
Appointment of Non-Elected Members (Appointed Members) to Committees of Council

Adopted: 19 May 2022
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Context

This Policy recognises that the appointment of external non-elected persons (Appointed Members) to Council committees can enhance the available skills and expertise around the decision-making table. This Policy sets out the process for the appointment of Appointed Members and the identification and consideration of the skills, knowledge and experience they require.

Legislative Context

The Local Government Act 2002 (Schedule 7, Clause 31(3)) provides that the Council may appoint to a committee or subcommittee a person who is not an elected member if that person has the skills, attributes and knowledge that will assist the work of the committee or subcommittee.

This Policy should also be read, where relevant, in conjunction with the decision-making requirements under Part 6 of the Local Government Act 2002 (LGA02).

Any Appointed Member will have full voting rights on all matters within the relevant committee's responsibilities and delegations.

Objective

The objectives of this Policy are to ensure:

- that the process of appointing non-elected members to council committees is undertaken in an objective and transparent manner, while protecting individual privacy.
- that appointments:
 - are made based on an assessment of skills, knowledge and experience, having regard to the nature of scope of the relevant committee's objectives and activities.
 - consider the contribution that non-elected members can make to the committee as a whole and to the achievement of the relevant committee's objectives and activities.
 - consider the context in which council, as a publicly accountable body, operates.
- that there is recognition that decision-making is already supported by technical advice through staff reports, advisory groups, working parties, and contractors, as well as input via community advocacy and key relationships with external stakeholders.

Application of this Policy

This Policy applies to all appointments of Appointed Members to committees, standing committees, sub-committees, joint committees, working parties and other subordinate decision-making bodies of Council (Committees).

This Policy does not apply to appointments to the Joint Climate Change Adaptation Committee [or to iwi/hapū nominees to Te Kuaka Committee for Māori Strategic Relationships](#), or appointments to Council Controlled Organisations under the Appointment and Remuneration of Directors for Council Organisations Policy.

Policies

1. Eligibility

Any person is eligible to be an Appointed Member of a Committee provided that:

- they are not a currently elected member of the Council, including an elected member of any Community Board
- they are not a current employee of the Council (subject to Schedule 7, Clause 31(4)(b), LGA02)
- they are not contracted or sub-contracted by the Council.

Pursuant to Schedule 7, Clause 31(4)(b), LGA02 an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.

2. Skills

Appointed Members should, as a minimum, have the following skills:

- sound judgement and decision-making
- a public service ethos
- a high standard of personal integrity
- clear communication skills and an ability to debate in a reasoned manner
- effective teamwork and collaboration
- commitment to the principles of good corporate citizenship
- a demonstrable commitment to the Far North District (role of the elected member)

A high-level position description will be provided to each Appointed Member to a Committee. Position descriptions will be prepared by relevant staff in consultation with the Committee from time to time responsible for appointments (Appointments Committee).

3. Mātauranga Māori

Council acknowledges that to inform good decision-making under statutory requirements and in line with the District's unique demographics, there may need to be appointments that provide more than 'technical' skills but also provide a knowledge and holistic understanding of Te Ao Māori (Māori World View) and how this applies to the outcomes of the decisions made. Decisions of Council and its Committees are made for the whole district and are to be considered having regard to the advice of staff and the views of elected members themselves.

The Council considers that any person it appoints to a Committee for the purposes of bringing Te Ao Māori knowledge, should, as a minimum, have the following mātauranga Māori:

- Be competent in Te Reo Māori, verbal and written
- Have a strong foundational knowledge of tikanga Māori
- Have links into the Māori communities of Te Tai Tokerau
- Understand the issues facing Māori within Te Tai Tokerau
- Have a good understanding of the Māori governance structures across Te Tai Tokerau
- Have specific mātauranga Māori relevant to the committee in question.

