

He puka aratohu mā ngā kaikaunihera **Elected members'** **handbook**



Ngā ihirangi

Contents

Mō Te Kaunihera a Rohe o Waikato About Waikato Regional Council	4
Our region at a glance	5
Our values	7
Ngā kawenga me ngā haepapa Roles and responsibilities	8
Council	8
Elected members	8
The representation role	8
The governance role	8
The chair	9
The deputy chair	9
Committee chairs	9
Ngā utu kaimahi, ngā tahua me ngā utu whakaea Salaries, allowances and reimbursements	10
Salaries	10
Allowances and reimbursements	11
Claims process	11
Ngā tikanga whanonga Code of conduct	12
Relationships with other elected members	12
Relationships with staff	12
Breaching the code	12
Mō ngā whakamanioro, ngā kapatau, te whakawetiweti rānei Responding to abuse, threats and public intimidation	13
Management structure	14
Ngā raru whaipānga Conflicts of interest	16
Ngā whiriwhiri whakatau Decision making	18
Principles for making good decisions	18
Governance structure	18
Council and committee meetings	19

Te hauora me te haumaru	
Health and safety	22
Our commitment to health and safety	22
Waikato Regional Council and the Health and Safety at Work Act 2015	22
Duties under the Act	22
Emergency information	23
Employee assistance programme (EAP)	23
Te whakahaere pārongo me ngā tuku kōrero	
Information management and communications	25
Official information	25
Confidential information	25
Elected member information requests	25
External communications	25
Media monitoring	26
Contact with the news media	26
Electronic communications and using social media	26
Ngā ara tautoko mā ngā mema i kōwhiria	
Elected members' support and facilities	27
The Democracy Services team	27
Technology and IT support	27
Administrative support	28
Elected members facilities	29
Ngā kupu rāpoto	
Council acronyms and abbreviations	31
Āpitihanga 1 – Ngā ture hāngai	
Appendix 1 – Relevant legislation	33
The Local Authorities (Members' Interests) Act 1968	33



Mō Te Kaunihera a Rohe o Waikato About Waikato Regional Council

**We love where we live. That's why we are
passionate about making it even better.**

Tō Waikato, kia wana.


Our work is as diverse as the region we care for; from the tip of the Coromandel Peninsula to the slopes of Ruapehu.

We've got ambitious goals and there are some tricky issues, but that's what makes it so interesting!

Established in 1989, we work in partnership with iwi and many others in our communities to support a sustainable future for our rohe – one where the environment is healthy, communities are thriving and the economy is strong. We can only do that by carrying out functions best delivered at a regional scale, such as:

- Managing the use of natural resources (water, soil, air, geothermal areas and coasts).
- Regional transport planning and public transport services.
- Protecting and restoring natural biodiversity.
- Controlling harmful plant and animal pests.
- Providing flood protection and drainage schemes.
- Keeping water users safe.
- Responding to pollution incidents.
- Preparing communities for civil defence emergencies and responding when disaster strikes.

We're also a partner in a number of multi-agency groups looking at issues that cross regional boundaries. For example, the Upper North Island Strategic Alliance, Future Proof, Waikato Plan, and Waikato Mayoral Forum.



The wellbeing of our region starts with a healthy environment. If our environment is healthy, our communities will thrive and so will our economy. Everything is interconnected.



Our region at a glance

The Waikato region is made up of one city (Hamilton), seven districts and parts of three districts which straddle regional boundaries (Waitomo, Taupō and Rotorua).

New Zealand's fourth largest region



25,000km²
land area



214,609
Rateable properties



10 Districts
1 City

Whangamarino Wetland, internationally significant wetland, the second largest on the North Island



10,000km²
of coastal marine area, including parts of the Hauraki Gulf



431,278ha
of marine mammal sanctuaries

Waikato River, the longest in New Zealand



425km



3400ha

Sanctuary Mountain Maungatautari, New Zealand's largest mainland ecological island

1200km
of coastline



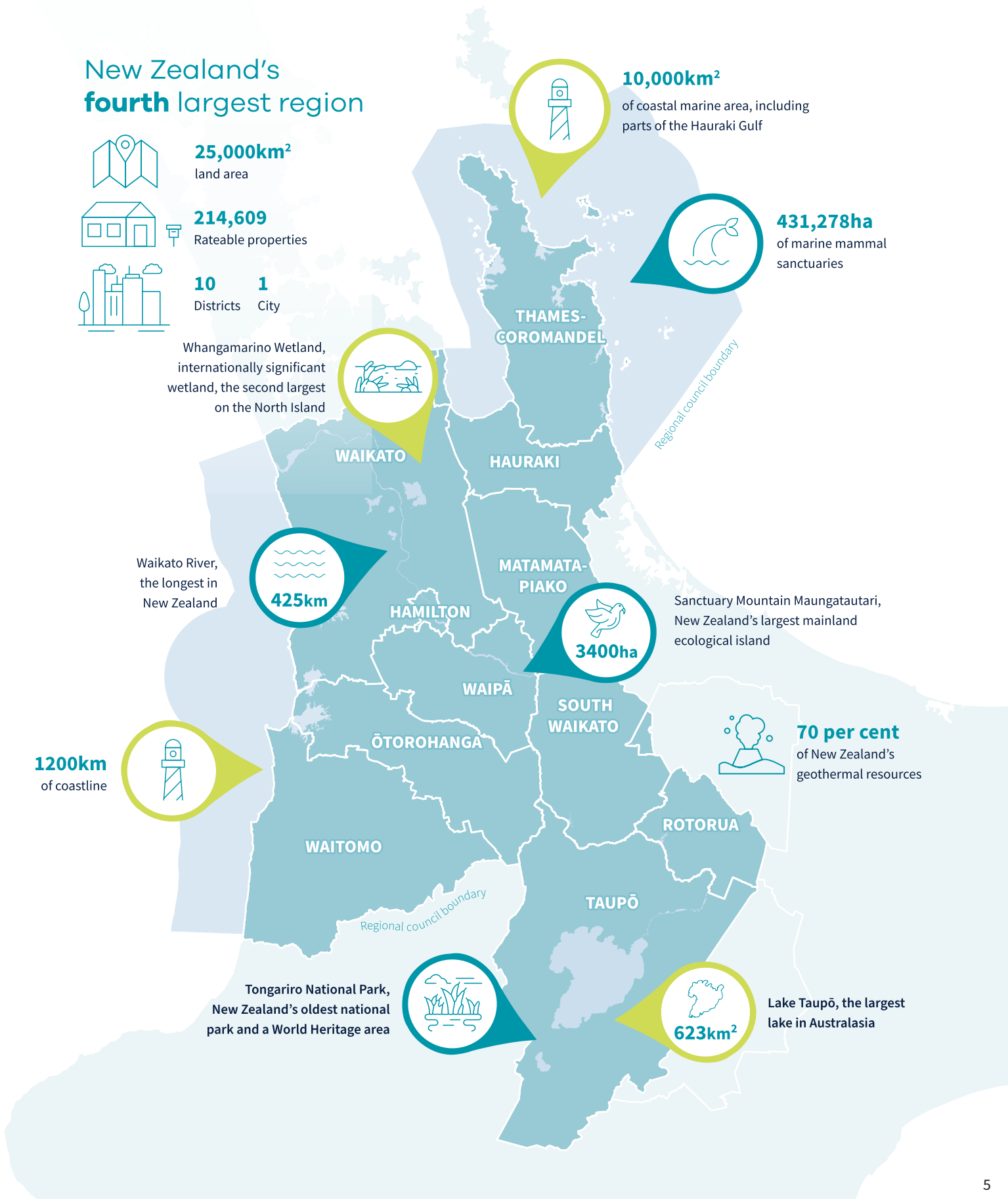
70 per cent
of New Zealand's geothermal resources

Tongariro National Park, New Zealand's oldest national park and a World Heritage area



623km²

Lake Taupō, the largest lake in Australasia



Treaty principles

Ngā mātāpono o te Tiriti

It is the principles of the Treaty of Waitangi which form the primary basis for Māori involvement with local government.

To give effect to the Treaty, the courts, government and the Waitangi Tribunal have developed a number of principles or implicit requirements on both parties. For example, Justice Robin Cooke, in the *lands case* (1987), stated that the Treaty ‘signified a partnership between the Crown and Māori requiring both parties to act reasonably’ towards each other ‘and with the utmost good faith’.¹ Other principles include:

- the Crown’s freedom to govern and its duty to actively protect Māori interests
- Māori right to tribal autonomy and redress for past breaches
- the duty to consult.

