



Agenda for a meeting of the Pōkeno Community Committee to be held in the Pokeno Community Hall, Corner Great South Road and Market Street, Pokeno on **TUESDAY, 22 APRIL 2025** commencing at **7.00PM**.

**1. APOLOGIES AND LEAVE OF ABSENCE**

**2. CONFIRMATION OF STATUS OF AGENDA**

**3. DISCLOSURES OF INTEREST**

The register of interests is no longer included on agendas; however, members still have a duty to disclose any interests under this item.

**4. CONFIRMATION OF MINUTES**

Meeting held on Monday, 10 March 2025

3

**5. PUBLIC FORUM**

Cr P Storey - Waikato Regional Council Annual Plan Consultation

*Verbal*

**6. CORRESPONDENCE**

6.1 Inwards

6.2 Outwards

**7. REPORTS**

7.1 Councillors Report

*Written*

7.2 Subcommittee Reports

7.2.1 Strategy & Growth/Pokeno Realm

7.2.2 Finance

7.2.3 Facilities

7.2.4 Events

7.2.5	Communications	
7.3	Mayoral Community Awards	10
7.4	Code of Conduct Review	13
7.5	Other Business	
<b>8.</b>	<b><u>PCC COMMUNITY WORKS PROGRAMME – (ALL PROJECTS)</u></b>	
8.1	Works & Issues Report – April 2025	68
<b>9.</b>	<b><u>GENERAL BUSINESS</u></b>	

CL Hobbs  
**CHIEF EXECUTIVE**

<b>To</b>	<b>Pōkeno Community Committee</b>
<b>Report title</b>	<b>Confirmation of Minutes</b>
Date:	Tuesday, 15 April 2025
Report Author:	Elizabeth Saunders, Senior Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To confirm the minutes for a meeting of the Pōkeno Community Committee held on Monday, 10 March 2025.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the minutes for a meeting of the Pōkeno Community Committee held on Monday, 10 March 2025 be confirmed as a true and correct record.**

## **3. Attachments**

### **Ngaa taapirihanga**

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Attachment 1 – PCC Minutes, Monday, 10 March 2025

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## **POKENO COMMUNITY COMMITTEE**

Minutes of meeting of Pokeno Community Committee held at 7.00 pm at Pokeno Hall on Monday 10 March 2025

### **Present**

Allen Grainger (Chair), Helen Clotworthy (Deputy Chair), Ginny Bullock (Secretary), Bronwyn Heath, Mike Holroyd.

Councillors: Vern Reeve

Visitors: Will Gauntlett (WDC), Tammy Theys (WDC), Joel McKinlay (Tata Holdings), members of the public

### **Apologies**

Janet Baillie, Mayor Jacqui Church, Craig Hobbs (CEO WDC), Councillor Kandi Ngataki

Moved Ginny Bullock

Seconded Mike Holroyd

### **Confirmation of Status of Agenda**

Moved Allen Grainger

Seconded Ginny Bullock

### **Confirmation of previous minutes 28 January 2025**

Moved Allen Grainger

Seconded Ginny Bullock

### **Disclosures of interest**

The register of disclosures of interests is no longer included on agendas but PCC members still have a duty to disclose any interests under this item to the Chairman

## **PUBLIC FORUM**

### **Tata Holdings development of Pokeno West**

A presentation was given by Joel McKinlay regarding the new development to the west off Helenslee Road

Joel and his colleagues showed the committee a plan of the development, including 1500 houses, a primary school to intermediate level, walking tracks and wetlands. The same contractor is being used as for the Sports Park. Sections will be between 350 and 600 sqm. Roads will be wider with no double parking

Water is an issue. However the plan was approved before the new water rules came into force and drainage will be directed to the existing stream under Munro Road

An area has been designated for small shops. The committee did ask Joel to ensure that no vape shops or liquor stores will be permitted

Regarding the timeline:

Contractors to return in October 2025 to finish Stage 1 (subject to weather)

School site to be confirmed in mid-June 2025

Drainage pipes in place by end 2025

Roading going in 2026

Earthworks have commenced

### **Tata Holdings Telegraph Hill (Havelock) development**

Plan will be 5+ years. Plantings to commence soon. Building sites in the hollows of the hills which will not be visible from the township.

There will be greenspace and walkways for public use and a large water retention area

Contact [joel@tatavalley.com](mailto:joel@tatavalley.com) for any queries

## **CORRESPONDENCE**

In: Various emails from WDC forwarded by Secretary Ginny Bullock to all committee members.

Out: Nil

## **COUNCILLOR'S REPORT**

Cr Vern Reeve advised that Kandi is on leave at the moment  
There is no funding for widening the bridge on Pokeno Road near the school and ultimately it is the parents' responsibility to get their children to school safely. Below is the letter he sent to residents living in Lakeside



Lakeside Pookeno  
residents letter DRA

Traffic calming signs/ warnings regarding children near the bridge discussed at the meeting but there is no funding

There is a strong community at Lakeside and they are looking at perhaps creating a gravel path for the undeveloped 50 metres between the end of the concrete pathway and the bridge.

Speed limit is contentious in view of central government increasing speed limits.

Vern confirmed he was continuing to work on this situation and will report back on progress at the next meeting

## **SUB-COMMITTEE REPORTS**

### **Strategy and Growth / Pokeno Realm**

No further information on the new Hub/library building on Market Street.  
Funding is already in place for this

## Treasurer's report



PCC Financial  
Report 29 January 2

Helen advised that there is no council funding for traffic management from WDC for the Santa Parade. Cost is \$4000-\$5000 so fundraising will need to be done to cover this cost.

Moved Helen Clotworthy

Seconded Ginny Bullock

## Facilities

Work should be completed for the Sports Park by end of 2025. Topsoil to put down and then grassed in March/April weather permitting

Still waiting for report on skate park design

No funding for improvement to Munro Road and bridge

Consultants have been chosen to draw up a preliminary Sports Park plan which will be presented to group in March 2025.

## Events

“Coffee with a Cop” was held on Wednesday organised by Bronwyn Heath with Sergeant Noel Foster and 3 colleagues. Constable Sid introduced as new community constable as Constable Lorraine has moved to Waiuku.

Sgt Noel said that the police depend on cameras for catching offenders and Ginny Bullock said that these are in the pipeline but no updates are available He gave ideas for keeping people and property safe. A steering wheel lock is an excellent idea to prevent car theft.

## Communications

Work is being done on the website to connect to minutes and to Vision Statement. 1200 visitors from all over the world. Looking at different language sections. Also looking at automated Hall bookings  
Waikato District Council website should have a link to Pokeno website

## **NEIGHBOURING COMMITTEE REPORTS**

None

## **OPEN FORUM**

### **O'Leary Road update**

Janet McRobbie advised the Committee that the meeting proposed for a couple of weeks ago had to be postponed due to another couple of submissions being received.

### **MENZ Shed**

Details will be announced at next PCC meeting

Allen Grainger mentioned that the timber from the felled macrocarpa tree at the Dogpark is being systematically stolen and being sold for firewood even though the people doing the theft have been advised on a number of occasions that the wood is not for free. Suggestion that it be moved to the spare space at the Menzshed space where it will be secure behind locked gates. A discussion took place as to how the timber can be moved safely as some of the pieces are over a tonne in weight.

## **KEY WORKS PROGRAMMES**

### **Security Cameras**

No further information on cameras. As per last meeting, keep using the "squeaky door" to keep reminding council regarding the cameras

### **Roading**

Will Gauntlett advised that full resurfacing of Great South Road south to motorway onramp will take place in 25/26 year and is now in the Forward works programme. Start date to be confirmed.

### **Bridge on Pokeno Road**

A letter has been sent by Cr Vern Reeve to be distributed to local residents regarding the safety of the road over the bridge. It appears there is no funding available for the bridge to be rebuilt (see above). The bridge will be looked at 2029/2030 after new Munro Road Bridge construction.



**Munro Road upgrade**

In relation to the delay in the development of Munro Road, the Pokeno Committee asks for a further discussion owing to the fact that Munro Road is vital to the development of the new Sports Park. No date set for reconstruction of bridge.

**Pedestrian light in town centre**

Will advised that lights cannot be changed as it is a standard design on controlled signal crossings.

**Rates collection**

At the last meeting a question was raised about how much of the rates paid in Pokeno are being used in Pokeno

Will advised that the rates enabling everyone in the district to get either the same supply of services or if council have services that are different depending on property – ie wastewater, water, solid waste etc. Budgets are then drawn up, not by area, but by the plan overall for the district

Residents across the district benefit from cash spend in areas other than where they live, ie roading

In terms of capital projects, while rates may fund apportion, subsidy is also received from NZTA grants and developer contributions.

