// SUBMISSION

Local Government (System Improvements) Amendment Bill

// Local Government New Zealand's submission

// August 2025

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Ko Tātou LGNZ.

LGNZ champions, connects and supports local government. We represent the national interests of councils. Our aim is for New Zealand to be the most active and inclusive local democracy in the world.

Introduction

Across all aspects of local government's business, the inflationary economic environment is putting significant pressure on council finances and rates. It has forced councils up and down the country to make difficult decisions to cut costs and reduce capital programmes, so that rates do not become unaffordable for communities.

Despite these efforts, rates have increased, but there is no clear evidence this has been caused by a lack of fiscal discipline or wasteful spending by councils. For most councils, it's the opposite: previous councils' decisions to defer necessary spending on maintenance, renewals and new infrastructure are driving up today's rates. This underinvestment was partly a response to similar government rhetoric and reforms in the past, which aimed to reduce council use of debt and rates. Councils are now addressing this at a substantial cost – and (unfortunately) in parallel with other significant reforms and economic challenges.

LGNZ acknowledges the high costs of living facing New Zealanders. However, rates are not their main driver. Local government made it clear that councils wants to work with the Government to unlock economic growth and development on an intergenerational basis, while also continuing to deliver the basics for communities.

Summary of LGNZ's position

This submission supports a number of aspects of the Local Government (System Improvements) Bill (**Bill**). However, it does not support a return to a more prescriptive framing of the purpose and role of local government and its core services. LGNZ considers that the Bill's amendments to section 10 will create a higher risk and more complex legislative context for councils. In a time when local government faces an increasingly litigious environment, this is unhelpful.

LGNZ considers that the Bill needs to either retain the current framing of the purpose statement, or be amended so that it strikes a more enduring balance between prescription and general empowerment. This would reduce the risk of political flip-flopping on the Local Government Act 2002 (**Act**) and increase constitutional certainty in New Zealand's framework of government.

LGNZ's mandate is to support local government to achieve and operate within a workable legislative framework that supports the delivery of activities and services for local communities. This framework must put communities at its centre, as one of the primary roles of local government is to make decisions by and on behalf of communities. The Bill's proposed amendments risk reducing this role, by introducing a more prescribed environment that reduces discretion to respond to community needs, and places sole focus on cost-efficiency, which could lead to imbalance with other important factors such as community mandate.

LGNZ's concerns should be no surprise

The proposed amendments are not new, as they largely replicate the provisions introduced through the National Government's 2012 to 2014 reforms. Those reforms, which removed the four well-beings in place of a more prescribed purpose, did not result in any material reduction to the rates required to support council expenditure. The reason for this was that at that time, and now, most council expenditure was spent on core infrastructure and local public services and amenities. Communities expect local government to provide these activities and services, but they come at an undeniable cost.

There was no evidence to justify the amendments made in 2012 to 2014 on the basis of rates reductions. Nor has LGNZ has seen any evidence since then that supports that rationale. The regulatory impact statement for the Bill makes it clear that a purpose focussed on the wellbeing of the community has not added cost to the sector.

LGNZ considers it to be in New Zealand's best interests to make evidence-based policy that can stand the test of time. Politically influenced amendments run the risk of being repealed and replaced every time there is a change in government. This generates uncertainty for councils and cost for ratepayers.

In 2018, LGNZ submitted on the Local Government (Community Well-being) Amendment Bill. That legislation repealed the changes that this Bill now seeks to reinstate. Several points we made in that submission are relevant to the amendments proposed by this Bill:

- Ongoing change to local government's roles and powers, as has occurred over the last two decades, risks undermining confidence in New Zealand's constitutional and democratic arrangements. Continual change makes it difficult for councils to plan and invest for the long term. LGNZ would like to see bipartisan support for key changes to the Act. It is a waste of both taxpayer and ratepayer funds to keep making and responding to such changes.
- Councils are not and have never been mere providers of local infrastructure, services and regulatory functions. They are New Zealand's most basic level of government and intrinsic to democracy. A more flexible purpose provides opportunities for more innovative and "joined-up" approaches to governing communities.

Key issues raised in our submission

The balance of this submission focusses on areas where LGNZ has particular concerns, and where amendments are sought.

To be clear, the overall aim for LGNZ is to ensure that councils can continue to provide the activities and services that communities want. At the same time, we want councils to get clarity and certainty for councils from their governing legislation. We make these key points:

- The purpose of local government requires greater certainty
- Section 11A (core services) needs amendment

- Governance principles require clarity
- More flexibility in measuring council performance is good but must not place a greater burden on councils
- Uniform standing orders need to reflect local conditions.

