



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**

## **Ordinary Council Meeting**

**Thursday, 27 October 2022**

**Time: 10:00 am**  
**Location: Council Chamber,  
Memorial Ave,  
Kaikohe**



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**Far North District Council  
Ordinary Council Meeting**  
**will be held in the Council Chamber,, Memorial Ave,, Kaikohe on:**  
**Thursday 27 October 2022 at 10:00 am**

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**Te Paeroa Mahi / Order of Business**

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**1 KARAKIA TIMATANGA / OPENING PRAYER****2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

**3 NGĀ TONO KŌRERO / DEPUTATIONS**

No requests for deputations were received at the time of the Agenda going to print.

**4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS**

## 5 REPORTS

### 5.1 MAKING AND ATTESTING OF DECLARATIONS

**File Number:** A3915623

**Author:** Rhonda-May Whiu, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### PURPOSE OF THE REPORT

The purpose of this report is to set out the process for making and attesting of declarations.

#### BACKGROUND

Clause 14(1) & (2) Schedule 7 of the Local Government Act 2002 states that no person shall be capable of acting as a member of any local authority until he or she has made an oral and written declaration as set out below.

#### DISCUSSION AND NEXT STEPS

The Chief Executive Officer will witness the declaration of the Mayor and then the Mayor will witness each Councillor's declaration.

The declaration that each member is required to take is set out in Clause 14(3) Schedule 7 of the Act and reads as below. A translated version will also be made available for any members who would prefer to make their declaration in te reo Māori.

#### DECLARATION BY MAYOR OR 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 Council, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

DATED at \_\_\_\_\_ this 27th day of October 2022.

#### Or

Ko ahau ko, \_\_\_\_\_. ka oati ai ki runga i te pono me te tika ka mutu ki te taumata o tōku atamai me āku whakataunga. Ka mahi ai mō te painga o Te Kaunihera o Te Tai Tokerau ki Te Raki, haere tonu ki ngā ihi me ngā herenga mahi, ka pā ki roto, ka uruhi ki runga i ahau hei mema o Te Kaunihera o Te Tai Tokerau ki Te Raki, e ai ki te Ture Kāwanatanga ā-Rohe rua mano ma rua. Te Ture Kāwanatanga ā-Rohe mō ngā Kōrero Whakamōhio me ngā Huihuinga Kōrero kotahi mano iwa rau waru tekau ma whitu, me tāpiri atu ki ērā atu o ngā Ture raini.

He mea whakaū tēnei ki \_\_\_\_\_ i tēnei te ra rua tekau ma whitu o Whiringa ā Nuku rua mano rua tekau ma rua.

#### FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

#### ATTACHMENTS

Nil

## 5.2 APPOINTMENT OF DEPUTY MAYOR

**File Number:** A3915682

**Author:** Rhonda-May Whiu, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

### PURPOSE OF THE REPORT

The purpose of the report is to explain the procedure for the appointment of the Deputy Mayor of the Far North District Council for the 2022-2025 triennium.

### RECOMMENDATION

**That Council note the Mayor's appointment of Kelly Stratford as the Deputy Mayor.**

### 1) BACKGROUND

It is necessary to appoint the Deputy Mayor at the first meeting of the local authority under Clause 21(5) (d) of Schedule 7 of the Local Government Act 2002.

### 2) DISCUSSION AND OPTIONS

There are effectively two options to appoint a Deputy Mayor.

#### 1. Mayoral Powers

s. 41A Local Government Act 2002 prescribes the 'Roles and Powers of Mayors' subsection (3)(a) states the mayor has to power to appoint the Deputy Mayor. The Mayor has advised he has appointed Cr Kelly Stratford as Deputy Mayor.

If a Mayor had declined to appoint a Deputy Mayor then Council can elect a Deputy Mayor.

#### 2. Council resolution

cl 25. Schedule 7, Local Government Act 2002 is referenced in Council Standing Order 5.4. If a Mayor declines to appoint a Deputy Mayor the Council can adopt one of two voting systems to elect a Deputy Mayor.

This report recommends Council note the Mayor's appointment of Deputy Mayor.

### Reason for the recommendation

To formally note the Mayors appointment of Deputy Mayor.

### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budgetary provisions as a result of this report.

Remuneration for the Deputy Mayor needs to be considered in conjunction with the Council's Committee or Governance Structure at a later date. The Remuneration Authority determines the remuneration for Mayor, Community Board Members, and the minimum amount a Councillor will be remunerated, along with a pool, to allocate to those with additional responsibility(ies).

### ATTACHMENTS

Nil

### 5.3 APPOINTMENT OF WARD COUNCILLORS TO COMMUNITY BOARDS

**File Number:** A3915693

**Author:** Rhonda-May Whiu, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### PURPOSE OF THE REPORT

To ask for a Council representative to be appointed to each Community Board.

#### RECOMMENDATION

That the Council:

- a) Appoints \_\_\_\_\_ as a member the Bay of Islands-Whangaroa Community Board.
- b) Appoints \_\_\_\_\_ as a member of the Kaikohe-Hokianga Community Board.
- c) Appoints \_\_\_\_\_ as a member of the Te Hiku Community Board.

