

Selwyn District Council

Code of Conduct



CODE OF CONDUCT

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SELWYN DISTRICT COUNCIL CODE OF CONDUCT

1. INTRODUCTION

- 1.1 This code of conduct has been prepared to provide guidance on the standards of behaviour expected of members of the Selwyn District Council. Prior to August 2003, this Council had adopted a code of conduct recognising a “best practice” approach to relationships between the Mayor and Councillors (as a group), and their relationship with staff.
- 1.2 The Local Government Act 2002 (schedule 7 part 15) now requires the adoption of a code of conduct. This code differs slightly from the previous version in that the Act requires the code to refer to all members of the Council. The definition of members includes The Mayor, Councillors and Community/Area Board Members (including appointed members).
- 1.3 It applies to members in their dealings with:
- each other
 - Council staff
 - the public
 - the news media.
- 1.4 The code also outlines the practices in relation to the disclosure of information.
- 1.5 Aspects of the code of conduct also provide guidance on the standards of behaviour required of Council management. It is a code agreed to by members and management to enhance:
- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good government of the Selwyn District.
 - the credibility and accountability of the Council within its community
 - mutual trust, respect and tolerance between the members as a group and between the members and management.

- 1.6 This code of conduct seeks to achieve its objectives by recording:
- an agreed statement in respect of responsibilities
 - agreed general principles of conduct or etiquette
 - specific codes of conduct applying to particular circumstances or matters.
- 1.7 Without successful teamwork any democratically elected organisation will have difficulty succeeding. No team will be effective unless mutual respect exists between leaders and members. This code seeks to facilitate more effective teamwork. Members will contribute, and listen openly and honestly, be open to change and others perspectives, and respect and consider other points of view.

2. RESPECTIVE RESPONSIBILITIES

2.1 The Local Government Act 2002, envisages a clear separation of roles and responsibilities between members and management. The office of the Mayor has additional characteristics created as much by custom as by legislation.

2.2 Members (Council as a Whole)

The members, acting as the Council, are responsible for-

- the development and approval of Council policy.
- determining the expenditure and funding requirements of the Council through the Long Term Community Council Plan (LTCCP) and Annual Budget processes.
- monitoring the performance of the Council against its stated objectives and policies.
- for employing, overseeing and monitoring the CEO.

2.3 Community/Area Board members have specific duties delegated to them for the area they represent. Their responsibilities are related to representing their various community interests.

2.4 The Council can only act by a majority decision at meetings. Each member has one vote. With certain exceptions, the exercise of the Council's powers can be delegated to: committees or subcommittees or to individual persons.

2.5 The members are accountable to electors through the ballot box. They have declared that.

They will faithfully and impartially, and according to their best skill and judgement, execute and perform in the interests of the Selwyn District, the

statutory powers, authorities and, duties vested in or imposed upon them as members of the Selwyn District Council.

In certain matters the members are also accountable to the Office of the Auditor General, for example in respect of illegal actions or expenditures, or for breaches of the Local Authorities (Members' Interests) Act 1969.

2.6 The Mayor

The Mayor is one of the members, and shares the same collective responsibilities. The Mayor is elected by the District at large and is the presiding member at meetings of the Council, and as such is responsible under standing orders for the orderly conduct of Council business at meetings.

2.7 The Mayor has no power to commit the Council to any particular course of action except where specifically authorised to act under duly delegated authority.

2.8 The Office of Mayor carries with it an element of community leadership in addition to the statutory role as presiding member of the Council. The leadership role frequently requires the Mayor to act as community advocate, promoting the attributes of the community and representing its interests. Community leadership and advocacy will be more effective where it is carried out with the knowledge and support of the Council.

2.9 The Mayor is required to be a Justice of the Peace while holding office as Mayor.

2.10 The Deputy Mayor in addition to the responsibilities of councillor, is authorised to chair meetings of the Council in the Mayor's absence, and generally to perform the functions and duties of the Mayor:

- With the Mayor's consent at any time during the Mayor's temporary absence; or
- Without the Mayor's consent at any time while the Mayor is prevented by illness or other cause from performing the functions and duties or exercising the powers of office or while there is any vacancy in the office of Mayor.