Meeting closed at 8.20 pm

**MEETING DATES 2025**

Tuesday 22 April

Tuesday 3<sup>rd</sup> June

Monday 14<sup>th</sup> July

Monday 25<sup>th</sup> August

Monday 6<sup>th</sup> October. Possible date for AGM and Election

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<b>To</b>	<b>Pōkeno Community Committee</b>
<b>Report title</b>	<b>Mayor's Community Awards</b>
Date:	Thursday, 20 March 2025
Report Author:	Colleen Molloy, Mayor's Executive Assistant
Authorised by:	Gaylene Kanawa, Democracy Manager

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To request Community Board's establish a working group of the Chairperson and one other Board Member to provide a nomination for the Mayor's Community Awards in May 2025.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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Councillors, community boards and committees are being asked to nominate one recipient each for a Mayoral Community Award. The key purpose of the awards is to recognise volunteer community service. The nominee must:

- a. be a resident of the Waikato District.
- b. be nominated by a ward councillor, community board or community committee. Those nominations from community boards and committees must come via the Chairperson.
- c. have contributed and continue to provide an ongoing voluntary service to the local community.

Following the closing of nominations on **Thursday, 1 May 2025 at 9am**, the Mayor will consider the nominees and select the final recipients based on the above criteria. The award recipients will be invited to an awards ceremony to be held on 22 May.

The nomination should include details such as name, address, contact numbers and an explanation of why they should be considered for the award. A template is attached for you to complete and return to Her Worship the Mayor for this purpose.

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### **3. Recommendations**

#### **Tuutohu-aa-kaimahi**

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**THAT the Pōkeno Community Committee appoints the Chairperson and \_\_\_\_\_ to provide a nomination by 1 May 2025 for the 2025 Mayoral Awards.**

### **4. Attachments**

#### **Ngaa taapirihanga**

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Attachment 1 – Nominee application form

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## Mayor's Community Awards 2025 Nominations (one per page)

Nominated by	
Ward/Board/Committee	
Nominee	
Nominee accepts nomination	Yes / No (circle or delete one)
Reason why nominated (no more than 100 words)	
<b>Contact details of Nominee:</b>	
Address	
Phone Number	
Email Address	

When complete, please send to [colleen.molloy@waidc.govt.nz](mailto:colleen.molloy@waidc.govt.nz)

## Open - Information Only

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<b>To</b>	<b>Pōkeno Community Committee</b>
<b>Report title</b>	<b>Code of Conduct Review</b>
<b>Date:</b>	1 April 2025
<b>Report Author:</b>	Gaylene Kanawa, Democracy Manager
<b>Authorised by:</b>	William Durning, Strategic Mayoral Manager Tony Whittaker, Chief Operating Officer and Deputy CE

### 1. Purpose of the report Te Take moo te puurongo

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To obtain feedback from the Pōkeno Community Committee on the reviewed Code of Conduct.

### 2. Executive summary Whakaraapopototanga matua

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Council held a workshop on 28 January 2025 to consider the reviewed Code of Conduct (Attachment 1) process. A presentation was provided at that workshop and is also attached to provide guidance on this matter (Attachment 2).

The key changes are:

- A clearer distinction between the code of conduct and the process for considering complaints
- Additional criteria and altered process for assessing complaints
- A bigger emphasis on behaviours
- Incorporation of Te Tiriti principles as relevant to local government
- Additional case studies of behaviours found to be inconsistent with the Code
- An assessment stage to quickly deal with complaints that are trivial, vexatious, or politically motivated

Council agreed at the workshop that a two step process would be taken in future, with an Independent Assessor reviewing all matters raised as Code of Conduct and determining what further action is required.

Formal feedback is now sought from Community Boards and Community Committees on the proposed Code of Conduct.

### **3. Staff recommendations** **Tuutohu-aa-kaimahi**

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**THAT the Pōkeno Community Committee:**

- a. notes that all elected members are bound by the Code of Conduct, i.e. including Community Board members); and**
- b. provides feedback on the draft Code of Conduct 2025; and**
- c. notes that once feedback is received a further workshop will be scheduled for Council to consider prior to the adoption.**

### **4. Background/Discussion** **Koorero whaimaarama/Matapaki**

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In 2022 when Council was first elected, staff noted that Local Government New Zealand (LGNZ) were preparing a new Code of Conduct template for consideration by Councils. As Council are required to adopt a Code of Conduct shortly after each election, the current Council adopted the previous Code of Conduct which was developed in 2019 (Attachment 3).

The LGNZ template was populated to incorporate provisions within the current Waikato District Council Code of Conduct and provided to a workshop with Council, Community Boards and Community Committees invited on 28 January 2025. The presentation provided to that workshop is attached, along with the new Code of Conduct.

### **5. Next Steps** **Ahu whakamua**

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Feedback from Community Boards and Community Committees will be collated and a further workshop held to discuss these matters, along with any further changes required.

Following the workshop the Code of Conduct will be forwarded to Council for adoption. The new Code of Conduct and process will be further considered by the new Council and Community Boards in late 2025 following the Local Government elections.

## **6. Attachments**

### **Ngaa taapirihanga**

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1. Post workshop Tracked Changes Code of Conduct (Elected Members) 2025
2. Code of Conduct presentation 250128



# Code of Conduct

Adopted on D/M/Y

**Commented [KB1]:** Insert date once new version is adopted by Council

**Contents**

**Commented [KB2]:** Pages numbers will need reviewed after changes are made



Introduction Kupu whakataki.....	4
Why a code of conduct? He aha te take o te tikanga whanonga? .....	4
Codes of conduct cannot stand alone.....	5
Matters to consider before adopting a code of conduct.....	5
Review and amendment.....	5
Changes to the 2019 LGNZ Code of Conduct template.....	6
Code of Conduct Waahanga Tuatahi: Anga Tikanga Whanonga .....	7
Members' commitment Ngaa herenga a ngaa mema.....	7
Appendix 1: The Code of Conduct explained He whakamaarama moo te Tikanga Whanonga.....	8
1. Definitions.....	8
2. Te Tiriti o Waitangi.....	8
3. Principles of good governance.....	8
4. Behaviours .....	9
Respect .....	9
Bullying, harassment, and discrimination .....	10
Sharing information.....	11
Expressing personal views publicly .....	11
Provide equitable contribution .....	11
Disrepute .....	12
Use of position for personal advantage.....	12
Impartiality .....	12
Maintaining confidentiality .....	13
Appendix 2: Requirement for a code of conduct Te herenga kia whai tikanga whanonga.....	14
Policy for dealing with alleged breaches of the Code Te kaupapahere hei whakahaere i ngaa whakapae i takahia te Tikanga.....	15
Introduction.....	15
Public Interest .....	15
Matters to consider when adopting a policy for dealing with alleged breaches .....	16
The Waikato District Council policy for investigating and ruling on alleged breaches of the Code of Conduct Te kaupapahere o te Kaunihera o Waikato hei tiroiro me te whakatau i ngaa whakapae kua takahia te Tikanga Whanonga .....	18
Principles .....	18
Who can make a complaint?.....	18
Role of the initial assessor .....	18
Role of the independent investigator .....	19
Costs and support.....	20
Attachments Ngaa taapiritanga .....	21
3.1: Process for determining and investigating complaints Te tukanga whakatau me te tiroiro i ngaa amuamu .....	21
Step 1: Chief executive receives complaint .....	21

Step 2: Initial assessor makes an assessment and arranges mediation .....	21
Step 3: Independent investigator to inquire and conclude on the matter .....	21
Step 4: Process for considering the investigator's report.....	22
3.2: Selecting the independent person and independent investigator Te koowhiri i te tangata motuhake me te kaitirotiro motuhake.....	24
Selecting an initial assessor.....	24
Selecting an independent investigator.....	24
3.3: Actions that may be applied when a breach has been confirmed Ngaa mahi ka whaaia pea ina whakatauhia teetahi takahanga.....	25
Responses to statutory breaches .....	26
3.4: Legislation which sets standards for ethical behaviour Ngaa ture e whakatakoto ana i ngaa paerewa moo ngaa whanonga matatika.....	27
The Local Government Act 2002.....	27
The Local Government Official Information and Meetings act 1987.....	27
The Local Authorities (Members' Interests) Act 1968 .....	29
Protected Disclosures (Protection of Whistleblowers) Act 2022 .....	31
The Serious Fraud Office Act 1990 .....	31
The Local Government (Pecuniary Interests Register) Act 2022 .....	32
The Health and Safety Act at Work Act 2015.....	33
The Harmful Digital Communications Act 2015 .....	33
3.5: Case studies for assessing potential breaches: Ngaa rangahau whakapuuhao moo te aromatawai i ngaa tuupono takahanga .....	35
Example one: staff accused of improper motives .....	35
Example two: leak of confidential information.....	35
Example three: member purports to speak on behalf of kaunihera.....	36
Example four: member criticises staff performance in media.....	36
Example five: member accused of using sexist language and humour.....	37
Example six: Councillor Facebook page used to disparage others .....	38

## Introduction Kupu whakataki

Congratulations on being elected as a member of local government. Your community has bestowed a unique and special honour on you to represent them and make decisions on their behalf that will provide benefit for current and future generations. It's an honour that should not be taken lightly. The way you conduct yourself while participating as a member of your council (kaunihera) should reflect the responsibility you have been given and requires you to be inclusive of all, respectful, and to uphold the mana of your position.