The Treaty principles also state that Māori retain rangatiratanga over their resources and taonga including all valued resources and intangible cultural assets.

Treaty Enabling Legislation

Te Whakaturehanga o te Tiriti

An underpinning assumption is that dialogue should be occurring in order to understand the values, aspirations and interests of local and regional Māori organisations.

Although the Treaty is between Māori and the Crown, in order to meet its obligations under the Treaty, the Crown has made certain requirements of local government. Consequently, councils operate under a number of statutory regimes that require them to either ‘consult’ or ‘engage’ with Māori or tangata whenua, or ‘provide opportunities for participation’ in some capacity.

An underpinning assumption is that dialogue should be occurring in order to understand the values, aspirations and interests of local and regional Māori organisations. Several pieces of legislation direct central and local government agencies to “take into account” or “have regard to” the principles of the Treaty of Waitangi.



¹ New Zealand Māori Council v Attorney-General. *New Zealand Law Reports* 1 (1987): 642

Our values

Three core values guide everything we do and say – being responsible, effective and respectful.

Kia tika Responsible

Doing the right thing

Our people model the highest standards of personal and professional behaviour in all job-related activities.

- ✓ We take responsibility for our actions.
- ✓ We make rational, realistic and timely decisions based on sound information.
- ✓ We support our colleagues and we support our organisation and its goals.

We always aim to do what's right for the Waikato region, now and in the future. Through our elected council, we are accountable to our communities and stakeholders.

We share knowledge, make well-informed decisions based on good information. We listen carefully, look for solutions and remain open to new ideas.

We take responsibility for our own actions and trust others to do the same. We put safety first for ourselves and others.

While we are realistic about what we can achieve today, we are mindful of the effect our decisions and actions will have on future generations.

Kia toa Effective

Making a difference

We always aim to give the best we can.

- ✓ We persevere until the matter is resolved.
- ✓ We come up with innovative and practical solutions.
- ✓ We consistently deliver high quality results.

For this reason, we always strive to make a positive difference.

High performance, innovation and adaptability are vital to our success. We build on our strengths and support each other to be the very best we can be at work. We appreciate our successes and those of others.

The services we provide enable regional development and preserve the natural environment in ways that improve quality of life.

Kia tau Respectful

Acting with respect

Showing others respect is the basis of all our behaviour.

- ✓ We are honest and diplomatic.
- ✓ We are assertive without being aggressive.
- ✓ We are mindful of how our actions and words impact on others.

Above all, we are purposeful and ethical in all we say and do. We behave in ways that keep the public's trust and respect.

We are direct, honest and courteous in all our relationships.

Within our organisation, we create a working environment which is enabling, supportive and inclusive so that each of us is valued for the differences, skills and experiences we bring to the workplace.

Work-life balance is a strong focus of our culture. We support our people to put family first and take pride in the roles they fulfil in their communities through the environmental, social and cultural activities that make the Waikato region a richer place.

Ngā kawenga me ngā haepapa

Roles and responsibilities

Council

Our council is responsible for governance of the Waikato region, including:

- developing and adopting council policy that directs our work programmes and activities
- monitoring the performance of council against its objectives and policies
- managing the council's resources, including setting financial and infrastructure strategies
- employing the chief executive
- delegating management functions to the chief executive so that governance decisions can be implemented.

Unless otherwise provided in the Local Government Act 2002 or in the council's standing orders, the council can only act by majority decisions at meetings. Individual members (including the chair) have no authority to act on behalf of the council unless provided for by statute or an express council delegation.

Elected members

Elected members are responsible for representing the interests of all residents and ratepayers in the region, not just their constituency. All elected members are accountable for the decisions the council takes, whether they agree with them or not.

Elected members are expected to attend the meetings of council, as well as the committees and subcommittees, working parties, workshops and external organisations to which they are appointed. Although the role of an elected member is not defined in legislation, it has two key elements: **representation** and **governance**.

The representation role

It is likely that your constituents will expect your representation on issues that are important to them. However, once elected, you have a larger obligation to the entire Waikato community.

Representing the Waikato region involves building relationships with individuals and groups to inform, consult and empower people to facilitate effective regional development. Key aspects of the role are:

- acting as the peoples' champion
- being an effective communicator
- understanding your community and region
- working with other elected members.

The governance role

Whereas the representation role involves representing the views of the community, the governance role involves making decisions for the overall benefit of the region, not only for the current generation but for generations to come.

Governance is primarily about setting the future direction of council and the regional community, and ensuring assets and resources are suitable for achieving that direction. Key aspects of the role are:

- strategic planning
- decision making
- policy and strategy review
- scrutiny of management's performance
- community leadership and engagement.



The chair

The chair is the leader of all elected members and is selected by a resolution of council.

The chair shares the same responsibilities as other elected members and, in addition:

- presides at council meetings ensuring the orderly conduct of business during meetings as determined by standing orders
- is the spokesperson and ceremonial head for the council
- provides leadership and feedback to other elected members on teamwork and chairing of committees
- is a Justice of the Peace for the duration of their term in office
- provides leadership to the region
- leads the development of council's plans, policies and budgets for consideration by the members of the council.

The chair may be removed from office at any time by resolution of the council (relevant process outlined in section 18 of the Local Government Act 2002).

The deputy chair

The deputy chair is selected by a resolution of the council.

The deputy chair exercises the same roles as other elected members and must perform all the responsibilities of the chair if they are absent or incapacitated. In such cases, the deputy chair may exercise the powers of the chair (as previously summarised).

Only one member may be deputy chair at any time. The deputy chair role may sit with the same member the entire triennium or may sit with several members sequentially across the triennium, depending on council's preferences in the context of its responsibilities. Council is responsible for reviewing the performance of the deputy chair. The deputy chair may be removed from office at any time by resolution of the council (relevant process outlined in section 18 of the Local Government Act 2002).

Committee chairs

The council can create committees (and subcommittees) of council. The chair of each committee is selected by a resolution of the council.

A committee chair presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council. They may also be required to act as the official spokesperson on issues relevant to the committees.

The council can also appoint deputy chairs for committees, who fill the role of chair when the chair is absent. The chair or deputy chair may be removed from office at any time by resolution of the council.