#### 1) BACKGROUND

The Local Government Act 2002 states that the membership of a Community Board will consist of elected officials, and (if any) appointed officials, and that any appointed officials must be elected from the area of Community Board representation, in accordance with the Local Electoral Act.

During the 2022-25 triennium, Council can make appointments to the following:

- Bay of Islands-Whangaroa Community Board
- Kaikohe-Hokianga Community Board, and
- Te Hiku Community Board

These Councillors are then sworn in at the next Community Board meetings as voting members of the Community Board.

#### 2) DISCUSSION AND OPTIONS

Having a Council representative at Board meetings provides a vehicle for communication between the Community Board and Council. It also provides an opportunity for the Council representative to learn not only the role of Council but understand the advocacy role of the Community Board.

A potential ethical conflict could arise as Councillors are obliged to act in the best interests of the Far North District as a whole, while Community Boards are concerned with the specific needs of their wards.

The Council has three options to consider for the 2022-25 triennium:

1. Appoint no councillors to Community Boards.
2. Appoint 1 general ward councillor to each of the 3 community boards.

Members should consider being appointed to the Community Board as an additional responsibility as they would need to attend Community Board meetings, workshops, and events as any other Community Board member.

Previously appointments have been for the duration of the triennium, however the Council could consider rotating membership throughout the triennium and it is recommended that this be reviewed annually, with any committee structure or governance reviews to ensure that workloads on individuals are fair.



**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications and budgetary provisions needed as a result of this report.

**ATTACHMENTS**

**Nil**

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This matter is of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report is consistent with provisions in the Local Government Act. Council need to ensure that any appointed members are elected from the relevant Community Board area to comply with legislation.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Community Board members may have a preference of who they would like to work with. Their feedback however has not been sought formally so that the appointed member can be sworn in at the relevant inaugural meeting.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no particular implications on Māori in making this decision.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	While this does not directly impact any identified persons, Council should consider appointing members that enrich the diversity of each Community Board.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

## 5.4 STANDING ORDERS

**File Number:** A3915900

**Author:** Rhonda-May Whiu, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

### PURPOSE OF THE REPORT

The purpose of the report is to present Council with the current Standing Orders.

### RECOMMENDATION

**That Council note the Far North District Council Standing Orders.**

### 1) BACKGROUND

Standing Orders are a set of rules of debate that apply to all meetings of Council and its committees and subcommittees, including Community Boards. Furthermore Standing Orders ensure the legal requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 are met. They also provide clarity as to what is expected of the members within a meeting and generally cover procedures to enable meetings to be held in a fair and transparent manner.

### 2) DISCUSSION AND OPTIONS

Standing Orders are regularly reviewed by a group of local government practitioners, facilitated by Local Government New Zealand (LGNZ). Following each review process LGNZ they release a recommended template version of Standing Orders for each Council to adopt, or tweak as their own. Each set of changes to Standing Orders generally keeps the same intent and principles, in alignment with legislation, but tweaks the wording to clarify each point.

The most recent review of LGNZ Standing Orders were made available to New Zealand Council's in September 2022.

As part of the post-election onboarding programme the Democracy Services Team will facilitate a standing orders session scheduled 9 November 2022. We will discuss application of standing orders and potential amendments, but in the meantime, recommend the continued use of the standing orders.

#### Reason for the recommendation

To note Standing Orders for the Far North District Council.

### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budgetary provision as a result of this report.

### ATTACHMENTS

Nil

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Not applicable.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Not applicable
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not applicable
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or budgetary provision as a result of this report
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

## 5.5 ELECTED MEMBERS CODE OF CONDUCT

**File Number:** A3915864

**Author:** Rhonda-May Whiu, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

### PURPOSE OF THE REPORT

The purpose of the report is to introduce the Far North District Council Code of Conduct for members' information.

### EXECUTIVE SUMMARY

The purpose of the report is to introduce the Far North District Council Code of Conduct for members' information.

### RECOMMENDATION

**That Council adopt the Far North District Council's current Elected Members' Code of Conduct.**

### 1) BACKGROUND

The Local Government Act 2002 states that a Local Government Authority's Code of Conduct must set out understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including:

1. behaviour toward one another, staff, and the public; and
2. disclosure of information, including (but not limited to) the provision of any document, to elected members that:
  - a. is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
  - b. relates to the ability of the local authority to give effect to any provision of this Act; and
3. a general explanation of:
  - a. the Local Government Official Information and Meetings Act 1987; andany other enactment or rule of law applicable to members.

Local Government New Zealand has updated the 2016 Code of Conduct adopted by the Far North District Council. The main update to the Code of Conduct is the addition of a section on social media and has a new process for dealing with trivial, minor and frivolous complaints.

### 2) DISCUSSION AND OPTIONS

As Local Government leaders, Local Government New Zealand prepare a best practise code of conduct for elected members. The Far North District Council Elected Members Code of Conduct was reviewed to align with best practise but was previously adopted for the specific interests of the Far North.

Council is required by the Local Government Act 2002 to have a code of conduct and, if a new code of conduct is not adopted, the current one will stand.

