

17 September 2025

Local Government Commission | Mana Kāwanatanga ā Rohe
via: The Taituarā submission (Raymond Horan - raymond.horan@taituara.org.nz)

Tēnā koe Raymond,

Horizons Regional Council would like to provide feedback for your consideration and potential inclusion in the Taituarā submission on the Local Government Commissions' draft Code of Conduct. This has been provided on behalf of our Chair, Rachel Keedwell and council officers.

We support the intent to establish a nationally consistent Codes of Conduct, we see opportunities to strengthen the draft by improving its clarity and scope and addressing some practical implementation issues. We also recommend that the final version more closely align with the Local Government New Zealand (LGNZ) Code of Conduct Guide 2022, which our Council has adopted and found to be clear and practical.

Please see the following suggested improvements:

Clarify and Expand the Scope of Expected Behaviours

- **Inclusion of 'Disrepute' Clause**
We suggest adding an explicit expectation that elected members must not bring the local authority into disrepute. This is a standard provision in several existing codes, including the LGNZ 2022 guide. Its inclusion is especially relevant in the context of increasing public visibility of elected members through social and mainstream media.
- **Clarify Attribution of Personal Views**
To support transparency and public understanding, we recommend strengthening the provisions around trust by including an expectation that members clearly state when they are expressing personal views, especially in public forums or media, unless authorised to speak on behalf of the local authority. This helps reduce confusion for the public by making a distinction between personal and institutional perspectives.
- **Protect Staff Impartiality**
We suggest expanding the "Respect" section to include a clear expectation that members must not compromise, or attempt to compromise, the impartiality of staff or contractors working for the local authority. This aligns with best practice in existing codes and reinforces the separation between governance and operational roles. We also note that the Code can only ask Member to show respect towards the outlined people and situations.

Broaden and Future-Proof the Policy Reference Section

- **General Reference to All Relevant Policies**
While we support the inclusion of key policies in Section 12, we recommend adding a statement to clarify that members are expected to comply with all applicable council policies, not only those listed. This ensures the Code remains relevant as councils develop new or tailored policies (e.g. on AI, delegations, appointments, procurement, fraud).
- **Reference to Statutory and Regulatory Instruments**
We also recommend referencing core statutory instruments such as the Long-Term Plan, RMA-related plans, investment policy, and other regulatory frameworks. This would reinforce members' responsibility to understand the full context of their decision-making responsibilities.

Refinements to Dealing with Complaints

- **Clarify Role of the Investigator**
In the Principles and Materiality section (particularly Point 20), the term "investigator" is introduced without any explanation of who the investigator is or what their role involves. We suggest

restructuring this section or including a note that the role will be fully explained in the complaints process section.

- **Referral to Mayor or Chairperson**

The process for dealing with complaints includes a referral to the Mayor or Chairperson (Points 30–33). However, there is no guidance provided on how complaints involving the Mayor or Chair should be handled (e.g. if they are the respondent). The Code should outline an alternative pathway to ensure impartiality when there is direct or indirect involvement of the Chairperson.

- **Clarify the Authority of the Investigator**

This process also includes the investigators' ability to "impose" sanctions. It is unclear in the Code where the investigator derives the power to impose the sanctions. To our understanding, the investigator can recommend sanctions, but the decision to impose them rests with the council. This section would benefit from clearer language to reflect the legal limits of the investigator's role, or to show where the power is delegated to the investigator.

Conflict of Interest Advice

- **Role of the Chief Executive (CE)**

The Code outlines the expectations of members to seek advice from the CE about conflict of interest issues. However, it may not always be appropriate for the CE to advise individual members, particularly where the conflict relates to governance dynamics, or the CE is directly involved. We suggest the Code encourages members to seek independent or legal advice where appropriate.

- **Clarify Source of Advice**

This section also states the Chief Executive will inform a complainant that advice has been sought, but it is unclear whether this advice is internal, external, or legal. We suggest clarifying this to ensure transparency and reinforce trust in the process, but doesn't outline if this needs to be external or independent advice or if it can be internal advice.

We hope you find the above helpful and supportive of the Taituarā submission. If you have any questions please reach out to our Senior Policy Analyst Erin Murphy (erin.murphy@horizons.govt.nz).

Ngā mihi nui,

Cara Hesselin
Group Manager Corporate and Governance, Horizons Regional Council