

Code of Conduct 2015

Adopted – Council 19 September 2003

Revised – Council 10 June 2008

Revised – Council 24 March 2015

PART 1 – INTRODUCTION

Schedule 7 of the Local Government Act 2003 (the Act) requires each local authority to adopt a Code of Conduct. Once adopted, all elected members are required to comply with the Code.

This Code of Conduct has been prepared to provide guidance on the standards of behaviour expected of elected members of the Queenstown Lakes District Council. It applies to all elected members (including Councillors and Community Board Members at their request) in their dealings with:-

- each other
- Council management and staff
- the public
- the media.

This is a Code agreed to by the elected members and management to enhance:

- the effectiveness of the Council as an autonomous local authority with statutory responsibilities for the good government of the Queenstown Lakes District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This Code of Conduct seeks to achieve its objectives by recording:

- an agreed statement in respect of responsibilities (recorded in Part 2 of the Code)
- agreed general principles of conduct or etiquette (recorded in Part 3 of the Code)
- specific Codes of Conduct applying to particular circumstances or matters (in Parts 3-9 of the Code).

This Code of Conduct is based on the following principles of good governance:

- **Public interest:** Members should serve only the interests of the District as a whole and should never improperly confer an advantage or disadvantage on any one person or group.
- **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. Elected members should also note that, once elected, their primary duty is to the interests of the entire District, not the ward 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 cooperate 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 Council, and should be prepared to justify their actions.
- **Personal judgment:** Members can and will 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.

- **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 Council 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 Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership:** Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.
- **Individual Authority:** Unless authorized by a specific delegation from the Council, elected members have no authority to enter into agreements or give instructions or otherwise appear to commit to any action on the part of the Council.

PART 2 – RESPECTIVE ROLES AND RESPONSIBILITIES

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

Council adopted the generic role responsibilities at its meeting of 14 February 2003. They come from the description of responsibilities developed by the Higher Salaries Commission that are used to determine Councillor remuneration. The purposes of the respective roles and their specific accountabilities have been incorporated into the Code below:

Elected Members (Full Council)

The elected members of Council, acting as ‘the Council’, are responsible for:

- development and approval of Council policy.
- determining the expenditure and funding requirements of the Council through the Annual Plan process (including the long term financial strategy and funding policy).
- monitoring the performance of the Council against its stated objectives and policies.
- employing, overseeing and monitoring the Chief Executive.

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.

The elected members are accountable to electors through the ballot box. In taking office, they have declared that.

“They will faithfully and impartially, and according to their best skill and judgment, execute and perform in the interests of the Queenstown Lakes District, the statutory powers, authorities and, duties vested in or imposed upon them as members of the Queenstown Lakes District Council.”

Attention is drawn to the fact that Councillors must act in the interest of the District as a whole and not solely in the interest of their ward or community.

In certain matters the elected 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.

In addition to his/her responsibility as an employee of the Council, the Chief Executive has certain statutory responsibilities placed upon him/her as principal administrative officer by parliament. The Council will ensure that it acts to facilitate the carrying out of those duties.

The Mayor

The purpose of the Mayor's role is:

- To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment and the prudent management of the communities' financial resources; and
- To lead Council in the establishment of the strategic direction and development of the District's strategies and plans, monitoring their delivery, to achieve the outcomes and results agreed in consultation with the respective electors represented by Council.

Specific accountabilities include:

- To contribute to and lead Council in the development and monitoring of District strategies and plans to ensure the effective development and delivery of essential services, infrastructure assets and community facilities.
- To lead Council, in the appointment and in managing the performance of the Chief Executive Officer, ensuring the strategies and plans of Council are effectively implemented.
- To represent and speak on behalf of Council and act as an advocate for it, by identifying and bringing together the multiple and diverse interests and needs of the community represented, taking primary responsibility for interaction with the media, and representing Council at meetings with external parties.
- To provide effective leadership and direction to Council by overseeing and supporting positive working relationships between Councillors, recommending the appointment of Standing Committee Chairs, and working in partnership with the successful appointees to ensure each Standing Committee operates effectively and carries out its business in an orderly manner.
- To preside over Council, ensuring that Council carries out its business in a democratically responsible and orderly manner through the adoption of transparent decision making processes, effective consultation, facilitating consensus and enforcing Standing Orders as required.
- To develop effective relationships with peers and colleagues in neighbouring Authorities, central government, Iwi and significant other interest groups relevant to Council in order to represent community interests and as far as possible, achieve a shared approach to solving common problems.
- To represent the interests and special features of the community as a whole to central government and nationally, attracting public and private funding and investment and major events to the District.
- To identify issues of concern to Council and to serve as a catalyst in devising and ensuring the implementation of solutions.