2.11 Portfolio Committee Chairs. The Council charges the Chair of a Portfolio Committee with overseeing the business of that portfolio committee consistent with the powers delegated to it.

2.12 Portfolio Committee Chairs are responsible for ensuring the orderly conduct of their committees in carrying out their business.

2.13 Chief Executive

The Chief Executive Officer is responsible for the implementation and management of the Council's policies and objectives within the budgetary constraints established by the Council. In terms of the Local Government Act 2002, the Chief Executive Officer's responsibilities are:

- (a) implementing the decisions of the Council
- (b) providing advice to members
- (c) ensuring that all functions, duties and powers delegated to the Chief Executive Officer or to any person employed by the Council, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- (d) ensuring the effective, efficient and economic management of the activities and planning of the local authority.

2.14 The Chief Executive Officer is responsible for the employment of all other staff of the Council.

3. DECISION MAKING

3.1 Predeterminations or Bias:

Members are expected to approach decision making with an open mind ("faithfully and impartially"). This process requires members to listen carefully to competing advice and to weigh up the pros and cons before making their decision. Where Council, its Committees and the Community/Area Board are hearing formal submissions at a hearing, members should carefully avoid prior public comments, which show a predetermined bias or non-flexible attitude.

3.2 Decisions are made at various levels within the Council. Effective governance occurs when an organisation's structure and operating principles recognise, through effective delegation, the need to empower members and staff to make decisions at strategic and operational levels, as appropriate to their role.

3.3 The Council is required to make decisions that take into account and balance the various needs and preferences of its residents. Good decision-making requires considered advice that addresses relevant matters and consequences.

3.4 The Council should only make decisions at Council meetings on those matters that are accompanied by staff reports that address the considerations outlined in paragraph 3.8. While the Council may hear submissions and delegations, and, within the limits of the legislation, discuss matters raised from the floor of the meeting, no decisions should be made unless the matter is accompanied by a written report.

3.5 Similarly, Committees of the Council will only make decisions at official Committee meetings where the item to be considered is accompanied by a staff report that addresses the considerations outlined in paragraph 3.6.

3.6 Where an item of urgency arises which legitimately can be decided in terms of paragraph 3.8 and the timing precludes the preparation of a staff report, the presiding member will call for a verbal report from the relevant manager. The delivery of the verbal report does not allow the Council to make a decision.

- 3.7 Attendance by members at conferences/seminars/workshops is an important part of training and keeping members informed of critical issues. The Mayor/Chief Executive and members of the Management Team are authorised to approve the attendance of members at conferences/seminars/workshops within New Zealand. Attendance outside of New Zealand requires a Council resolution. (Refer 10.1)
- 3.8 Matters not on the agenda will only be dealt with in accordance with section 46A(7) or (7A) of the Local Government Official Information and Meetings Act 1987. This means that minor matters relating to the general business of the Council may be discussed but not acted upon (other than by reference to a subsequent meeting). Minor items are to be identified to the meeting Chairperson when 'Identification of Urgent General Business' is considered. The explanation for the business is then made to the meeting but is not discussed until Urgent Business appears on the agenda later in the meeting.
- 3.9 The above requirements will also be taken into account when agendas are set for meetings of the Council and its Committees. As a rule items should be raised with the Chief Executive Officer and identified sufficiently far in advance to allow management to provide the accompanying analysis and advice.
- 3.10 While the Council (the corporate body made up of all the members) is ultimately accountable, its function is not to make detailed decisions on operational matters. The Council, committee structures and members day to day dealings with the Chief Executive Officer should recognise the statutory responsibilities of the Chief Executive Officer for the effective management of the Council.
- 3.11 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. (Refer to 5.7 for further information)
- 3.12 Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member. (Refer to 5.7 for further information)
- 3.13 Members should be aware that failure to observe these provisions will impede the performance of council by inhibiting information flows and undermining public confidence in the council. (Refer to 5.7 for further information)
- 3.14 Failure to observe these provisions may also expose council to prosecution under the Privacy Act 1993 and/or civil litigation.

