Date: 22/02/2018
Time: 9.30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Tira Kāwana / Governing Body
OPEN MINUTE ITEM ATTACHMENTS

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Declaration by Member

Ko au, ko Josephine Ruth Bartley

Ka whakapuaki ka mahi pono, tōtika hoki ahau, i ngā mea e mātau e taea ana e au hei painga mō te rohe o Tāmaki Makaurau i runga i te mana kua riro mai i a au hei mema o Te Kaunihera o Tāmaki Makaurau i raro anō i te Ture Kāwanatanga ā-Rohe o te tau rua mano mā rua, te Ture Pārongo, Huīnga Ōkawa ā-Kāwanatanga o te tau kotahi mano iwa rau waru tekau mā whitu, i raro rānei i tētahi atu Ture.

Dated at Auckland this 22nd day of February 2018

[Signature]
Member

[Signature]
Mayor

Signed in the presence of:

[Signature]
Chief Executive
Declaration by Member

I, Josephine Ruth Bartley

declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Auckland, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Auckland Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Auckland this 22nd day of February 2018

[Signature]
Member

[Signature]
Mayor

Signed in the presence of:

[Signature]
Chief Executive
Councillor Josephine Bartley’s maiden speech
22 February 2018

E aku nui
E aku rahi
kei te mihi
kei te mihi

Harikoana taku ngākau kua ēke ahau ki tenei tūranga o te Kaunihera o Tamaki Makaurau kia kōkirihi ngā take nui o te hāpori whānui, nō reira ka nui te mihi ki a koutou.
Ko Josephine Bartley ahau, he uri nō Hāmoa heoi anō ko Tamaki Makaurau toku nei kainga.
Nō reira tēnā koutou, tēnā koutou, kia ora mai anō tātou.

E muamua lava ona ou fa’atalofa atu I le paia ma le mamalu o le aofia. Malo le soifua maua ma le lagi e mamā.

Can I firstly acknowledge Your Worship, Phil Goff, our Deputy Mayor, Bill Cashmore, councillors, Stephen Town, Chief Executive, Local Board chairs, Local Board members, our Council family, our Local Board office family that are here, my new team of advisors that are here also, my family, my friends, Tautokō Whittaker and Ruapotaka marae, Georgie Thompson. Thank you so much to Otene as well for our introduction earlier today.

Members of the Maungakiekie-Tāmaki community thank you for being here. Fellow Local Board members from Maungakiekie-Tāmaki – Chris Makaore, who will be an amazing chair in April when he takes over, and is already an amazing community leader, and Nerissa Henry, who is also here from our board – all the best with your journey as well, Nerissa.

My family, my mum, is here. Ruth, my brother Joseph is here – stand up Joseph! …don’t embarrass the family… that’s my youngest brother, and my brother, Ted, in Australia. My cousins: Tony, Atina, Aunty Lupe, Aupaia, Annaliese, who was a big part of our campaign team. Thank you.

Fiona, my cousin Fiona, another big part of our campaign, and my Uncle Misi, Aunty Lita, and Papa. Thank you for all of your support. Thank you to my family, and my friends. I also want to acknowledge my Aunty Lagi, who is here with Ngatia, and their help, and my cousin, Wendy, for her help on the trail. My cousin, Winnie, from Halo Hair in Papatoetoe. Who did my hair this morning. Please make sure you go to her business.

This win is for our community. It is for our community. It is why I got involved in politics in the first place was for our community.
As a child of the migration, this is in honour of my parents and the sacrifice that they made moving from Samoa for a better life in the 1960s for their kids. I recall my Dad saying to me: “I don’t want you to see me sweeping the factory floor next to me, that’s why we came to New Zealand”. Well, Dad, I’m not on the factory floor, I’m on the 26th floor, and I’m part of a team running Auckland! And, I look forward to working with fellow councillors around this table, because you guys do amazing, amazing work for your communities that often go unnoticed. So, I acknowledge you all. I look forward also to joining my two fellow Pasifika councillors, Fa’anānā Efeso Collins, and Councillor Alf Filipaina. And I leave my two fellow Samoan chairs, Lemauga Lydia Sosene and Lotu Fulia. Mind you people couldn’t tell us apart anyway, so… maybe this will help.

How amazing is that? Growing up in Mangere 275, Nga Iwi Primary, St Joseph’s Otahuhu, McAuley High School. And I want to acknowledge my sistas. We’ve been together for over 35 years as friends. And it really does make a difference the friends you choose at school because it takes you right throughout your whole life. Tiffany Samasoni Lafaiki, Julie Chamberlain, Helen Schmidt Sopoaga, and Jacinta Fa’alii Fidow. Thank you to my sisters for everything. Although, you know, you guys are all still married.

Growing up in Mangere I got to see David Lange at 3Guys. I got to see David Tua jogging along Bader Drive, and now he’s on my campaign team. How could I not win with David Tua on our team? So, I thank you To’aletai and Helen — my beautiful friend, Helen — for your support with the campaign.

I want to acknowledge Ruapotaka Marae, but I also want to acknowledge Te Amiorangi and Ann Makea, and all the work that they’re doing for our young people in Tāmaki.