Our submission

Amendments that LGNZ supports

LGNZ supports these aspects of the Bill:

- **Repealing the definition of public notice in the Act (*clause 5 / section 5*)**

  While LGNZ understands that there was insufficient time to progress an omnibus change on this issue, we continue to support the repeal of all definitions of "public notice", "publicly notified", and "publicly notify" (and similar terms) from all local government related legislation, so that there is consistent reliance on the definition in the Legislation Act 2019.

  To assist, this will involve amendments to the Local Government Act 1974, Local Government (Rating) Act 2002, Freedom Camping Act 2011, Public Works Act 1981, Building Act 2004, Impounding Act 1955, Wild Animal Control Act 1977, local legislation, and the Local Government Official Information and Meetings Act 1987, where the definition of "publicly notified" was amended in 2019 to include the publication of a notice on a council internet site, but retained the requirement to also publish a notice in a newspaper.

- **Removing the requirement for six-yearly service delivery reviews (*clause 9 / section 17A)***

- **Access to information (*clause 12 / section 42, clause 21 / Section 259, clause 25(9) / new Schedule 7, section 26A*)**

  LGNZ generally supports this proposed amendment, which essentially codifies the "need to know" principle that has been developed and applied by the courts. This principle provides that elected members are entitled to request / receive information that is needed for them to carry out their duties as elected members.

  However, in conjunction with this amendment, LGNZ considers the role of new regulation to be important. For example, the "need to know" principle needs to work in tandem with a well-understood set of confidentiality requirements, so that information is not the subject of misuse or confidentiality breaches. LGNZ seeks to be involved in the development of any new information provision regulations, which, with the new code of conduct, will need to reflect current council business practices, and ensure that sensitive, confidential information is protected.

- **Clarifying the authority of an acting or interim chief executive to sign certificates of compliance for lending arrangements (*clause 19 / section 118*)**

- **Clarification relating to development contributions (*clause 20 / section 200*)**

- **Extending the maximum length of a chief executive's second term to five years (*clause 25 / Schedule 7, clause 34(4)*)**

- **Standardising the Code of Conduct *(clause 25 / Schedule 7, clause 15, etc)***

  LGNZ is generally in support of this proposal. We are highly motivated to play a role in developing a fit-for-purpose code of conduct for the local government sector.

  We caution against preparing a single uniform code of conduct without there being any potential for adjustment and flexibility to reflect the particular governance arrangements of local authorities (ie not all councils will operate the same, or can be expected to do so). The Bill expects the code of conduct to be adopted and complied with by all elected members, which should be the case, but with some discretion to adopt modified provisions where they are appropriate. LGNZ seeks that some flexibility is built into the Act, with a 75% voting threshold requirement before changes to the uniform standing orders can be made.

  We also see the need for wider changes to support good conduct of elected members. In our electoral reform final submission, we noted that "currently Code of Conduct processes are often used inappropriately or for conflict that could be better addressed by a range of interventions before they escalate. Conflict or Code of Conduct issues should be triaged and while several organisations provide support in managing challenges, there would be significant benefits from a more formally established dispute resolution service. This service would support professional standards, provide alternative resolution pathways and early intervention to avoid escalation where possible. These are the hallmarks of modern conflict resolution systems where issues should be resolved as close to the source of the conflict as possible. Comprehensive training and support, and embedding the set of professional standards are essential for this approach."

Key issue 1: New purpose of local government (clause 6 / section 10)

The proposed amendments to the purpose of local government in section 10 are highly significant, as other key provisions in the Act, namely sections 11 and 12, take their meaning from section 10.

This is because the powers of local authorities are defined in section 12 by reference to the role of local government in section 11, which is then defined by reference to the purpose as stated in section 10. As a consequence, changes to section 10 have a flow-on effect, and impact on the breadth of the powers, and role, of local government.

The explanatory note records that the intention of the amendments is "to provide clearer direction for councils and to help them balance the need for investment with rates affordability". However, it is not clear how the amendments achieve this stated intention.

This is because:

- There is ambiguity (rather than clarity) in the terms and phrases used in the amended purpose statement, which may lead to potential legal challenges and risk in relation to determining whether or not activities and services are, in fact, within the amended purpose of local government;

- There is no statutory direction provided in the amended purpose statement, as clause (b) is framed against the current and future needs of communities. What that means is that local government must first determine what the needs of the community are, and it is only after that is achieved, and agreed through public consultation, that there is mandate to deliver on those needs; and

- The reference to cost-effectiveness is only an indirect reference to rates affordability, and if there is a demonstrated need for infrastructure that is not affordable, the purpose statement does not assist to address that tension at all.