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.

The Deputy Mayor

The Deputy Mayor is elected by members of Council at the first meeting of Council. In addition to the responsibilities of Councillor, the Deputy Mayor 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.

The Deputy Mayor may be removed from office by resolution of Council.

Standing Committee Chairs

The purpose of the Committee Chair's role is to co-ordinate, lead and direct the business of a Council Standing or Special Committee, in a manner consistent with the powers delegated by Council under its terms of reference. Committee Chairs may be removed from this office by resolution of Council.

Specific accountabilities include:

- To oversee, co-ordinate and direct all activities of the Committee within its specific terms of reference and delegated authorities, providing guidance and direction to committee members and liaising with Council management in setting the content and priorities of meeting agendas.
- To speak on behalf of the Committee and act as an advocate for it, including managing the relationship with the media and representing the Committee at meetings with external parties and the public.
- To report to Council on the recommendations and work of the Committee.
- To preside over Council Committee meetings ensuring that the Committee carries out its business in an orderly manner and enforcing standing orders as required.
- To ensure effective and efficient communication and co-ordination between Council committees.

Councillors

The purpose of the Councillor's role is to represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment and the prudent management of the communities' financial resources.

Specific Accountabilities include:

- To participate in the development of a vision and strategic direction for the wider community, in consultation with stakeholders and while being cognizant of the diverse issues facing the community.
- To provide input into and approve the strategies and plans of Council.
- To consult with community members and obtain their perspectives on the development of Council's strategies and plans.
- To participate in Standing Committees by being fully prepared and up to date on issues under consideration.
- To represent Council as an appointed member of committees, working groups and organisations as required.
- To participate in the appointment and performance management of the Chief Executive.
- To support the Mayor and fellow Councillors in the promotion of the District.
- To develop positive working relationships with fellow Councillors and Council Managers to ensure an effective governance process.
- To develop positive working relationships with counterparts in neighbouring local authorities, identifying opportunities for community and economic development and joint benefit.
- To be accessible to the community, assisting them to resolve problems by directing them to appropriate Council officials and following up where appropriate.

When a Councillor, other elected member, or a member of the community accepts appointment to an outside body it is important that they understand the Council's expectations of that appointment. Any individual appointed to such a role is not simply there to represent the interests of the Council, or to become an advocate for the agency they are appointed to report back to Council.

The Council's expectation is that they will use their best endeavours, skills and experience to further the interests of the wider community. In that regard:

- The first and foremost expectation is that the appointee will ensure that the body complies with the law
- Secondly, the expectation is that the appointee will seek to further the objectives of the organisation as set out in its constitution or other founding document
- To the extent that it is not incompatible to the above, the appointee will endeavour to facilitate the achievement of the Council's goals and objectives for the community (as set out in Council plans and policies).

Community Board Chair

The purpose of the Chair of the Wanaka Community Board is to co-ordinate, lead and direct the business of the Community Board in a manner consistent with the powers delegated by Council.

Specific accountabilities of the Chair include:

- To oversee, co-ordinate and direct all activities of the Board within its specific terms of reference and delegated authorities, providing guidance and direction to Board members, calling meetings, and liaising with Board members and Council management in setting the content and priorities of meeting agendas.
- To speak on behalf of the Community Board and act as an advocate for it, including managing relationship with the media and representing the Board on Council committees, community organisations and at meetings with external parties and the public.
- To establish community consultation processes by scheduling, planning and chairing public meetings to seek input into community issues and Council's planning and strategy development processes.
- To report to Council, or its committees, on local community issues, the recommendations and work being undertaken by the Community Board.
- To preside over Board meetings, ensuring that the members carry out business in an orderly manner, and enforcing Standing Orders as required.
- To participate in Council committees (as required) by being fully prepared and up to date on issues under consideration.
- To represent Council and local community interests as an appointed member of external committees, agencies or boards as required.
- To ensure effective and efficient communications and co-ordination between Council, Council Committees, Community Board members, and between members of the public and Council.

Community Board Members

A key element of the Community Board member role is the function it performs as a conduit between the community and Council.

The purpose of the role of Community Board member is to represent local community interests, contributing to its ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment and the prudent management of the communities' financial resources.

Specific accountabilities include:

- To consult with members of the public, local police, education providers and other community stakeholders to develop a sound understanding of the diverse issues facing the community and to obtain their perspectives on the development of Council strategies and plans.
- To co-ordinate and assist in the running of public meetings in order that the local community is able to provide feedback and input into the strategies and plans of Council.

