



### **Project 1 - June 2009: Who's compliant with the law?**

Our first project is now complete. On the 4th of June 2009 Council Watch sent a letter of introduction to Chief Executive Officers of every local body in New Zealand. In this letter we asked for an electronic copy of the organisation's Local Governance Statement and Standing Orders - both of which are required under law. A summary of the final results are listed below. You can download the full report [HERE](#).

### **Response Rates**

66% of local bodies failed to supply a copy of their Standing Orders

33% of local bodies failed to supply a copy of their Local Governance Statement

28% of local bodies did not respond to the request within the time limit set out by law

2 local bodies admitted not having a Local Governance Statement prepared

### **Discussion**

Early findings have unearthed a problem for Councils. Standards New Zealand have written a set of Standing Orders ([NZS9202:2003](#)) for sale to Councils across the country. However this document is copyright and many Chief Executives felt they would be breaking the law if they released this document to Council Watch.

We requested the Standing Orders under the Local Government Official Information and Meetings Act 1987, and as Standing Orders are a critical document we fail to see how Councils can possibly refuse to provide them.

Standing Orders rule how Councils conduct their meetings. They explain the procedures that Councillors and the public must comply with, and how they must conduct themselves. This includes such things as allowing more time for a public participant to speak, points of order and how they are raised, even the abandonment of a meeting if it gets uncontrollable.

A number of Councils have indicated they consulted with Standards New Zealand, who had recommended not to release their Standing Orders. Who is right here? Should a government agency be stopping a local authority from engaging in a democratic process? Does Standards New Zealand hold authority to prevent LGOIMA requests from being fulfilled? If so, why is a government agency allowed to copyright a document that should always be freely available to the public on request? What are the legal, democratic, and social consequences of this sort of behaviour being allowed to continue?

[Part 1](#) of Schedule 7 of the Local Government Act 2002 (27 [2]) states "The standing orders of a local authority must not contravene this Act, ***the Local Government Official Information and Meetings Act 1987***, or any other Act." It is our view that using a set of Standing Orders which may not be lawfully copied and distributed to the public contravenes the requirements in LGOIMA covering the access of public documents.

The matter has been referred to the Office of the Ombudsmen.