

Item not on the Council Agenda

15 & 16 May 2024

THAT the Council:

1. Considers the following report at its meeting on 16 May 2024 under Standing Order 9.12 Items of business not on the agenda which cannot be delayed:

24-163 Supplementary to Report 24-144 Membership of the Local Leadership Body

2. **It is recommended that the report be accepted as a late item:**

Recommendation 1 in Report 24-144 Confirmation of the Gisborne District Council Membership of the Local Leadership Body incorrectly sought confirmation of the previous appointments. This supplementary report is to clarify that the appointments are the first appointments being made under the Ngai Tāmanuhiri Claims Settlement Act 2012.



Heather Kohn
Democracy & Support Services Manager

Title: 24-163 Supplementary to Report 24-144 Membership of the Local Leadership Body

Section: Legal

Prepared by: Jacinta Bowe - Senior Legal Counsel

Meeting Date: Wednesday 15 May 2024

Legal: No

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to ensure that the Council complies with the process set by the Ngai Tāmanuhiri Claims Settlement Act 2012 (the Settlement Act) for the initial appointments to the Local Leadership Body (LLB).

SUMMARY - HE WHAKARĀPOPOTOTANGA

The Council's previous appointment of members to the LLB were made in advance of the Council having the power and duty to make the appointments under the Settlement Act. Those previous appointments do not have legal effect for the purposes of section 45 of the Settlement Act.

Having received the required notice from the Crown on 30 April 2024, the Council now has a duty under section 45(2)(b) of the Act to appoint six initial members and notify the trustees of Tāmanuhiri Tutu Poroporo Trust and the Crown of the Council's appointments.

The Council is required by section 44(1)(d) of the Settlement Act to appoint six members to the LLB, comprising the Mayor and five Councillors.

After the initial appointments, the Council and the other persons that have appointed initial members must ensure that, having regard to the membership of the LLB for the time being, collectively the membership of the LLB reflects a balanced mix of the skills, attributes, and knowledge relevant to the purpose of the LLB.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Notes that any previous Council appointments to the Local Leadership Body do not have legal effect for the purpose of section 45 the Ngai Tāmanuhiri Claims Settlement Act.**
- 2. Appoints the Mayor and five Councillors to become the initial members of the Local Leadership Body.**

Authorised by:

James Baty - Director Internal Partnerships & Protection

Keywords: LLB, local leadership body, ngai tamanuhiri claims settlement act 2012, the settlement act, crown, poroporo trust, mayor and five councillors

BACKGROUND - HE WHAKAMĀRAMA

1. Sections 44 and 45 of the Settlement Act set the statutory process and requirements for the initial appointments to the LLB.
2. Section 45 of the Settlement Act states (with emphasis):

45 Initial appointments

- (1) *The trustees may, on or after the settlement date, notify the Crown of the initial members of the LLB appointed in accordance with—*
 - (a) *section 44(1)(a) to (c) and (2); and*
 - (b) *clauses 5.28D to 5.28H of the deed of settlement.*
 - (2) *When the trustees have notified the Crown of the initial members of the LLB appointed under subsection (1),—*
 - (a) *the Crown must, not later than 2 business days after receiving notice of those appointments, notify the appointments to the Council; and*
 - (b) ***the Council must, after receiving that notice from the Crown,—***
 - (i) ***appoint 6 initial members of the LLB in accordance with—***
 - (A) ***section 44(1)(d); and***
 - (B) ***clause 31 of Schedule 7 of the Local Government Act 2002; and***
 - (ii) ***not later than 20 business days after being notified under paragraph (a), notify the trustees and the Crown of the Council's appointments.***
3. The trustees notified the Crown of the initial members appointed under section 45(1) on 23 April 2024, and the Council received notice from the Crown under section 45(2)(b) on 30 April 2024.
 4. The Council now has a duty under section 45(2)(b) to appoint its initial members in accordance with section 44(1)(d) of the Settlement Act.
 5. Section 44 of the Settlement Act states (with emphasis):

44 Membership of LLB

- (1) *The membership of the LLB is as follows:*
 - (a) *2 members appointed by the trustees; and*
 - (b) *2 members appointed by the trustees of the Rongowhakaata Charitable Trust; and*
 - (c) *2 members appointed by the trustees of Te Aitanga a Māhaki Trust; and*
 - (d) ***6 members (comprising the mayor and 5 councillors holding office from time to time), appointed by the Council.***

- (2) *In appointing members of the LLB, a specified appointer must be satisfied that the persons appointed by that appointer have the skills, attributes, and knowledge to participate effectively as members of the LLB.*
- (3) *After the initial appointments made under section 45, the specified appointers and the Council must ensure that, having regard to the membership of the LLB for the time being, collectively the membership of the LLB reflects a balanced mix of the skills, attributes, and knowledge relevant to the purpose of the LLB.*

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

6. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.