

APPENDIX THREE – PROPOSED TERMS OF REFERENCE

ELECTED MEMBER CONDUCT COMMITTEE

Membership

All elected members of the Council and an independent person to be appointed by Council.

Quorum

Three, one of whom must be the independent person to be appointed by Council.

Chair

The independent appointment will be the Chair.

Frequency of Meetings

The Elected Member Conduct Committee will meet as required.

Parent Body

The Elected Member Conduct Committee is a standing committee of the Queenstown Lakes District Council, which survives a triennial general election of members.

Objectives of the Committee

- 1 To monitor compliance with:
 - (a) the Queenstown Lakes District Council Code of Conduct for Elected Members ('Code of Conduct') and;
 - (b) the Queenstown Lakes District Council Standing Orders ('Standing Orders');
- 2 Conduct an inquiry into any matters which may be referred to it by the Chief Executive or an elected member;
- 3 Conduct an inquiry and determine whether or not any complaint is to be upheld and to make recommendations to Council;
- 4 Consider, report and make any other recommendations to the Council concerning any matters arising from its inquiry in relation to or concerning any complaint alleging a breach of Standing Orders or the Code of Conduct.

Terms of Reference

- 1 To receive a complaint into any alleged breach of Standing orders or Code of Conduct referred by the Chief Executive or the Mayor.
- 2 To conduct an inquiry into any complaint alleging a breach of Standing orders or Code of Conduct and to hear evidence and submissions;
- 3 To determine whether or not the complaint is upheld on the balance of probabilities;
- 4 Where the committee has determined that a breach of the Standing Orders or Code of Conduct has occurred, to make any or any combination of the following recommendations to Council:
 - (a) Refer the determination of the Elected Member Conduct Committee to the auditor general and/or the New Zealand Police or other appropriate public body;
 - (b) Censure;

- (c) Reconstitution of a Committee or sub-committee of Council to effect removal of the elected member (either permanently or temporarily) from Council Committees
- (d) Dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.
- (e) Dismissal of the elected member from appointment to any other representative bodies (either permanently or temporarily).
- (f) For breaches of the Code of Conduct in relation to electronic resources or communications, removal of Council owned computer/electronic equipment and termination (either permanently or temporarily) of access to any electronic resources of Council.

Public Excluded

Due to the privacy interests that arise in the exercise of the terms of reference, attendance at any meetings of the Elected Member Conduct Committee is restricted to members of this Committee, unless a hearing is to be conducted in public.

Delegated Authority

The Elected Member Conduct Committee has the delegated authority to carry out activities within its terms of reference. For the avoidance of doubt, the terms of reference for the Elected Member Conduct Committee do not include any powers concerning protected disclosures, the Protected Disclosures Act 2000, or the Queenstown Lakes District Council Protected Disclosures Policy.

Delegation Limitations

The Elected Member Conduct Committee may not delegate any of its responsibilities, duties or powers.

Procedure

- 1 The Elected Member Conduct Committee will convene on the delivery of a complaint to the Chairperson.
- 2 The Elected Member Conduct Committee will decide the nature and scope of the inquiry to be conducted.
- 3 The Elected Member Conduct Committee may resolve to conduct its enquiries and proceedings with the public excluded to the extent provided by s48 of the Local Government Official Information and Meetings Act 1987.
- 4 The Elected Member Conduct Committee may resolve that the publication of any information may be prohibited or restricted to the extent provided by s48 of the Local Government Official Information and Meetings Act 1987.
- 5 The Elected Member Conduct Committee will conduct its proceedings in accordance with usual judicial principles and may:
 - (a) receive any evidence in any form that it considers appropriate to receive;
 - (b) call for anything to be provided in evidence which it considers will assist it to make a decision or recommendation;
 - (c) call before it a person to give evidence, who in its opinion, will assist in making a decision or recommendation.
 - (d) the following provisions of the Commissions of Inquiry Act 1908 apply to every hearing conducted by the Elected Member Conduct Committee:

- i. section 4, which gives powers to maintain order:
- ii. section 4B, which relates to evidence:
- iii. section 4D, which gives power to summon witnesses:
- iv. section 5, which relates to the service of a summons:
- v. section 6, which relates to the protection of witnesses:

- 6 On receipt of a complaint, the Chairperson of the Elected Member Conduct Committee must give the member(s) alleged to be in breach of the Code of Conduct or Standing Orders:
 - (a) written notice of the complaint against him/her;
 - (b) the opportunity to be represented by counsel or a support person;
 - (c) at least five working days' notice of the date and time of any hearing at which the member must appear;
 - (d) written advice of the evidence against him/her;
 - (e) adequate time in which to present submissions at any hearing.
- 7 The Chairperson will report all findings of the Elected Member Conduct Committee to the next meeting of Council.