- To represent Council as an appointed member of external committees, agencies and boards as required.
- To support the Council, the Community Board Chair and fellow Board members in the promotion of the total community.
- To develop positive working relationships with fellow Board members and Council managers to ensure effective community representation.
- To develop positive working relationships with counterparts in neighbouring local authorities and identify opportunities for community and economic development and joint benefit.
- To be accessible to the community, assisting them to resolve problems by directing them to the appropriate Council official and following up as appropriate.

PART 3 – ELECTED MEMBER RELATIONSHIPS AND BEHAVIOUR

This part of the Code sets out the Council's agreed standards of behaviour. Some of the matters described in this part of the Code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. All elected members should insist on the respect and dignity of their office in their dealings with each other, management and the public. Elected 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.

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 elected members will 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.

Elected 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.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. Councillors who have concerns regarding management matters 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 an elected 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 elected 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 Mayor or Chief Executive Officer.

Staff are the paid employees of the Council. They also can often have statutory or professional obligations which affect the way that they must fulfil their role. For example, the Chief Executive is by statute required to give the Council free and frank professional advice. The Chief Financial Officer has specific obligations in regard to the operation of the Council's finances. The Council will not ask those officers to act in a way which is inconsistent with those obligations.

Decision Making

Elected members, not officers, bear the ultimate responsibility for decisions made by themselves and by officers. In doing so elected members are required to be aware of the law and procedures that govern Council meetings and to comply with them. The Local Government Act 2002 contains a very complex and demanding set of such requirements which elected members should make themselves aware of.

Councillors are also expected to show respect for the role and obligations of officers of the Council. For that reason elected members should not comment publicly on the management or staff of the Queenstown Lakes District Council. This is quite different from disagreeing with the advice or views given by officers, which is quite appropriate. That disagreement should be professionally expressed and avoid personal attacks on any of the parties involved in the debate.

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 elected members and staff to make decisions at strategic and operational levels, as appropriate to their role.

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. The Council should only make decisions at Council meetings on those matters that are accompanied by management reports that address the considerations outlined above. Staff will assume that reports will be read and considered prior to meetings.

Standing Committees of the Council will only make decisions at official Committee meetings where the item to be considered is accompanied by a management report (as per Standing Orders). Workshops and other informal briefings are appropriate but should not be used for decision making.

In providing advice management will ensure that reports address all the required considerations under law arising from any proposed recommendations, such as fiscal, environmental and/or social implications. Management will ensure that advice meets relevant quality standards in all cases.

Matters not on the agenda (urgent or late business) 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~~ 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) where the presiding member explains at the beginning of the meeting that the item will be discussed. The Local Government Official Information and Meetings Act 1987 allows major items which are not on the agenda to be dealt with at a meeting if the local authority resolves accordingly, but for the avoidance of doubt the Queenstown Lakes District Council's Standing Orders have been amended to include a further provision that when matters of urgent business that are not minor arise, these matters shall be dealt with at an extraordinary meeting. The Council's Standing Orders have been further amended to allow the Property Subcommittee and Resource Consent Commissioner Appointment Committee to consider items that are not on the agenda and are not minor ~~Otherwise late items may only be dealt with at a meeting if the Council resolves accordingly and provided that~~ the presiding member explains at the meeting the reason why the item is not on the agenda and the reason why discussion cannot be delayed until a subsequent meeting. ~~In either case the presiding member's~~ This explanation must be made at a time when the meeting is open to the public.

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 or Manager responsible for the work of that Committee and identified sufficiently far

in advance to allow staff to provide the accompanying analysis and advice to be included in agendas. Management will ensure that meeting schedules are set in advance and made available to all members for this purpose.

While the Council (the corporate body made up of all the elected 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.

Predetermination or Bias

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

Alleged Breaches of Code of Conduct or Standing Orders

All alleged breaches of the Code of Conduct or Standing Orders will be reported to the Mayor and the Chief Executive.

Before a formal complaint alleging a breach of Standing Orders or the Queenstown Lakes District Code of Conduct is made, the Mayor may first seek to mediate a solution. Where a solution is agreed between the Mayor and the member who is the subject of the allegation, the matter will not be referred to the Elected Member Conduct Committee.

Any formal complaint alleging 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.

On receipt of a complaint from the Mayor or the Chief Executive, the Elected Member Code of Conduct Committee will investigate the alleged breach and prepare a report for the consideration of the Council. Before beginning any investigation, the Chair or Deputy Chair of the Elected Member Code of Conduct Committee will notify the elected member(s) in writing of the complaint and explain when and how they will get the opportunity to put their version of events.

