



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Code of Conduct

Te Tai o Poutini Plan Committee

Adopted 28 March 2025

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Part One: Introduction

Under the Te Tai o Poutini Plan Committee Standing Orders all members of Te Tai o Poutini Plan Committee (the Committee) are required to comply with the code of conduct.

This code of conduct provides guidance on the standards of behaviour that are expected from the Chairperson and members of Te Tai o Poutini Plan Committee. The code applies to members in their dealings with:

- Each other
- All staff employed by member parties
- The media
- The general public

For the purposes of this Code "member" means a member of:

- Te Tai o Poutini Plan Committee

The objective of the code is to enhance:

- The effectiveness of the Committee as the governance body for TTPP.
- The credibility and accountability of the Committee within its community.
- Mutual trust, respect and tolerance between the members as a group and between the members, management and staff of member parties.

This code of conduct seeks to achieve its objectives by recording:

- An agreed statement of roles and responsibilities (Part Two of the code)
- Agreed general principles of conduct (Part Three of the code)
- Specific codes of conduct applying to particular circumstances or matters (Part Three of the code).

Members are primarily accountable to the electors of the districts through the democratic process. However, members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public Interest.** Members should serve only the interests of the districts as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and Integrity.** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.
- **Objectivity.** Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Members should also note that, once elected, their primary duty is to the interests of the entire districts, not the ward or body that elected them.
- **Accountability.** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Members should be as open as possible about their actions and those of the Committee and should be prepared to justify their actions.

- **Personal Judgement.** Members can and should take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions. Decisions will be based upon views put forward as part of the debate in the Committee meetings and pre-determination and bias will be avoided.
- **Respect for others.** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Committee staff.
- **Duty to uphold the law.** Members should uphold the law and, on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Members must ensure that the Committee uses resources prudently and for lawful purposes.
- **Leadership.** Members should promote and support these proposals by example and should always endeavour to act in the best interests of the community.

Part Two: Roles and responsibilities

This part of the Code describes the roles and responsibilities of members.

Under the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018, the Committee's responsibilities are to:

- Prepare and notify a combined district plan;
- Hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the draft combined district plan;
- Adopt a final combined district plan;
- Monitor implementation of the combined district plan and the need for any amendments; and
- Undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.

Members acting as the Committee are also responsible for:

1. prudent stewardship of Committee resources including finances
2. representing the interests of the residents and ratepayers of the West Coast.

Unless otherwise provided in the Local Government Act 2002 or in Standing Orders, the Committee can only act by majority decisions at meetings. Each member present at the meeting has one vote. Any individual member (including the Chairperson) has no authority to act on behalf of the Committee unless the Committee has expressly delegated such authority.

For clarity it should be noted that the Chief Executive, West Coast Regional Council (the Chief Executive), employs all other staff on behalf of the Committee. He / she therefore represents the link between the Committee and its staff.

Part Three: Relationships and Behaviours

This part of the code sets out the Committee's agreed standards of behaviour.

Members' commitment

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

1. Treat all people fairly,
2. Treat all other members, staff, and members of the public, with respect,
3. Share with the Committee any information received that is pertinent to the ability of the Committee to properly perform its statutory duties,
4. Make it clear, when speaking publicly, including through social media, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the Committee,
5. Take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
6. Not bully, harass, or discriminate unlawfully against any person,
7. Not bring the Committee into disrepute,
8. Not use their position to improperly advantage themselves or anyone else or disadvantage another person,
9. Not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Committee,
10. Not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

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

Principles of Good Governance

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

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

Relationships with other members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind, members should conduct their dealings with each other in ways that:

maintain public confidence in the office to which they have been elected
are open and honest
focus on issues rather than personalities
avoid aggressive, offensive or abusive conduct

Relationships with staff

The effective performance of the Committee also requires a high level of co-operation and mutual respect between elected members and staff. To ensure that co-operation and trust is maintained, members will:

- Recognise that the Chief Executive is the employer (on behalf of the Committee) of all Committee employees and as such, only the Chief Executive may hire, dismiss, or censure an employee.
- Make themselves aware of the obligations that the Committee and the Chief Executive have as employers and observe those requirements at all times.
- Treat all employees with courtesy and respect (including the avoidance of aggressive, offensive, or abusive conduct towards employees).
- Observe any guidelines that the Chief Executive puts in place regarding contact with employees.
- Not do anything which compromises, or could be seen as compromising, the impartiality of an employee.
- Avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee.
- Raise concerns about employees only with the Chief Executive and concerns about the Chief Executive only with the Chair, West Coast Regional Council.