4. Appointments Process

The Appointments Committee will:

- prepare a list of possible candidates to be interviewed.
- in preparing the list, will use a range of resources including, but not limited to, public advertising, personal recommendations, and self-referrals to identify individuals with the required skills and competencies.
- be supported by relevant staff in administering the appointments process.

The Appointments Committee will be responsible for:

- approving the criteria against which applications will be assessed (high level Position Description).
- preparing a shortlist of candidates to interview.
- interviewing the shortlisted candidates and evaluating them against the approved criteria; and
- reporting on its assessment of each candidate against the approved criteria and recommending the appointment of Appointed Members to the Council.

When making this recommendation the Appointments Committee will consider:

- The overall skills required by the Committee.
- The costs of any advertisement and process.
- The availability of qualified candidates.
- The urgency of the appointment.

The Appointments Committee will prepare a report for the Council on the outcome of the appointments process and the Committee's recommended appointments.

5. Final Appointment

The Council will make the final decision on appointment of Appointed Members. Decisions may be made in public excluded (Section 7(2)(a)) Local Government Official Information and Meetings Act 1987) to protect the privacy of natural persons.

6. Tenure

An Appointed Member's term of appointment automatically ceases at the end of each triennium, in accordance with Schedule 7, Clause 30(7), LGA02. Under Clause 30(7) a committee, subcommittee, or other subordinate decision-making body is, unless Council resolves otherwise, deemed to be discharged at the point that elected members take office following a triennial election. A committee or subcommittee may also be discharged, by resolution of Council, at any time during a triennium.

7. Conflicts of Interest and statutory obligations

Appointed Members are expected to avoid situations where their actions could give rise to a conflict of interest. For the purposes of clarity, Appointed Members are expected to follow the Office of the Auditor General's guide on managing conflicts of interest [Managing conflicts of interest: A guide for the public sector — Office of the Auditor-General New Zealand](#).

Appointed Members are also subject to the Local Authorities (Members Interest's) Act 1968 and should familiarise themselves with the Act and the Office of the Auditor General's guide on [Local Authorities \(Members' Interests\) Act 1968: A guide for members of local authorities on managing financial conflicts of interest — Office of the Auditor-General New Zealand](#).

Likewise, the activities of Appointed Members are subject to the same or similar statutory requirements and obligations as apply to elected members. Relevant legislation includes the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Privacy Act 2020 and the Health and Safety at Work Act 2015.

The Elected Member Code of Conduct applies to all Committee meetings. Whilst the Elected Member Code of Conduct does not legally apply directly to Appointed Members, it is expected that Appointed Members will nevertheless follow and adhere to the principles of the Code in undertaking their role.

8. Removal of appointed members

An Appointed Member may be removed from office in accordance with Schedule 7, Clause 31 (1) or (2), LGA02. Council may remove an Appointed Member for one or more of the following reasons:

- The appointed member is convicted of a crime involving dishonesty
- Non-attendance at three meetings without submitting a formal apology
- Any matters arising under the Elected Members Code of Conduct including non-adherence by an Appointed Member with the principles of the Code in undertaking their role.

Where Council wishes to remove an Appointed Member from office a meeting of Council will be called for the specific purpose of considering the removal of the Appointed Member in question¹. At the meeting, elected

¹ A meeting to consider removal of an Appointed Member can be called as a standalone meeting or as an Item on the Agenda of an ordinary meeting including other agenda items.

members may decide to remove the Appointed Member by ordinary resolution; and if a majority of elected members vote in favour of the resolution, the Appointed Member's removal from the relevant Committee becomes effective immediately.

9. Remuneration

Council recognises that Appointed Members will incur personal expenses as a result of participating in committees of Council. Appointed Members should not be financially disadvantaged by their participation, and the financial impact of their participation should not act as a disincentive to participation. This Policy should be read in conjunction with the Appointed Members Allowances Policy.

10. Review

The Policy will be reviewed:

1. Within 6 months of each new triennium, or
2. Whenever a formal request to do so is received from Council, or
3. In response to a change in legislation or statutory requirements.