Ngā utu kaimahi, ngā tahua me ngā utu whakaea

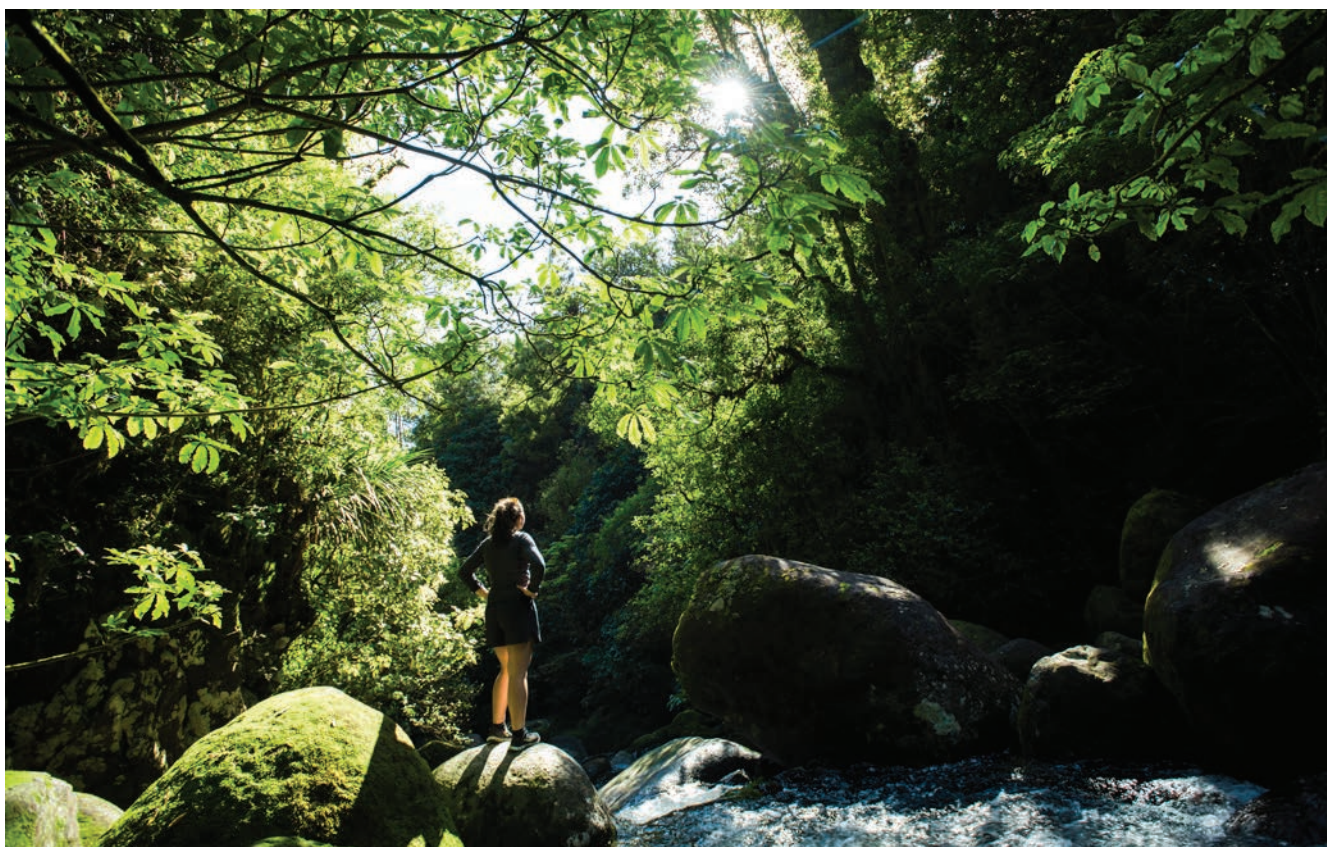
Salaries, allowances and reimbursements

Salaries

The Remuneration Authority is an independent body that sets the pay for elected members across the country. Remuneration of elected members is constrained by a remuneration pool set by the Authority that reflects the council's rank on a size index. The council will make recommendations on appropriate remuneration for a base councillor salary and for positions of responsibility, taking account of the size of the pool.

Salaries are paid monthly by direct credit (deposited on or as near as possible to the 15th of each month).

The chair, at their option and for the duration of their office, may also be provided with a vehicle which may be used for full private use (a deduction, set by the Remuneration Authority, is made from the chair's salary).



Allowances and reimbursements

The Remuneration Authority also determines the provisions for kilometrage, travel and communications allowances.

The *Councillors' Allowances and Reimbursements Policy* has been provided separately to all elected members and sets out the expense rules for elected members.

Vehicle mileage allowance

Elected members may use their own vehicle and claim kilometrage, provided the elected member is travelling in a private vehicle, on council business and by the most direct route. Members must take care to avoid making claims that result in the member being reimbursed for the same expenditure twice. As an example, this could occur when the vehicle used by the member is fuelled and serviced at the cost of a person or entity other than the elected member.

The council will pay elected members the maximum kilometrage allowance provided for in the current Remuneration Authority Local Government Elected Member Determination.

Travel time allowance

Elected members may claim a travel time allowance provided that the travel is on council business and by the most appropriate form of transport that is reasonable in the circumstances.

Council will pay elected members the maximum travel time allowance provided for in the current Remuneration Authority Local Government Elected Member Determination.

Carpooling is encouraged where elected members are travelling to the same meeting or event.

Communications allowance

If council determines that communication equipment is required by elected members to perform their function, and members choose or are required to use their own equipment, council will pay elected members the maximum communications allowance provided for in the current Remuneration Authority Local Government Elected Member Determination. This allowance includes a contribution to service fees.

Other expenses

Information on other expenses and eligibility to claim can be found in the *Councillors' Allowances and Reimbursements Policy*. This includes:

- travel and accommodation
- meals and incidental expenses
- entertainment and hospitality
- professional development
- membership of clubs and associations.

Claims process

Expenses will be paid monthly by direct credit (deposited on or as near as possible to the 15th of each month). All expenses must be submitted on a claim form to the Governance and Elected Member Support Specialist by the 7th of each month. Any late expenses will be held aside and not paid until the following month. Claim forms not submitted within three months require approval of the chair.

Elected members will be emailed an electronic master copy of their expense forms which will detail their usual kilometrage (taken from Google maps), and any extra allowances such as broadband, mobile phone and printer allowance.

Elected members will be required to fill in the detail of meetings for each month, which will include their kilometrage and travel time.

- **Meetings:** Extra detail is required for meetings or trips not organised by Waikato Regional Council and/or not held in the Waikato Regional Council Chambers.
- **Kilometrage:** Extra detail is required to explain why the route taken was not via the most direct route and was reasonable in the circumstances to justify the exception (such as road works requiring a detour on the usual route).
- **Use of council electric vehicle chargers:** Each charging event must be reported to the Governance and Elected Member Support Specialist so that an invoice can be provided to members periodically against the formula in the *Councillors' Allowances and Reimbursements Policy*.

Claims for meals and other justified expenses must be accompanied by an itemised GST receipt. Alcoholic beverages are not reimbursed. Claims for childcare allowance must also be accompanied by itemised GST invoices or receipts and include details of dates claimed for.

Ngā tikanga whanonga

Code of conduct

Every council adopts a code of conduct for its elected members (Clause 15 of Schedule 7 of the Local Government Act 2002). The current *Waikato Regional Council Code of Conduct for Elected Members* has been provided separately to all elected members.

The code of conduct provides guidance on how elected members are expected to conduct themselves, including behaviour toward one another, staff and the public, and the disclosure of information.

The code of conduct also contains a general explanation of the Local Government Official Information and Meetings Act 1987 and other enactments or rules of law that are applicable to elected members.

The code of conduct can be amended but it cannot be revoked without replacement. To amend a code of conduct or adopt a new code of conduct, a vote of not less than 75 per cent of members present in support is necessary.

Relationships with other elected members

Successful teamwork is a critical element of any democratically elected organisation. No team will be effective unless mutual respect exists between elected members.

Elected members must 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.

Every elected member must act in good faith in relation to other elected members. No elected member may make a complaint for frivolous, partisan or political reasons. Elected members should not communicate the existence or details of a complaint made under the code to the media unless a decision has been made by council to do so.

Relationships with staff

The effective performance of council requires a high level of co-operation and mutual respect between elected members and staff. To ensure co-operation and trust is maintained, elected members must:

- recognise that the chief executive is the employer (on behalf of council) of all council employees, and as such only the chief executive may hire, dismiss, instruct, or censure an employee
- make themselves aware of the obligations that council and the chief executive have as employers and observe those requirements
- treat all staff (whether employees or contractors) with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct)
- observe any guidelines the chief executive puts in place regarding contact with staff
- not do anything which compromises, or could be seen as compromising, the impartiality of a staff member
- avoid publicly criticising any staff member in any way, but especially in ways that reflect on their competence and integrity
- raise concerns about staff only with the chief executive, and concerns about the chief executive only with the chair or the deputy chair.

Failure to observe these requirements may compromise the council's obligation to act as a good employer and may expose the council to civil litigation and audit sanctions.

Breaching the code

Breaching the code has repercussions. Penalties depend on the nature of the breach and include:

- dismissal from the position of chair or deputy chair
- removal or suspension of a special status, such as committee chair or committee member
- invitation for the elected member to resign
- removal of right to speak to members of the staff, other than the chief executive
- education and/or mentoring
- a request for an apology, either public or private.

Mō ngā whakamanioro, ngā kapatau, te whakawetiweti rānei

Responding to abuse, threats and public intimidation

Matters of abuse, threats and public intimidation are not always clear cut. By and large, councillors themselves are best placed to determine whether an email, digital communication or personal interaction with a member of the public is abusive or intimidating. Every individual has different tolerance thresholds and every situation is different so it's largely a matter of personal judgement about whether to report, respond or ignore.

Intimidation or abuse – 'in real life' or online – is subject to potential criminal prosecutions:

- It's a criminal offence for someone to harass you, if they intended to make you fear for your safety or if they knew that what they were doing was likely to make you fear for your safety. There are specific legal tests that must be met, including that there must be a pattern of behaviour (being two or more acts in a 12 month period, or one continuing act over a period of time), involving specific types of acts (for example hanging around outside your house or work, following you, or contacting you by phone, letter, email, text, online post, or any other way) [Section 8 of the Harassment Act 1997].
 - It's a criminal offence for someone to threaten to kill you or threaten to seriously injure you, or to send you a letter, text, email or other written material containing this kind of threat. The person can be jailed for up to seven years for this [Section 306 of the Crimes Act 1961].
 - It's a criminal offence for someone to threaten to injure you or damage your property, if they intended to frighten or intimidate you or knew that these were the kind of threats likely to frighten or intimidate any reasonable person [Section 21 of the Summary Offences Act 1981].
 - It's a criminal offence for someone to use a phone to disturb, annoy or irritate you, if their intention was to offend you. It's also an offence to use "profane, indecent, or obscene" language over a phone, or to suggest something that's profane, indecent or obscene, if this is done with the intention of offending you [Section 112 of the Telecommunications Act 20010].
- It's a criminal offence for someone to cause you serious emotional distress by posting a "digital communication" if they intended to cause you harm. The other person can only be convicted if an ordinary reasonable person in your position would have been harmed by what happened [Section 22(1) of the Harmful Digital Communications Act 2015].