Relationships with the community

Effective Committee representation depends on productive relationships between members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Committee, have their concerns listened to, and deliberated on, in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

Contact with the media

The media plays an important part in local democracy. In order to fulfil this role, the media needs access to accurate, timely information about the affairs of the Committee. From time-to-time individual members will be approached to comment on a particular issue either on behalf of the Committee, or as an elected member in their own right. This part of the Code deals with the rights and duties of Committee members when speaking to the media on behalf of the Committee, or in their own right.

The following rules apply for media contact on behalf of the Committee:

- The Chair is the first point of contact for the official view on any issue.
- The Chair may refer any matter to the Chief Executive to deal with.
- No other member may comment on behalf of the Committee without having first obtained the approval of the Chair.

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

- Media comments must state that it represents an individual, personal viewpoint and not that of the Committee.
- Where a member is making a statement that is contrary to a Committee decision, the member must not state or imply that his or her statements represent a majority view.
- Media comments must observe the other requirements of the Code of Conduct, e.g. not disclose confidential information or compromise the impartiality or integrity of staff, and not criticise other Committee members.

Confidential information

In the course of their duties, members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member. Committee members must also maintain practices that will prevent information provided to them from becoming public.

Members should be aware that failure to observe these provisions will impede the performance of the Committee by inhibiting information flows and undermining public confidence in the Committee. Failure to observe these provisions may also expose the Committee to prosecution under the Privacy Act 1993 and/or civil litigation.

Dealing with official information

Members must treat all information, written and otherwise, as official information and therefore confidential to them. Should they receive requests for copies of such information, such requests should be referred to the Chief Executive to deal with in terms of the Local Government Official Information and Meetings Act 1987/Privacy Act.

These Acts provide safeguards in relation to information released.

Conflicts of interest

Members must be careful that they maintain a clear separation between their personal interests and their duties as a member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived) and that no pre-determination is involved. Members need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

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 Committee exceed \$25,000 (incl GST) in any financial year.

Additionally, Members are prohibited from participating in any Committee 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 Committee or has a pecuniary interest. Members must declare their interests at Committee meetings where matters in which they have a pecuniary interest arise and must make sure it is duly noted in the minutes of such meetings.

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. Notwithstanding this or other provisions contained herein, the decision to declare an interest or not remains that of the member.

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 latter 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 the Committee.

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.

Conflicts of interest also extend to non-pecuniary interests. Members will refrain from actively progressing the interests of clubs, bodies, and associations of which they are members. Apart from being able to comply with the pre-determination and bias requirement, it is unfair to other such bodies without elected member representation.

Standing orders

Members must adhere to the Standing Orders adopted by the Committee under the Local Government Act 2002. These Standing Orders are subject to the same legal requirements as a Code of Conduct with regard to their adoption and amendment.

Ethics

The Committee seeks to promote the highest standards of ethical conduct amongst its members. Accordingly, members will:

Claim only for legitimate expenses as laid down by any determination of the Remuneration Authority in force.
Not influence, or attempt to influence, any Committee employee to take actions that may benefit the member, or the member's family or business interests.

Not use Committee resources for personal business (especially campaigning).

Not solicit, demand, or request any gift, reward or benefit by virtue of their position.

Notify the Chief Executive if any gifts are accepted.

Where a gift to the value of \$100 or more is offered to a member, immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

For the avoidance of doubt, attending a meal, as part of a member's interaction with a third party, will not be seen as a gift. However, attending a sporting event as guest of a body may well represent a gift for purposes hereof.