There are other sources that support LGNZ's position that the amendments will not achieve their stated intention, and that there is no need for change. For example, the regulatory statement on the Bill notes:

> *"…Reports, including from the Review into the Future for Local Government, and departmental feedback from agencies, such as the Infrastructure Commission and the Ministry of Housing and Urban Development, noted contrary views to those of ministers. Feedback suggested that removing the four well-beings could be seen as disempowering local government and while focusing councils on low rates may succeed, it would likely come at the expense of key council services and infrastructure development.*
>
> *Previous regulatory impact statements have suggested that despite various changes to the purpose by successive governments, there has been limited impact on council decision-making, activities, and service levels, regardless of intended focus.*
>
> *The Department considers that proposed changes, when considered in isolation, are unlikely to benefit communities more than the status quo. This would largely reflect evidence that changes to the purpose of local government in the past have not resulted in significant changes to council activities or service levels."*

In addition, the regulatory impact statement notes:

> *"Ministerial direction was to reinstate the previous purpose of local government, which precluded further options exploration. As such, the Department was not able to consider more than two options: status quo and proposed changes. <u>This includes not being able to consider a more enduring purpose of local government, in consultation with the public</u>."*

It is essential that the purpose statement and related provisions establish an enduring framework that supports a successful local government sector. Successive governments continuing to change

the purpose statement is unhelpful, and comes at a cost to ratepayers (and taxpayers). LGNZ would prefer to engage in constructive discussions with the Government to develop a workable purpose statement that is able to gain bipartisan support.

There are practical issues and increased compliance costs with the proposed amendments to section 10

The benefit of the current framing of section 10 is that it enables councils to focus on whether they "should" undertake activities, as opposed to whether they "can". The broad empowerment provided by the well-beings assists by providing protection from legal challenge, with the focus on process compliance rather than potential unlawfulness.

Shifting to a more prescribed, narrower purpose statement raises the prospect of allegations of unlawfulness if there is a concern that activities do not fit within the narrower list of activities described in section 10 or 11A.

The effect of the proposed amendments to section 10 is to increase compliance costs for councils, by requiring that before they make any decisions they comply with the existing provisions in Part 6 of the Act, but also consider the three tests in section 10. Those are, in turn, being satisfied that the decision or activity will: (1) "meet the current and future needs of communities"; (2) involve "good-quality local infrastructure, local public services, and performance of regulatory functions"; and (3) do so "in a way that is most cost-effective for households and businesses".

In terms of practical issues, there is inherent uncertainty in the amended purpose, which creates additional risk. This risk arises from the increasingly litigious environment that councils are facing at present, which will likely lead to increased testing of decision-making through judicial review. For example, there will be uncertainty in relation to:

- What is required to determine that an activity meets the current and future needs of communities.
  Presumably this will involve a requirement to consult, but if this requirement exists ahead of every decision that needs to be made, then this will be unworkable.

- How "good-quality" is to be considered at the time of decision-making.
  The definition of "good quality" in section 5 of the Act, which supports the current section 17A, refers to what is "appropriate to present and anticipated future circumstances" (ie incorporating a longer-term lens, and resilience). This concept may be considered to be in tension with the requirement to decide on the "most cost-effective" approach, which if considered on economic or financial terms could be taken to support the "least cost" approach.

- What is intended by the phrase "most cost-effective".
  If this phrase is intended to provide an absolute standard, then nothing other than the best value (on economic / financial grounds) will be most cost-effective. This will place a far greater emphasis on financially informed decision-making, and remove the relevance of

community preference (which may, legitimately, be in favour of "good quality" or even "best quality" for sound reasons).

The concept of efficiency is already inherent in the local government, as it is a key principle in section 14. However, it is used without the qualifier "most cost-effective", and is capable of a broader interpretation that balances efficiency with effectiveness in relation to achieving priorities and desired outcomes. LGNZ's view is that if this concept is to remain, it needs to be balanced in a more overt way with "good quality" and community preference.

