

26 September 2025

The Local Government Commission
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Teena koutou katoa,

Submission from Waikato District Council on the Draft Standardised Code of Conduct for Local Government.

Introduction

Waikato District Council (Council) thanks the Local Government Commission for the opportunity to submit on the Draft Standardised Code of Conduct for Local Government (draft).

In our recent submission on the Local Government (System Improvement) Amendment Bill, Council supported the introduction of a standardised code of conduct, with the recommendation that its development be undertaken in collaboration with the local government sector. We are therefore glad to see this consultation process underway and welcome the opportunity to contribute to the development of a code that reflects the needs and realities of the local government sector.

Elected members hold leadership roles within, and for, their communities. There is a clear expectation from the public that they meet appropriate standards of conduct. It is important that these expectations are reflected in the Code of Conduct and that there are clear mechanisms in place to support and uphold them.

Our response to the draft is informed by Council's recent experience in reviewing and updating our own Code of Conduct, which was formally adopted in July 2025. This process utilised the Local Government New Zealand (LGNZ) template and involved close engagement with elected members to ensure the resulting document was fit for purpose and supports good governance.

The recommendations outlined in this submission are focused on strengthening the draft to ensure it is practical, adaptable, and acts as an effective and enabling governance tool for Councils across Aotearoa New Zealand.

Position

1. The current draft lacks clarity and completeness in its expectations around member behaviour. Clause 11 ("Respect") includes only a brief reference to avoiding derogatory interactions, without explicitly addressing bullying, harassment, or discriminatory behaviour. These are serious issues that should be clearly defined to ensure safe and respectful working environments.
2. Additionally, the Code does not address members conduct across communication channels, including social media, email, and other written or verbal platforms. In today's digital landscape, this omission presents a reputational and operational risk.
3. Clause 10 ("Trust") appropriately highlights the need to avoid undue influence, but it does not include guidance on the misuse of position for personal gain. This is a critical gap, as leveraging public office for private benefit undermines public confidence and governance integrity.
4. The draft provides a standardised framework for elected member conduct, which is valuable for consistency across local authorities. However, it does not currently allow for sufficient flexibility for councils to tailor the Code to reflect local context, emerging issues, or community expectations.
 - a. Councils operate in diverse environments, and a one-size-fits-all approach may not always be appropriate or responsive to local needs. Providing the ability to add supplementary clauses or expand on existing ones, without removing core content, would support better alignment with local values, operational realities, and governance challenges. This could enable adaptation based on how governance structures are implemented or how operational practices are managed.
5. The draft does not include any case studies or examples of breaches or application of the code. The current LGNZ guidance provides useful examples of this, and Council believes this provides valuable context that should be reflected in the Standardised Code of Conduct.
6. The current draft requires all complaints to be referred directly to an investigator upon receipt by the Chief Executive (Clause 24), with no initial filtering mechanism. This process may lead to unnecessary costs and resource use, particularly in cases where complaints are clearly frivolous, vexatious, or politically motivated.
7. While Clause 25 allows the investigator to dismiss such complaints after a preliminary assessment, requiring an external investigator to be engaged for every complaint, regardless of merit, places an undue financial and administrative burden on councils.
 - a. This is especially concerning for smaller councils with limited resources and given the current economic climate, and the lack of visibility of the increased administrative costs associated with the investigator.
 - b. Councils must be able to manage resources prudently and avoid avoidable expenditure wherever possible.

8. The draft outlines a range of non-financial sanctions that may be imposed when a breach is upheld, such as requiring apologies, restricting access, or suspending members from committees. However, it does not address whether there are any pecuniary consequences, such as docking pay or allowances, particularly in cases where a member is stood down or suspended from duties.
 - a. This lack of clarity raises questions about the enforceability and deterrent value of the Code. It is also unclear whether central government intends to provide further direction on the financial implications of breaches, or whether councils have any discretion in this area.
 - b. Given the current financial pressures facing many ratepayers, including recent step increases in rates, it is essential that any disciplinary process is not only fair and transparent but also cost-effective and proportionate. Ratepayers should not bear the cost of unresolved or repeated breaches without meaningful consequences.

Recommendations

Amend the Code to:

9. Explicitly define and prohibit bullying, harassment, and discriminatory behaviour.
10. Include expectations for appropriate conduct across all communication channels, including social media and written/verbal interactions.
11. Add a clause that clearly prohibits the misuse of position for personal advantage or gain, to address the current gap in Clause 10 (“trust”) and reinforce public confidence in governance by ensuring elected members cannot leverage their office for private benefit.
12. Amend to explicitly allow local authorities to add supplementary clauses or definitions where needed, provided the core content remains intact. This flexibility would enable councils to respond to local priorities while maintaining the integrity and consistency of the national framework.
13. Include relevant case studies and examples of the application of the Code of Conduct to support its consistent application.
14. Amend Clause 24 to allow the Chief Executive to undertake the initial screening of complaints to determine whether they are clearly frivolous, vexatious, or outside the scope of the Code before referring them to an investigator. This would reduce unnecessary costs, ease the financial burden on councils and ratepayers, and ensure that only complaints warranting further consideration proceed to formal assessment, while maintaining fairness and accountability.
15. Provide clarification on whether financial penalties, such as docking pay or allowances, are permitted or intended under the Code. If not, consider whether councils should be

given discretion to apply pecuniary sanctions in serious cases, particularly where members are stood down or suspended from duties.

16. Include guidance in the Code on the financial implications of sanctions to ensure transparency, consistency, and accountability, while also protecting ratepayer interests.

Further information and Hearing

17. Should the Local Government Commission require clarification on the submission or any additional information, please contact Maggie Ford – Strategy Manager email maggie.ford@waidc.govt.nz

Ngaa mihi,



Jacqui Church
Mayor

Council Approval and Reference

This submission was approved by the Submission Forum on the 22 September 2025