Waikato Regional Council takes a zero tolerance approach to any such behaviour and encourages you to report all instances of intimidating or abusive behaviour so the scale and nature of the issue can be monitored and understood.

If you have received abusive communications, simply forward an email or take a screen shot, clip or snip tweets or posts on your phone, SurfacePro or desktop computer and forward to emailconcerns@waikatoregion.govt.nz.

Our staff will monitor reports of intimidation and will report the matter to the appropriate authorities if they note patterns of intimidatory behaviour or escalating levels of abuse from individuals or groups.

You may also warn offenders that you are keeping a record of all messages and may refer them to the appropriate authorities, which might deter further offensive behaviour.

Staff will be looking to LGNZ and Taituarā to help produce guidance for councils on supporting councillors and will continue to work with the government and other agencies to address the issue of public intimidation and its impact on local democracy.

Management structure

Chris McLay
Chief Executive

Chris.McLay@waikatoregion.govt.nz



As Chief Executive of Waikato Regional Council, Chris has overall responsibility for leading and managing the organisation, implementing council decisions, and ensuring the effective and efficient performance of council. Chris has been Chief Executive since 2020, working in senior management at Waikato Regional Council since 2001, with most of that time in an executive role.

Janine Becker

Director
Finance and Business Services
Janine.Becker@waikatoregion.govt.nz



Janine Becker has been Director of Finance and Business Services since January 2019. As Chief Financial Officer, Janine's responsibilities cover all finance functions, as well as corporate planning, facilities and fleet management, legal, procurement, funding and portfolio management. Prior to this, Janine was Finance Manager.

Karen Bennett

Manager
Chief Executive's Office
Karen.Bennett@waikatoregion.govt.nz



Karen has been Manager of the Chief Executive's Office since 2014, supporting the chief executive with stakeholder relationships and strategy. She also looks after corporate sustainability.

Neville Williams

Director
Community and Services
Neville.Williams@waikatoregion.govt.nz



Neville has been Director of Customer, Community and Services since 2014, with responsibility for leading communications and marketing, customer experience, iwi relations, Treaty settlements, civil defence and information technology.

Brent Sinclair

Director
Resource Use
Brent.Sinclair@waikatoregion.govt.nz



Brent has been Director of Resource Use since 2021 and is responsible for leading the council's regulatory responsibilities for the implementation of the Resource Management Act, the Building Act and the Maritime Transport Act. Prior to this, Brent was the Manager of Regional Consents for many years.

Tracey May

Director
Science, Policy and Information
Tracey.May@waikatoregion.govt.nz



Tracey became Director of the newly formed Science, Policy and Information Directorate in 2014, two years after joining Waikato Regional Council. She brings together science and strategy to effectively deliver the policy cycle of policy preparation, monitoring and review. Science, Policy and Information leads the organisational priorities of land and water, coastal and marine, and regional development.

Greg Ryan

Director
Integrated Catchment Management
Greg.Ryan@waikatoregion.govt.nz



Greg has responsibility for leading and managing the Integrated Catchment Management Directorate. This directorate works closely with our communities to deliver services that enhance catchment health, underpin the viability of their economies and improve their resilience to natural hazards. Services include flood control and river management, biodiversity enhancement, biosecurity and pest management, sustainable land management, and hazard/emergency management, including responses to marine oil spills.

Mark Tamura

Director
Regional Transport Connections
Mark.Tamura@waikatoregion.govt.nz



Mark is responsible for leading the work of staff in the Regional Transport Connections Directorate formed in 2021. It helps to deliver on one of the council's six strategic priorities, ensuring connected communities through improved transport connections, bringing together relevant stakeholders and funding partners, and providing the region's public transport services.

Ngā raru whaipānga

Conflicts of interest

Conflicts of interest sometimes cannot be avoided and can arise without anyone being at fault. But they need to be managed carefully.

Elected members must maintain a clear separation between their personal interests and their duties as members to ensure they are free from bias (whether real or perceived). The public must have confidence that elected members are acting impartially and with an open mind in their decision making and use of publicly funded resources.

The council may deal with matters where the community is divided, and members may be lobbied collectively or individually. Members must be seen to be open to receiving information on the issue, but able to identify where the public are making accusations that they are biased where they are, in fact, not biased.

Members must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA) and sections 54A-I of the Local Government Act 2002 (LGA), each containing separate requirements.

See Appendix 1 – Relevant legislation | Āpiti hanga 1 – Ngā ture hāngai for more detailed information on the LAMIA, in particular, as well as other Acts.

Disclosing the conflict of interest

Disclosing conflicts of interest is the responsibility of the elected member concerned. It is better to err on the side of openness and take a precautionary approach. All such disclosures by elected members are recorded in the *Register of Interests* maintained by the Democracy Services team.

Initial disclosure

Elected members must make a declaration of interest at the start of each triennium within six weeks of the triennial meeting. The Democracy Services team will email a form for you to complete.

Ongoing disclosures

Conflicts can arise at any time and elected members need to remain alert to this possibility². It is the responsibility of the elected member concerned to make a disclosure as soon as practicable after becoming aware of any interest that has not previously been declared.



² Controller and Auditor-General, (2007), *Managing conflicts of interest: Guidance for public entities*, Wellington, page 27.

Meetings

Elected members have the opportunity at the opening of each governance meeting to declare any interests pertaining to items on the agenda for that meeting. It is the responsibility of the elected member concerned to disclose the interest before that matter is discussed.

Managing the risks associated with the conflict of interest

Responsibility for mitigating risk associated with a conflict of interest sits with the relevant elected member. This may involve noting it for the record, or the elected member may decide to abstain from discussion and/or voting, or leave the meeting while the item is dealt with. Where a conflict arises, elected members are encouraged to seek advice from Democracy Services staff or their own independent legal advisor.

Council's obligations

There are four main obligations for the council. They must:

- a. keep a register of members' pecuniary interests
- b. appoint a Registrar, who will compile and maintain the register for council
- c. make a summary of the information contained in the register publicly available
- d. ensure that information contained in the Register is:
 - i. only used or disclosed in accordance with the purpose of the register, and
 - ii. retained for seven years after the date on which a member provides the information, and is then removed from the register.

Members obligations

The key obligations for members are to:

- a. make annual returns that contain information on certain pecuniary interests to the registrar, within the statutory timeframe:
 - i. **Year 1:** the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
 - ii. **Year 2:** the last day of February in the second year of the triennium; and
 - iii. **Year 3:** the last day of February in the third year of the triennium.
- a. ensure that the information contained in their returns is accurate; and
- b. in the event of becoming aware of an error or omission in their returns, advise the registrar of that as soon as practicable.

If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5000.



Ngā whiriwhiri whakatau

Decision making

Principles for making good decisions

Almost everything council does involves a decision. The LGA 2002 specifies that a decision includes deciding to follow a particular course of action, or not to take action about a particular matter. The Office of the Auditor General has outlined the factors to be considered in council decision making based on the principles of the LGA 2002. These are:

- prudent financial decision making
- consideration of options
- informed decisions
- proportional process
- inclusive process
- transparency
- effectiveness and efficiency
- legal framework; acting in accordance with law, reasonably and fairly.

Making good decisions includes considering information they are based on, and in a world of misinformation, understanding what can be relied on. Ask the following questions:

- Where does the information come from?
- Who is interpreting that information?
- What position or agendas are being represented?
- What positions are not being represented?

As an elected member, it is your responsibility to carry out information due diligence and educate yourself.

Governance structure

At the commencement of each triennium, council is required to adopt a committee structure that meets its legislative and governance obligations as a regional council. Efficient and effective governance is about the way the council decides to conduct its business, as well as the structure within which it makes its decisions.

Council has a range of choices about how to organise its governance structure, coupled with broad powers of delegation. Without delegation the operation of council would not be efficient or effective.