- What constitutes a local public service? For example, will this cover economic development initiatives or activities, and tourism generation?
  As noted earlier, the underlying policy behind the amendments is driven by a desire to promote economic growth and development, but these activities do not directly relate to the provision of local infrastructure or local public services, or the listed core services in section 11A, and are certainly not the performance of regulatory functions. As a consequence, there is a need to review or better explain what these concepts cover, so that councils can legitimately continue to foster and encourage tourism growth and economic activity.

  One particular example is whether investment activities, ie investing in commercial initiatives or other funds or activities, is within the scope of section 10 as amended. Investing is a common activity for councils, and is a successful way of achieving returns that help reduce rates. If the ability to invest is lost, then this income stream is lost, to the detriment of households and businesses. It is perhaps implicit given the proposed amendment to section 259(1)(dc) that refers specifically to "investments" that this is a legitimate activity for local authorities, but the need to draw on other provisions underlines the inherent uncertainty with the reframed, narrower clause 10(b).

- What if something is cost-effective for households, but not for businesses?

- How does the performance of regulatory functions satisfy the cost-effective requirement?
  In many cases, regulatory actions are not able to be achieved cost-effectively, but they are a core part of council business. They are also unlikely to encourage or support local economic growth and development, and so the amendments have a degree of inherent tension. The role of regulation is a matter that warrants its own acknowledgement, as there is no other entity that is able to take on the myriad of statutory roles that local government is currently responsible for delivering.

- Is clause (c), which relates to supporting "local economic growth and development by fulfilling the purpose set out in paragraph (b)", intended to be constrained by subclause (b) or should it operate disjunctively with appropriate limitations?

  The proposed framing of clause (c) means that the only way in which local government can support local economic growth and development is by undertaking an activity that is provided for by clause (b). This is considered an unnecessary constraint in light of the

purpose of these amendments, and instead a more enabling framework should be provided for.

In summary, LGNZ's position is that the proposed amendments have consequences that step far beyond the purported intention of providing clearer direction for councils to help them balance the need for investment with rates affordability. Instead, the amendments narrow the scope of legitimate council activity, and place tight parameters around the ability to invest and encourage growth and development, with inherent uncertainty for some activities that the community may want to be undertaken. This is also considered to be in tension with the amendment to section 3(d), which speaks to the "broad role" that local government is intended to play for communities.

LGNZ recommends that the Government carry out further consultation in relation to the purpose statement that addresses the above issues, and is able to garner bi-partisan support. However, if this is not taken up, then the following amendments would be an improvement, and address in part the concerns raised above:

The purpose of local government is –

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and
(b) to provide local infrastructure, local public services and a range of other activities and services that meet the current and future needs of communities in a way that is efficient and cost-effective;
(c) to perform regulatory functions;
~~(d) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses; and~~
(e) to support local economic growth and development for the benefit of communities, including by fulfilling the purpose set out in **paragraph (b)**.

Key issue 2: Reintroduction of core services (clause 7 / section 11A)

LGNZ is concerned about three aspects of the proposed reintroduction of section 11A. Those are:

- The absolute expression of the "core services" in subsection (1), and inability to consider "activities";
- That the list of core services is incomplete; and
- The use of the term "civil defence emergency management", as opposed to a term that incorporates reference to "natural hazards".

Absolute expression of core services, and lack of interplay with activities

The proposed heading to section 11A is "Core services to be considered in performing role". This heading, as a statutory indicator, aligns with subsection (2), which requires local authorities "having particular regard to the contribution that the core services make".

LGNZ understands that the collective effect of the heading and subsection (2) is that the core services are intended to be a reference point, rather than a prescribed list that states the only services that councils are allowed to deliver.

Against this understanding, subsection (1) is expressed as an absolute, by stating that the activities "are the core services" (ie which does not provide any flexibility to shift from that list, which is further discussed below).

Given the "reference" point intention, if the focus on core services is to be retained, it is unclear to LGNZ why the 2014 framing of subsection (1) cannot be replicated, which reads:

> *In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities:*

However, LGNZ is also concerned that section 11A is proposed to have a focus on "services" rather than the *functions* and/or *activities* of local government.

When considering the proposed list for inclusion in section 11A, although it is correct to describe the activities as having a service delivery character, they are also a mix of both statutory and discretionary functions and activities of local authorities. As a result, describing all of the listed activities as "services" is not in fact completely accurate. If this was broadened to refer to "functions", then this would allow for functions, services and activities to be captured, which would better reflect the nature of the activities and role of local authorities.

Incompleteness

LGNZ's analysis and engagement with members has suggested that the proposed list captures the key areas of service delivery and expenditure across the sector. However, it does not cover key aspects of the role of regional councils, such as biosecurity activities and services. Nor does it clearly cover specific statutory roles and functions, for example those covered by the Resource Management Act 1991 and the Building Act 2004.