4. BEHAVIOUR OF MEMBERS

- 4.1 All members should insist on the respect and dignity of their office in their dealings with each other, management and the public. Members should remember that they have no personal power to commit the Council to any particular policy or course of action or expenditure. That can only be done by resolution at a meeting of the Council or a committee with delegated authority.

- 4.2 Councillors who have concerns regarding specific staff should not raise them with any employee other than the Chief Executive, and at all times their dealing should be through the Chief Executive. Should any member have a concern and not be satisfied with the response of the Chief Executive the committee or council process should be used to address the concern. That way members will be properly informed, particularly if any public explanation or comment is required. Statements that are contentious should be raised only after consultation with the Chief Executive Officer.
- 4.3 Members, not officers, bear the ultimate responsibility for decisions made by themselves and by officers. Members should ensure that the anonymity of individual officers is preserved and should not adversely comment publicly on the management or staff of the Selwyn District Council.
- 4.4 When a decision has been made by the Council, and the decision is contrary to a particular member's point of view, that member's public statements should make it clear that they represent a minority view.
- 4.5 members should act in good faith (ie. honestly, for the proper purpose, and without exceeding their powers) in the interests of the council and the community.
- 4.6 members should make no allegations, which are improper or derogatory. In the performance of their official duties they should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

5. EXTERNAL COMMUNICATIONS

- 5.1 Within the limits imposed by standing orders, at any meeting of the Council (or at any committee), every member (who has the right to speak at the meeting) has the right to express their opinion on any matter lawfully before the meeting. Once a matter has been lawfully determined at a meeting of the Council, it determines the Council's position on that matter until it is lawfully changed by a subsequent decision of the Council. All members and management will respect this position.
- 5.2 Public statements representing Council policy or reporting decisions of the Council will be made only with specific or general authority of the Council, and will clearly state the person's authority for making the statement on behalf of the Council.

Generally:

- The Mayor is authorised to make statements accurately reporting decisions of Council meetings.
- Committee Chairpersons are authorised to make statements accurately reporting decisions of their committees, and factual statements relating to decisions of the Council or its committees. The Chief Executive Officer is authorised to make statements relating to any of the areas for which the Chief Executive Officer has statutory responsibility.

- Department managers may make factual statements relating to the functions of their departments
- 5.3 Otherwise the Chief Executive, Mayor, or any member or officer may make specific statements on behalf of the Council only with the specific authority of the relevant Council, committee or subcommittee meeting.
- 5.4 The Mayor may deal with the news media and make public statements relevant to the non-statutory role as a community leader, only where it is clearly stated that the views expressed are the Mayor's own and are not made on behalf of the Council. No statements made in this capacity shall undermine any existing policy or decision of the Council.
- 5.5 Members are entitled to make public statements expressing their opinion on matters before the Council. All such statements should clearly state that they represent the **personal** opinion of the member and are not made on behalf of the Council.
- 5.6 The Chief Executive Officer, management and staff should not comment publicly on the performance of the Council or members.
- 5.7 Confidential Information

Members have the responsibility to see that whenever possible business is conducted in "open" meeting. Powers to exclude the public should be used only where absolutely necessary and for the reasons permitted by law. Business conducted where the public is excluded remains confidential and should not be disclosed to the public until either the Council decides by resolution to make it public or the Chief Executive Officer determines in response to a request under the Local Government Official Information and Meetings Act 1987, or the Privacy Act 1993 that there is no longer good reason to withhold it under the Act. Subject to these Acts, any information of a confidential nature will not be communicated. It is a grave betrayal of trust to disclose information while it is confidential or use such confidential information for private gain.

6. INTERNAL COMMUNICATIONS

- 6.1 The Mayor, Portfolio Committee Chairs and Chief Executive Officer will meet informally (perhaps monthly) to maintain and promote effective communication. The function of these meetings is to ensure that all parties are familiar with the work being carried out by each; to improve co-ordination; and to ensure the business of the Council and its Committees is conducted in a timely and effective manner.
- 6.2 At every ordinary meeting of the Council, the Mayor will table a report within the agenda outlining activities undertaken in the capacity of Mayor (including activities in the community leadership/advocacy role) since the date of the last ordinary meeting or any matters the Mayor wishes to draw to the attention of Council.
- 6.3 At every Portfolio Committee meeting, the Chair of that committee will table a report in the agenda outlining activities undertaken in the capacity as Chairperson, or any matters the Chairperson wishes to draw to the attention of the committee.