The Code of Conduct is designed to ensure that the governance of our local authorities is undertaken with the highest degree of integrity while also providing a safe and rewarding environment in which all elected members can thrive.

All kaunihera have a statutory obligation under the Local Government Act 2002, to adopt a code of conduct.

## **Why a code of conduct? He aha te take o te tikanga whanonga?**

Codes of conduct are common features in local government. They complement specific statutes, such as the Local Government and Meetings Act 1987 (LGOIMA), designed to ensure openness and transparency. Codes of conduct are an important part of building community confidence in our system and processes, and contribute to:

- good governance of the city, district, or region,
- effective decision-making and community engagement,
- the credibility and accountability of the local authority to its communities, and
- a culture of mutual trust and respect between members of the local authority and with management.

Codes of conduct should promote effective working relationships within a local authority and between the authority and its community. It should promote free and frank debate which should in turn result in good decision making.

Codes of conduct are not a means of preventing members from expressing their personal views provided they are clearly signalled as personal views. Rather the code is designed to promote robust debate and the expression of all views by providing a framework to ensure that debate is conducted in a civil and respectful way.

A code of conduct sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards.

## Codes of conduct cannot stand alone

Codes of conduct work best when they are supported by other mechanisms. For example, codes should be linked to other procedural documents, such as Standing Orders [\[insert link\]](#), which provide rules for the conduct for meetings, while a code governs day-to-day and less formal relationships.

**Commented [KB3]:** Insert link to WDC Standing Orders

**Commented [GK4R3]:** Councillors have a workshop scheduled on 5 February to consider new standing orders, however in the interim the current standing orders can be found on our website at the following link:

[https://www.waikatodistrict.govt.nz/docs/default-source/your-council/plans-policies-and-bylaws/policies/governance/standing-orders.pdf?sfvrsn=64c9b9c9\\_4](https://www.waikatodistrict.govt.nz/docs/default-source/your-council/plans-policies-and-bylaws/policies/governance/standing-orders.pdf?sfvrsn=64c9b9c9_4)

## Matters to consider before adopting a code of conduct

To be effective a code needs to be “owned” by elected members; members must be comfortable with the content and the processes for investigating breaches. Nothing is more likely to promote non-compliance than elected members being expected to adhere to something they have had no input into. To reinforce the importance of the code, the Local Government Commission, in its report on codes of conduct to the Minister of Local Government, recommends that the code is included in the statutory briefing made at each local authority’s inaugural meeting.<sup>1</sup>

In addition, members should discuss the nature of good governance and the code at their council-organised induction workshop, usually held in the months immediately following local authority elections. It is also recommended that a review of the code is undertaken part way through the triennium, assisted by an independent facilitator.

## Review and amendment

Once adopted, the code continues in force until amended by the kaunihera. It can be amended at any time but cannot be revoked unless the kaunihera replaces it with another code. Amendments require a resolution supported by 75 per cent of the kaunihera members present at the kaunihera meeting at which the amendment is considered.

Kaunihera are encouraged to formally review their existing code and either amend or re-adopt it as soon as practicable after the beginning of each triennium, to ensure that the code is fully endorsed by all members.

### **Changes to the 2019 LGNZ Code of Conduct template**

A significant change to the 2022 template is the focus on managing specific types of behaviours, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members. The following have also been added to the template:

- An explicit description of unacceptable behaviours.
- An acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to kaunihera.
- An acknowledgement of the principles of good governance (the Nolan principles), drawn from the UK Government's Committee on Standards in Public Life and the findings of the 1994 Nolan Inquiry<sup>2</sup>
- An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.

## Code of Conduct Waahanga Tuatahi: Anga Tikanga Whanonga

The Waikato District Council Code of Conduct has been adopted in accordance with the requirements of the Clause 15, Schedule 7 of the LGA 2002, which requires every local authority to adopt a code of conduct for members of the local authority.

### Members' commitment *Nгаа herenga a ngaa mema*

These commitments apply when conducting the business of the local authority as its representative or the representative of an electorate, and communicating with other members, the media, the public, or staff. By adopting the Code of Conduct members agree that they will:

1. treat all people fairly,
2. treat all other members, staff, and members of the public, with respect,
3. share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties,
4. operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi,
5. make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the local authority,
6. take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
7. not bully, harass, or discriminate unlawfully against any person,
8. not bring the local authority into disrepute,
9. not use their position to improperly advantage themselves or anyone else or disadvantage another person,
10. not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority,
11. not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

**Please note:** a failure to act in accordance with these commitments may result in a complaint being taken against you.

The Code of Conduct sets standards for the behaviour of members towards other members, staff, the public, and the media. It is also concerned with the disclosure of information that members receive in their capacity as members. Members of a local authority must comply with the Code of Conduct of that local authority. More detail explaining the Code of Conduct is set out in Appendix 1.

A copy of clause 15 of Schedule 7 of the LGA, which sets out the requirements for a code of conduct, is contained in Appendix 2.

## Appendix 1: The Code of Conduct explained He whakamaarama moo te Tikanga Whanonga

## 1. Definitions

For the purposes of this Code “member” means an elected or appointed member of:

- the governing body of the local authority,
- any committee or sub-committee of the local authority,
- any local board of the local authority, or
- any community board of the local authority.

Local authority means the kaunihera, local board or community board which has adopted this Code.

## 2. Te Tiriti o Waitangi

The kaunihera commits to operating in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and acknowledges the following principles:

1. Tino Rangatiratanga: The principle of self-determination provides for Maaori self-determination and mana motuhake. This requires local authorities to be open to working with mana whenua partners in the design and delivery of their work programmes,
2. Partnership: The principle of partnership implies that local authorities will seek to establish a strong and enduring relationship with iwi and Maaori, within the context of iwi and Maaori expectations. Kaunihera should identify opportunities, and develop and maintain ways, for Maaori to contribute to kaunihera decisions, and consider ways kaunihera can help build Maaori capacity to contribute to council decision-making,
3. Equity: The principle of equity requires local authorities to commit to achieving the equitable delivery of local public services,
4. Active protection: The principle of active protection requires local authorities to be well informed on the wellbeing of iwi, hapuu and whanau within their respective rohe,
5. Options: The principle of options requires local authorities to ensure that its services are provided in a culturally appropriate way that recognises and supports the expression of te ao Maaori.

### 3. Principles of good governance

Members recognise the importance of the following principles of good governance.

- **Public interest:** members should act solely in the public interest.
- **Integrity:** members should not act or take decisions to gain financial or other benefits for themselves, their family, or their friends, or place themselves under any obligation to people or organisations that might inappropriately influence them in their work.
- **Taaria te waa and kaitiakitanga/stewardship:** members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
- **Objectivity:** members should act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.
- **Accountability:** members will be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
- **Openness:** members should act and take decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** members should be truthful and not misleading.
- **Leadership:** members should not only exhibit these principles in their own behaviour but also be willing to challenge poor behaviour in others, wherever it occurs.

### 4. Behaviours

To promote good governance and build trust between the local authority, its members, and citizens, members **agree** to the following standards of conduct when they are:

- conducting the business of the local authority,
- acting as a representative of the local authority,
- acting as a representative of their electorate,
- communicating with other members, the media, the public and staff, and
- using social media and other communication channels.<sup>3</sup>

Where a member's conduct falls short of these standards, members accept that they may be subject to a complaint made under the council's "Policy for alleged breaches of the Code of Conduct".

#### *Respect*

Members will treat all other members, staff, and members of the public, with respect.

Respect means politeness and courtesy in behaviour, speech, and writing. Debate and differences are all part of a healthy democracy. As a member of a local authority you can challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You must not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Offensive behaviour lowers the public's expectations of, and confidence in, your local authority. In return, you have a right

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<sup>3</sup> Please refer to the Guidelines for the responsible use of social media in the LGNZ Good Governance Guide



to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

### ***Bullying, harassment, and discrimination***

Members will treat all people fairly and will not:

- bully any person,
- harass any person, or
- discriminate unlawfully against any person.

