



# Elected Members Code of Conduct

Adopted on 28 March 2023

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## DOCUMENT APPROVAL

<b>Date</b>	<b>Section amended</b>	<b>Approved By</b>
<b>26 March 2019</b>	Amendment of numbering in Appendix B (admin error)	Governance Support Manager
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<b>20 January 2022</b>	Administrative update – adding reference to the Policy on Acceptable use of Computer Technology for Elected Members	Governance Specialist
<b>22 September 2022</b>	Review and update	Legal Advisor
<b>23 March 2023</b>	Adopted by council	Council

# Karakia – Tauaki ā roto

Tēnei au Tēnei matou

He Kaikaunihera

He Kawenga i ngā whakataunga I nga tikanga,

ki uta, ki tai Kia rewa ai ki nga iwi katoa o te Taitokerau

Haumie, Hui e, Taiki e!

## 1. Introduction

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.

This Code of Conduct (the Code) sets out the standards of behaviour expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the Northland region;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities by ensuring the council operates in an open and transparent fashion; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in this Code.

## 2. Scope

Clause 15 of Schedule 7 of the Local Government Act requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

The Code provides guidance on the standards of behavior that are expected from all members of the Northland Regional Council. The Code is both internally and externally focused, designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media;
- The general public; and
- Hapū and iwi as Te Tiriti partners.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the council's Standing Orders.

### 3. Values

The Code is designed to give effect to the following values:

1. **Regional interest:** members will serve the best interests of the people within the region as a whole, not the constituency or affiliation that elected them.
2. **Public trust:** members, in order to foster community confidence and trust in their council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly, and will avoid behavior which may be perceived as improper.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** members will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, disability or political affiliations. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the council operates, including a regular review and assessment of the council's collective performance.
9. **Transparency:** members should be as open as possible about their actions and those of council, seek opportunities to actively engage with the community and explain the reasoning behind actions and decisions.
10. **Prudent financial management:** members will ensure that council uses resources prudently and maximise the return to the community for lawful purposes, and ensure that the council maintains sufficient resources to meet its statutory obligations to both present and future generations.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

Elected members are also expected to be mindful of Northland Regional Council's cultural values and behaviours of: Learn and improve, Kotahitanga, Choose Positivity, Listen, Whanaungatanga, Do the right thing, and Own it. NRC's organisational culture can be found at **Appendix D**.

## 4. Roles and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

### 4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the Northland region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the council against stated goals and objectives set out in its long term plan;
- Providing prudent stewardship of the council's resources;
- Employing and monitoring the performance of the chief executive;
- Ensuring council fulfills its obligations under Te Tiriti o Waitangi; and
- Ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

### 4.2 Chairperson

As one of the elected members, the Chairperson shares the same responsibilities as other members of council. In addition to this, the Chairperson has the following roles:

- Presiding member at council meetings. The Chairperson is responsible for ensuring the effective conduct of business during meetings (as detailed in Standing Orders);
- Maintain a cohesive council where the vision, mission, Te Pae Tawhiti, LTP, NRC Focus areas and all NRC agreed strategies are aligned with and top of mind during council decision making;
- Support and maintain a clear line between governance and management's role and activities;
- Maintain and foster positive staff / governance relationships which are built on trust, mutual respect and which considers and supports the wellbeing of both staff and members as a priority;
- Advocate on behalf of the region. This role may involve promoting the region, representing its interests at national and other forums and networking to facilitate the progress of regional priorities;
- Communicate regional council direction and progress on priority projects;
- Manage relationships between elected members and provide leadership and feedback on teamwork and Chairpersonship of meetings;

- Spokesperson (as outlined in Section 6 – Media contact).
- Facilitate a positive working relationship between elected members of Northland's four local authorities.

## 4.3 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the council;
- Employing staff on behalf of the council (including negotiation of the terms of employment for those staff); and
- Primary point of contact between the council and independent investigators in the case of investigating a complaint made under this code of conduct. (Complaint process is outlined in **Appendix A**).

Under s.42 of the LGA 2002 the Chief Executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must be referred to the Chief Executive.

## 5. Relationships

Respectful relationships are essential for a well-functioning council. This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

### 5.1 Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open and honest;
- Is courteous;
- Is focused on issues rather than personalities;
- Respects meeting procedures by not using tactics such as using unnecessary notices of motion and/or repetitious points of order;
- Values positive relationships by not acting in an aggressive, offensive, subversive or abusive manner, which includes disrespectful, racist, sexist, derogatory, or malicious actions and/or language;

- Values the principles of Te Tiriti o Waitangi by respecting and embracing the practice of tikanga Māori and te reo in council's governance practices, public meetings and council led events.

Any failure by members to act in the manner described at 5.1 above represents a breach of this Code, and will be dealt with in accordance with the complaints process as set out in Appendix A. Concerns about a member's behaviour should be raised with the Chairperson and Chief Executive.