The Chair or Deputy Chair of the Elected Member Code of Conduct Committee will report to Council whether or not the complaint is upheld, and recommended actions (if any).

The Council will consider the report in an open meeting of the Council, except where the alleged breach relates to the misuse of confidential information or could breach the privacy of a member of staff or of the general public.

Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature and seriousness of the breach. After consideration of the report of the Elected Member Conduct Committee, the Council may take no further action or may take any of the following actions as it considers appropriate:

- (a) Refer the determination of the Elected Member Conduct Committee to the Office of the Auditor General and/or the New Zealand Police or other appropriate public body;
- (b) Censure;

- (c) Reconstitution of a Committee or Subcommittee of Council to effect removal of the elected member (either permanently or temporarily);
- (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.

A decision to apply one or more of these actions requires a Council resolution to that effect by no less than a seventy-five percent majority of those present.

PART 4 – EXTERNAL COMMUNICATIONS

Within the limits imposed by Standing Orders, at any meeting of the Council (or at any committee), every elected 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 elected members and management will respect this position. While Councillors are permitted to express their personal disagreement with any decision they should also ensure that the reasons the Council gave for making a decision are fairly set out.

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.

Elected 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 elected member and are not made on behalf of the Council. No such statements should criticise the conduct of the Council, other elected members or officers of the Council nor should they undermine any existing policy or decision of the Council.

When a decision has been made by the Council, and the decision is contrary to a particular elected member's point of view, that elected member's public statements should make it clear that they represent a minority view.

Elected 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.

The Chief Executive Officer, management and staff should not comment publicly on the performance of the Council or elected members.

Confidential Information

Elected 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.

The Council has determined that, at the end of discussion on any public excluded item, it will specifically discuss the extent to which that item will be made public. 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.

Obligations of Public Members of Council Committees and Working Parties

Any member of the public or representative of an organisation who accepts an appointment to a Council committee, working party, or other meeting shall be bound by this Code of Conduct. Each such committee, working party or other meeting shall, as a matter of priority, agree on how the affairs of the meeting shall be communicated outside the members of the committee or working party itself. In the absence of agreement all statements and reports shall come from the chair of the committee or working party.

PART 5 – INTERNAL COMMUNICATIONS

The Mayor, Standing Committee Chairs and Chief Executive Officer should meet informally (usually quarterly) 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.

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.

All meeting agendas will be finalised by the Chief Executive Officer or delegate in consultation with the presiding member (the Mayor in the case of Council meetings, the relevant Committee Chair in the case of committee meetings). This is consistent with Standing Orders.

Council staff will keep elected members informed of matters of interest, and it is the responsibility of all elected members to read the material provided to the best of their ability. Accordingly, "elected members will be provided with all of the necessary communication aids necessary to carry out their duties including email, and where considered appropriate mobile phones (especially for the chairs of committees). All such aids will be used in accordance with instructions issued by the Chief Executive from time to time and should there be repeated breaches of the terms of use, may be withdrawn. Those rules will cover such matters as the expected volume of use, the language to be employed, private use and protocols (e.g. for the use of email and internet).

PART 6 – GIFTS/HOSPITALITY/EXPENSES

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 (exceeding an estimated value of \$50) must be reported to the Registrar in the prescribed form within 20 working days of the acceptance of the gift. Working lunches and social occasions should be undertaken in an appropriate manner, giving consideration to any risk of perception of favouritism or influence.

Expenses and Allowances

An elected member is entitled to claim expenses and allowances in connection with their duties. Council has an adopted policy for claims and this should be scrupulously observed.

Use of Facilities

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

PART 7 – PUBLIC DUTY

Elected members have a responsibility to the whole community of the Queenstown Lakes District.

Members who are elected 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.

Actions of all elected members may need to be justified to the public. The reputation of the Council is dependent on elected members' conduct, and the public perception of this conduct.

PART 8 – DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

The law makes specific provision requiring elected members to disclose interests in order to manage conflicts of interest. Some interests will be pecuniary interests, ie involving some sort of direct or indirect financial advantage or disadvantage to an elected member, or to the member's spouse or partner. But just as important, family connections, kinship, friendship, membership of an association, society, company or trade union, trusteeship and many other kinds of relationships can also lead to conflicts of interest.

The existence of a pecuniary interest will almost always be a problem. For other interests, a conflict will exist only if a fair minded lay observer would reasonably think that the elected member might not bring an impartial mind to the decision concerned.

