of any Court, or a Magistrate,

Coroner, or Justice of the Peace, or any other person holding any judicial office, or any person who is a member of any tribunal authorised by law to take evidence on oath:

“Law Enforcement Officer” means any constable, or any person employed in the detection or prosecution or punishment of offenders:

“Official” means any person in the service of the Sovereign in right of New Zealand (whether that service is honorary or not, and whether it is within or outside New Zealand), or any member or employee of any local authority or public body, or any person employed in the education service within the meaning of State Sector Act 1988.

105 Corruption and bribery of official

- (1) Every official is liable to imprisonment for a term not exceeding seven 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 three 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 seven 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.

2.5 Secret Commissions Act 1910 (SCA)

Under the SCA, it will be an offence for an officer or a member of a local authority to accept any gift or inducement for doing or not doing any act in relation to the business of Council.

An elected member of Council could commit an offence under the SCA by, for example by:

- Corruptly accessing or soliciting gifts as an inducement or reward for carrying out, or forbearing to carry out some act in relation to Council’s business; or
- Securing a Council contract for a third person in exchange for a reward; or
- By falsifying receipts.

2.6 Finance Markets Conduct Act 2013 (FMCA)

The FMCA repealed the Securities Act 1978. The main purposes of the FMCA are to promote and facilitate the development of fair, efficient and transparent financial markets, and to promote the confident and informed participation of businesses, investors and consumers in financial markets.

The FMCA works to reform the regulation of financial conduct and governs the way financial products are offered, promoted, issued and sold. This includes the ongoing responsibilities of those who offer, issue, manage, supervise, deal in and trade financial products. The FMCA also regulates the provision of certain financial services.

This legislation essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Members may be personally liable if documents that are registered under the FMCA (i.e. such as a product disclosure statement containing false or misleading statements). Members may also be liable if the requirements of the FMCA are not met in relation to offers of financial products.

2.7 Health and Safety at Work Act 2015 (HSWA)

While not required under the LGA to provide an explanation of this legislation, it is important for elected members to be aware of certain requirements of the HSWA.

The main purpose of the HSWA is to provide a balanced framework to secure the health and safety of workers and the workplace. This legislation reflects wholesale reforms in this arena and degree of obligations and/or liabilities are still being tested in the Courts.

The HSWA places a duty of “due diligence” on Councillors as deemed “Officers” of the Council under the legislation. Section 18 defines an “Officer” as including any person occupying a position in relation to the business or undertaking that allows that person to exercise significant influence over the management of the business or undertaking.

Section 44 of the HSWA stipulates the “Duty of Officers” and requires Officers to take reasonable steps to:

- a. *acquire, and keep up to date, knowledge of work health and safety matters; and*
- b. *gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations; and*
- c. *ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and*
- d. *ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and*
- e. *ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and*
- f. *verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).*

While the due diligence requirements fully apply, members of a territorial authority or regional council are expressly excluded from liability for offences under sections 47, 48 and 49 of the HSWA, for failing to comply with a duty imposed on Officers under section 44. In essence, this means elected members are responsible but not accountable for a due diligence failure.

Section 44(3) clarifies that members will not have any duties or obligations under the legislation in relation to a council-controlled organisation, except where a member is also an Officer of that CCO.

In general terms, however, elected members do have a level of personal responsibility and potential exposure for ensuring the Council meets its obligations under the HSWA. At a practical level, members should proactively engage in health and safety matters during the performance of their governance role and/or when they are on the premises managed or controlled by the Council.

Councillors are responsible and accountable under the HSWA for ensuring their own safety while undertaking their duties as a Councillor and that his or her acts or omissions do not adversely affect the health and safety of other persons.

2.8 Privacy Act 2020 (PA)

The PA underwent significant reforms in 2020, but many of the core requirements of the 1993 Act remain applicable. The PA applies to “agencies” which is very broad in its application and includes a local authority and its Elected Members. The purpose of the PA is to promote and protect individual privacy by “providing a framework for protecting an individual’s right to privacy of personal information, including the right of an individual to access their personal information, while recognising that other rights and interests may at times also need to be taken into account”.