However, certain decisions must be exercised by full council and cannot be delegated. These are:

- The power to make a rate.
- The power to make a bylaw.
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan.
- The power to adopt a long term plan, annual plan or annual report.
- The power to appoint a chief executive.
- The power to adopt policies required to be adopted and consulted on under the LGA in association with the long term plan, or developed for the purpose of the local governance statement.
- The power to adopt a remuneration and employment policy.

All other decisions can be delegated to committees and, in some cases, to the chief executive.



Council and committee meetings

Detailed information about the role of the council and its committees and the scope of their powers is set out in the terms of reference, as agreed by the council. The terms of reference set out the objectives, scope of activity and the delegated authority for each committee. Copies will be provided to all elected members.

The council approves policy and monitors its implementation, authorises the overall allocation of resources, sets priorities and determines the levels of service to be provided.

Standing committees develop and advise the council on policies to be adopted and the appropriate resource allocation for those policies. To improve efficiency, committees are delegated many decision making powers. Where a committee has the delegated authority to make decisions, these matters will be considered under Section A in the agenda and be reported to the council for information. This avoids the need for business to be debated a second time before the full council. Where a committee does not have such delegated authority, items will be considered under Section B and decisions can only be recommended to the council.

All matters coming before committees (whether sections A or B) are reported to the council to ensure all elected members are aware of all the decisions being made in the council's name. The council notes the decisions included under Section A of committee reports and adopts (amends or rejects) the recommendations under Section B.

Elected members receive electronic copies of all committee agendas and are entitled to attend all meetings and to participate in the discussion. However, only appointed members of committees have voting rights.

In respect of **statutory hearing committees**, only the members appointed by the council can legally participate in these proceedings.

Minutes of every meeting must record the time of arrival, departure and 'comings and goings' of members. It is expected that attendance will be for the duration of the meeting for appointed members, unless compelling reasons dictate otherwise. For more information on this topic, please refer to the standing orders.

The public, including the media, has the right to attend all advertised meetings and have access to the agendas and any other material being presented at the meeting (except for items held in public excluded sessions).

Scheduling meetings

At its triennial meeting and annually thereafter, it is council practice to adopt an annual schedule of meetings which include council, committee and subcommittee meetings, and hearings.

The law requires that council meetings are publicly advertised and includes the timeframes required for giving notice.

'Councillors meetings' calendar

The annual schedule of meetings is circulated to elected members via an Outlook calendar called 'Councillors meetings'.

'Councillors meetings' is managed by the Governance and Elected Member Support Specialist and is also used to schedule meetings between elected members and staff.

The schedule of meetings is subject to change, should the council's business dictate. Councillors meetings will be updated accordingly when changes occur.

Required attendees

Meeting requests for committees and subcommittees will list the required attendees/elected members in the body of the invite.

Leave of absence and apologies

Elected members unavailable to attend meetings should make an application for a 'leave of absence' in writing and submit this to the chair (via the Governance and Elected Member Support Specialist) prior to the preceding council meeting. The 'leave of absence' may be approved by resolution of Council.

If a leave of absence has not been obtained, elected members may tender an apology or apology for lateness by emailing or phoning the Governance and Elected Member Support Specialist.

Declining a meeting request for a committee or subcommittee of which you are a member will not be noted as an official apology.

Procedures and standing orders

Council has a statutory requirement to adopt a set of standing orders for the conduct of all its meetings.

Once standing orders, together with any amendments, have been adopted, the meeting procedures contained in standing orders must be followed. The procedures for meetings include such matters as the conduct of meetings, motions (notices, amendments and process), rules of debate, speaking rights and voting.

Elected members should make themselves familiar with standing orders and refer to these provisions as the rules for the conduct of all meetings. They are based on, and are consistent with, all relevant local government legislation. A copy of standing orders will be provided as part of your induction pack.

Directors and/or democracy advisors can provide advice and assistance with regard to specific procedural matters and, if appropriate, can provide more general training in specific areas of need as identified by elected members.



Agendas

Directors will liaise with respective chairs on the agenda for their particular committee meeting and, where appropriate, specific items will be discussed before agendas are finalised and approved for distribution.

Agendas are coordinated by democracy advisors in consultation with directors and forwarded electronically.

Elected members who wish to have an item included on the agenda should contact the appropriate director as early as possible to discuss the matter. All agenda items require appropriate supporting information, so enough time should be allowed for research and compilation of relevant material if this is not already available.

Before meetings, the chair of council/committees may meet with the appropriate director and/or democracy advisor to discuss the published agenda and any procedural matters which need to be dealt with.

Every elected member will be sent an electronic agenda for all meetings.

Confirmation of agenda

After receiving any apologies, the first item of business at every meeting is to confirm the agenda.

The agenda for meetings is pre-circulated and only in exceptional circumstances should items be added, such as in cases of urgency where a decision is required by the committee or council which cannot wait until the next meeting.

The purpose of agenda items is to enable elected members to study the reports prior to the meeting so they can participate in sound decision making. To add items without prior notice could mean decisions are made with members not in possession of the facts or unaware that an issue was going to be discussed and resolved.

Also, there is a clear expectation in law that members of the public will have details of items coming before a meeting.

For more information on this topic, please refer to the standing orders.

Conflict of interest

Once the business of the meeting has been confirmed, members have an opportunity to signal their intention to withdraw from taking part in discussion and voting on any agenda item if they have a conflict of interest which could be seen to affect their impartiality.

Such conflict may exist because of a member's own financial affairs (pecuniary interest), a relationship or role he/she has or something he/she has said or done which could give rise to the appearance of bias or predetermination.

The council holds a register of interests. Elected members will be required to fill in a declaration of interests at the commencement of the new triennium. If there are any amendments to the register during the course of the triennium, please notify the Governance and Elected Member Support Specialist or the Registrar so the necessary changes can be made.

Minutes

The minutes from subcommittee meetings form part of the agenda for the next meeting of the relevant 'parent' committee. Generally, subcommittees have been created to provide advice to the council only and have no policy decision making powers – they contain recommendations only.

The minutes from committee meetings form part of the agenda for the next ordinary meeting of the full council. Committee minutes may contain both resolutions (under Section A) for the information of council and/or recommendations to council (under Section B).

The set of minutes from the ordinary council meeting are produced and distributed to all elected members and other interested parties as soon as practically possible after the council meeting. These minutes are confirmed at the next ordinary council meeting.

Extraordinary and urgent business/ additional business

Extraordinary and urgent business in respect of major items not on the pre-circulated agenda can be dealt with at a meeting, but only if:

- a. the council by resolution so decides, and
- b. the presiding member explains at the meeting the reason why the item is not on the agenda and the reason why the discussion of the item cannot be delayed until a subsequent meeting.

Additional business not on the agenda for a meeting may be discussed if:

- a. that item is a minor matter relating to the general business of the local authority, and
- b. the presiding member explains at the beginning of the meeting that the item will be discussed at the meeting, but
- c. no resolution, decision, or recommendation may be made in respect of the item except to refer that item to a subsequent meeting of the local authority for further discussion.

For more information on this topic, please refer to the standing orders.

Meetings to be held in public

The council is legally required to conduct all its meetings in public unless there are grounds to exclude the public which meet one or more of the requirements of the Local Government Official Information and Meetings Act 1987.

If an item is proposed to be considered in a public excluded session, the notice of motion in the agenda must outline:

- a. the statutory references relied on
- b. the general nature of the item to be considered
- c. the specific reason(s) for public exclusion (which can only be for one or more of the grounds specified in legislation).

Relevant agenda and supporting papers for items to be considered in a public excluded session will be salmon colour-coded and circulation will be limited to members and executive staff.

Public excluded items can only be discussed with elected members of this council.

Te hauora me te haumaruru

Health and safety

Our commitment to health and safety

At Waikato Regional Council we have a Health and Safety Policy that describes our shared commitment to the health and safety of our people. This policy applies to all councillors, staff, visitors and contractors who are providing services to or for our organisation.

As our commitment is so important and necessary, this is jointly signed by the CE and the Chair of Waikato Regional Council.

Waikato Regional Council and the Health and Safety at Work Act 2015

Background

The Health and Safety at Work Act (HSWA) 2015 came into force on 4 April 2016.

The Act recognises a well-functioning health and safety system relies on participation, leadership, and accountability by government, business and workers. It clearly sets out the principles, duties and rights in relation to workplace health and safety. We all have duties under the Act and need to work together to ensure these duties are fulfilled and people go home safely every day.