**Please note:** Nothing in this section of the Code is intended to limit robust debate within the council, provided it is conducted in a respectful, inoffensive and insightful manner.

## 5.2 Relationships with staff

An important element of good governance involves the relationship between the council and its Chief Executive. Members will respect arrangements put in place to facilitate this relationship, and:

- Channel all communications/directions to staff through the Chief Executive in the first instance. NB: This does not apply when councillors are working directly with staff by virtue of an assigned delegation on a specific matter such as a regional plan or strategy. In these circumstances, members need to be mindful of staff normal working hours. Members should refrain from instigating business related verbal communications with staff outside normal working hours;
- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Chairperson;
- Make themselves aware of the obligations that the council and the Chief Executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect. Members must not publicly criticise any employee or staff member;
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees;
- Avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee;
- Will value positive relationships by not being aggressive, offensive, subversive or abusive, and refrain from disrespectful, racist, sexist or malicious actions or remarks.

**Please note:** Elected members should be aware that failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation. As such, any failure by members to act in the manner described above is considered a breach of this Code, and will be dealt with in accordance with the complaints process as set out in Appendix A.

## 5.3 Relationships with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- Interact with members of the public in a fair, respectful, equitable and honest manner;
- Be available to listen and respond openly and honestly to community concerns;
- Represent the views of citizens and organisations accurately, regardless of the members own opinions on the matters raised;
- Consider all points of view or interests when participating in debate and making decisions;
- Treat members of the public in a courteous manner;
- Act in a way that upholds the reputation of the local authority; and
- Not act in a way which could be perceived as sexist, racist, or offensive, and/or in a manner that could potentially bring the organisation into disrepute.

Any failure by members to act in the manner described above represents a breach of this Code and will be dealt with in accordance with the complaints process as set out in Appendix A.

## 5.4 Relationships with hapū and iwi

Te Kaunihera ā rohe o te Taitokerau (Northland Regional Council) commits to operating in a manner that recognises and respects the significance of Te Tiriti o Waitangi. In doing so, the Northland Regional Council recognises the importance of:

1. Tino Rangatiratanga: the principle of self-determination provides for iwi and hapū self-determination and mana motuhake. This requires local authorities to be open to working with mana whenua as 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 hapū and iwi, within the context of Te Tiriti o Waitangi in Te Taitokerau. Council should identify opportunities, and develop and maintain ways, for iwi and hapū to contribute to council decisions, and consider ways council can build capacity of iwi and hapū 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 hapū and iwi 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 Māori and Mātauranga Māori.

## 5.5 Relationships with Ministers of the Crown

It is important that the council presents a professional and cohesive front to central government in order to most effectively represent the Northland region. To enable this, members will:

- Gain the approval of council before directly contacting a Minister of the Crown on issues related to council business;

- Maintain and support the council’s collective position as opposed to an elected member’s own personal view; and
- Put the needs of the council and region first, not the constituency or affiliation that elected them.

## 6. Public communications and media

The media, including social media, plays an important role in keeping citizens and communities informed, through investigation and reporting on the business of council, its plans, policies, decisions and operations.

In order to fulfil this role, the media needs access to accurate and timely information about council. From time-to-time individual members will be approached for comment on a particular issue, either on behalf of the council or as an elected member in their own right.

The Communications Protocol is a separate document that sets out guidance for elected members when dealing with all forms of media. It specifically provides guidance around:

- Who is authorised to speak about council decisions and projects
- How we manage contact with the media
- Preparation and sign-off of media releases
- Attendance at events
- Non-council communications and individual views
- Use of social media
- General standards

The Communications Protocol may be sourced from council’s Communications Manager. Failure by members to adhere to the Communications Protocol represents a breach of this Code, subject to the complaints process at Annexure A.

## 7. Information

Access to accurate information is critical to the effective performance of a local authority and the level of public trust felt by the public.

### 7.1 Confidential information

In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

### 7.2 Information received in capacity as an elected member

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.

Any failure by members to act in the manner described above represents a breach of this Code and will be addressed in accordance with the complaints process set out in Appendix A.

**Please note:** Failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

## 8. Conflicts of interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived).

Members therefore must familiarise themselves with the provisions of:

- the Local Authorities (Members' Interests) Act 1968 (LAMIA), summarised in **Appendix B**; and
- Subpart 3, Part 4 of the Local Government Act 2002 (Subpart 3, Part 4 of the LGA), summarised in **Appendix B**;

Elected members are also encouraged to familiarise themselves with the guidance provided by the Office of the Auditor General which can be accessed using the following link:

**<https://oag.parliament.nz/good-practice/conflicts-of-interest>**

In accordance with best practice, when an elected member has declared a conflict of interest the organisation will not provide them with any confidential information relating to the matter. Conflicted members will also not participate in the relevant decision making process.

**Please note:** Failure to observe the requirements of LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix B**). In the event of a conviction, elected members can be ousted from office.