- 6.4 Other members will provide reports on their attendances on behalf of the Council. (refer to Section 10)
- 6.5 All meeting agendas will be finalised by the Chief Executive Officer or Departmental Manager in consultation with the presiding member (the Mayor in the case of Council meetings, the relevant Committee Chair in the case of committee meetings). Agendas will include reference to any deputations to be received at the meeting.

7.0 GIFTS/HOSPITALITY/EXPENSES

- 7.1 Acceptance of gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. The offer and receipt of gifts, including special occasion goodwill gifts must be reported to the CEO. Working lunches and social occasions should be undertaken in an appropriate manner.

7.2 Expenses and Allowances

A member is entitled to claim expenses and allowances in connection with their duties.

7.3 Use of Facilities

Transport, stationery, or secretarial services, provided by the Council for use of a member, must be used for no other purpose.

8. PUBLIC DUTY

- 8.1 Councillors have a responsibility to the whole community of Selwyn District.
- 8.2 Members who are on a ward or constituency basis have a special duty to that ward and will be expected to undertake local functions, and represent local issues and the constituents but not to the detriment of their district wide responsibilities.
- 8.3 Actions of all members may need to be justified to the public. The reputation of the Council is dependent on members' conduct, and the public perception of this conduct.

9. DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

- 9.1 The law makes specific provision requiring the member to disclose pecuniary (financial) interest. But interests which are not pecuniary can be just as important. Family connections, kinship, friendship, membership of an association, society, company or trade union, trusteeship and many other kinds of relationships can influence members' judgement and may give the impression that an member might be acting for personal motives. A good test is to consider whether others would think that the interest is of a kind to make this possible. If members are in doubt,

disclose the interest, seek advice from the Mayor, Committee Chairperson or Chief Executive Officer and if necessary withdraw from the meeting.

- 9.2 A member or some firm or organisation with which the member is personally connected may have professional, business or personal interest within the area for which Council is responsible. Such interests may be substantial and closely related to the work of one or more of the Council's committees or subcommittees, concerned with (say) planning or developing land, personnel matters, or the letting of contracts for supplies, services or works. Before seeking or accepting membership and particularly the chairing of any such committee or subcommittee, that member should seriously consider whether membership would involve them.
- a) in disclosing an interest so often that the member would be of little value to the committee or subcommittee; or
 - b) in weakening public confidence in the impartiality of the committee or subcommittee.
- 9.3 The principles about disclosures of interest should be borne in mind with regard to unofficial relations with other members, at informal occasions no less scrupulously than at formal Council or Committee meetings.

10. REPRESENTING THE COUNCIL

- 10.1 Members who are invited or wish to represent the Council at an event such as a seminar or conference, must meet the following conditions:
- The Mayor/Chief Executive/Management Team must approve any requests involving members travelling outside the Canterbury/Selwyn District at Council expense. International travel must be approved by the Council.
 - The cost of representation must be within the annual budgeted figure for such activities unless the Council makes specific authorisation for additional expenditure.
 - Following his or her attendance, the member must forward a written report to the Council, or appropriate Portfolio Committee, which summarises the event including its potential significance to the business of the Selwyn District Council. Where the Council is represented by a delegation, one member of the party will report back on their behalf.
- 10.2 These requirements apply to situations where members will be participating as representatives of the Selwyn District Council. They do not apply to situations where members attend in a private capacity. In such cases the member may wish to report to the Council on items of interest or general value.