For the purpose of the Code of Conduct, bullying is offensive, intimidating, malicious, or insulting behaviour. It represents an abuse of power through means that undermine, humiliate, denigrate, or injure another person. It may be:

- a regular pattern of behaviour, or a one-off incident,
- occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
- may not always be obvious or noticed by others.

Harassment means conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following<sup>4</sup>:

age	skin, hair, or eye colour	race
disability	employment status	ethical belief
ethnic or national origin	family status	marital status
political opinion	religious belief	gender identity
sex	sexual orientation.	

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<sup>4</sup> See Human Rights Commission <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>

### ***Sharing information***

Members will share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.

Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their kaunihera to properly perform its statutory duties. Where this occurs members will disclose any such information to other members and, where appropriate, the chief executive. Members who are offered information on the condition that it remains confidential will inform the person making the offer that they are under a duty to disclose such information, for example, to a governing body meeting in public exclusion.

### ***Expressing personal views publicly***

Members, except when authorised to speak on behalf of the local authority, will make it clear, when speaking to the media, on social media, or in hui and presentations, that statements reflect their personal view.

The media play an important role in the operation and efficacy of our local democracy and need accurate and timely information about the affairs of the local authority to fulfil that role.

Members are free to express a personal view to the media and in other public channels at any time, provided the following rules are observed:

- they do not purport to talk on behalf of the local authority, if permission to speak on behalf of the authority has not been given to them
- their comments must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff, and
- their comments must not purposefully misrepresent the views of the local authority or other members.

Members will abide by the social media protocols described in ~~the Attachment A, LGNZ's Good Governance Guide, available at <https://www.lgnz.co.nz/assets/Induction/The-Good-Governance-Guide.pdf>~~ [Harmful Digital Communications Act 2015](#).

Commented [KB5]: Insert link

### ***Provide equitable contribution***

Members will take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of them.

Being a member is a position of considerable trust, given to you by your community to act on their behalf. To fulfil the expectations of your constituents and contribute to the good governance of your area it is important that you make all reasonable efforts to attend meetings and workshops, prepare for meetings, attend civic events, and participate in relevant training seminars.

The local government workload can be substantial, and it is important that every member contributes appropriately. This requires members to often work as a team and avoid situations where the majority of the work falls on the shoulders of a small number of members.

### ***Disrepute***

Members will not bring the local authority into disrepute.

Members are trusted to make decisions on behalf of their communities and as such their actions and behaviours are subject to greater scrutiny than other citizens. Members' actions also reflect on the local authority as well as themselves and can serve to either boost or erode public confidence in both.

Behaviours that might bring a local authority into disrepute, and diminish its ability to fulfil its statutory role, include behaviours that are dishonest and/or deceitful. Adhering to this Code does not in any way limit a member's ability to hold the local authority and fellow members to account or constructively challenge and express concerns about decisions and processes undertaken by their local authority.

### ***Use of position for personal advantage***

Members will not use, or attempt to use, their position to improperly advantage themselves or anyone else, or disadvantage another person.

Being a member of a local authority comes with certain opportunities and privileges, including the power to make choices that can impact on others. Members must not take advantage of such opportunities to further their own or others' private interests or to disadvantage anyone unfairly. A member found to have personally benefited by information gained as an elected member may be subject to the provisions of the Secret Commissions Act 2010.

### ***Impartiality***

Members will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They must not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers to gain understanding of their thinking and decision-making, however, they must not seek to influence officials to change their advice or alter the content of a report, other than in a meeting or workshop, if doing so would prejudice their professional integrity. Members should:

- make themselves aware of the obligations that the local authority and chief executive have as employers and always observe these requirements, such as the obligation to be a good employer, and
- observe any protocols put in place by the chief executive concerning contact between members and employees, and not publicly criticise individual staff.

If you have concerns about the behaviour of an official, whether permanent or contracted, you should raise your concerns with the local authority's chief executive, or, if the concerns are to do with the chief executive, raise them with the mayor, the council chairperson, or chief executive performance committee.

### ***Maintaining confidentiality***

Members will not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless.

1. they have the consent of a person authorised to give it,
2. they are required by law to do so,
3. the disclosure is to a third party to obtain professional legal advice, and that the third party agrees not to disclose the information to any other person, or

4. the disclosure is reasonable and in the public interest, is made in good faith, and in compliance with the reasonable requirements of the local authority.

## Appendix 2: Requirement for a code of conduct Te herenga kia whai tikanga whanonga

Clause 15, Schedule 7 of the Local Government Act 2002 requires every local authority to adopt a code of conduct for members of the local authority. It states:

### 15 Code of conduct

A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

The code of conduct must set out –

1. 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:
  - a. behaviour towards one another, staff, and the public; and
  - b. disclosure of information, including (but not limited to) the provision of any document, to elected members that –
    - i. is received by, or is in possession of, an elected member in his or her capacity as an elected member; and
    - ii. relates to the ability of the local authority to give effect to any provision of this Act; and
  - c. a general explanation of –
    - i. the Local Government Official Information and Meetings Act 1987; and
    - ii. any other enactment or rule of law applicable to members.
2. A local authority may amend or replace its code of conduct but may not revoke it without replacement.
3. A member of a local authority must comply with the code of conduct of that local authority.
4. A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
5. After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
6. To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

## Policy for dealing with alleged breaches of the Code Te kaupapahere hei whakahaere i ngaa whakapae i takahia te Tikanga

### Introduction

In its 2006 report on codes of conduct, the Office of the Auditor General (OAG) noted that many kaunihera lacked a process for distinguishing between trivial and serious breaches of the code and consequently spent considerable time and resource hearing complaints on inconsequential matters. Many other issues have also arisen, such as:

- failure to adequately guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint,

- examples of members of the public making complaints about the behaviour of individual members for reasons that appear to be more concerned with settling ‘political’ differences, and
- lack of preparedness. Many kaunihera discover, when faced with a code of conduct complaint, that they have failed to establish in advance the processes for handling the complaint, thus exacerbating the original issue.

Processes need to be put in place for investigating and resolving breaches of the code and the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the code.

### Public Interest

In their report on codes of conduct, the Local Government Commission noted a lack of consistency in the way in which information about complaints and sanctions is communicated to the public. It stated that “*codes should provide for the proactive release of investigation outcomes in a timely manner and consistent fashion, in line with LGOIMA*” (LGC p.16).<sup>5</sup> Reflecting the Commission’s sentiments, the draft template for dealing with alleged breaches does not require minor breaches, or those that can be resolved through mediation, to be reported to the kaunihera. Maintaining confidentiality should reduce the incentive to use a code of conduct for political purposes.

Where a complaint has been referred to an independent investigator the draft policy recommends that the investigator’s full report should be tabled at a kaunihera meeting and that should be public unless grounds to exclude the public exist. This reflects the likelihood that complaints that have been found to be material, and which have not been able to be resolved through mediation, or less, will of necessity be of high public interest.

Applying a penalty or sanction under the Code of Conduct should ideally be the last, rather than the first response. Most situations should be able to be resolved without the need for sanctions – frequently an apology is all it will take to resolve an issue.

### ~~Matters to consider when adopting a policy for dealing with alleged breaches~~

~~Having adopted the Code of Conduct members should consider adopting a policy for dealing with alleged breaches of the code. A policy to investigate and assess alleged breaches needs to be tailored to the circumstances of each kaunihera, given the diversity in capacity, resources, and cultural context.~~

~~The following policy template sets out procedures for investigating and assessing alleged breaches of the Code of Conduct. To ensure the policy is appropriate for the different scale and circumstances of kaunihera, the template provides a range of procedural options that need to be considered before the Policy should be adopted. The options are:~~

#### ~~Decision 1 – A single step or two step assessment process?~~

<sup>5</sup> Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <https://www.lgc.govt.nz/other-commission-work/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

**Commented [KB6]:** Discussion is needed about breach policy  
Then the section could be removed from the template.

This option is concerned with the process that should be followed once a complaint is received. Both are independent of the local authority; however the two-step process is designed to quickly address those complaints that have a low level of materiality, and with a minimum expense to the kaunihera. (See Attachment 3.3 for guidance on selecting the initial assessor and independent investigator.)

1. A **single step process**, in which the chief executive refers all complaints to an independent investigator who determines whether the complaint is valid and, if so, recommends an action(s) appropriate to the level of materiality or significance of the breach.
2. A **two-step process**, in which the chief executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to a chairperson or recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.

**Commented [KB7]:** Recommendation during the workshop was to adopt a two step process policy

**Please Note:** The LGNZ template employs the two-step process which will need to be removed if a kaunihera chooses a single step process, or a third option.

