



Waimate
District Council



16 May 2023

Elected Members Code of Conduct 202

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1. Adoption of Code of Conduct

- 1.1 The Waimate 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.

2. Member's Commitments

- 2.1 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:
- a. treat all people fairly,
 - b. treat all other members, staff, and members of the public, with respect,
 - c. share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties,
 - d. operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi,
 - e. make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the local authority,
 - f. take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
 - g. not bully, harass, or discriminate unlawfully against any person,
 - h. not bring the local authority into disrepute,
 - i. not use their position to improperly advantage themselves or anyone else or disadvantage another person,
 - j. not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority,
 - k. not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

3. Definitions

- 3.1 For the purposes of this Code "member" means an elected or appointed member of:
- a. the governing body of the local authority,
 - b. any committee or sub-committee of the local authority,
 - c. any local board of the local authority, or
 - d. any community board of the local authority.
- 3.2 Local authority means the council, local board or community board which has adopted this Code.

4. Principles of Good Governance

- 4.1 Members recognise the importance of the following principles of good governance.
- a. **Public interest:** members should act solely in the public interest.
 - b. **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.
 - c. **Stewardship:** members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
 - d. **Objectivity:** members should act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.
 - e. **Accountability:** members will be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
 - f. **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.
 - g. **Honesty:** members should be truthful and not misleading.
 - h. **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.

5. Behaviours

- 5.1 To promote good governance and build trust between the local authority, its members, and citizens, members **agree** to following standards of conduct when they are:
- a. conducting the business of the local authority,
 - b. acting as a representative of the local authority,
 - c. acting as a representative of their electorate,
 - d. communicating with other members, the media, the public and staff, and
 - e. using social media and other communication channels.
- 5.2 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 "Procedure for Alleged Breaches of Code of Conduct."

RESPECT

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

- 5.4 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.
- 5.5 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 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

- 5.6 Members will treat all people fairly and will not:
 - a. bully any person,
 - b. harass any person, or
 - c. discriminate unlawfully against any person.
- 5.7 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. a regular pattern of behaviour, or a one-off incident,
 - b. occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
 - c. may not always be obvious or noticed by others.
- 5.8 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.
- 5.9 Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following¹:

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • Age • Disability • Ethnic or National Origin • Political Opinion • Sex | <ul style="list-style-type: none"> • Skin, Hair, or Eye Colour • Employment Status • Family Status • Religious Belief | <ul style="list-style-type: none"> • Race • Ethical Belief • Marital Status • Gender Identity • Sexual Orientation. |
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¹ See Human Rights Commission <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>

SHARING INFORMATION

- 5.10 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.
- 5.11 Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their council 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 disclosure such information, for example, to a governing body meeting in public exclusion.

EXPRESSING PERSONAL VIEWS PUBLICLY

- 5.12 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.
- 5.13 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:
- a. 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
 - b. their comments must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff, and
 - c. their comments must not purposefully misrepresent the views of the local authority or other members.

PROVIDE EQUITABLE CONTRIBUTION

- 5.14 Members will take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of them.
- 5.15 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.
- 5.16 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

- 5.17 Members will not bring the local authority into disrepute.

- 5.18 Member 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.
- 5.19 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

- 5.20 Members will not use, or attempt to use, their position to improperly advantage themselves or anyone else, or disadvantage another person.
- 5.21 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

- 5.22 Members will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.
- 5.23 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:
- a. 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
 - b. observe any protocols put in place by the chief executive concerning contact between members and employees, and not publicly criticise individual staff.
- 5.24 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

- 5.25 Members will not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless.
- a. they have the consent of a person authorised to give it,
 - b. they are required by law to do so,

- c. 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
- d. 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.

6. Review

- 6.1 Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.
- 6.2 Councils 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 in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

7. Document Control

Document owner:	Corporate Services Group Manager
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Next review date:	May 2026
Document can only be amended by:	Resolution of Council
Council resolution number:	2023/91

Appendix A: Associated Legislation

LEGISLATION REQUIRING THE ADOPTION OF A CODE OF CONDUCT

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:

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.

LEGISLATION WHICH SETS STANDARDS FOR ETHICAL BEHAVIOUR

- [Local Government Act 2002](#) (LGA)
- [Local Government Official Information and Meetings Act 1987](#) (LGOIMA)
- [Local Authorities \(Members' Interests\) Act 1968](#) (LAMIA)
- [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)
- [Serious Fraud Office Act 1990](#)
- [Local Government \(Pecuniary Interests Register\) Amendment Act 2022](#)
- [Health and Safety at Work Act 2015](#)
- [Harmful Digital Communications Act 2015](#)