The Act does not allow for an authority to revoke a Code of Conduct but it does allow for amendments or replacements to be made by resolution with not less than 75% of members present and in support. A member of a local authority must comply with the code of conduct of that local authority.

**Reason for the recommendation**

This report is for information purposes only.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications or budgetary provisions needed as a result of this report.

**ATTACHMENTS**

**Nil**

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This matter is of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The legislation relevant to an elected member code of conduct is the Local Government Act and Local Government Official Information and Meetings Act 1987.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	While Community Boards are not required to comply with an Elected Members Code of Conduct it is recommended that this code applies to those members as well in the interests of good practise.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This report does not have any particular impact any identified persons.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or need for budgetary provision.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**5.6 ADOPTION OF FAR NORTH DISTRICT COUNCIL'S FORMAL MEETING SCHEDULE NOVEMBER TO DECEMBER 2022**

**File Number: A3942640**

**Author: Rhonda-May Whiu, Democracy Advisor**

**Authoriser: Aisha Huriwai, Team Leader Democracy Services**

**PURPOSE OF THE REPORT**

To note the schedule of Council meetings for the remainder of the 2022 calendar year.

<b>RECOMMENDATION</b>		
<b>That Council note the formal Council meetings calendar for the remainder of the 2022 calendar year:</b>		
<b>Ordinary Council Meeting</b>	<b>10 November 2022</b>	<b>10.00 am</b>
<b>Ordinary Council Meeting</b>	<b>15 December 2022</b>	<b>10.00 am</b>

**1) BACKGROUND**

In the 2019 - 2022 triennium, Council and Committee meetings were held on a six-week cycle, four weeks apart. In 2019 the Bay of Islands-Whangaroa and Te Hiku Community Board meetings were held on a six-weekly cycle and the and Kaikohe-Hokianga Community Board resolved to meet monthly. In 2020 the Bay of Islands-Whangaroa and Te Hiku Community Boards also resolved to meet monthly for the remainder of the triennium.

This report asks the Council to note the Council meeting dates for the remainder of the 2022 year.

The Community Boards are responsible for setting their own schedule of meetings. Staff recommend that Community Boards also follow the six-weekly frequency for ease and cohesion in the decision-making process from one meeting to the next.

**2) DISCUSSION AND OPTIONS**

Workshops will be scheduled to discuss with Council what the committee structure, if any, will look like in 2023. As part of these discussions Council will need to consider how often they would like to meet.

The proposed November and December dates are suggested based on staff current demand for decisions. The start time is set as 10 am, as a continuation of the 2022 meeting start times, to provide members who travel long-distance sufficient time to get to Kaikohe.

Similar reports have been prepared for the Community Boards. Staff will prepare reports for the December meetings of Council and Community Boards to adopt a meeting schedule for future dates.

Previously, Council meetings have taken place on a Thursday, Te Hiku Community Board meetings have been held on a Tuesday and Kaikohe-Hokianga Community Board meetings on Wednesdays. The Bay of Islands-Whangaroa Community Board meetings are also held on Thursdays; however staff ensure there are no clashed when drafting the meeting schedules.

**Reason for the recommendation**

To present a schedule for Council's formal meeting schedule for the remainder of the 2022 calendar year.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications or the need to budgetary provision as a result of this report.



**ATTACHMENTS**

**Nil**

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This report is of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Local Government Act 2002 and Local Government Official Information and Meetings Act provides rules for the notification of meeting dates as a minimum requirement.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The Community Boards are responsible for setting their own meeting calendar.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not applicable.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

## 6 INFORMATION REPORTS

### 6.1 EXPLANATION OF LAWS AFFECTING ELECTED MEMBERS

**File Number:** A3915640

**Author:** Rhonda-May Whiu, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### PURPOSE OF THE REPORT

At the first meeting after the three-yearly local election, elected members are required to receive a general explanation of the laws that affect them as elected members. This report outlines the core legislation affecting members supported by a presentation by Council's In-House Counsel.

#### RECOMMENDATION

**That Council note the report "Explanation of Laws Affecting Elected Members", and the advice provided at this meeting.**

#### BACKGROUND

It is a requirement to have the core legal requirements brought to the members' attention at the first meeting following the triennial election, under Clause 21 (5)(c) of Schedule 7 of the Local Government Act 2002.

#### DISCUSSION AND NEXT STEPS

There are a number of core legal requirements that elected members should be aware of when making decisions. These include the:

- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Local Authorities (Members' Interests) Act 1968
- Health and Safety at Work Act 2015
- Crimes Act 1961
- Secret Commissions Act 1910
- Financial Markets Conduct Act 2013
- Council decision-making requirements
- Personal liability of elected members
- Public law decision-making principles.

Staff will provide a presentation and handouts at the meeting.

In addition to these core legal requirements, there are many other statutes relevant to certain council decisions (for example the Resource Management Act 1991 and the Reserves Act 1977).

Elected members will receive advice from staff on a case-by-case basis to ensure that they understand their legal obligations when making decisions.

#### FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary provision needed as a result of this report and presentation.

#### ATTACHMENTS

Nil

**7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**

**8 TE KAPINGA HUI / MEETING CLOSE**