#### **Decision 2 – Binding or non-binding recommendations from an investigator?**

A key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations is designed to achieve that independence, however, the perception of independence and objectivity may be lost if it is elected members who decide the nature of the action to be taken when a complaint is upheld, particularly in kaunihera with small numbers of elected members.

**Commented [KB8]:** During the workshop - the recommendation was to adopt binding investigator recommendations.

One solution is for a local authority to agree to be bound by an independent investigator's recommendations. A slight variation would be to create an independent committee to consider an independent investigator's recommendations and either endorse or amend them. The local authority would agree to be bound by that external committee's recommendations.

**Please note:** The draft template policy (below) makes an investigator's recommendations binding as the default. Before adopting the template, local authorities need to make sure they are comfortable with this option or amend it as appropriate.

#### **Process for adopting a policy for dealing with alleged breaches**

Whether discussed at a council's induction, a stand-alone workshop, or at a local authority meeting, choices are available, for example:

- The Code of Conduct may be adopted without a policy for dealing with breaches, which may be left for further discussion at a later date.
- The Code of Conduct and the breach policy are adopted together, after members have made decisions about the investigation process (one or two step) and recommendations (binding or not) have been made.

The Attachments (set out in Part 3) are not part of the Code of Conduct or the breach policy, except where they are referenced explicitly. They have been prepared to assist members and officials implement the Code of Conduct and the breach policy.



## **The Waikato District Council policy for investigating and ruling on alleged breaches of the Code of Conduct** Te kaupapahere o te Kaunihera o Waikato hei tiro tiro me te whakatau i ngaa whakapae kua takahia te Tikanga Whanonga

### **Principles**

The following principles will guide the investigation into, and assessment of, complaints made against a member for breaching the Code of Conduct:

- The complaints process will be independent, impartial, and respect members' privacy.
- Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- Members will have a right to seek independent advice, be represented, and, if they choose, be accompanied by a support person throughout the process.
- Complaints will be resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement.
- Complainants, and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution<sup>6</sup>.

### **Who can make a complaint?**

The Code of Conduct is designed to be a self-regulatory instrument and complaints regarding a breach of the Code can only be made by members themselves, or the chief executive, who can make a complaint on behalf of their staff. On receipt of a complaint, the chief executive must forward the complaint to an independent person, either an independent investigator or an initial assessor, for an assessment.

### **Role of the initial assessor<sup>7</sup>**

On receipt of a complaint an initial assessor will undertake an assessment to determine the relative merit and seriousness of the complaint, and the nature of the subsequent process that will be followed. The complaint may be dismissed if the initial assessor finds them to be trivial, vexatious, frivolous, or politically motivated.

If a complaint is not dismissed, the initial assessor (or independent investigator in a one-step process) may initiate one of the following:

#### **1 Refer to a chair or mayor**

In the case of a breach that is not serious or amendable to mediation, the initial assessor may refer the person responsible for the alleged breach to the chair or mayor for their advice and guidance. These will not be reported to the local authority. A meeting or meetings with the chair will be regarded as sufficient

<sup>6</sup> For example, by enabling both parties to access a council's Employee Assistance Programme (EAP) or elected members' equivalent.

<sup>7</sup> See Attachment 3.2 for advice on the appointment of an Initial Assessor.

to resolve the complaint. Where a member is referred to the chair, the initial assessor may also recommend, for the chair's consideration:

- That the member attends a relevant training course.
- That the member work with a mentor for a period.
- That the member tenders an apology.

## **2 Mediation**

If the complaint concerns a dispute between two members, or between a member and another party, the initial assessor may recommend mediation. If mediation is agreed by both parties, then its completion will represent the end of the complaints process. The outcomes of any mediation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to the local authority unless the complaint is referred to an independent investigator, usually due to a failure of the mediation.

## **3 Refer to an independent investigator**

Where the initial assessor finds that the complaint is serious or no resolution can be reached and/or mediation is refused, the initial assessor will refer the complaint to an independent investigator. The independent investigator will be selected from the local authority's independent investigators' panel assembled by the chief executive, or an independent investigator service that is contracted to the kaunihera. Complaints that involve a chairperson or chief executive will be referred directly to the independent investigator.

Complaints that are dismissed, referred to a chairperson, or resolved by mediation, will not be reported to the local authority.

## Role of the independent investigator<sup>8</sup>

The independent investigator will:

- determine whether a breach has occurred,
- if so, determine the seriousness of the breach, and
- determine actions that a local authority should take in response to the breach.

Any recommended actions made in response to a complaint that has been upheld are binding on the local authority. This is to ensure the process for investigation is free of any suggestion of bias and reduces the cost of the complaints process, by reducing the time spent on it, by members and officials.

Determining the significance of an alleged breach

The independent investigator may take whatever actions they need to determine the significance of a complaint, within the budgetary constraints set down, including re-assessing the complaint.

The independent investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the chief executive which will set out the rationale for their findings and may include recommendations for resolving the breach and appropriate penalties.

When considering the issue of significance, the independent investigator will need to consider a range of factors before deciding, such as:

- Was the breach intentional or unintentional?
- Did it occur once or is there a pattern of recurring behaviour?
- Does the breach have legal or financial ramifications for the kaunihera?
- What is the impact of the breach on other elected members, on kaimahi (officials) and on the community in general?

Independent investigator can make a binding rule

On completing their investigation, an independent investigator may dismiss a complaint or make a binding ruling which the governing body will implement. The independent investigator's ruling will be contained in a report to the kaunihera chief executive which will form the basis of a consequent report to the governing body to inform them of the decision and the actions that they may be required to take.

**Please note:** All actions taken in the implementation of a policy must be consistent with the Bill of Rights Act 1990. No appeal right is included in the Code of Conduct. Members who are unhappy with an independent investigator's decision have access to judicial review and/or the Ombudsman's Office.

## Costs and support

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<sup>8</sup> See Attachment 3.2 for advice on the appointment of an Independent Investigator.

Kaunihera must ensure that members who make a complaint are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support.

The costs of assessment and investigatory services will be met by the relevant kaunihera.

## Attachments Ngaa taapiritanga

### 3.1: Process for determining and investigating complaints Te tukanga whakatau me te tiroiro i ngaa amuamu

#### *Step 1: Chief executive receives complaint*

All complaints made under this Code of Conduct must be made in writing and forwarded to the chief executive who will refer the complaint to the initial assessor. The chief executive will also:

- inform the complainant that the complaint has been referred to the independent person (named) and refer them to the process for dealing with complaints as set out in the Code of Conduct; and
- inform the respondent that a complaint has been made against them and the name of the independent investigator overseeing the process and refer them to the policy for dealing with complaints as set out in the Code of Conduct.

#### *Step 2: Initial assessor makes an assessment and arranges mediation*

1. The initial assessor will undertake an assessment of the merits of the complaint. If they consider it is not valid, the complaint will be dismissed. The complainant will have no recourse or appeal. Grounds for concluding that a complaint has no merit include that it is trivial, vexatious, frivolous, or politically motivated.
2. If deemed to have merit, the initial assessor will contact the parties to seek their agreement to independently facilitated mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required.
3. If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the initial assessor will refer the complaint to an independent investigator selected from a panel established by the chief executive at the start of the triennium, or service contracted to the local authority. The initial assessor will also inform the complainant and the respondent that the complaint has been referred to the independent investigator and the name of the independent investigator.

### ***Step 3: Independent investigator to inquire and conclude on the matter***

If the complaint is found to be a breach of the Code of Conduct the independent investigator will inform the initial assessor, who will inform the complainant and respondent. The independent investigator will then assess the nature and effect of the breach and prepare a report for the kaunihera on the seriousness of the breach and recommend actions commensurate with that breach. In preparing that report the independent investigator may:

- consult with the complainant, respondent, and any affected parties,
- undertake a hearing with relevant parties, and/or
- refer to any relevant documents or information.

At any stage in their inquiry the independent investigator may find that a breach has not occurred, or the matter should be referred to a relevant agency. If this is the case the independent investigator will inform the initial assessor who will inform the complainant and respondent that the complaint is dismissed or has been referred to a relevant named agency.

On receipt of the independent investigator's report the chief executive, or initial assessor, will prepare a report for the kaunihera, which will meet to consider the findings and implement any recommended actions. The report will include the full report prepared by the investigator.

### ***Step 4: Process for considering the investigator's report***

The process for responding to the independent investigator's report will vary according to the adopted Policy for determining and investigating complaints.

#### **Process if the independent investigator's recommendations are binding**

Where the council's policy for determining and investigating complaints provides for an independent investigator's recommendations to be binding on the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and their full report, will be presented to the governing body for its information only.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.