A key guiding principle of the Act is that employers must provide workers and others with the highest level of protection from workplace health and safety risks, as is reasonable. In addition, the Act's main focus is on proactively identifying and managing risks so everyone is safe and healthy.

Duties under the Act

As mentioned above, it's important to understand that everyone has a duty under the Act. These duties are summarised as follows.

Businesses have the primary responsibility for the health and

safety of their workers and any other workers they influence or direct. They are also responsible for the health and safety of people at risk from the work of their business. Businesses are known as the *person conducting a business or undertaking* (PCBU).

Officers (company directors, elected members, company partners, board members, chief executives) must do due diligence to make sure the PCBU (business) understands and is meeting its health and safety responsibilities.

Workers must take reasonable care of their own health and safety and ensure their actions don't adversely affect the health and safety of others. They must also follow any reasonable health and safety instruction given to them by the business and co-operate with any reasonable business policy or procedure relating to health and safety in the workplace.

Other people who come into the workplace, such as visitors or customers, also have some duties to ensure their actions don't adversely affect the health and safety of others.

Elected members as Officers

Officers have a duty of due diligence to ensure their business understands and manages its key health and safety risks. This includes taking reasonable steps to:

- have relevant, up-to-date knowledge of workplace health and safety
- understand the nature of the business and its operations and associated health and safety risks generally
- ensure the business has appropriate resources and processes to eliminate or minimise risk
- ensure the business has processes for receiving, considering and responding to information about incidents, hazards and risks.

How does council manage its health and safety responsibilities?

Elected members as Officers will receive regular updates about health and safety activity at the council through the monthly Health and Safety Report and Dashboard. This is a regular topic for the council agenda, led by the Manager of People and Capability.

Emergency information

Emergencies can occur quickly and without warning. There are many events, natural and man-made, accidental and malicious, that can cause harm and affect operations. These include:

- common emergencies like fires and first aid
- happenings like floods, storms, landslides, earthquakes, tsunamis, volcanic eruptions, biological issues/pandemics
- human errors like gas leaks, power failures, information technology failures and hazardous leaks and spills
- malignant activity like suspicious mail and bomb/terrorist threats.

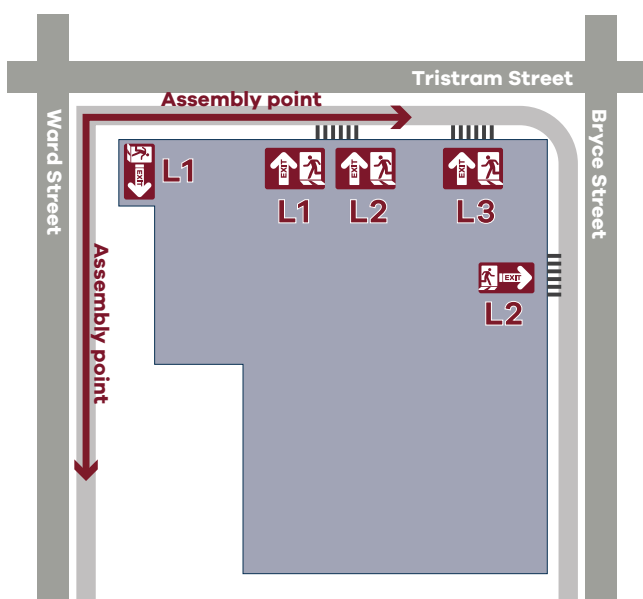
Evacuation procedures (160 Ward Street)

Waikato Regional Council has developed an Emergency Procedures flipchart, located throughout the 160 Ward Street building, to follow in the event of an emergency.

Elected members will receive training in the Emergency Procedures flipchart and required actions.

Building wardens have been appointed on each floor and area at 160 Ward Street. You will be introduced to the building warden for the executive floor (including the council chamber, committee room and elected members' lounge and interview rooms). In the event of an emergency, elected members should follow the building warden's instructions. **Note: Evacuation procedures are in place for other WRC offices and depots and must be observed.**

Assembly points, 160 Ward Street, Hamilton



Employee assistance programme (EAP)

Through the EAP you have access to confidential and professional counselling provided by EAP Services Ltd, an independent organisation. All professionals are qualified, registered and experienced and are trained to help you recognise and overcome problems that may cause difficulties in your personal life or at work.

The Employee Assistance Programme can help you with:

- personal relationship problems
- work performance issues
- alcohol, drug or gambling issues
- child and family concerns
- personal and career direction
- stress and pressure
- financial and legal problems
- anxiety and depression
- conflict at work
- personal trauma and grief.

How do I access EAP?

There are three counselling models: face to face, telephone and e-counselling through EAP.

Contact EAP Services Ltd directly to make an appointment in their closest office to you:

- 0800 327 669
- www.eapservices.co.nz and complete the online booking form to request an appointment.

The 0800 number is staffed by EAP staff members and can be accessed 24 hours, 7 days a week. Offices are located throughout New Zealand.

EAP Services Ltd guarantees an appointment within 48 hours. Urgent appointments can be made sooner if appropriate. Should you be unable to attend your appointment please provide 24 hours' notice.

Generally, three free sessions will be provided per issue. Under some circumstances, this can be extended with the permission of the People and Capability Manager.

Is EAP confidential?

All communications and discussions are treated as strictly confidential. EAP Services Ltd may, only with your written permission, discuss your visit with a third party.



Te whakahaere pārongo me ngā tuku kōrero

Information management and communications

Official information

'Official information' means any information held by the council. This includes material held in any format, regardless of where the information originated. Information held or known by elected members in their official capacity is official information.

The Local Government Official Information and Meetings Act 1987 requires that any requests for official information be granted, unless one or more of the withholding grounds in the Act applies.

Confidential information

In the course of their duties, elected members will receive information that is confidential. This will generally be council information that is either commercially sensitive or is personal to a particular individual or organisation. Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied or as required or mandated by law.

Business conducted where the public is excluded remains confidential and must not be disclosed to the public until either the council decides by resolution to make it public or the Chief Executive determines there is no longer good reason to withhold it under the Local Government Official Information and Meetings Act 1987 or the Privacy Act 1993.

Failure to observe these provisions may affect the council's performance by inhibiting information flows and undermining public confidence in the council. It may also expose the council to prosecution under the Privacy Act 1993 and civil litigation and may expose individual elected members to responsibility for loss under the Local Government Official Information and Meetings Act 1987.

Elected member information requests

A process is in place to capture and monitor elected members' requests for information. These must be emailed to the respective Executive Leadership Team member (Director or Chief Executive). The request will be logged into the request system and dealt with in accordance with processes that ensure requests are responded to in a timely and efficient manner.

This process does not prevent elected members communicating directly with directors when working on committee business.

External communications

The council has a communications and marketing section that provides a comprehensive communications and marketing service. The team manages the Waikato Regional Council brand through an integrated suite of channels including the news media, social media, events, video, web and print publications. It delivers an effective multi-media production service supported by high quality graphic design for print and electronic media.

The team prepares news releases covering council, committee meetings and newsworthy events and subjects. If any releases are prepared that affect your constituency, a director, manager or communications staff member will liaise with you about the content.

Please contact communications team leader Wendy Valois for assistance with any speaking or media engagements. Call 07 859 2721 or 021 369 815.

Media monitoring

A daily media monitoring service is emailed to elected members on request. The service scans the internet for media coverage of Waikato Regional Council business and related issues. Please contact Wendy Valois if you wish to be added to the email list to receive the service.

Contact with the news media

The news media plays an important part in local democracy and requires access to accurate, timely information about council activities. Elected members can expect to be approached to comment on issues, either on behalf of council, or as an elected member.

This part of the handbook deals with the rights and duties of elected members when speaking to the media.

Elected members have the right to communicate with the news media, but they must state clearly when they are expressing a majority, collective council view and when they are expressing a personal, minority opinion.

The following rules apply to contact with the media on the council's behalf:

- The Chair or Chief Executive is the first point of contact for official views on any issue. Where the Chair is absent, matters may be referred to the Deputy Chair or relevant committee chair. An elected member may communicate in the first instance with local news media in relation to matters that are of local interest or have local implications in their constituency.
- No other elected member may comment on behalf of the council without having first obtained the Chair's approval.
- Elected members may express a personal view in the media at any time, provided:
 - media comments do not state or imply that they represent the council's view
 - where an elected member is making a statement contrary to a council decision or council policy, they do not state or imply that their statements represent a majority view
 - they observe the requirements of the *Code of Conduct for Elected Members* including not disclosing confidential information or compromising the impartiality or integrity of staff or fellow elected members
 - in presenting a personal view, they do not undermine council policy
 - information provided to elected members in reports, discussion, debate or through questions of officers as part of the decision making process is accurately reflected.