**Failure to comply with Subpart 3, Part 4 of the LGA is an offence, punishable by a fine not exceeding \$5,000.**

A members' failure to comply with LAMIA and Subpart 3, Part 4 of the LGA is considered a material breach of this Code, to be dealt with in accordance with the complaints process set out in **Appendix A**.

### ***Financial (pecuniary) conflicts of interest***

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should immediately seek guidance from the Chief Executive. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

### ***Non-financial conflicts of interest***

A non-financial conflict of interest is any situation where a member is not affected financially by a decision but is affected in some other way that might make them biased or appear biased.

Under common law, a non-financial conflict of interest does not automatically exclude members from participating in a decision. It will depend how serious the conflict is. That does not mean non-financial interests are always less serious than financial conflicts. However, because there is not an automatic assumption of bias, there is generally more room for judgement about how serious the conflict is and how it should be managed.

Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests and if in doubt should immediately seek guidance from the Chief Executive.

### ***Predetermination***

Predetermination is any situation where an elected member is making a decision about a matter and there is a risk that people will think their mind is made up before considering all evidence.

Suggestions of predetermination usually arise from previous statements or actions of a member.

Technically predetermination is not a form of conflict of interest. However, it is derived from the common law on bias and the risk with predetermination is the same, hence for completeness is included. The seriousness of the risk will depend on the context and the type of decision being made.

## **9. Register of interests**

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried out by the member or the members' spouse for profit or gain;
- b) Any company, trust, partnership etc. for which the member or their spouse is a director, partner or trustee;
- c) The address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) The address of any land owned by the local authority in which the member or their spouse is:
  - a tenant; or

- the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee:
- e) Any other matters which the public might reasonably regard as likely to influence the member’s actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive);
- f) The information contained in the Declaration of Interests form attached as **Appendix C**.

**Please note:** Where a member’s circumstances/interests change they must ensure the Registrar is notified of the change and the Register of Interests is updated as soon as practicable.

A summary of members’ interests is made publicly available on Council’s website.

## 10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly, members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the council developed in accordance with that determination;
- Not unduly seek to influence any council employee or member outside of council’s normal processes;
- Not influence, or attempt to influence, any council employee or member in order to benefit their own, or their families’ personal or business interests;
- Only use the council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.
- This also applies to working meals and social occasions, which should be undertaken in an appropriate manner.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code and will be dealt with in accordance with the complaints process set out in Appendix A.

### 10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an “undischarged bankrupt” will notify the Chief Executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the Chief Executive with a brief explanatory statement of the circumstances surrounding the member’s adjudication and the likely outcome of the bankruptcy.

## 11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance.

These include:

- Attending post-election induction programmes organised by the council for the purpose of facilitating agreement on the council's vision, goals and objectives and the manner and operating style by which members will work;
- Taking part in any assessment of the council's overall performance and operating style during the triennium;
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the Northland region;
- Acting in a manner that creates a culture of mutual trust and respect between members, and members and staff.

## 12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 7, s(15(4))).

The only persons who can make a complaint under this Code are the members themselves and the Chief Executive, reflecting that the public have multiple avenues through which councilors can be held accountable, for example via the election process, standing orders, LGOIMA requests, the Ombudsman, the media and social media.

Council staff can instigate a complaint against a member under this Code through the Chief Executive.

All complaints will be considered in a manner that is consistent with the principles below.

**Note:** The Chief Executive's conduct is subject to council's staff code of conduct.

### 12.1 Principles

The following principles will guide the investigation into, and assessment of, complaints made against a member for breach of 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;
- The approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about.
- Members have the 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.

## 12.2 Complaints

This section should be read in conjunction with the detailed complaints process (including timeframes) outlined in **Appendix A**.

Before making a complaint against another elected member, members are encouraged to resolve the matter by discussion between themselves.

All complaints made under this Code must be made in writing to the Chief Executive and Chairperson. If the complaint is about the Chairperson then the complaint should be made to the Deputy Chairperson and Chief Executive.

Any reports received by a member of the public which relate to a member's conduct under this Code must be reported to the Chairperson, regardless of whether the member who receives the report wishes to make a complaint about the conduct.

The written complaint must clearly set out the alleged breach of the code and provide corroborating evidence. On receipt of a complaint the Chief Executive must forward the complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.<sup>1</sup> The independent investigator may dismiss or terminate a complaint from a member on grounds that (among other things) the complaint is frivolous, vexatious or has been adequately resolved.

If the complaint concerns a dispute between two members or a member and a third party, the investigator may recommend the dispute be referred to mediation, to be facilitated by an independent mediator. If mediation is agreed by both parties, then its completion will represent the end of the complaint process. The outcome 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 mediation fails, in which case the complaint will be referred on to an independent investigator to complete the process.