While these other functions, where statutory in origin, will arguably fit within the "performance of regulatory functions" descriptor in section 10, if the intended focus of section 11A is to outline the core functions of local authorities, then it would make sense to provide at least some reference to these functions and roles, particularly those that are related to the protection of the natural environment.

This is important given the proposed amendment to section 101(1AAA), which again puts specific focus on sections 10 and 11A when a local authority is tasked with determining its approach to financial management. In that context, if there is no scope for considering non-core or non-listed functions and activities, then this could have a constraining effect on necessary financial expenditure.

Civil defence emergency management; section 11A(1)(d)

LGNZ considers that the change from "the avoidance or mitigation of natural hazards" to "civil defence emergency management" goes beyond an "update" as described in the explanatory note to

the Bill. Instead, this change shifts the focus of the types of hazard-related activities that are a core service, in a way that could be potentially problematic. For completeness, it is accepted that "civil defence emergency management" is a service provided by local authorities, but the required response to natural hazard risk is broader that just CDEM services, and should involve other activities that deliver safe outcomes for communities.

As defined in the CDEM Act, the phrase "civil defence emergency management" refers to measures that… are "necessary or desirable for the safety of the public or property" and that "are designed to guard against, prevent, reduce, [recover from,] or overcome any hazard or harm or loss that may be associated with any emergency". An "emergency" is then defined in the CDEM Act by reference to a "situation" that is the result of any "happening" that causes or may cause loss of life, etc and that cannot be dealt with by emergency services, or that requires a significant and co-ordinated response.

In reading these defined terms together, and as subparagraphs (a) to (c) of the definition of emergency are to be read cumulatively, a distinction can be drawn between an emergency type situation, and other natural hazards, which may not involve "happenings" that require an emergency response, but instead require a longer-term, planned approach.

For example, the need for flood protection and mitigation schemes, as well as stormwater management (including natural overland flow paths, etc), and responding to inundation, coastal erosion and sea level rise do not neatly fit within the purpose of the CDEM Act. These activities are necessary to avoid and mitigate natural hazard risk, but often over a longer timeframe, rather than in relation to emergency events.

There are aspects of the definition of "civil defence emergency management" that are, however, useful, including the fact that the definition links to the 4 R's of civil defence. LGNZ agrees that readiness and reduction should be key areas of focus, but considers that these concepts are sufficiently captured by the terms avoidance and mitigation. LGNZ's position is that there is benefit in the broader language use in the 2014 version of section 11A, but with an addition to capture more proactive activities that may be desirable to reduce risk and increase resilience.

We also observe that there is a current review progressing in relation to the CDEM Act, which may influence the ability to sensibly rely on the definition in that Act.

Suggested amendments

In reconciling the above points, LGNZ's position is that it would be more accurate, and helpful, to amend section 11A so that it reads as follows:

11A Core functions ~~services~~ to be considered in performing role

(1) In performing its role, a local authority must have particular regard to the contribution that the following core functions provide for its communities ~~The following services are the core services of a local authority~~:

(a) network infrastructure activities and services:

(b) public transport services:

(c) waste management activities and services:

(d) ~~civil defence emergency management~~ the avoidance or mitigation of natural hazards, including activities that improve resilience to natural hazards;

(e) libraries, museums, reserves, ~~and~~ other recreational facilities, and public amenities.

~~(2) In performing its role, a local authority must have particular regard to the contribution that the core services make to its communities.~~

~~(3) In **subsection (1)(d), civil defence emergency management** has the meaning given to it in section 4 of the Civil Defence Emergency Management Act 2002.~~

Key issue 3: Governance principles (clause 10 / section 39)

LGNZ has concerns with the proposed amendments to the governance principles, in particular the lack of a clear rationale underpinning new principle (f) or explanation of the policy issue that this new principle is seeking to address.

Existing principle (b) provides for a local authority to ensure that "the governance structures and processes are effective, open, and transparent". This is achieved through the governance arrangements agreed between elected members, and with staff, including through the local governance statements prepared under section 40 of the Act, and through compliance with the meeting processes under the Local Government Official Information and Meetings Act 1987

In practice, the free exchange of information and expression of opinions is not currently restricted under the Act or any other frameworks. The only exception, which is proper, is if information or opinions is offensive or intended to harm, in which case there should be limitations in place to protect elected members or council staff. On this point, LGNZ considers that it is important to highlight through the governance principles that the expression of opinions by and between elected members is done in a professional and collaborative manner.