Electronic communications and using social media

Electronic communications are official information. Emails are archived, easily recovered and may be requested by the public and media under the provisions of the Local Government Official Information and Meetings Act 1987 (as are emails from personal addresses when sent or received as an elected member).

Elected members must not send, or attempt to send electronic communication:

- to others that may be viewed as harassment (unwelcome or unreciprocated behaviour) or that includes potentially offensive or discriminatory material
- that may bring the council into disrepute, such as sending derogatory remarks about people or organisations.

Social media is the term for internet based tools used for publishing, sharing and discussion of information. This includes blogs, wikis and social networking sites such as Facebook, Twitter or LinkedIn. All communication through social media platforms is in the public domain. Whether talking to the media, speaking in public or using social media, the protocols outlined below apply.

- Show respect and avoid offensive or abusive language.
- Make it clear when expressing a personal opinion.
- Do not disclose confidential information or impugn the integrity or impartiality of fellow elected members or staff.
- Do not undermine council policy or bring the council into disrepute.

Elected members who have a concern about any communication they receive, or are aware of, should raise the matter with the:

- Chair if it relates to communication from an elected member
- Chief Executive if it relates to a communication from a staff member.

Ngā ara tautoko mā ngā mema i kōwhiria

Elected members' support and facilities

The Democracy Services team

The Democracy Services team provides efficient and effective democratic support to council. The core functions of the team are to:

- provide high quality support and advice to elected members
- facilitate efficient, legal and democratic decision making
- manage elections, polls and election-related processes
- provide information and advice about the democratic decision making process
- foster public participation in the democratic process
- enhance openness and transparency by managing complex requests for information.

Technology and IT support

Elected members will be provided with services and equipment to enable efficient communication and easy access to documents and information for council business.

The following services will be provided to all elected members.

- Office 365 subscription, including email services.
- Access to electronic documentation via internet-based software.

Elected members may also be provided with the following optional personal devices and services.

- Mobile smartphone.
- Mobile phone plan.
- Microsoft Surface.

Alternatively, a councillor may choose to use their own mobile phone, mobile plan and tablet device and claim an allowance for these as set out in the *Councillors' Allowances and Reimbursements Policy* and as approved by the Remuneration Authority.

Refer <http://www.legislation.govt.nz/regulation/public/2019/0135/latest/LMS211421.html> for the current Remuneration Authority allowance rates.

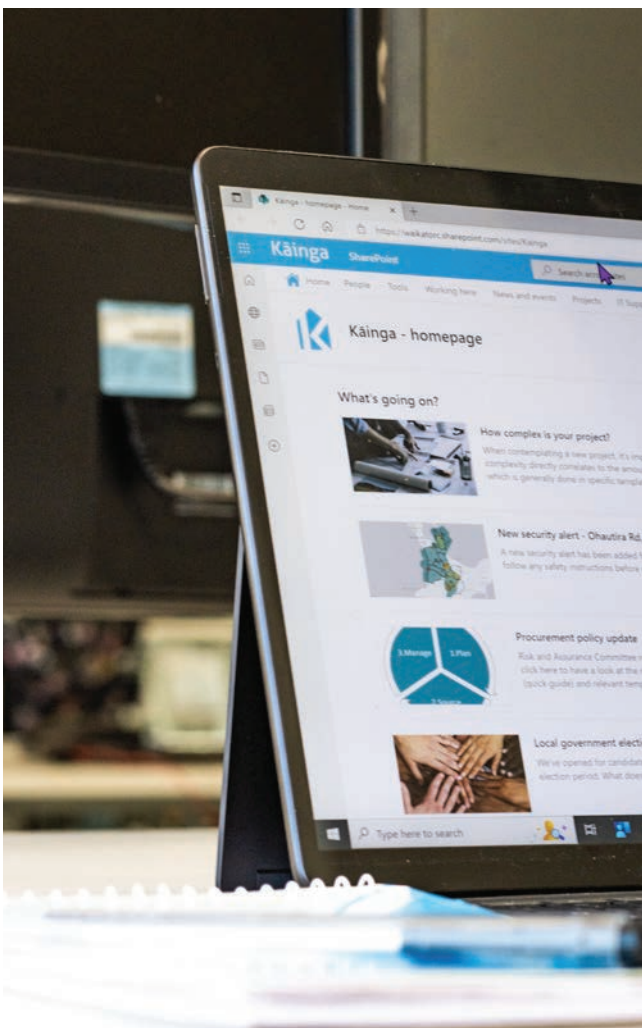
The following equipment and services are available for use at Waikato Regional Council offices.

- Access to Wi-Fi.
- Video conferencing (from any of the four main offices).

Elected members are responsible for providing fixed IT equipment within their home environment and will be entitled to allowances as set out in the *Councillors' Allowances and Reimbursements Policy*. This includes home internet connection, personal computer and printer.

IT support is provided via Waikato Regional Council's IT Service Desk on 0800 859 0700 and councillors will also be offered training in the use of council-supplied devices and software.

Further details covering the technology provisions and guidelines for councillors' use of Waikato Regional Council provided IT services are covered in the document *Information Technology Services Usage Guidelines and Policies for Elected Members 2019*.



Administrative support

The Governance and Elected Member Support Specialist has access to all elected members' diaries and council-issued Outlook email folders and can provide the following support.

- Maintain the 'Councillors Meetings' calendar.
- Diary management (meetings with staff/stakeholders/iwi).
- Email management.
- Processing of elected members' monthly expenses.
- Travel and accommodation bookings.
- Training and development and conference attendance bookings.
- Stationery requests.
- Elected member requests.
- Meeting room bookings.
- Other administration duties as requested.

Diary management

Elected members will receive Outlook calendar requests for all council meetings, committee meetings, subcommittee meetings and elected members' workshops. This is managed from the 'Councillors meetings' Outlook calendar.

Required attendees: Meeting requests for committees and subcommittees will list the required elected members as 'required attendees' in the body of the invite.

Should elected members require further assistance with diary management, their specific requirements should be discussed with the Governance and Elected Member Support Specialist.

Email management

Should elected members require assistance with email management, their specific requirements should be discussed with the Governance and Elected Member Support Specialist.

Printing and photocopying

Printing and copying facilities can only be used for council business. Printing and copy requests should be given to the Governance and Elected Member Support Specialist. Any private printing or copying will be charged for at current Waikato Regional Council private rates.

Accommodation and travel bookings

Accommodation can be arranged for elected members who are required to travel in excess of 100km one way for attending any council meetings, committees, subcommittees, elected member workshops, conferences or training courses that commence prior to 10am. Elected members who live outside of their constituency or whose constituency traverses a significant distance, can claim two nights' accommodation per month to serve constituency needs.

All accommodation and flights **must** be booked through the Governance and Elected Member Support Specialist. Please advise the Governance and Elected Member Support Specialist well in advance if you require accommodation, as early bookings often reduce costs and also ensure availability during peak periods.

The council has negotiated corporate rates with a number of motels and hotels. These preferred providers should be used unless extraordinary circumstances arise.

Please refer to the *Elected Members' Allowances and Reimbursements Policy* for further details.

Conferences, seminars, training, field trips and elected member tours

Conferences, training seminars, field trips and elected member tours are provided to assist elected members in their duties. Elected member tours are intended to help familiarise elected members with the various responsibilities of the council and the diverse nature of the region. Throughout the triennium, if elected members hear of any relevant conferences or training seminars they have an interest in attending, please contact the Governance and Elected Member Support Specialist.

An annual budget of \$2000 per elected member will be set aside for professional development. This annual allowance excludes registration for the Local Government New Zealand annual conference, and the "Making Good Decisions" accreditation course.

The annual allowance may be allocated variably across the triennium subject to budget availability.

Please refer to the *Elected Members' Allowances and Reimbursements Policy* for further details.

Elected members facilities

Office access

Waikato Regional Council is headquartered in Hamilton, with offices in Taupō, Whitianga and Paeroa. Works depots are at Northgate, Te Aroha and Tuakau. Office hours are 8am to 5pm weekdays, although senior staff are available outside these hours.