The PA centres on 13 privacy principles including a number that are not directly relevant for Elected Members’ day to day business (aspects of security, for example). There are also a number of exceptions and technical requirements not addressed here. The relevant key concepts and obligations of the PA can be summarised as:

- Collection of person information: this generally must be collected from individuals concerned, be for a lawful purpose. It must be done fairly without intruding to an unreasonable extent on the affairs of the individual. The agency must make the person aware of what is being collected and why, and must not collect more information than necessary;
- Use of personal information: personal information collected for one purpose cannot be used for another purpose unless exceptions apply.
- Access to personal information: individuals are almost always entitled to access and correct their own personal information. Third parties are almost always not allowed to access the personal information of others (i.e. there are strict limits on disclosure of personal information).
- Security and retention: agencies have to keep personal information secure, and there are requirements about not retaining this information longer than necessary.
- Breaches: a major change to the PA is around the management of, and potential consequences for breaching the Act. If you are concerned about a breach or potential breach, please raise this with the Chief Executive immediately.

2.9 Public Records Act 2005 (PRA)

While not required under the LGA to provide an explanation of this legislation, it is important for elected members to be aware of certain requirements of the PRA.

The PRA provides a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The legislation provides for the continuity of the National Archives and the role of the Chief Archivist. The PRA enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a “record” includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, texts, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs, elected members may receive information directly (e.g. from their constituents). Members will need to consider whether that information meets the definition of a local authority record and if so, will need to ensure it is included in the Council’s records.

3. Considerations

3.1 Risks and Mitigations

As this report is information only, there are no significant risks associated with this matter.

3.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

3.3 Implications for Māori

The matters addressed in this report are of a procedural nature where there are no significant implications for Māori associated with the decision.

3.4 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget.

4. Next Steps

Councillors will receive further briefings relating to some of the key legislation identified here as part of their ongoing induction programme.



Report To: Regional Council

Meeting Date: 19 October 2022

Report Writer: Yvonne Tatton, Governance Manager

Report Authoriser: Fiona McTavish, Chief Executive

Purpose: To set the date and time of the first meeting of Council

Fixing of the Date and Time of the First Meeting of Council

Executive Summary

The Local Government Act 2002 requires Council, at its Inaugural Meeting, to fix the date and time of the first meeting of the Council in a new triennium, or to adopt a schedule of meetings.

Recommendations

That the Regional Council:

- 1 Receives the report, Fixing of the Date and Time of the First Meeting of Council;**
- 2 Confirms that the first meeting of the Bay of Plenty Regional Council will be held on Thursday, 24 November 2022, starting at 9.30am in the Council Chambers, Regional House, 1 Elizabeth Street, Tauranga.**

1. Introduction

Clause 21, Schedule 7 of the Local Government Act 2002 requires the Council at its Inaugural Meeting, to fix the date and time of the first meeting of Council, or to adopt a schedule of meetings.

It is proposed that the first meeting of the Bay of Plenty Regional Council will be held on Thursday, 24 November 2022, starting at 9.30 am in the Council Chambers, Regional House, 1 Elizabeth Street, Tauranga. At this meeting Council will discuss and adopt its Governance Structure which will then enable a committee meeting schedule to be developed.

1.1 **Legislative Framework**

The requirement to fix the date and time of the first meeting of Council is outlined in Clause 21, Schedule 7 of the Local Government Act 2002.

1.2 **Alignment with Strategic Framework**

The Way We Work We continually seek opportunities to innovate and improve.

1.2.1 **Community Well-beings Assessment**

Dominant Well-Beings Affected

Environmental Cultural Social Economic

Council’s decision making process, including meetings, contribute to the delivery of all community wellbeings.

2. **Considerations**

2.1 **Risks and Mitigations**

There are no significant risks associated with this matter.

2.2 **Climate Change**

The matter addressed in this report are of a procedural nature only and there is no need to consider climate change impacts.

2.3 **Implications for Māori**

The matters addressed in this report are of a procedural nature where there are no significant implications for Māori associated with the decision.

2.4 **Community Engagement**



Engagement with the community is not required as the recommendation relates to internal Council matters only.

2.5 **Financial Implications**

There are no material unbudgeted financial implications and this fits within the allocated Governance budget. All future costs related to Council and Committee meetings and Elected Member events are included in the Governance Services Activity in the Long Term Plan 2021-2031.

3. **Next Steps**

Following the first meeting of Council, the first ordinary meeting of Council is scheduled for Wednesday 14 December 2022.