**Process if the independent investigator's recommendations are non-binding**

Where the council's Policy for determining and investigating complaints give an independent investigator the power to make recommendations to the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and report, will be presented to the governing body, or committee/sub-committee with delegated authority to consider code of conduct complaints,
- The governing body, or local/community board, will ensure that members with an interest in the complaint are not present during the discussion on the independent investigator's recommendations.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The governing body, local/community board, or committee/sub-committee with delegated authority, may accept the investigator's recommendations or, if they believe it is justified, amend the independent investigator's recommendations. As part of these considerations the complainant may be asked to appear before the governing body, board or committee and answer questions from members.
- The penalty or sanction that might be applied will depend on the seriousness of the breach and may include actions set out in Attachment Three.

### 3.2: Selecting the initial assessor and independent investigator Te koowhiri i te tangata motuhake me te kaitirotiro motuhake

#### *Selecting an initial assessor*

The chief executive is responsible for this. In selected the initial assessor, the chief executive will consult with the local authority.

The initial assessor should be a person, or a position, that is independent of a local authority's political governance, while also being easily accessible, as their role is crucial if complaints are to be expedited quickly and without controversy. For example:

- The external appointee on a kaunihera's Audit and Risk Committee.
- A member of staff, such as an internal ombudsman or ethics adviser, as long as they have operational independence from the chief executive (similar to the independence afforded an Electoral Officer).
- A retired local authority chief executive.
- A retired local authority politician.
- A member of the public with relevant experience and competency.

#### *Selecting an independent investigator<sup>9</sup>*

The chief executive is responsible for compiling a panel or list of independent investigators.

At the beginning of each triennium the chief executive, in consultation with the kaunihera, will compile a list of independent investigators. In selecting them, a chief executive may consider:

- the council's legal advisers,
- a national service specialising in public sector integrity,
- a national service providing assessment and investigation services, or
- an individual with relevant skills and competencies.

**Please note:** Given the litigious nature of some code of conduct disputes independent investigators should have relevant liability insurance, provide on their own behalf or by the local authority. The chief executive also needs to ensure that investigations are undertaken within budgetary limits negotiated in advance.

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<sup>9</sup> At time of publication LGNZ is exploring options for the establishment of a national investigation and assessment service.



### **3.3: Actions that may be applied when a breach has been confirmed** Ngaa mahi ka whaaia pea ina whakatauhia teetahi takahanga

Where a complaint that the Code of Conduct was breached has been upheld, any actions taken against the member found to be in breach should be consistent with the following principles.

- Actions should be commensurate with the seriousness of the breach.
- Actions should be applied in a manner that is culturally appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the local authority by focusing on constructive mediation, learning, and member improvement.

In determining a response to a breach of the Code of Conduct, one or more of the following could be selected:

1. That no action is required.
2. That the member meets with the mayor/chair for advice.
3. That the member attends a relevant training course.
4. That the member agrees to cease the behaviour.
5. That the member work with a mentor for a period.
6. That the member tenders an apology.
7. That the member participates in voluntary mediation (if the complaint involves a conflict between two members).
8. That the local authority sends a letter of censure to the member.
9. That the local authority passes a vote of no confidence in the member.
10. That the member loses certain kaunihera-funded privileges (such as attendance at conferences).
11. That the member loses specific responsibilities, such as committee chair, deputy committee chair or portfolio holder.
12. That the member be subject to restricted entry to kaunihera offices, such as no access to staff areas (where restrictions may not previously have existed).
13. That the member be subject to limitations on their dealings with kaunihera staff, other than the chief executive or identified senior manager.
14. That the member be suspended from committees or other bodies to which the member has been appointed.
15. That the member be invited to consider resigning from the council.

**Please note:** Actions 1-6 will typically not be reported to the local authority. Actions 7-15, which have a high degree of public interest, namely democratic representation, should be considered in an open meeting, unless there are grounds, such as those set out in LGOIMA, for not doing so.

### ***Responses to statutory breaches***

In cases where a breach of the Code of Conduct is found to involve regulatory or legislative requirements, the chief executive will refer the complaint to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA).
- Breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under section 44 LGA 2002 which may result in the member having to make good the loss or damage).
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

### **3.4: Legislation which sets standards for ethical behaviour** *Ngaā ture e whakatakoto ana i ngaā paerewa moo ngaā whanonga matatika*

Clause 15 of Schedule 7 of the Local Government Act (the Act) 2002, requires that the Code of Conduct provides members with a general explanation of the Local Government Official Information and Meetings Act 1987, and any other enactment or rule of law that affects members.

The key statutes that promote ethical behaviour are the Local Government Act 2002 (LGA), Local Government Official Information Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968 (LAMIA), the Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

#### ***The Local Government Act 2002***

The LGA 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning kaunihera decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the chief executive which is:

1. implementing the decisions of the local authority,
2. providing advice to members of the local authority and to its community boards, if any and
3. ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised,
4. ensuring the effective and efficient management of the activities of the local authority,
5. facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
6. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
7. providing leadership for the staff of the local authority,

8. employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
9. negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

### ***The Local Government Official Information and Meetings act 1987***

The LGOIMA sets rules for ensuring the public are able to access official information unless there is a valid reason for withholding it. All information should be considered public and released accordingly unless there is a compelling case for confidentiality. Even where information has been classified as confidential, best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

There are both conclusive and other reasons for withholding information set out in sections 6 and 7 of LGOIMA, which include:

Conclusive reasons for withholding – if making the information available would likely:

- prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial; or
- endanger the safety of any person.

Other reasons for withholding – withholding the information is necessary to:

- protect the privacy of natural persons, including that of deceased natural persons;
- protect information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- in the case of an application for resource consents or certain orders under the Resource Management Act 1991, to avoid serious offence to tikanga Maaori, or to avoid the disclosure of the location of waahi tapu;
- protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- avoid prejudice to measures protecting the health or safety of members of the public;
- avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- maintain the effective conduct of public affairs through free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- maintain legal professional privilege;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these 'other' reasons, a public interest balancing test applies. In these cases the kaunihera must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately authorised people within each kaunihera, and elected members must work within the rules adopted by each kaunihera.

The LGOIMA also sets the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

### **The role of the Ombudsman**

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament. An Ombudsman's primary role under the Ombudsmen Act 1975 is to independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under LGOIMA.

Anyone who has a complaint of that nature about a local authority may ask an Ombudsman to investigate that complaint. Investigations are conducted in private. The Ombudsman may obtain whatever information is considered necessary, whether from the complainant, the chief executive of the local body involved, or any other party. The Ombudsman's decision is provided in writing to both parties.

If a complaint is sustained, the Ombudsman may recommend the local authority takes whatever action the Ombudsman considers would be an appropriate remedy. Any such recommendation is, however, not binding. Recommendations made to the local authority under this Act will, in general, become binding unless the local authority resolves otherwise. However, any such resolution must be recorded in writing and be made within 20 working days of the date of the recommendation.

### ***The Local Authorities (Members' Interests) Act 1968***

#### **Pecuniary interests**

The LAMIA provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA has two main rules, referred to here as the contracting rule (in section 3 of the LAIMA) and the participation rule (in section 6 of the LAIMA).

- The **contracting rule** prevents a member from having interests in contracts with the local authority that are worth more than \$25,000 in any financial year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office.
- The **participation rule** prevents a member from voting or taking part in the discussion of any matter in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence, and conviction results in automatic disqualification from office.

Both rules have a complex series of subsidiary rules about their scope and exceptions.

The LAMIA does not define when a person is "concerned or interested" in a contract (for the purposes of section 3) or when they are interested "directly or indirectly" in a decision (for the purposes of section 6). However, it does set out two situations where this occurs.

These are broadly where:

- a person's spouse or partner is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or

- a person or their spouse or partner is involved in a company that is “concerned or interested” in the contract or where the company has a pecuniary interest in the decision.

However, in some situations outside the two listed in the Act a person can be “concerned or interested” in a contract or have a pecuniary interest in a decision, for example, where a contract is between the members family trust and the kaunihera.

### **Non-pecuniary conflicts of interest**

In addition to the issue of pecuniary interests, which are addressed through the LAMIA, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider this question: Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?

The question is not limited to actual bias but relates to the appearance or possibility of bias. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any conflicting interest or relationship, and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- statements or conduct indicate that a member has predetermined the decision before hearing all relevant information (that is, they have a “closed mind”), or
- a member has close relationship or involvement with an individual or organisation affected by the decision.