It is important to identify and manage conflicts. Failure to do so can give rise to bias or predetermination allegations, which create risks for the Council's decision-making as they are grounds for judicial review. Also, not complying with the strict regime for pecuniary interests in the Local Authorities (Members' Interests) Act 1968 can lead to conviction for an offence, and being removed from office. Failure to manage conflicts appropriately undermines the integrity and credibility of the Council, and is contrary to the principles and purpose of this Code.

Conflicts are most relevant to decision making at Council and committee meetings. However, conflicts, and suggestions of bias and predetermination, should also be borne in mind at informal occasions and in other dealings generally.

Register of Members' Interests

The Council operates a Register of Members' Interests to help identify possible conflicts. Members' obligations for the Register are set out in an appendix to this Code of Conduct. Use of the Register will not, however, identify all possible conflicts and does not remove the requirement to disclose conflicts of interest as matters arise.

Disclosure as matters arise

Before the Council (or a committee) considers any agenda item, elected members must have disclosed any conflict preventing their participation in discussions and voting in relation to the matter, whether or not the conflict arises from an interest recorded in the Register of Members' Interests.

Where an elected member is aware of a possible interest, but is not certain that a conflict exists, it is good practice to discuss the issue with the Chief Executive in the first instance. Raising the matter some time before the meeting will enable the Chief Executive, where appropriate, to obtain legal advice if needed. If in any instance the elected member and Chief Executive cannot resolve the matter between them, it will be put to the meeting before the agenda item concerned is discussed, and may be resolved by a vote of the majority of members that are present and voting, excluding the member with the possible conflict.

Managing conflicts of interest

Where a conflict exists, the elected member must:

- Declare the existence of a conflict to the meeting (the member does not have to disclose the nature of the interest concerned, though if the interest is a pecuniary one, the law requires the member to disclose the fact that it is a pecuniary interest);
- Abstain from discussion and voting (take no part in the consideration of the matter); and
- Ensure the disclosure and abstention is recorded in the minutes.

In addition, it is good practice for the elected member to leave the room while the agenda item is being dealt with. (The alternative option of leaving the table and not discussing the item may nonetheless create the perception that a free and frank discussion of the matter was inhibited by the elected member's presence during the discussion).

PART 9 – REPRESENTING THE COUNCIL

Elected members who are invited or wish to represent the Council at an event such as a seminar or conference, must comply with the policy adopted.

Following his or her attendance, the member must forward a written report to the Council, or appropriate Standing Committee, which summarises the event including its potential significance to the business of the Queenstown Lakes District Council. Where the Council is represented by a delegation, one member of the party will report back on its behalf.

These requirements apply to situations where members will be participating as representatives of the Queenstown Lakes 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.

PART 10 – IMPLEMENTATION

This Code is intended to provide guidance to elected 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 2002, the Local Government Official Information and Meetings Act 1987, any other Act and the Council Standing Orders.

The parties to this code agree to abide by its provisions at all times having regard to the declaration of office and Council policy.

Background

1. In order to comply with Part 6 (gifts) and Part 8 (Conflicts of Interest) of the Code of Conduct for Elected Members, all elected members of the Council are required to disclose certain assets and interests in a Register of Pecuniary and other Specified Interests. This register, administered by an independent person appointed as the Registrar of Pecuniary Interests of Elected Members of the Queenstown Lakes District Council (the Council), is designed and intended to promote accountability and transparency by identifying personal financial interests that might influence elected members, and to assist the good governance of the Queenstown Lakes District and to meet the obligations provided in the Local Authorities (Members' Interests) Act 1968. The detailed requirements are set out in paragraphs 9 to 22 below.
2. It is important to note that the requirements to disclose do not require the actual amount, value or extent to be included in any disclosure.
3. Elected members are responsible for ensuring that no conflict exists, or appears to exist, between their personal interests and their public duty. Members must conduct themselves at all times in the knowledge that their role is a public one. Appearances and propriety can be as important as an actual conflict of interests. Members should avoid situations in which they, or those close to them, gain remuneration or other advantage from information or other advantage is acquired only by reason of their office.
4. The Council has a Code of Conduct as required under the Local Government Act 2002. The Register should be seen as an integral part of the Code and intended to assist elected members in their compliance with the law and the Council's Local Governance Statement 2013.

Types of conflicts of interests

5. A conflict of interest may be pecuniary (that is arising from a member's direct financial interests), or non-pecuniary (concerning, for example, a member of the member's family or whanau). A conflict of interest may be direct or indirect.
6. Members must consider all types of interest when assessing whether any of their personal interests may conflict, or be perceived to conflict with their responsibilities as an elected member of the Council.