Elected members are welcome to make arrangements to meet constituents or conduct other meetings relating to council business at any of these offices. Please contact the Governance and Elected Member Support Specialist in the first instance.

Access fobs will be provided to new elected members in their first week to gain access to the Hamilton buildings. These fobs need to be visible and must be worn as a form of ID.

Council/committee meetings and workshops are generally held during the day, so elected members are unlikely to require after hours access. Should you require entry to the building out of office hours, please request access from the Governance and Elected Member Support Specialist.

Car parking

There are 14 (fourteen) elected member car parks available 24 hours a day in the basement at 160 Ward Street, Hamilton.

Elected members' lounge

The elected members' lounge is available for the use of elected members at any time. Tea and coffee facilities are available in the adjoining kitchen.

Elected members' office

The elected members' office and meetings rooms on Level 1 Whenua are available for elected members to hold meetings with staff and constituents. The Governance and Elected Member Support Specialist can book meeting rooms for you when required.

Elected members' mail

All mail is opened (unless it is marked 'Private and Confidential'). Mail addressed to an elected member is opened, scanned and saved into the corporate document management system. The Governance and Elected Member Support Specialist is assigned ownership of the document. It is then the responsibility of the Governance and Elected Member Support Specialist to forward this document to the elected member concerned.

Correspondence addressed to the chair of the council is opened, scanned and saved into the document management system. The chair is assigned ownership of the document.

The physical copies of the documents for both elected members and the chair are delivered to the owner via the Governance and Elected Member Support Specialist.

Elected members are provided with lockable lockers and a key. The lockers are located in the corridor outside the elected members' lounge. Please check and clear your lockers frequently.

Stationery



The following stationery and other related services will be provided for elected members. Requests can be made to the Governance and Elected Member Support Specialist.

- Business cards with personalised information.
- Waikato Regional Council 'compliment' slips (not personalised).
- A4 letterhead.
- A4 notepads.
- Envelopes (franked/self-addressed to Waikato Regional Council).
- Diaries (to be ordered through the Governance and Elected Member Support Specialist).
- Name badge for use at official council functions.
- Council envelopes and mail services for council business only.
- Confidential recycling bins are available for disposal of unwanted documents in the mailroom on Level 1 Whenua.

Library

The Waikato Regional Council library is situated on Level 2 Awa, 160 Ward Street, Hamilton. It has a significant collection of books and reports on all subjects relating to Waikato Regional Council business. These include the organisation's published documents, as well as most of the historical material from the Hauraki Catchment Board and the Waikato Valley Authority. The library also holds annual reports, annual plans and district plans for all of the territorial authorities in the region, as well as annual reports from major stakeholders.

The library has reference hard copies of all relevant legislation and is able to order additional hard copies of legislation as required. Legislation is also available electronically through Thomson Reuters.

The library subscribes to more than 100 serial titles and can network with other libraries throughout New Zealand (and internationally) to obtain copies of journal articles and book loans as required. It is also the central point of contact for all book and serial purchases.

For more information about library services and associated training, please contact the Governance and Elected Member Support Specialist.



Ngā kupu rāpoto

Council acronyms and abbreviations

ACC

Accident Compensation Corporation

ACRE

Advisory Committee for the Regional Environment

AEE

Assessment of Environmental Effects

AMP

Asset Management Plan

AP

Annual Plan

ASG

Alternative Staff Group

BAU

Business as usual

CAPEX

Capital expenditure

CCO

Council controlled organisation

CRI

Crown Research Institute

CDEM

Civil Defence Emergency Management

CE/CEO

Chief Executive Officer

CFO

Chief Financial Officer

Crs/Cllrs

Councillors

DAP

Draft Annual Plan

EEO

Equal employment opportunities

EO

Electoral Officer

ELT

Executive Leadership Team (includes the CEO and all Directors)

FTE

Full time equivalent (employees)

GIS

Geographic Information Systems

H&S

Health and Safety

IPANZ

Institute of Public Administration NZ

IRIS

Integrated Regional Information System

KPI

Key Performance Indicator

KRA

Key Result Area

LGA

Local Government Act 2002

LGC

Local Government Commission

LGNZ

Local Government New Zealand

LGOIMA

Local Government Official Information and Meetings Act 1987

LTP

Long Term Plan

MBIE

Ministry of Business, Innovation and Employment

NZTA

Waka Kotahi NZ Transport Agency

OPEX

Operating expenditure

OAG

Office of the Auditor General

OPC

Office of the Privacy Commissioner

PEX

Public excluded

PMF

Project Management Framework

PT

Public transport

RLTP

Regional Land Transport Plan

RMA

Resource Management Act 1991

RPS

Regional Policy Statement

RPTP

Regional Public Transport Plan

SIG

Special interest group

SO

Standing orders

SOE

State of environment

SOLGM

Now known as Taituarā — Local Government Professionals
Aotearoa

TOR

Terms of Reference

WRC

Waikato Regional Council

WRCP

Waikato Regional Coastal Plan

WRP

Waikato Regional Plan

Āpiti hanga 1 – Ngā ture hāngai

Appendix 1 – Relevant legislation

This is a summary of legislative requirements that have a bearing on the duties and conduct of members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about Members discussing and voting on matters in which they have a pecuniary interest and about contracts between Members and Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a Member personally (or for their spouse or partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

Regarding pecuniary or financial interests, a Member is deemed to be concerned or interested in a contract or interested directly or indirectly in a decision when:

- a. A Member, or their spouse or partner, is concerned or interested in the contract or where they have a pecuniary interest in the decision; or
- b. A Member, or their spouse or partner, is involved in a company that is concerned or interested in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a Member is potentially concerned or interested in a contract or has a pecuniary interest in a decision, such as where a contract is between a Member's family trust and Council.

Determining whether a pecuniary interest exists

Members are often faced with the question of whether they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether a Member has a pecuniary interest, they should consider the following factors:

- a. What is the nature of the decision being made?
- b. Do they have a financial interest in that decision - do they have a reasonable expectation of gain or loss of money by making that decision?
- c. Is the Member's financial interest one that is in common with the public?
- d. Do any of the exceptions in the LAMIA apply?
- e. Could the Member apply to the Auditor-General for approval to participate?

Members may seek assistance from the Chair or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether they have a pecuniary interest in the decision. Any Member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists Members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who have a pecuniary interest must declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention must be recorded in the meeting minutes. (Further requirements are set out in the Council's *Standing Orders*).

The contracting rule

A Member is disqualified from office if he or she is “concerned or interested” in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which the Member is interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by the Member.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify the Member under LAMIA. It is an offence for a person to act as a Member while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary interests, including common law rules about bias. To determine if bias exists Members should ask:

“Is there a real danger of bias on the part of the Member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?”

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not Members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- a. Members’ statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, Members have a “closed mind”); and
- b. Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether they might be perceived as biased, Members must also take into account the context and circumstance of the issue or question under consideration. For example, if a Member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the Member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as a hearing under the Resource Management Act).

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 that apply to Council, its committees, and subcommittees. 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 personal responsibility to maintain acceptable standards of address and debate. No Member may:

- a. Create a disturbance or a distraction while another Member is speaking;
- b. Be disrespectful when they refer to each other or other people; or
- c. Use offensive language about Council, other Members, any employee of Council or any member of the public.

See *Standing Orders* for more detail.

The Act also defines official information and the way requests for information are to be dealt with including when information may be withheld and when governance meetings may consider matters in public excluded session.

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 receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years or fined up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 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:

- a. Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- b. Use information gained in the course of their duties for their, or another person’s, monetary gain or advantage.

Members convicted of these offences will automatically cease office.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) places elected members in the same position as company directors whenever Council offers stock to the public. Elected 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.

Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of Members.

Although having qualified privilege, Members can be held personally accountable for losses incurred by Council where, following a report from the Auditor General under section 44 LGA 2002, it is found that one of the following applies:

- a. Money belonging to, or administered by Council has been unlawfully expended; or
- b. An asset has been unlawfully sold or otherwise disposed of by Council; or
- c. A liability has been unlawfully incurred by Council; or
- d. Council has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred:

- * without the Member's knowledge
- * with the Member's knowledge but against the Member's protest made at or before the time when the loss occurred
- * contrary to the way the Member voted on the issue
- * in circumstances where, although being a party to the act or failure to act, the Member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situations, Members will also be responsible for paying the costs of proceedings (section 47 LGA 2002).

Under section 54A to I of the LGA 2002, elected members are required to disclose pecuniary interests as defined following each election and annually thereafter for inclusion in a public register.