**Note: The complaints process does not limit the rights and/or obligations of the Chief Executive under other legislative instruments.**

## 12.3 Investigation, advice and decision

The process, following receipt of a complaint will follow the steps outlined in **Appendix A**. Different independent investigators will be appointed to conduct the preliminary assessment of a complaint and the full investigation (if any) to ensure robust and impartial results/recommendations are made for council to consider with confidence.

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<sup>1</sup> On behalf of the council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators.

## 12.4 Materiality

An alleged breach under this Code is material if:

- the breach is expressly stated as material in this Code; or
- in the opinion of the independent investigator conducting the preliminary assessment, the breach would, if proven, bring a member or the council into disrepute or, if not addressed, reflect adversely on the council, or another member.

## 13. Penalties and actions

Where a complaint is determined to be material, upheld and referred to the council, the nature of any resulting action will depend on the seriousness of the breach.

### 13.1 Material breaches

In the case of material breaches of this Code the council may require one of the following as a consequence:

1. Referral to mediation in the event multiple parties are involved;
2. A letter of censure to the member;
3. A request (made either privately or publicly) for an apology;
4. A vote of no confidence in the member;
5. Removal of certain council-funded privileges (such as attendance at conferences);
6. Removal of responsibilities and relevant remuneration as committee / working party Chairperson, deputy chairperson and / or portfolio responsibilities;
7. Restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
8. Limitation on any dealings with council staff so that they are confined to the Chief Executive or identified senior manager(s) only;
9. Suspension from committees or other bodies; or
10. An invitation for the member to consider resigning from the council.

A council or committee may decide that a penalty will not be imposed if a respondent agrees to do one or more of the following:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members or between a member and a third party); and/or
- Tender an apology.

The complaints process is based on the presumption that the outcome of a complaint will be made public unless there are good grounds for not doing so, for example as set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA).

## 13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements administered by other agencies, then the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA and the LGA);
- 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 s.44 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- 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).

## 13.3 Breaches of the Code during meetings

It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises. This responsibility will fall to the Chief Executive if the Chairperson is in breach of this Code during a meeting. This applies to meetings of council, committees, sub-committees, workshops and working parties (noting that standing orders do not apply to workshops and working parties).

If an elected member believes that an alleged breach of the Code has not been dealt with adequately at a meeting, they may initiate the complaint procedure outlined in clause 12 above and **Appendix A**.

## 14. Use of technology

For information on the acceptable use of technology refer to council's 'Policy on Acceptable use of Computer Technology', attached at **Appendix E**.

## 15. Review

Once adopted, a Code of Conduct 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. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

# Appendix A: Process for the determination and investigation of complaints

**Note: Nothing in this Code limits the rights and/or obligations of the Chief Executive under other legislative instruments.**

## Step 1: Chief Executive receives complaint

Within 2 working days of receiving of a complaint, the Chief Executive will acknowledge receipt in writing and refer the complainant to the process for dealing with complaints as set out in the Code.

Within 5 working days the Chief Executive will:

- Refer the complaint and corroborating evidence to an investigator selected from a panel agreed at the start of the triennium for preliminary assessment.
- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator; and
- Inform the respondent that a complaint has been made against them, the name of the investigator, and refer to the process for dealing with complaints as set out in the code.
- Inform the Chairperson of the complaint (in the case the complaint pertains to the Chairperson, inform the Deputy Chairperson).

## Step 2: Investigator makes preliminary assessment

1. Within 20 working days of receipt of a complaint, the investigator will provide written preliminary assessment of whether: The complaint is frivolous or without substance and should be dismissed;
2. The complaint is outside the scope of the Code and should be redirected to another agency or process;
3. The complaint is upheld but non-material; or
4. The complaint is material, involves a dispute between two members or a member and a third party, and should be directed to mediation in the first instance;
5. The complaint is material, and a full investigation is required.

In making this assessment, the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action, although investigations will need to be within whatever budgetary constraints have been set in the contract for service or approved by the Chief Executive. To clarify, the investigator has full discretion to dismiss any complaint which, in their view, is frivolous, without substance or fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that no further action is required because a complaint is frivolous or without substance, inform the complainant and respondent directly in writing and inform other members (if there are no grounds for confidentiality) of the investigator's decision;

2. In cases where the investigator finds that the complaint involves a potential legislative breach but is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent in writing of the action.
3. If the complaint is upheld but found to be non-material the investigator will, if appropriate, recommend a written course of action appropriate to the breach, such as:
  - Referral to mediation;
  - That the respondent seek guidance from the Chairperson;
  - That the respondent attends appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.
4. In all cases, the investigators written report must set out the reasoning for the assessment made.
5. The Chief Executive will advise both the complainant, the respondent (and other members if there are no grounds for confidentiality), in writing of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.
6. If the complaint is upheld and found to be material the Chief Executive will inform the complainant and respondent in writing. The investigator will then prepare a report for the council setting out:
  - The reasons why the allegation has been upheld;
  - Why it is material; and
  - Recommended next steps.