### **Seeking exemption from the Auditor-General**

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

1. Section 6(3)(f) allows the Auditor-General to grant an exemption if, in their opinion, a member’s interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor when voting or taking part in the discussion.
2. Section 6(4) allows the Auditor-General to grant a declaration enabling a member to participate if they are satisfied that:
  - a. the application of the rule would impede the transaction of business by the council; or
  - b. it would be in the interests of the electors or residents of the district/region that the rule should not apply.

More information on non-pecuniary conflicts of interest and how to manage them can be found in the Auditor-General’s Guidance for members of local authorities about the law on conflicts of interest.

### ***Protected Disclosures (Protection of Whistleblowers) Act 2022***

The Protected Disclosures (Protection of Whistleblowers) Act 2022 is designed to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns. A protected disclosure occurs when the discloser believes, on reasonable grounds, that there is, or has been, **serious wrongdoing** in or by their organisation, they disclose in accordance with the Act, and they do not disclose in bad faith.

A discloser is a person who has an employment type relationship with the organisation they are disclosing about and includes current and former employees, homeworkers, secondees, contractors, volunteers, and board members.

Serious wrongdoing includes any act, omission, or course of conduct that is:

- an offence,
- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment,
- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial,
- an unlawful, corrupt, or irregular use of public funds or public resources,
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation or the Government.

Kaunihera need to have appropriate internal procedures that identify who in the organisation a protected disclosure may be made to, describe the protections available under the Act, and explain how the organisation will provide practical assistance and advice to disclosers. A discloser does not have to go through their organisation first. An appropriate authority can include the head of any public sector organisation and any officer of Parliament, such as the Ombudsman and Controller and Auditor-General. Ombudsmen are also an “appropriate authority” under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

### ***The Serious Fraud Office Act 1990***

The Serious Fraud Office (SFO) is the lead law enforcement agency for investigating and prosecuting serious financial crime, including bribery and corruption. The SFO has an increasing focus on prevention by building awareness and understanding of the risks of corruption – noting that the extent of corruption is influenced by organisational frameworks and support given to staff. The SFO encourages organisations to adopt appropriate checks and balances and build a culture based on ethics and integrity.

The four basic elements of best practice organisational control promoted by the SFO involve:

- Operations people with the right skills and experience in the relevant areas, with clear accountability lines.
- Risk mitigation to manage risks that can't be eliminated through segregation, discretion reduction, delegations, management oversight, and audit.
- Basic standards of behaviour moderated by a Code of Conduct, ongoing interests and gift processes (not simply annual declaration), plenty of opportunities and ways to speak up, disciplinary options, training and support.
- Design and oversight based on a clear understanding of operational realities (design, governance, management, audit, investigation, business improvement, and legal).

### ***The Local Government (Pecuniary Interests Register) Act 2022***

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,

- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

### ***The Health and Safety Act at Work Act 2015***

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) - all involved in work, including elected members, are required to have a duty of care. Elected members are “officers” under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- stepping up and being accountable,
- identifying and managing your risks,
- making health and safety part of your organisation’s culture, and
- getting your workers involved.

Councils have wide discretion about how these matters might be applied, for example:

- adopting a charter setting out the elected members’ role in leading health and safety – with your chief executive,
- publishing a safety vision and beliefs statement,
- establishing health and safety targets for the organisation with your chief executive,
- ensuring there is an effective linkage between health and safety goals and the actions and priorities of your chief executive and their senior management, or
- having effective implementation of a fit-for-purpose health and safety management system.

Elected members, through their chief executive need to ensure their organisations have sufficient personnel with the right skill mix and support, to meet the health and safety requirements. This includes making sure that funding is sufficient to effectively implement and maintain the system and its improvement programmes.

### ***The Harmful Digital Communications Act 2015***

The Harmful Digital Communications Act (HDCA) was passed to help people dealing with serious or repeated harmful digital communications. The Act covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the Act a digital communication should not:

- disclose sensitive personal facts about an individual



- be threatening, intimidating, or menacing
- be grossly offensive to a reasonable person in the position of the affected individual
- be indecent or obscene
- be used to harass an individual
- make a false allegation
- contain a matter that is published in breach of confidence
- incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
- incite or encourage an individual to commit suicide
- denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

More information about the Act can be found at [Netsafe](#).

### ***The Privacy Act 2020***

Following the requirements and expectations contained within Council's Privacy Policy.

### **3.5: Case studies for assessing potential breaches: Ngaa rangahau whakapuuhoo moo te aromatawai i ngaa tuuono takahanga**

#### ***Example one: staff accused of improper motives***

Councillor Smith was elected on a platform of stopping the sale of kaunihera housing. The kaunihera has made a decision to sell the kaunihera housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that kaunihera staff advising on the sale "must have owned shares" in the company that proposed to buy the houses.

Cr Smith's actions in releasing a media statement criticising a decision after it has been made would probably not in and of itself constitute a breach of a reasonable code of conduct. Cr Smith has a right to express a viewpoint and, provided that he makes it clear he is expressing a personal view, then issuing a critical press statement is an action he is entitled to take. If his statements failed to make it clear that he was expressing a personal or minority view then it may be a non-material breach of the Code, probably one where censure would be the appropriate response.

However, this media statement includes an allegation that staff advice was based on improper motives or corruption. This is a breach of most codes of conduct. It is most likely to be a material breach given the potential impact on the kaunihera's reputation and the reputation of staff.

Also, there is no qualified privilege attached to public statements about employees which are false and damaging. In other words, elected members may be sued for defamatory statements made about employees.

***Example two: leak of confidential information***

Cr Jones is on the kaunihera's Works and Services Committee. The Committee is currently considering tenders for the construction of a new wastewater treatment plant and has received four tenders in commercial confidence. The Committee has recommended to kaunihera that they award the contract to the lowest tenderer. Cr Jones is concerned the lowest tender proposes to treat sewage to a lesser standard than others. She leaks all four tenders to the local media. A subsequent investigation by the kaunihera conclusively traces the leak back to her.

In leaking the tender information to the media, Cr Jones will have breached most codes of conduct. This breach has potentially serious consequences for the kaunihera as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the kaunihera, which may lead to them not dealing with council in future, or even complaints under the Privacy Act 2020.

In circumstances such as these where an elected member fails to respect a commercial confidence censure and removal from the committee is an obvious first step. The kaunihera may be liable for prosecution under the Privacy Act 2020 and even to civil litigation.

In the event that the kaunihera suffers financial loss it may elect to ask the Auditor-General to prepare a report on the loss (or the Audit Office may do so on their own initiative), which may result in Cr Jones having to make good the loss from her own pocket.

### ***Example three: member purports to speak on behalf of kaunihera***

Eastland Regional Council is conducting a performance review of the chief executive. It has established a chief executive Performance Management Committee to conduct the review. In the course of that review the committee meets informally with the chief executive to review which performance targets were met and which were not. The meeting notes that the chief executive has been unable to meet two of his twenty targets and resolves to formally report this to the full kaunihera for its consideration. At the conclusion of that meeting Councillor Black leaves to find a local reporter waiting outside and makes the comment that “Jack White won’t be getting a pay increase this year because he didn’t meet all his targets”.

This action will probably constitute a breach of most codes of conduct in that it:

- breached a confidence,
- presumed to speak on behalf of council,
- purported to commit council to a course of action before the council and made a decision (or even met to consider the matter), and
- failed to treat a staff member with respect and/or courtesy.

In addition to the provisions of the Code of Conduct, Cr Black’s actions will severely undermine the relationship between the chief executive and the kaunihera, which may well constitute grounds for litigation against the kaunihera both in terms of employment and privacy law.

### ***Example four: member criticises staff performance in media***

Cr Mary Fogg, concerned about the failure of her kaunihera to respond quickly to resident complaints about flooding in their neighbourhood, expressed her frustration when speaking at a public meeting and, as part of her response to questions stated that kaunihera staff had dropped the ball and failed to take residents’ concerns seriously.

The councillor’s remarks were reported in the local suburban paper and were read by kaunihera staff, some of whom felt that they had been unfairly criticised and raised the matter with their chief executive. The chief executive felt it necessary to lodge a complaint under the council’s Code of Conduct because the member’s comments were disrespectful of staff.

The question for the initial assessor is whether, publicly expressing disappointment in the performance of the staff is a breach of the Code of Conduct. Considerations might include:

- Whether there was a basis of fact for the member's comments.
- How the member's views were expressed, that is, as a form of constructive criticism or not.
- The right of an employer (staff are employed by the local authority) to express a view should an organisation fail to live up to expectations.
- Whether a general statement about the performance of staff is in anyway comparable to a public criticism of an individual staff member, which would be a clear breach and might be an example of intimidation or harassment.