Pecuniary interests

7. Pecuniary interests are financial interests such as assets, debts and gifts. A pecuniary conflict of interest may arise if an elected member could reasonably be perceived as standing to gain or lose financially from decisions or acts for which he or she has a responsibility, or from information to which he or she has access. A pecuniary conflict of interest could, for example, relate to the value of land or shares that the member owns, or the turnover of a business in which a member has an ownership interest.

Appendix A – Requirements for Completing a Return

Interests of family, whanau, and close associates

8. A conflict of interest may arise if people close to an elected member, such as a member's family, whanau, or close associates, might derive, or be perceived as deriving, some personal, financial, or other benefit from a decision or action to which a member contributed. Members must therefore be careful not to use information which they access in the course of their business as an elected member in a way that might provide some benefit that would not otherwise occur to family members, whanau or close associates.
9. Similarly, it may not be appropriate for elected members to participate in the making of any decision on matters affecting family members, whanau or close associates, for example by attempting to intercede or provide a reference or other support for a Council position, or proposing family members, whanau or close associates for appointments or some other benefit that can be provided by the Council, or participating in decisions that may affect the financial position of a family member.

Pecuniary Interests Requirements

Definitions

10. For the purposes of the return and registration of pecuniary interests, unless the context otherwise requires:

Business entity means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture or any undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor;

Company means a company registered under Part 2 of the Companies Act 1993, or a body corporate that is incorporated outside New Zealand;

Effective date of the return means the date at which the return is effective as required by paragraphs 10 to 13;

Employed means a person employed under a contract of service, but does not include holding the position of an elected member of the Council or any other position for which the person in question would not be qualified unless he or she had been elected a member of the Council;

Election means the election that takes place on a prescribed date for the election of members of the Council;

Register means the Register of Pecuniary and other Specified Interests established in accordance with paragraph 1 above;

Registrar means the person appointed to manage the process for the Register of Pecuniary Interests for the Queenstown Lakes District Council and based on returns provided by elected members to make the returns (or a reasonable summary of the returns) available on request of the public;

Voting right means a currently exercisable right to cast a vote at meetings of the owners or proprietors of any business entity, not being a right to vote that is exercisable only in relation to a special, immaterial or remote matter that is inconsequential to control of the entity;

Appendix A – Requirements for Completing a Return

Every reference in this document to a person elected at an election includes a person elected as a consequence of any process following an election that confirms the election of a member of the Council following a Council election.

Duty to make return of pecuniary and other specified interests

11. Every elected member must make an initial return of pecuniary and other specified interests as at the day that is 90 days after the date that the member is declared to be a duly elected member of the Council.
12. An initial return must be transmitted by the member to the Registrar within 30 days of the effective date of the return.
13. Every member must make a return of pecuniary and other specified interests existing as at 30 June and 20 December in each year.
14. The return must be transmitted to the Registrar no later than 31 August and 24 December in each year in which a return must be made.

Contents of return relating to a member's position as at effective date of return

15. Every return of pecuniary interests transmitted to the Registrar must contain the following information as at the effective date of the return:
 - a) the name of each company of which the elected member is a director or holds or controls more than 10% of the voting rights, and a description of the main business activities of each of those companies; and
 - b) the name of every other company or business entity in which the member has a pecuniary interest, and a description of the main business activities of each of those companies or entities; and
 - c) if the elected member is employed, the name of each employer of the member, and a description of the main business activities of each of those employers; and
 - d) the name of each trust in which the elected member has a beneficial interest or where the member has an interest, any trusteeships held; and
 - e) membership or any offices held by elected members in community organisations, for example clubs, environmental protection organisations, churches or charitable bodies (excluding those memberships or offices where the member is appointed as a Council representative); and
 - f) the general location (i.e. suburb rather than address) of each parcel of real property in which the elected member has a pecuniary interest, unless the member has no beneficial interest in that real property.
16. For the purpose of 14(b) above an elected member does not have a pecuniary interest in a company or business entity (entity A) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.

Appendix A – Requirements for Completing a Return

Contents of return relating to an elected member's travel activities, any receipt of gifts, discharged debts, and payment for activities or services, for period ending on effective date of return