### **Step 3: Actions where a breach is found to be material**

Following receipt of a preliminary assessment report finding that a breach is material, within 5 working days the Chief Executive will:

- Arrange mediation (if recommended); or
- Refer the complaint, corroborating evidence and preliminary assessment report to an investigator selected from a panel agreed at the start of the triennium for full assessment.

Note: The investigators conducting the preliminary assessment and the full investigation are not to be the same person.

Within 20 working days of receipt of the preliminary assessment and accompanying information, the independent investigator will:

- Consult with the complainant, respondent and any affected parties;
- Undertake a meeting with relevant parties (if appropriate);
- Request or refer to any relevant documents or information; and

- Provide to the Chief Executive a written draft report on the breach, setting out the seriousness of the breach and any recommended actions for council to resolve the breach(es).

The Chief Executive will share the full draft investigation report with the complainant and respondent under strict confidentiality. They will be invited to reply in writing within 10 working days as to whether they agree with the findings or whether they wish to make a written submission to the council when they are considering the full investigation report. Both parties will be advised that this is the sole opportunity for their comments on the incident and investigation to be presented to council. The complainant and/or the respondent are not to be granted an opportunity to address council in person. Submissions will be provided to the investigator who will, within 5 working days, consider and amend the draft investigation report and recommendations (if any) at their discretion, and return the final report to council for a decision. The complainant and respondent must not disclose or discuss the draft investigation report with any person other than the Chief Executive, (or if the complaint was instigated by the Chief Executive, the Chairperson) and/or their professional advisor prior to the Council meeting at which the outcome of the complaint is to be determined.

#### **Step 4: Council consideration of the full investigation report**

On receipt of the full investigation report and any submissions from the complainant and/or respondent, the Chief Executive will prepare an item for inclusion in the formal agenda of the next council meeting to consider the findings and determine whether or not any further action is required. The Chief Executive's report will include the full investigation report and any submissions from the complainant and/or respondent.

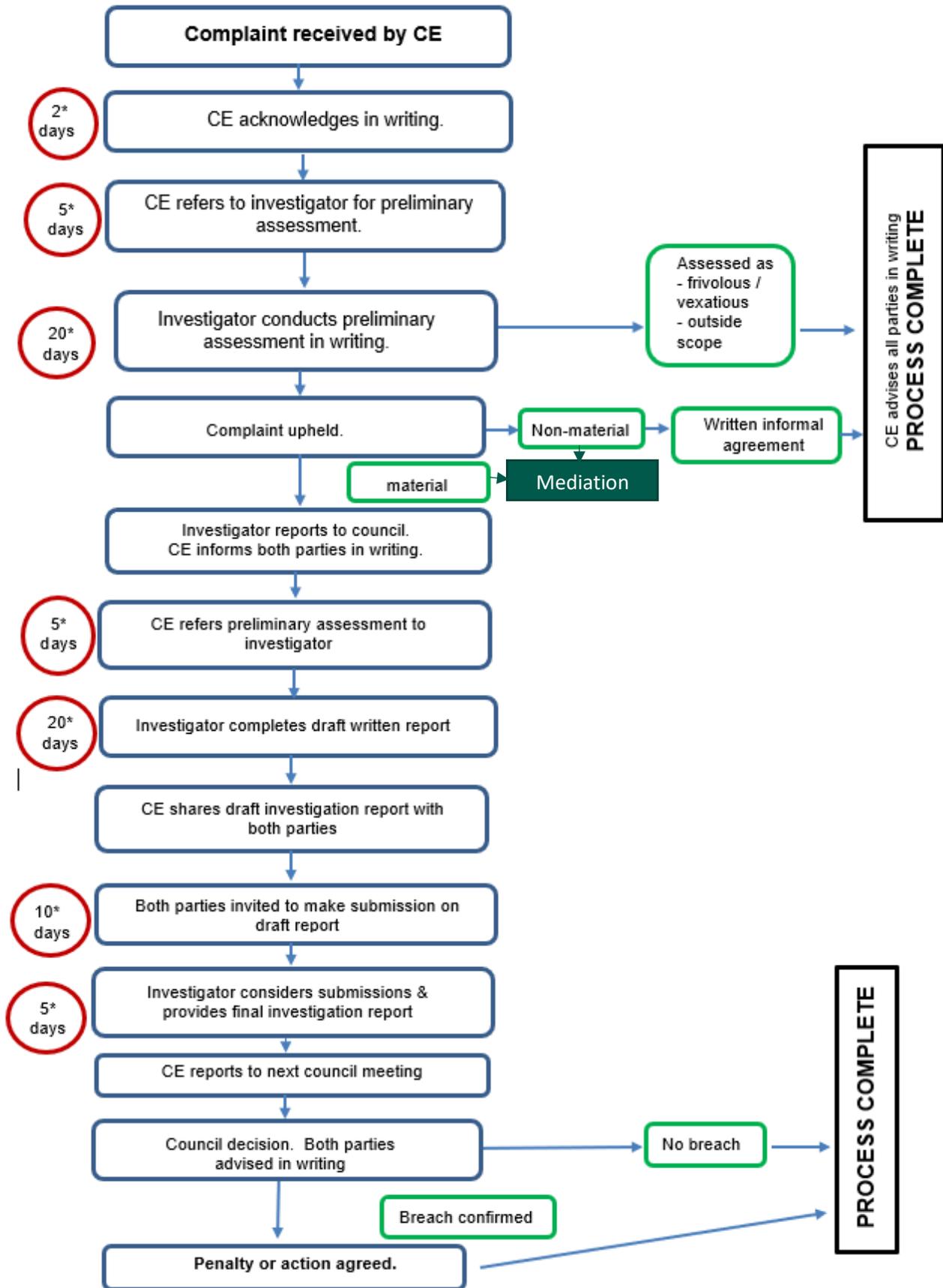
Depending upon the nature of the complaint and alleged breach, the full investigation report will generally be considered by the full council. Neither the complainant, the respondent, or any other 'interested' members are permitted to be present when the complaint is considered.

