

26 September 2025

Linda Canton
Chief Executive
Local Government Commission

Dear Linda

Feedback from the Manawātū District Council on the draft Local Government Code of Conduct

Thank you for the opportunity to provide a submission on the draft Standardised Code of Conduct for Elected Members.

The Manawātū District Council (MDC) acknowledges the intent to strengthen governance standards across the local government sector. We support measures that encourage respectful behaviour, constructive culture, and accountability. However, we are concerned that the draft Code, as written, risks creating unintended consequences, undermining localism, and placing unnecessary cost burdens on councils.

We consider that codes of conduct are most effective when they:

- Provide clarity on aspirational behaviours and positive standards, not just sanctions for breaches
- Are supported by sector-wide consultation, professional development, and training
- Strike a balance between national consistency and local flexibility, recognising that one size does not fit all councils

Purpose of the Code

MDC believes the Code should primarily be about defining good governance behaviours and fostering collegiality and respect among elected members. Complaints and investigations should be a secondary function. Rules alone will not change behaviour – a balanced and positive approach is essential.

We recommend:

- Framing expected behaviours aspirationally (e.g., “I can be trusted to act in the community’s interest”), rather than exhaustively listing breaches
- Including examples of positive behaviours and proactive conflict resolution, alongside examples of unacceptable conduct
- Ensuring professional development and induction programmes support the Code’s intent

Consultation and Localism

The draft Code has been developed centrally. MDC strongly urges the Commission and Secretary for Local Government to consult widely with councils on the final content. Buy-in from the sector is essential if the Code is to be effective.

Local government is not uniform. A one-size-fits-all approach risks undermining the ability of councils to tailor governance to their communities. We urge that the Code retain sufficient flexibility for councils to adapt elements to their local context.

Complaints Process and Investigations

MDC acknowledges the importance of having clear processes for dealing with breaches. However, we have concerns about aspects of the draft process:

Chief Executive role: It is inappropriate for the Chief Executive, as the council's employee, to be directly involved in complaints about elected members. This places the CE in an uncomfortable conflict position. Initial assessments and investigations should be conducted independently of council staff.

Assessor vs Investigator: We support splitting the roles of preliminary assessor (triage) and investigator. This avoids conflicts of interest and reduces costs.

Public complaints: MDC opposes extending the Code to allow members of the public to lodge complaints. Our experience is that such processes risk being used vexatiously against individual members or the organisation, creating unnecessary cost and distraction. Other avenues already exist for the public to raise concerns (e.g., through the LGOIMA process). We support retaining the current approach, where only elected members or the Chief Executive may lodge complaints under the Code.

If the Local Government Commission decides to allow the public to lodge complaints we strongly recommend requiring complainants to provide their name and contact details, and giving investigators the discretion to dismiss complaints lacking evidence or made in bad faith.

Member's capacity: Clauses 17 and 18 of the draft Code are intended to distinguish between conduct in an official capacity (clause 17) and interactions with council staff in a personal capacity (clause 18). While we acknowledge the importance of covering both contexts, the current wording risks being read as inconsistent. We recommend that the Code more clearly explain the distinction, to avoid confusion and ensure consistent application across councils.

Materiality threshold: The current threshold of behaviour that "reflects adversely" on another member is too low. Political debate naturally involves disagreement. The threshold should be raised to "unreasonable harm".

Complaints involving the Mayor: The draft Code does not provide clarity on how complaints against the Mayor are to be managed. For example, clause 33 provides for referral to the Mayor or Chairperson, but this is unworkable if the Mayor is the subject of the complaint. The Code should specify an alternative pathway, such as referral to the Deputy Mayor, a designated committee Chair, or directly to an independent investigator, to avoid conflicts of interest.

Appeal rights: There should be a mechanism for appeal of an investigator’s findings, to ensure fairness and natural justice.

Sanctions and Enforcement

MDC notes that the sanctions available under the current legal framework are limited and often unenforceable. MDC notes that the sanctions available under the current legal framework are limited and often unenforceable. Greater clarity is needed on how breaches are defined (e.g., “minor” versus “major”), what sanctions are available in each case, and whether they are legally enforceable. We recommend:

- Adding “refusal to comply with a sanction” as a separate breach of the Code
- Exploring stronger penalties for serious breaches, noting that additional legislative change may be required
- Avoiding sanctions that undermine long-term relationships (e.g., public removal from meetings), and focusing instead on constructive remedies (e.g., training, mediation, mentoring)
- Providing clear guidance to ensure consistent application of sanctions across councils

Policies and Consistency

The draft Code relies heavily on compliance with local policies (e.g., media, social media, election year policies). Not all councils have these in place, and their content varies. This undermines the purpose of a national Code.

We recommend that:

- Core behaviours (e.g., confidentiality, distinguishing personal views from council positions, respectful treatment of staff) be written directly into the Code, not left to policy
- If policies are referenced, template policies could be provided to ensure national consistency

Te Tiriti o Waitangi

MDC supports the inclusion of Te Tiriti o Waitangi in the Code. However, we note concerns that the draft wording could expose councils to unintended legal challenge. We recommend clarifying that obligations arise from **statutory requirements** (e.g., LGA 2002, RMA 1991, Land Transport Act 1998), and aligning the Code’s wording with legislative obligations.

Other Matters

- **Undischarged bankruptcy:** The Code should require members to disclose if they are undischarged bankrupts, consistent with Schedule 7, LGA
- **Employer role of Chief Executive:** The Code should clearly state that only the Chief Executive has the legal authority to employ and direct staff (s42 LGA)

- **Defamation protections:** The Code should reflect case law that qualified privilege does not extend to staff, and members must take care when commenting on staff
- **Review cycle:** The Code should be subject to regular review, potentially every three years ahead of the new triennium, to ensure it remains current with legislative changes, emerging technologies, and evolving governance practice.

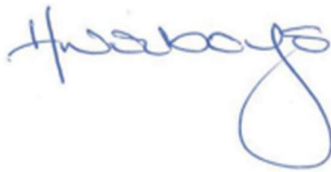
Conclusion

The Manawatū District Council supports the intent of a national Code of Conduct but urges that it be:

- Framed positively, focusing on aspirational behaviours as well as sanctions
- Supported by training, professional development, and templates
- Implemented with genuine consultation across the sector
- Designed to protect local discretion and avoid centralisation of governance rules

We thank the Commission for the opportunity to provide feedback.

Signed:



Helen Worboys
Mayor, JP
Manawatū District Council