17. Every return must contain the following information for the period specified in paragraphs 10 to 13:
 - a) For each country (other than New Zealand) that the elected member travelled to:
 - (i) the name of the country;
 - (ii) the purpose of travelling to the country;
 - (iii) the name of each person, organisation or other source that contributed (in whole or in part) to the costs of the travel to and from the country;
 - (iv) the name of each person, organisation or other source that contributed (in whole or in part) to the accommodation costs incurred by the member during the travel;
 - b) A description of any gift (including hospitality and donations in cash or kind) received by the member that has an estimated market value in New Zealand of more than \$50, and the name of the donor of any gift (if known or reasonably ascertainable by the member);
 - c) A description of payments received by the member for activities or services in which the member is and was involved at the time of his or her election, but not including remuneration or allowances received from the Queenstown Lakes District Council for being an elected member of the Council.
18. The information referred to in paragraph 16 (a) above does not have to be included in the return if the travel costs and/or accommodation costs were paid in full by the following or any combination of the following:
 - a) The member him or herself
 - b) The member's spouse or domestic partner
 - c) Any parent, child, step-child, foster-child or grandchild of the member.
19. The period for which the information specified in paragraph 14 or 16 above must be provided is the 12 month period ending on the effective date of the return, but:
 - a) A member does not have to include any information specified in paragraph 14 or 16 above that has been included in a previous return; or
 - b) If the member is elected at an election and the member was not a member of the Council immediately before that election, and the return is the first return required to be made by the member after that election, the period for which the information must be provided is the period beginning on polling day for that election and ending on the effective date of that return.

Actual value, amount or extent not required to be disclosed

20. Nothing in this requirement to register a pecuniary interest requires any elected member to disclose the actual value, amount or extent of any asset, payment, interest or gift.

Form of Returns

21. Returns must be in a form approved by the Registrar.

Appendix A – Requirements for Completing a Return

Functions of the Registrar

22. The functions of the Registrar are to:

- a) Compile and maintain the register;
- b) Provide advice and guidance to elected members in connection with their obligations under this requirement;
- c) Within 90 days of the due date for transmitting any initial returns that are required to be made following an election of members of the Council, cause to be published on the Council website and in booklet form a summary containing a fair and accurate description of the information contained in those initial returns;
- d) Within 90 days of the due date for transmitting returns, cause to be published on the Council website and in booklet form a summary containing information provided in those returns that have been transmitted to him by persons who, as at the date of publication are elected Council members;
- e) To promptly provide to all elected members of the Council and to the Council's Chief Executive a copy of the booklet;
- f) To ensure that a summary containing a fair and accurate description of information contained in all returns provided by elected members is:
 - (i) maintained on the Council website;
 - (ii) available for inspection by any person on every working day during normal Council opening hours;
- g) Ensure that all returns and information held by him or her relating to an individual elected member (other than information that is required to be published under 21 (c) and (d) above) are confidential and that immediately following the election of a new Council all returns and information relating to individual members of the previous Council are destroyed.

Responsibilities of Elected Members

23. It is the responsibility of each elected member to ensure that he or she fulfils the obligations for disclosure of interests.

RETURN FOR REGISTER OF PECUNIARY AND OTHER SPECIFIED INTERESTS OF ELECTED MEMBERS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

Name:.....

	Actual or potential conflict to declare?	
	No	Yes
Company directorships and controlling interests	<input type="checkbox"/>	<input type="checkbox"/> Complete section 1
Other companies and business entities	<input type="checkbox"/>	<input type="checkbox"/> Complete section 2
Employment	<input type="checkbox"/>	<input type="checkbox"/> Complete section 3
Beneficial interests in, and trusteeships of, trusts	<input type="checkbox"/>	<input type="checkbox"/> Complete section 4
Membership of Organisations	<input type="checkbox"/>	<input type="checkbox"/> Complete section 5
Real Property	<input type="checkbox"/>	<input type="checkbox"/> Complete section 6
Overseas Travel	<input type="checkbox"/>	<input type="checkbox"/> Complete section 7
Gifts	<input type="checkbox"/>	<input type="checkbox"/> Complete section 8
Payments for Activities or Services	<input type="checkbox"/>	<input type="checkbox"/> Complete section 9

I certify that the above declaration and the completed forms attached contain, to the best of my knowledge, a complete list of those interests and assets as to 30 June/20 December <year>....., and those transactions during the period ending 30 June/20 December <year>....., that I am required to register pursuant to the requirements for a Register of Pecuniary and other Specified Interests for elected members of the Queenstown Lakes District Council.

I understand that the appointed Registrar of Pecuniary Interests will translate the information along with all other returns provided by elected members of the Council into a Register of Pecuniary and other Specified Interests which may be available for inspection by the public on request.

Signed:.....

Date:.....

Final checklist:

- Does your name appear on every page? (Sections 1 to 10)
- Have you completed every page? (Sections 1 to 10)
- Have you entered “nil” on the sections/pages where you have no interest to register?
- Have you signed and dated your return (above) and initialed at the foot of every page (1 to 10)?



Section 1

Company directorships and controlling interests

Name:.....

