

DRAFT FOR CONSULTATION

Local Government (Restoring Democratic Integrity) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill amends the Local Government Act 2002 to prohibit unelected members from being given voting rights on a local authority's committees or subcommittees.

Local authorities nationwide have been adding unelected people to committees with voting rights without voter consultation. This undermines the democratic process and democratic integrity. The Bill is a significant measure in protecting public trust in governance decisions, ensuring that decisions are made by those who are accountable to voters.

Clause by clause analysis

Clause 1 is the Title clause.

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

Clause 3 identifies the Local Government Act 2002 as the Act that the Bill amends.

Part 1

Amendments to principal Act

Clause 4 and the *Schedule* provide for transitional matters.

Clause 5 amends clause 23 of Schedule 7 of the Act to discount non-voting members from quorum calculations. This clause also amends clause 31 to clarify that only elected members of a local authority can be members of a committee or subcommittee unless the local authority expressly resolves otherwise, and to provide that members of a local authority's committees or subcommittees who are not elected members of the local authority are not entitled to vote at meetings of those committees.

Part 2

Amendment to Local Government (Auckland Council) Act 2009

Clauses 6 and 7 provide for an amendment to the Local Government (Auckland Council) Act 2009 to specify that *new clause 31(4A)* of Schedule 7 of the Local Government Act 2002 (inserted by *clause 5* of this Bill) applies to members appointed to a committee of the Auckland Council in accordance with section 85 of the Act. The effect of this amendment is that members appointed by Houkura (the independent Māori statutory board provided for in the Act) would not be able to vote on those committees.

Cameron Luxton

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Schedule

New Part 10 inserted into Schedule 1AA

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Restoring Democratic Integrity) Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

3 Principal Act

This Act amends the Local Government Act 2002.

Part 1 Amendments to principal Act

4 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

5 Schedule 7 amended

- (1) In Schedule 7, in clause 23(3)(b)(i), after “members of the committee”, insert “who are entitled to vote at the meeting”.
- (2) In Schedule 7, repeal clause 23(3)(b)(ii).
- (3) In Schedule 7, replace clause 31(2) and (3) with:
 - (2) The members of a committee or subcommittee must be elected members of the local authority.
 - (3) Despite **subclause (2)**, if, in the opinion of the local authority, a person who is not an elected member of the local authority has particular skills, attributes, or knowledge that will assist the work of a committee or subcommittee—
 - (a) a local authority may resolve to appoint that person to a committee:
 - (b) subject to **subclause (3A)(b)**, a committee of a local authority may resolve to appoint that person to a subcommittee of that committee.
 - (3A) A committee of a local authority—
 - (a) may appoint or discharge any member of a subcommittee appointed by the committee, unless directed otherwise by the local authority; but
 - (b) must not appoint a person who is not an elected member of the local authority to a subcommittee of that committee unless the local authority has resolved to allow it to do so.
- (4) In Schedule 7, repeal clause 31(4)(a).
- (5) In Schedule 7, after clause 31(4), insert:
 - (4A) A member of a committee or subcommittee who is not an elected member of the local authority is not entitled to vote at any meeting of a committee or subcommittee (as the case may be).
- (6) In Schedule 7, clause 31(6), after “minimum number of members”, insert “, each of whom must be entitled to vote,”.

Part 2

Amendments to Local Government (Auckland Council) Act 2009

6 Principal Act

This Part amends the Local Government (Auckland Council) Act 2009.

7 Section 85 amended (Board's specific functions)

After section 85(2), insert:

- (2A) To avoid doubt, **clause 31(4A)** of Schedule 7 of the Local Government Act 2002 applies to a member appointed to a committee in accordance with this section.

Schedule
New Part 10 inserted into Schedule 1AA

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Part 10
Provisions relating to Local Government (Restoring Democratic Integrity) Amendment Act 2025

59 Interpretation

In this Part,—

amendment Act means the Local Government (Restoring Democratic Integrity) Amendment Act **2025**

commencement date means the date that the amendment Act comes into force.

60 Voting at meetings of local authority committees and subcommittees prior to commencement date

The amendments made by the amendment Act do not affect the vote of a member of a committee or subcommittee who is not an elected member of the local authority at a meeting that occurred before the commencement date.