11. DISQUALIFICATION OF MEMBERS FROM OFFICE

- 11.1 Members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.
- 11.2 Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require members to declare whether they are an undischarged bankrupt.
- 11.3 This council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general.
- 11.4 The council therefore requires members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

12. IMPLEMENTATION

- 12.1 This Code is intended to provide guidance to members and management in their relationships and the exercising of their functions and duties. It should be read in conjunction with, and does not replace, the obligations set out in the Local Government Act, the Local Government Official Information and Meetings Act 1987, any other Act and the Council Standing Orders.
- 12.2 The parties to this code agree to abide by its provisions at all times having regard to the declaration of office and Council policy.
- 12.3 For avoidance of doubt, a member must adhere to the Code of Conduct. A breach of the code of conduct does not constitute an offence under the Local Government Act but may raise questions about the members standing within the Council.
- 12.4 Breaches of the Code of Conduct must be forwarded to the Chief Executive in writing.
- 12.5 If a breach of the code of conduct is considered to be serious by the Council, that Councillor maybe removed from their position as a Chairperson (if relevant)

Appendix One

POLICY QUALITY

The following guidelines will be applied as appropriate to ensure that the advice provided by Management to the Council and its Committees meets accepted quality standards.

To the extent that they are relevant and appropriate to the particular case, the following eight tests will be applied to all work produced:

- clear purpose - papers set out clearly what is to be addressed, the background, land status (if appropriate).
- flow logically - arguments are set out coherently, the reader is taken logically through the arguments, all conclusions are justified and recommendations arise from the arguments in the paper.
- accurate - claims made are justifiable, facts are accurate, and references can be identified.
- timely - work is produced to agreed timelines; any delays are signaled in advance and re-negotiated; parties are given the longest possible time to provide input.
- provides assessed options - alternative options for action are identified; implications and consequences of options are explored; options are linked to strategic goals and outcomes.
- reflects consultation - work is based on good consultation practice as defined; all views are canvassed and taken into account; consultation practice includes stakeholders as well as membership and staff (where appropriate for internal processes).
- proposals practical as to implementation - proposals put forward have been tested for workability and likelihood of being achievable in application.
- material clearly presented and error free - material is presented in a modern professional style, free of gender bias, and with a minimum of jargon.
- costs/savings are identified – both in terms of financial and social costs/savings.

Appendix Two

EXPENSES AND ALLOWANCES (To be reviewed November 2004)

1. SALARY

As at 13 August 2003:

	\$ per annum
Salary Mayor	\$59,690
Salary Deputy Mayor	\$18,510
Salary Chairperson Portfolio Committee	\$14,000
Salary Councillor	\$6,450
Salary Chairperson Community or Area Board	\$4,000
Salary Community or Area Board Member	\$3,000

2. MEETING FEE

As at 13 August 2003:

	\$ per meeting
Deputy Mayor	\$130
Chairperson Portfolio Committee	\$130
Councillor	\$130
Chairperson Community or Area Board	\$115
Community or Area Board Member	\$115

- 2.1 Only one fee is payable per day no matter how many meetings are attended. The exception to this is where a Councillor attends a Council meeting and a Community/Area Board meeting on the same day.
- 2.2 The Mayor is not eligible for meeting fees.

- 2.3 Councillors not members of a committee are entitled to meeting fees and mileage claims because the Council has formally resolved that Councillors must attend other Portfolio Committee meetings if they are able to ensure they are fully informed about the activities of the Council.
- 2.4 For meeting fees to be paid the meeting must be advertised and/or minutes of the meeting must be kept, except for deliberative meetings where only the minutes of the meeting need be kept. The meeting must also have a Chairman.
- 2.5 Councillors to a Community/Area Board through the public election process, may not receive a statutory retainer, either as Chairperson of the Board or Community/Area Board member.
- 2.6 There will also be times when it is appropriate for members to attend meetings either to support staff or instead of staff. In such situations a meeting fee is payable as long as the Mayor/Chief Executive or appropriate member of the Management Team has approved the payment prior to the meeting.