The council will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Any consequences will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

Any material breach of this Code and related decision will be included by way of summary in Northland Regional Council's Annual Report.

## Complaints procedure flowchart



\* = within "x" number of working days

# Appendix B: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

## 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 LAMIA) and the participation rule (in section 6 of the LAMIA).

- 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.

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

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

#### **Personal liability of members**

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

### **Member's Pecuniary Interests**

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. Subpart 3, Part 4 of the LGA also requires a local authority to keep a register of its elected members' pecuniary interests (separate to the requirements of LAMIA) with a summary of those interests made publicly available.

The key obligations for members are to:

- make annual returns that contain information on certain pecuniary interests to the Registrar, within the statutory timeframe;
- ensure that the information contained in their returns is accurate; and
- in the event of becoming aware of an error or omission in their returns, advise the Registrar of that error/omission as soon as practicable.

Members are solely responsible for ensuring she/he complies with these obligations. In the event of non-compliance, the elected member commits an offence which is punishable by a fine of up to \$5,000.

In each triennium, the due dates for a return are:

- (a) **Year 1:** the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
- (b) **Year 2:** the last day of February in the second year of the triennium; and
- (c) **Year 3:** the last day of February in the third year of the triennium.

Returns are made in respect of a 12 month period. This means that any relevant pecuniary interests that existed at any point during this 12 month period must be disclosed in the member's return. It is not necessary for an interest to have existed for the full 12 month period.

The exact dates of the 12 month period will depend on the due date for the particular return. Specifically, the period will be the 12 months that ended on the day that is one month before the due date.

A template declaration of interest form for elected members can be found at **Appendix D**. Further information can be sought from the Registrar and/or Northland Regional Council's Governance Professional.

## **Local Government Official Information and Meetings Act 1987**

### Meetings

The Local Government Official Information and Meetings Act 1987 (LGOIMA) sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the Chairperson has the responsibility to maintain order at meetings, but all elected members should accept and demonstrate personal responsibility in maintaining acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction (including verbal interruptions) while another councillor is speaking;
- Be disrespectful when they refer to each other or other people; or

- Use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

### Official Information

LGOIMA also contains rules relating to the disclosure of information held by a local authority to the public on request. The underlying principle of LGOIMA is that information should be made available unless there is good reason to withhold disclosure. There are a number of grounds for withholding disclosure, principally contained within Sections 6 and 7 of this Act.

The obligations of LGOIMA are binding on elected members and apply to the disclosure of information by a member in respect of any information held by that member (in his or her capacity as a member) to a member of the public.

### **Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

### **Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

### **Financial Markets Conduct Act 2013**

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever council offers stock to the public.

This Act prohibits trading in listed securities (broadly shares or bonds) by an information insider. Typically, this is called insider trading, and the prohibitions include no trading (buying or selling) by the insider, no disclosing to others likely to trade, and no encouraging of trading by others (even if the information itself is not disclosed).

Inside information is not just information about listed securities held by the council (for example Marsden Maritime Holdings) or listed company investments. It can include information about

companies with which council is dealing (for example advance notice of an application for a consent that suggests a big development is planned).

Inside information is material information not generally available to the market; and which the person knows or should reasonably to know was material information not generally available and would have a material effect on the price of the quoted stock.

The source of information, the motive of the councilor, and whether he or she makes no profit is irrelevant.

The rules are enforced by the Financial Markets Authority and it is assiduous about protecting the integrity of the stock market. Enforcement is most likely to be against the individual councillor or councilors, not the council.

There are some technical exceptions. One that can be relevant is for redemption of managed investment products in managed investment schemes.

There are some defences, for example the use of blind trusts, but generally councilors should avoid any conduct that means they are likely to need to rely on the exceptions or defences. Councillors are encouraged to take expert advice personally at an early stage if they suspect an insider trading situation may arise.