In this case the initial assessor concluded that it was not unreasonable for a member to make general statement about the performance of staff as a collective, indeed, one of her pre-election commitments was to improve the responsiveness of kaunihera staff. However, the assessor also concluded that the article lacked sufficient context to explain why she was disappointed, especially when some of the concerns were outside the control of staff and recommended that the member meet with the mayor to get guidance on how to raise such concerns in the future.

***Example five: member accused of using sexist language and humour***

Towards the end of the first year of the new triennium, the chief executive received a complaint, signed by four councillors, alleging that Cr Rob Jones regularly used sexist language in meetings, workshops and other official engagements. The councillors who made the complaint alleged that his tendency to call female colleagues ‘girls’; interrupt them while speaking or ignore their comments; and that his use of sexist humour was demeaning to women and inconsistent with the behaviours set out in the Code of Conduct; the commitment to treat other members, staff and members of the public with respect. The chief executive forwarded the complaint to the independent investigator.

The investigator, having access to minutes, video recordings and the testimony of other members, was able to easily confirm that the complaint was justified and that both Cr Jones’ language and behaviour was inconsistent with the Code. That left the Investigator with the task of determining how serious the breach was and what actions should be taken. Factors that the investigator took into consideration included:

- that the issue had been raised with Cr Jones earlier in the year by a colleague, with no obvious change in behaviour
- that Cr Jones was one of the kaunihera’s representatives on its Youth Committee, bringing him into regular contact with young people
- that the kaunihera had adopted a specific policy to be a safe and supportive workplace for both elected members and staff.

Taking these factors into account the Investigator recommended that Cr Jones be removed from his role as a kaunihera representative on the Youth Committee; should be enrolled in a relevant course to better understand offensive behaviour and its impacts; and meet monthly with mayor to monitor his behaviour.

***Example six: Councillor Facebook page used to disparage others***

Councillors Sarah Smith and William Getty share political views in common and have recently established a Facebook group through which they promote debate and discussion with like-minded people in their district. Some of the participants in that Facebook Group make posts that include explicit criticism of other councillors, sometimes using explicit language, commenting on things like the way they voted, their motivations and personal matters. Some of the councillors targeted by the abuse complained to Cllrs Smith and Getty who, in response, closed the Facebook page to other councillors, preventing them from joining or viewing the content.

Rather than solve the concerns the decision to close the Facebook to others created additional anxiety for some councillors who became concerned that the page may be sharing their personal details and mis-representing their views. A complaint was made to the chief executive that the Code of Conduct had been breached, on the basis that the decision to exclude them from the website, and the fact that it appeared to me unmoderated, was intimidating, potentially exposed them to harm and allowed promoted statements about them and the council that were clearly untrue. The chief executive referred the complaint to the council’s independent investigator.

The investigator found that, while Cllrs Smith and Getty were not directly mis-representing the views of their colleagues, they were indirectly encouraging it, which breached the Code. Because this was the

first complaint, and because the two councillors believed that by limiting access to the website, they had addressed the initial concerns, the investigator did not regard the breach as material. She recommended that the two councillors remove the block preventing other councillors from joining or accessing the site and install a system for approving posts, such as a moderator, before they are published.

# Code of Conduct

28 January 2025

# Requirement for code of conduct<sup>56</sup> – Local Government Act 2002

- Clause 15 Schedule 7 LGA 2002;
- .....

(2) The code of conduct must set out—

- a) 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—
  - i. behaviour toward one another, staff, and the public; and
  - ii. 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
- b) a general explanation of—
  - i. the [Local Government Official Information and Meetings Act 1987](#); and
  - ii. any other enactment or rule of law applicable to members.

(3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.

(4) A member of a local authority must comply with the code of conduct of that local authority.

(5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.

(6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.

(7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.



# Purpose of Code

- Enhance effectiveness of local authority and provision of good local government for community and district.
- Promote effective decision making and community engagement.
- Enhance credibility and accountability of local authority to its communities.
- Develop a culture of mutual trust, respect and tolerance between the elected members and staff.

# Review of Code<sup>58</sup>

- The current Code was adopted by the previous Council in July 2022 and a review was deferred until updated LGNZ best practice and templates were provided.
- The key changes are:
  - A clearer distinction between the code of conduct and the process for considering complaints
  - Additional criteria and altered process for assessing complaints
  - A bigger emphasis on behaviours
  - Incorporation of Te Tiriti principles as relevant to local government
  - Additional case studies of behaviours found to be inconsistent with the Code
  - An assessment stage to quickly deal with complaints that are trivial, vexatious, or politically motivated

# Application of Code

- Code applies to all elected members and Council appointed members of committees, community boards and four community committees.
- Code is essentially about **behaviour**, setting out behavioural standards expected of members towards each other, CE and staff, the media and general public.
- Also outlines appropriate disclosures of information – please note during an election period there is a separate policy that covers these protocols.

# Relationships – Internally & Externally

- Good Governance requires great relationships (break into groups)
  
- What do effective internal relationships look like?
  - Elected Members
  - CE and staff
  
- What do effective external relationships look like?
  - Public (your communities, partners and stakeholders)
  - Media

# Relationships between elected members

- Members are required to deal with each other:
  - Openly and honestly
  - Courteously
  - Focused on the issues not the personalities
  - Avoiding abuse of process for personal or political gain
  - Avoiding conduct which could be seen as aggressive, offensive or abusive, including the use of disrespectful or offensive language
  - Be aware of non-verbal communication when debating.
  - Ensuring everyone has a fair chance to be heard.

# Relationships with CE and staff

- Good governance requires good relationships.
  - CE is the only employer and employs all staff. Staff concerns are to be raised with the CE.
  - Members are to treat all employees with courtesy and respect and avoid publicly criticising or rebutting any employee, especially in ways that reflect on the competency and integrity of the employee.
  - Not commit any aggressive, offensive or abusive conduct towards any employee.
  - Observe protocols by not contacting staff directly and going through GMs or CE
  - Avoid any actions that could compromise impartiality of employees
  - Avoid any act or decision that may impact employee's health and safety.

# Relationships with public, partners and stakeholders

- Good governance requires trust and confidence of community.
- Similar requirements regarding interaction with public;
- Honesty, integrity, accountability, transparency, objectivity, and advocacy.

# Media

- Code covers media interactions and social media. Media plays an important role in local government, ensuring transparency and public information regarding matters of public interest.
- Any media comment needs to adhere to same standards of behaviour required for other interactions.



# Other key legislation

- Code also covers statutory compliance requirements with key legislation bearing on role and conduct of members:
  - Local Authorities (Members' Interests) Act 1968
  - Local Government Official Information and Meetings Act 1987
  - Protected Disclosures Act 2022
  - Privacy Act 2020
  - Secret Commissions Act 1910
  - Crimes Act 1961
  - Health and Safety at Work Act 2015
  - Local Government Act 2002

# Consequence of breach of Code

- Members are required to comply with the Code. Any alleged breach may give rise to a complaint and a subsequent investigation.
- Investigation process proportionate to seriousness of the alleged breach (suggested changes to this approach).
- Investigation required to adhere to fairness and natural justice.
- Case studies provided within the new Code.

# Statutory breach

- Breach of legislation may give rise to various consequences for example:
  - LAMIA (prosecution by A-G)
  - Criminal offence reference to Police and possible criminal prosecution
  - Privacy Act 2020 – LGOIMA may result in investigations by Ombudsman or Privacy Commissioner
  - Reputational impacts
  - Any breach of the Code can result in far reaching consequences for the member and the Council

<b>To</b>	<b>Pōkeno Community Committee</b>
<b>Report title</b>	<b>PCC Works and Issues Report – April 2025</b>
Date:	22 April 2025
Report Author:	Soroya McGall, EA to General Manager Strategy & Growth
Authorised by:	Will Gauntlett, General Manager Strategy & Growth

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To provide an update on issues arising from the previous meeting and works underway.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Pōkeno Community Committee receives the Works and Issues report from the General Manager Strategy & Growth for April 2025.**

## **3. Attachments**

### **Ngaa taapirihanga**

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1. Works and Issues Report April 2025

**Pookeno Community Committee's Works and Issues Report – April 2025**

**No current Issues or Actions to Report**

## **Works Programme Update** (as of March 2025)

### **Pookeno Sports Park, Munro Road**

The final stakeholder workshop for the Masterplan is booked for 15 April. The Pookeno Community Committee have been invited to attend.

### **CCTV Cameras**

The detailed design for CCTV cameras is now complete for Pookeno. Council is now prioritising sites and undertaking the procurement of suppliers to carry out the installation at multiple sites across the district.

### **Market Street Hub**

Council has received proposals from consultants and are now in the process of completing an evaluation process. This involves making recommendation for approval to appoint the relevant consultants across 9 different design disciplines.