3. FEES FOR MEETINGS

- 3.1 Grade "A" Meetings - \$ 130 per day – Councillors (The meeting fee of \$130 is the current fee as at 7 November 2001. Council policy R 203 applies to meeting fees in that any new determinations issued are automatically applied as per the policy)

Meetings of Full Council - Meetings of the seven Portfolio Committees and any Portfolio sub-committees - Conferences/Seminars approved by resolution or as per 2.6 of Appendix 2 - Executive Committee - Chief Executive's Performance Review Committee - Zone 5 meetings, meetings with Local Government Commission or Central Government or their agencies (by Council resolution or by Mayoral consent) - Joint Issues Committee meetings (Selwyn District Council representatives) - Cross-boundary or cross-functional meetings with neighbouring authorities or the Canterbury Regional Council. Sub-committees of the Council including Water Races, Road Safety, Animal Control and Stock Drovers, Hillary Commission, Grants, Creative Communities, any other Selwyn District Council Sub-committee, Projects Teams, other organisations including Summit Road Authority, Canterbury Joint Portfolio Committee, Environment Canterbury River Catchment Rating/Pest Area Committees, Land Drainage, Reserve, Hall and Community Centre Area Committees.

Note: All meeting fees and travelling expenses are to be charged against the 'Cost of Democracy' except for resource consent hearings which are charged to Resource Management.

- 3.2 Grade "B" Meetings - \$115 per day – Community/Area Board Members (The meeting fee of \$115 is the current fee as at 7 November 2001. Council policy R 203 applies to meeting fees in that any new determinations issued are automatically applied as per the policy)

Community/Area Board Meetings.

Any meeting of a community committee where a member of the Community/Area Board has been appointed to that committee by the Board.

- 3.3 Grade "C" Meetings - Nil.
Other meetings and constituent duties e.g. Ratepayers Associations (not recognised by the Council as a Community Advisory Committee), Mayor and Chairperson forums, meetings with constituents.
- 3.5 Reconvened meetings are not eligible for additional fees except with prior authorisation by resolution of the Council or by the Mayor.
- 3.6 Attempts should be made to group/combine meetings to reduce costs.

4. MILEAGE CLAIMS

Every reasonable effort should be made by individuals to share transport and so reduce costs. Mileage claims can be made for:

- 4.1 All "A", "B" and "C" Grade meetings.
- 4.2 When representing the Council by resolution of the Council on a committee.
- 4.3 Mileage claims are to be based on travel from your normal residence and any variation to this must be with the approval of the Mayor.

5. MEALS AND ALLOWANCES

When it is unreasonable for a Councillor to return home from an authorised meeting, meals and overnight accommodation may be claimed on an actual and reasonable basis.

6. TOLLS

Reasonable business toll calls may be reimbursed on presentation of a telephone account with details showing to whom the call was made.

7. ATTENDANCE AT CONFERENCES, ETC.

For Councillors and Community/Area Board Members who are authorised to travel out of the region for conferences and meetings, see the Corporate Services Manager before the event to make appropriate arrangements regarding expenses. All air travel and hotel bookings must be done through the staff to ensure the discounts Council has negotiated are picked up. The Chief Executive's PA will arrange air travel and accommodation for you.

8. OTHER EXPENSES

- 8.1 Claims for expenses such as meals must be accompanied by receipts and details of the reasons for the claim.
- 8.2 Any queries regarding claims should be directed to the Corporate Services Manager.

Appendix Three

LEGISLATION BEARING ON THE ROLE AND CONDUCT OF MEMBERS

This is a summary of the legislation requirements that has some bearing on the duties and conduct of members. Copies of these statutes can be found in the council library or in the office of the Chief Executive.

Local Authority (Members' Interests) Act 1968

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

The Act provides that a member is disqualified from 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, members are prohibited from participating in any council 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.

Members 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 member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction members will be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 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 Councillor is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about the council, other Councillors, any employee of the council or any member of 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 invoices/documentation to council.

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fines up to \$1000, or both. A conviction therefore would trigger the 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 council
- use information gained in the course of their duties for their, or another persons, 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.

Securities Act 1978

The Securities Act 1978 essentially places members in the same position as company directors whenever council offers stock to the public.

Members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Douglas Marshall
MANAGER CORPORATE SERVICES

The Council at its ordinary meeting on 10 September 2003 adopted the Code of Conduct.