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

The PDA 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.

Under the PDA, the definition of an employee of a public sector organisation (PSO) includes elected members of a local authority. Elected members (as “employees”) who disclose information about a serious wrongdoing by the council are protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the elected member.

Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources; conduct that risks public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence; oppressive, improper discriminatory conduct; conduct that poses a serious risk to the health and safety of an individual and/or the environment, and gross negligence or gross mismanagement by a public official.

Protection under the PDA applies where the employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and that employee desires protection under the Act.

The council has policies on Protected Disclosures and Fraud, Dishonesty and Corruption Control which apply to employees and elected members. The default position for a disclosure made by an elected member requires the disclosure to be made to the Chief Executive or Chairperson. If the member considers the Chief Executive or Chairperson may be involved in serious wrongdoing, the

matter can also be escalated to an “appropriate authority”. Appropriate authorities are defined in the Act and include the Commissioner of Police, the Controller of the Auditor General and the Parliamentary Ombudsman.

### **Health & Safety at Work Act 2015 (HSWA)**

HSWA came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimizing risks at workplaces.

The HSWA places obligations on four duty holders – a person conducting a business or undertaking a (PCBU); officers of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under the HSWA ie. to ensure so far as is practicable, the health and safety of its workers and of other workers whose activities council influences or directs.

Each elected member is an “officer” (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under HSWA for exercising due diligence to ensure that the Councils is meeting its health and safety responsibilities under HSWA. The Chief Executive and ELT are also officers under the HSWA.

The due diligence duty of officer supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties.

Unlike the Chief Executive and ELT, elected members are not required to be directly involved in the day to day management of health and safety. They are however, still required to take reasonable steps to understand council’s operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the HSWA.

This duty does not extend to ensuring that a CCO complies with HSWA, unless the elected member is also an “officer” of that CCO.

Taking “reasonable steps” required each elected member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, taking into account matters including the nature of council’s business, and the elected members position and nature of his / her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations, whether or not a PCBU is convicted of that offence. Elected members however, when acting in the capacity of an elected member of the council are expressly exempted from prosecution.

### **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 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](#).

# Appendix C: Declaration of Interest template

## Declaration of Interests

### Information for Members:

Sections 54A to 54I of the Local Government Act 2002 (LGA) requires members to provide annual returns of certain pecuniary interests. They are not necessarily conflicts of interest.

The Local Authorities (Members' Interests) Act 1968 (LAMIA) also requires disclosure of conflicts of interests including those of members' spouses and/or children, and some interests in companies and trusts. Those obligations apply as matters arise, and cannot just be made annually.

You are responsible for complying with your obligations under the LGA relating to this return. You can, however, seek advice and guidance from the Registrar of the members' pecuniary interests register on how to complete your return.

### When to file this return:

Insert dates and periods for this triennium.

### How to file this return:

You can file your completed return form with the Registrar (the NRC Governance Specialist) preferably via email or in physical hard copy.

### Privacy Statement:

Your personal information is being collected so that the Council and the Registrar can comply with their obligations under the LGA, particularly those in sections 54A and 54G.

You are required to provide this information under sections 54C to 54H of the LGA. Failure to do so will constitute an offence under section 235 of the LGA.

Your personal information will be used and disclosed in accordance with the purpose of the register set out in section 54B of the LGA, which is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making. The information will be retained for 7 years from the date on which you provide it, and will then be removed from the register.

A summary of your personal information will be made publicly available by the Council, in accordance with section 54A of the LGA. In addition, your personal information will constitute official information, and so is subject to the Local Government Official Information and Meetings Act 1987.

You have the right to access and seek correction of your personal information under the Privacy Act 2020. This can be done by contacting the NRC Governance Specialist.

### Return:

This return is made under section 54C of the Local Government Act 2002, providing information required under sections 54E and 54F of that Act

**Members Name:** \_\_\_\_\_

**12 month period covered by this return:**

1. Are you the director of a company? Yes/No

If so, please provide the name of the company (or companies) and a description of their main business activities:

2. Do you hold more than 10% of voting rights in a company or business entity Yes/No

If yes, please provide the name of the company (or companies) and a description of their name business activities.

3. Do you have a pecuniary interest in any other company or business entity (except as an investor in a managed investment scheme)? Yes/No

If yes, please provide the name of the company (or companies) or business entity (or entities) and a description. This includes investments in listed and unlisted companies, and loans to any company or business entity.

4. Are you employed? Yes/No

If yes, please provide the name of your employer(s) and a description of their main business activities:

5. Do you have a beneficial interest in a trust? Yes/No

If yes, please provide the name(s) of the trust(s):

6. Are you a member of an organisation, a member of the governing body of the organisation, or a trustee of a trust **and** that organisation or trust receives, or has applied to receive, funding from the Council?