Requirements document paragraph 14(a): The name of each company of which the elected member is a director or controls more than 10% of the voting rights and a description of the main business activities of each of those companies.

Record the main business activities of the company.

Include non-trading or trustee companies, and record their current or intended business activities.

Name of Company

Main business activities of company

.....

.....



Section 2

Other companies and business entities

Name:.....

Requirements document paragraph 14 (b): The name of every other company or business entity in which the elected member has a pecuniary interest and a description of the main business activities of each of those companies or entities.

A pecuniary interest includes shares, bonds and debentures.

Do not declare interests already declared in Section 1.

Name of company or business entity

Main business activities of company or entity

.....

.....



Section 3

Employment

Name:.....

Requirements document paragraph 14(c): If the elected member is employed, the name of each employer of the member and a description of the main business activities of each of those employers.

Do not include your position as a member of the Council.

Name of Employer

Main business activities of employer

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Section 4

Beneficial interests in, and trusteeships of, trusts

Name:.....

Requirements document paragraph 14(d): The name of each trust of which the elected member is aware, or ought reasonably be aware, that he or she is a beneficiary or trustee.

Record each trust in which you have an interest (regardless of whether it is a fixed or discretionary interest).

Include trusts for which you are a trustee, regardless of whether you are also a beneficiary.

The exception to this is where you are acting in your professional capacity as the executor of an estate.

Do not include any pecuniary interests that the trust itself may have (e.g. the assets of the trust). The exception to this is real property which you should declare on Section 6.

Name of Trust

.....

.....



Section 5

Membership of Organisations

Name:.....

Requirements document 14(e): If the elected member is a member of:

- Any organisation; or
- The governing body of any organisation; or
- A trustee of a trust and in the case of being a trustee of a trust that receives or has applied to receive, Council assistance,

The name of that organisation or trust and a description of the main activities of that organisation or trust is to be declared.

If you are a patron, president, or vice president of an organisation or trust seeking any assistance, financial or otherwise, and you are not a member of the governing body for that organisation or trust, declare it.

Do not include here any organisation or trust to which you have been appointed as a Council representative – see Requirements paragraph 14(e).

Name of organisation or trust	Main business activities of organisation of trust
.....



Section 6

Real Property

Name:.....

Requirements document paragraph 14(f): the general location (i.e suburb rather than address) of each parcel of real property in which the elected member has a pecuniary interest, unless the member has no beneficial interest in that real property;

This does not include land held by a member as a trustee only but does include:

- (a) Family home, holiday home, farm, land, buildings and apartments;
- (b) Jointly owned property, but do not name the other owner(s);
- (c) Property held in trust of which the member is a beneficiary;
- (d) Unit titles, leasehold interests and cross leases, and interests in Maori land.

Do not include any street addresses. The general location is sufficient. For Maori land the regional area is sufficient.

Nature of holding

Location of each holding

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.....



Section 7

Overseas Travel

Name:.....

Requirements document paragraph 16(a): For each country (other than New Zealand) that the member travelled to:

- (a) The name of the country;
- (b) The purpose of the travel to the country;
- (c) The name of each person or organisation that contributed (in whole or in part) to the travel costs to and from the country; and
- (d) The name of each person or organisation that contributed (in whole or in part) to the accommodation costs while in the country.

Include educational or business promotion visits such as those sponsored by other organisations.

Do not include travel or accommodation paid entirely by you or a family member.

Country visited	Purpose of travel	Each contributor to the travel	Each contributor to accommodation
.....
.....



Section 8

Gifts

Name:.....

Requirements document paragraph 16(b): A description of each gift received by the elected member that has an estimated market value in New Zealand of more than \$50, and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member).

Include gifts received while on official overseas travel, corporate hospitality and services provided to the member at no charge or reduced rates.

Include any gifts received from any trust, other organisation or person (except close family members).

Include a payment made to someone else by a trust, other organisation or person, if that payment is to the members benefit.

Do not include membership of airline lounges

Note that no interest to be declared for gifts etc. below \$50.

Description of each gift

Name of Donor

.....

.....

.....

.....



Section 9

Payments for Activities or Services

Name:.....

Requirements document 16(c): A description of all such payments received, and not previously declared, for activities or services in which the member was involved, including the source of each payment, except that a description is not required of any payment that is paid –

- as remuneration or allowances by the Council in accordance with the arrangements for payment as an elected member of the Council;
- in respect of any activity or service in which the elected member concluded his or her involvement prior to becoming an elected member of the Council and the return is the first return required to be made by the member after such election.

Description of any payment for activities

Name of person, organisation or trust from whom payment has been received

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