

Submission to the Local Government Commission

Standardised Code of Conduct

26 September 2025



The Timaru District Council (the Council) thanks the Local Government Commission for the opportunity to submit on its draft standardised Code of Conduct for Elected Members.

Council considers that the draft is a good basis for discussion and further work in this area. Whilst there are a number of aspects that Council considers requires clarification or amendment, it generally supports the majority of the draft document.

Council endorses the feedback provided by Taituarā.

Summary of recommendations

- The final Code should state how any potential inconsistency between the standardised Code and a listed Council policy should be managed.
- The final Code should also consider providing a list of “recommended” or “required as a minimum” policies.
- Clarify the scope of the Code in relation to Council members acting in a personal capacity, and any limitations or exclusions to this.
- Ensure that the complaints system is designed to support legitimate complaints but protect Council members from vexatious complainants, such as through the five initiatives listed.
- Clarify Clause 14.
- Clarify Clause 43.

General comments

Ability to customise Code to include certain Council policies

We welcome the flexibility and customisation afforded to local authorities under clause 12 of the draft. However, the final Code should state how any potential inconsistency between the standardised Code and a listed policy should be managed (presumably the standardised Code will take precedence).

The final Code should also consider providing a list of “recommended” or “required as a minimum” policies. Failure to do so may undermine the objective and effectiveness of the standardised Code as local authorities may lack policies about matters relevant and adjacent

to the Code; where the Code is intentionally silent because it is presumed and intended that local authorities will document a particular matter in a policy. This reinforces Taituarā's feedback about the need to contextualise the Code within a wider suite of governance documents, including – importantly – what good governance looks like.

It is acknowledged that any such stipulation may pose a burden on some councils with less resource or currently lacking the envisaged policies. It may be necessary to provide support, such as in the form of templates and/ or proactively identifying best practice.

Application of Code to Council member acting in personal capacity

Clause 18, as written, appears prima facie to contradict Clause 4. If the current drafting is indeed not a typo and is retained, it would be useful to provide greater clarity on this point to enable Council members to better understand and adhere to these requirements. This could include examples.

Are there any situations where the Council members' conduct in a personal capacity with a Council employee would not be within scope under the Code? As written, Clause 18 does not explicitly require the employee to be acting in their capacity as an employee of the same local authority as the Council member, yet presumably this is the intention.

Design of the complaints system to support legitimate complaints and protect Council members from vexatious complainants

Council certainly wishes to provide an effective mechanism for complaints to be lodged against Council members where it is deemed that there are grounds to do so. The complaints system needs to simultaneously set prospective complainants "up for success" whilst procedurally protecting Council members from vexatious complainants.

Listed below are five initiatives that could help enable this.

Lodging complaints should be straightforward and accessible. In practice, this would likely mean that complaints could be lodged at least via hard copy form and online, with support available for those who are differently-abled or speak different languages.

Information about the lodging of complaints should be publicly available. This should include detailed examples of what might and might not be considered valid complaints, and the reasoning behind this as applicable.

Complainants should be required to provide their name and contact details at the lodging of the complaint. If the complaint is made "at a distance" e.g. via email, there needs to be a method of verifying the identity of the complainant, and that they are indeed a real person. Perhaps they may be required to provide a form of identification at the time of lodgement.

We endorse Taituara's suggestion that an interim assessment of a complaint be undertaken prior to an independent investigator becoming involved. This could occur "at arm's length" from local authorities, for example by Local Government New Zealand. Utilising a standard interim assessment framework could make this a relatively cost-effective exercise and act as a safeguard against any and all complaints requiring the incurring of potentially disproportionate costs associated with independent investigators.

Consideration should be given for an independent investigator to have the discretion to impose sanctions for clearly vexatious complainants (similar to how the Police can impose sanctions for wasting Police resources). This would need to be designed carefully to ensure that there is no deterrent to raising complaints; the intention would be to facilitate those who feel like there are grounds for a genuine complaint to be made, but act as a consequence to those who are not making complaints in good faith and consequently consuming time and resource.

Other

Under Clause 14 we presume – but it would be useful for the Code to clarify – that Council-Controlled Organisations (CCOs) board members and employees, and individuals acting in their capacity as journalists, business people and similar, are able to make complaints against Council members under the "members of the public" category.

Finally, we suggest that Clause 43 is clarified. Is this an exhaustive list of the options available the independent investigator? Seemingly the sanction to suspend the member "from Committees or other representative bodies" does not include suspending their membership and voting rights from the full Council, but it would be useful to explicitly state this.

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Thank you again for the opportunity to provide comment. Please do not hesitate to contact us if you have any questions or wish to discuss aspects further.

Ngā mihi



Nigel Bowen
Mayor