LGNZ generally supports new principle (g), but observes that there is potential tension between the framing of principle (g) and the statutory role of the elected Mayor under section 41A of the Act.

In accordance with section 41A, it is the role of a Mayor to "lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority". As currently proposed, principle (g) is intended to require the council to foster collaboration between elected members "to set" the council's policy agenda. While LGNZ acknowledges that this aligns with the collective decision-making concept of local government elected members, how this principles interacts with section 41A needs to be clarified so that any tension is resolved at this level.

LGNZ's recommended changes are as follows, which involve incorporating proposed clauses (f) and (g) into principle (b):

(b) a local authority should ensure that the governance structures and processes are effective, open, and transparent, including by -

(i) supporting the exchange of information and expression of opinions by and between elected members and staff; and

(ii) fostering the responsibility of its elected members to work collaboratively and in a professional manner to agree and deliver the local authority's policy agenda, and make decisions on behalf of its communities.

LGNZ considers that this framing better reflects the balance that needs to be struck in relation to the sharing of information and opinions, and the role of the Mayor in relation to elected members.

Key issue 4: Measuring council performance (clause 22 / section 261B)

LGNZ supports broadening the scope of possible performance measures, provided these will enable clear comparisons to be made on the same measures between councils. However, LGNZ observes that there is a lack of clarity around how these performance measures will be used, and notes that it is introducing another potential reporting obligation on an already highly burdened sector. Councils are required under the Act to produce many accountability documents, most notably long-term plans and annual plans, and are obliged to regularly consult with communities in relation to financial planning and expenditure.

In the event that new regulation is made, LGNZ notes that it must find an appropriate balance between the benefit of the performance measures and the additional resource and financial burden for councils. If this balance is not achieved, then it could in fact lead to further rates increases, which would undermine the policy intent behind the Bill.

LGNZ specifically opposes the proposed amendment to section 261B(3), which reserves discretion to the Minister to direct the Secretary to consult with local government if "the Minister considers it appropriate". If a positive, collaborative working relationship is to be established between central government and local government, consultation must be a feature of the development of new regulation and rules.

This is not to suggest that LGNZ would oppose the making of any new regulations or rules, but instead reflects the desire for LGNZ to help ensure any new requirements are fit-for-purpose and feasible in relation to the measures to be reported on. It is also important to ensure that they will drive the right performance improvements without creating unnecessary time and costs for councils.

Key issue 5: Uniform standing orders are not required (clause 25(10) / schedule 7, clause 27)

LGNZ does not support the proposed introduction of a new requirement that all local authorities must use the same set of standing orders.

While it is useful for the sector to have access to a template set of standing orders, which LGNZ has provided for some time (in conjunction with Taituarā), there should be no requirement that all councils adopt exactly the same rules to govern their business.

Standing orders can and should reflect local conditions and local approaches to the achievement of local democratic decision-making by and on behalf of communities. This approach is justified to recognise that local government is not a "one-size-fits-all" model, with councils of various sizes and compositions across the country.

The LGA should allow rules to be made in a manner that can flexibly respond to local circumstances. For example, the LGA does this by providing for various structural arrangements – e.g. committees and other subordinate decision-making structures.

As an example of matters that may warrant flexibility to adapt to local needs, there can be legitimate reasons to adopt specific rules for:

- Public participation – traditionally there is a distinction between public forum and delegation to a council meeting. Some councils find these distinctions appropriate and useful, while others don't.
- Discretion of the chair to permit public participation – there is limited discretion for the chair to approve or decline an application to speak. Different councils might have different approaches to this.
- Length of time for public participation and speaking time for each presenter, both of which may present challenges for particular communities, if they are not often able to attend and present to councils in person.
- Debating rules such as speaking time for members – traditionally there are differences between a full council meeting and committee meetings (which may have less formal rules).
- Various other matters, where councils should be free to decide on their own framework, including:
    - Whether a chair has a casting vote
    - Rules for workshops might vary between councils
    - The use of Te Reo
    - The role for additional protocols such as for filming a meeting

LGNZ also has specific concerns about uniform standing orders being created though the NZ standards system as this adds unnecessary cost and inflexibility. Councils who adopted the Standards NZ model standing orders (NZS 9202:2003) had to pay to access the standard, which meant that the public could not view them. This also means any substantive changes take a significant amount of time, and attract significant cost.