

Local Government (Facilitation of Remote Participation) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Local authorities have adapted to procedural change following the onset of the COVID-19 pandemic and the subsequent Epidemic Preparedness (COVID-19) Notice 2020. In establishing the permanence of these procedural changes in existing legislation, local authorities will be afforded the continued flexibility of meeting procedure the Epidemic Preparedness (COVID-19) Notice 2020 allowed.

Having flexibility in local authority meetings supports the democracy and decision-making of local councils, thus allowing for an increase in opportunity for local officials to meet and vote on matters of importance to local communities.

The Bill will amend the Local Government Act 2002 to permanently allow local authority members to participate in local authority meetings remotely and be counted toward quorum for those meetings.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force the day after the date on which it receives the Royal assent.

Clause 3 identifies the Local Government Act 2002 as the Act amended by this Bill.

Clause 4 makes amendments to Schedule 7 of the Act to provide for the facilitation of remote participation at meetings of local authorities and committees of local authorities.

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Local Government (Facilitation of Remote Participation) Amendment Act **2023**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Local Government Act 2002.
- 4 Schedule 7 amended (Local authorities, local boards, community boards, and their members)** 10
 - (1) In Schedule 7, replace clause 25A(1) with:

- (1) A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee by means of audio link or audiovisual link.
- (1A) **Subclause (1)** applies despite anything to the contrary in the local authority's standing orders. 5
- (2) In Schedule 7, replace clause 25A(4) with:
- (4) A member of the local authority or committee who attends a meeting by means of audio link or audiovisual link, in accordance with this clause, is to be counted as present for the purposes of clause 23, unless the local authority's standing orders provide otherwise. 10
- (3) In Schedule 7, repeal clause 25A(5).
- (4) In Schedule 7, replace clause 27(5) with:
- (5) A local authority must include in its standing orders the following matters concerning the use of audio links or audiovisual links at meetings: 15
- (a) specifying whether a person participating by audio link or audiovisual link is to be counted as present for the purposes of clause 23; and
 - (b) attendance requirements; and
 - (c) prescribing the method or technology of audio links and audiovisual links.
- (6) A local authority may include in its standing orders, in relation to the use of audio links or audiovisual links at meetings, any other requirements that the local authority considers are appropriate to maintain public confidence in the transparency and integrity of decision-making processes and the conduct of members during these processes. 20