Part Four: Compliance and review

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, Section 15(4)).

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978.

The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to members. A short explanation of the obligations that each of these has with respect to conduct of members is attached in the appendix to this code. The process is as follows:

All alleged breaches of the code will be reported to the Chair or, in their absence, the Chief Executive. Any allegation of a breach of a Code of Conduct must be in writing, make a specific allegation of a breach of the Code of Conduct, and provide corroborating evidence.

The Chief Executive will convene the Code of Conduct Committee to hear the allegation of a breach of the Code of Conduct and will appoint an independent member to the Code of Conduct Committee to investigate such alleged breaches of the Code of Conduct. The Chair will be a member unless he / she is accused of a potential breach.

The Committee will investigate the alleged breach and prepare a report with a recommendation for the consideration of Committee. Before beginning any investigation, the Committee will notify the member(s) in writing of the complaint and explain when and how they will get the opportunity to put their version of events.

The Committee will consider the report containing the recommendations of the Code of Conduct Committee in open meeting of the Committee, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public, or where the provisions of Section 6, 7 or 17 of the Local Government Official Information and Meetings Act 1987 apply.

Responses to breaches of the code

The exact nature of the action the Committee may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authorities (Members' Interests) Act 1968.

Breaches which result in the Committee suffering financial loss or damage may be reported on by the Auditor-General under section 46 of the Local Government Act 2002, which may result in the member having to make good the loss or damage.

Breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases, the Committee may refer an issue to the relevant body as outlined, any member of the public may make a complaint, or affected third parties may take action on their own initiative.

Where non-statutory provisions in the Code, the Committee may, based on the Conduct Review Panel report, take the following action:

Censure.

Removal of the member from the Committee.

A decision to apply one or more of these actions requires a Committee resolution to that effect.

Review

Once adopted, a Code of Conduct continues in force until amended by the Committee. The Code can be amended at any time but cannot be revoked unless the Committee replaces it with another Code. Once adopted, amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the members of the Committee present.

Appendix

Legislation bearing on the role and conduct of members

This is a summary of the legislation requirements that have some bearing on the duties and conduct of Members. Copies of these statutes can be found online, or in the office of the Chief Executive.

Local Authorities (Members' Interests) Act 1968

This Act regulates situations where a member's personal interests impinge, or could be seen as impinging, on their duties as an elected member.

The Act provides that a Member is disqualified from office if that member (or his or her spouse) is concerned or interested in contracts under which payments made by or on behalf of the Committee exceed \$25,000 (GST incl) in any financial year.

Additionally, Members are prohibited from participating in any Committee discussion or voting 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.

A Member may also contact the Audit Office for guidance as to whether that member has 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. 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 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 and may become ineligible to be elected to public office again.

Local Government Official Information and Meetings Act 1987

The Act provides how, and under what circumstances, official information and requests for it, be managed. It boils down to the accessibility of information held and the rights of those who are the subject of the information.

The Local Government Official Information Meetings Act 1987 also sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of members is the fact that the Chair has the responsibility to maintain order at meetings, but all members should accept a personal responsibility to maintain acceptable standards of address and debate. No member should:

- Create a disturbance or a distraction while another member is speaking
- Be disrespectful when they refer to each other or other people
- Use offensive language about the Committee, other members, any employee of the Committee, or any other individual including the public.

Secret Commissions Act 1910

Under this Act it is unlawful for a 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 Committee.

If convicted of any offence under this Act, a person can be imprisoned for up to two years, or fined up to \$1,000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for a 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 Committee.

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 7 years or more. Members convicted of these offences will also be automatically ousted from office.

Financial Markets Conduct Act 2013

The Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever Committee debt, equity or such is involved. It is perhaps unlikely that Committee members will be involved but it has to be understood that telephone or one-to-one discussions may result in legitimate expectations being created. Because of the high potential for fraud, loss etc., the rules are stringent. It is meant for the Committee to also ensure that dealings by staff on behalf of the Committee as part of the executive function must comply with the Act.