Yes/No

If yes, please provide the name of the organisation(s) or trust(s) and a description of their main business activities:

7. Are you appointed to any organisation by virtue of being an elected member? Yes/No

If yes, please provide the title for your appointed role(s), the name of the organisation(s), and a description of them:

8. Do you have a legal interest, other than as a trustee, in any real property Yes/No

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of the property (eg family residence, rental property, or commercial property):

9. Are you the beneficiary of a trust that holds real property (but excluding a trust that is a unit trust you have already disclosed under question 5 or a trust that is a retirement scheme whose membership is open to the public)? Yes/No

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of the property (eg family residence, rental property, or commercial property):

10. Have you travelled to any country (other than New Zealand) where your travel and accommodation costs were not paid in full by you and/or a member of your family (spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild or sibling)? Yes/No

If yes, please provide the name of the country, the purpose of travelling to the country, the name of each person who contributed (in whole or in part) to the costs of travel to or from the country to or any accommodation costs incurred by the member while in the country (if more than one country was travelled to, provide all of this information for each country):

11. Have you received a gift (other than a gift from a family member, unless you consider that disclosed taking into account the purpose of the members' pecuniary interests register) that: Yes/No

- Has an estimated market value in New Zealand of over \$500; or
- When combined with all other gifts from the same donor, have a total estimated market value in New Zealand of over \$500.

(In this question: "gift" includes hospitality and donations in cash or kind, but excludes electoral expenses, and "family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)

If yes, please provide a description of the gift(s) and the name of the donor of the gift(s) (if known or reasonably ascertainable by you):

12. Have you ever received any payment for an activity which you are involved, excluding:

Yes/No

- Any salary or allowance paid to you under the Remuneration Authority Act 1977 or the Local Government Act 2002
- Any payment received from an interest that has already been disclosed in this return; or
- Any payment made in respect of an activity that you ceased to be involved in before becoming a member?

If yes, please provide a description of the payment(s) received by you:

I acknowledge that the above information will by law be made publicly available by way of summary; and might be requested in full under LGOIMA.

Signed|.....Date

## **BACKGROUND**

Councillors must familiarise themselves with, and comply with, the provisions of the Local Authorities (Members' Interests) Act 1968.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at council meetings where matters in which the have a pecuniary interest arise.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by council. The declaration must notify the council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain.
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary.
- the address of any land in which the member has a beneficial interest and which is in the Northland Regional Council.
- the address of any land where the landlord is the Northland Regional Council and:
- the member or their spouse is a tenant, or
- the land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary.
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The later must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual

limit. Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

## Appendix D: NRC's Organisational Culture

- **Listen** - with curiosity, respect and an open mind
- **Kotahitanga** - collaborate, mentor and share to achieve more together
- **Choose positivity** - be optimistic, and see the opportunities in the challenges
- **Whanaungatanga** - embrace the diversity of our people and celebrate our common interests
- **Do the right thing** - be fair, use common sense and show manaakitanga
- **Own it** - stand by our decisions, celebrate our success and acknowledge our mistakes
- **Learn and improve** - grow through reflection and innovation



# Appendix E: Acceptable Use of Computer Technology

All use of NRC computer devices and systems, including smartphones is limited to council employees and elected representatives.

Cyber security is an increasingly important issue with a rapidly changing risk profile and we need you to work with us so that we can respond to threats as they arise. This may mean additional controls are imposed for periods of time to maintain council's defences. Everyone has a personal responsibility to keep up to date with current threats and make appropriate judgements.

Reasonable personal use of NRC devices is permitted as a benefit to our people providing it does not negatively impact on the cost or performance of our council computer systems. Examples of personal use includes making phone calls, accessing the internet, checking personal emails (**mobile phones only**) and creating and printing personal documents. To ensure we can maintain this benefit, do not circumvent the security controls council puts in place and work with us to protect our information, systems, brand and reputation.

Installing personal apps on smartphones is permitted as long as council does not incur any cost. Personal apps must be installed using your own account and wireless network.

The following are not permitted:

- Installing software on council computer systems without approval of IT staff.
- Installing personal apps on devices other than a smartphone including iPads, tablets and/ or laptops.
- Storage of personal photos, videos and music on the council's computer systems - these will be removed if discovered.
- Streaming of online content for personal use.

Charges apply for services such as personal printing, personal international calls and cell phone roaming.

It is expected that NRC email addresses are used primarily for council business. NRC corporate email signatures are not to be altered. Care should be taken to ensure that email content does not adversely affect the council's reputation or place the sender in a conflict of interest situation. All NRC emails are discoverable in terms of LGOIMA and other legal processes.

All devices that connect to the corporate network must have a password that complies with council's password policy, including USB drives which must be encrypted.

Protective covers/cases provided with the devices must not be removed.

NRC has a zero-tolerance policy for texting or emailing while driving and only hands free talking while driving is permitted.

All devices are to be returned when your role with council ceases.