So, now I’m representing the beautiful, diverse ward of Maungakiekie-Tāmaki — my home for the last 12 years. This is a major, major milestone for me, and something that I’ve been wanting to do for the last 12 years. This victory is owned and celebrated by our community, my family and my friends. I love hearing stories of members of our community who don’t normally vote talking about how good it is to see one of their own up there. People so happy, honking at me, and I feel like a snob because my horn is broken so I can’t honk back. That’s something that I’m going to do when I get my first paycheck is to fix my horn. I love it, but it also shows them how their vote can make a difference, now we just need people to get involved in what’s happening in their area, and in Auckland.

I love our communities of Maungakiekie-Tāmaki, that’s why I stood for councillor. I’m all about community. Even Facebook games say so. The most-used word on my Facebook is “community”, and if Facebook says so, then it must be true.

Can I acknowledge those in our community whose shoulders we stand on? Who have built foundations for our community: Dolly Walker, who was in here with us, today, Barbara Te Kare, Maile Uluave, Bridget Graham, who is here, Nelly Kirkwood, whose husband Steve was an Auckland City Councillor. I acknowledge all of you, all of you, today. There’s also two Pasifika women that were in the previous Auckland governance structure and it would be a remiss of me not to acknowledge Tepou Manapouri, from Manukau City Council, and Eleitino Paddy Walker, who was on Auckland City Council. She was the founding president of P.A.C.I.F.I.C.A., which has been a big part of my leadership journey. And, I acknowledge our P.A.C.I.F.I.C.A. branches out there in the audience, today.

I have acknowledged you, Ruapotaka Marae, but I also want to add that I look forward to progressing the marae upgrade and relocation, along with local board chair — when he becomes chair – Chris Makaore, and TRC.
I do the community patrols, which is about safety, and working with the Police and I acknowledge what our Police do in our communities because my brother is a cop and they put their lives on the line every day for people they don’t even know. But, I also see what society has left behind: children on the streets, people with mental health issues. The first time I ever saw a human being lying amongst rubbish – amongst the skip bins – and just rubbish that people dump at the Salvation Army. It was a shock to me because God didn’t create us for that, he created us to be great. And, so it is probably naïve of me, but I do believe in fostering an environment of caring for each other. That cares for each other, that cares for the environment, that values diversity, and from my experience at Red Cross, welcoming our resettled communities, as well.

I can see how Auckland Council plays a big part in people’s daily lives and in shaping the environment we live in. I can’t help but compare growing up in Mangere – the neighbourhood shops. We had a dairy, we had a bakery, we had a hairdresser, and a lawn-mower shop. There was no liquor stores. They were all in the town centre area. But, yet, in Oranga and Glen Innes we have a high number of liquor stores so close to each other and so close to the schools and our neighbourhoods.

So, what is the environment we are creating, as decision-makers of Auckland? It’s up to us to create an Auckland where everyone can do well, live well, be well. And, that’s why I support the living wage movement.

In Maungakiekie-Tāmaki we have 2,200 NEETs – that’s young people not in any education, employment or training – an increase of 700 from last year, yet we have a construction boom with all the redevelopment in the area. We need to better support our young people so that they can be work ready and their families and the social services, NGOs that are alongside them.

We have regeneration/redevelopment in Onehunga, Tāmaki, Mt Wellington. And what is important to note here is that it’s not just about building houses but looking after people and providing the right infrastructure to deal with growth, which includes preserving green space, and perhaps acquiring more green space for the 20,000 expected to move in.

I look forward to working on addressing water quality at a regional level because the benefits will flow (get it?) into local and it’s urgent we do more than what we’re doing. Tāmaki Estuary, Manukau Harbour – poor water quality, and the dying shag colony in Panmure Basin, due to mainitreatment and pollution. The need is quite urgent.

We have opportunity in Maungakiekie-Tāmaki with upgrades of our major town centres. And, thanks to TRC, Panuku, and the Governing Body. I’m looking forward to working with our Glen Innes, Panmure, and Onehunga business associations to see that happen. In particular, the port development in Onehunga to meet the aspirations of the Onehunga community for that port. If we could just get transport right. So, better connections, bus and train, light rail, walking and cycling. Not just in Onehunga, but in Mt Wellington and Sylvia Park area. Something that AMETI is trying to achieve regionally, but also needs to work locally.

I’m fully aware this role is also about a better Auckland. If we can address it regionally, we will benefit locally.

I think I have a good experience of Auckland – I grew up out South, I live in Central/East, when I was at varsity I would go over the bridge and discover a new land, which was Takapuna/Devonport – except the West. I don’t really have much experience in the West, so maybe that’s where I’ll find a boyfriend. So, Penny and Linda can hook me up, please!
I started on local boards in Supercity 2010. I acknowledge the hard work of our local boards, but they need more power to be able to really govern locally.

And, I want to touch on this word: Restoration. We’ve done a lot in terms of ecological restoration, but we have to think about the Auckland we leave behind so that the next generation are not having to restore things because as decision-makers we didn’t think about the future.

I want to end by thanking my campaign team. I also want to acknowledge Denise Lee, who was the previous councillor, whose shoes I will follow. And, also Priyanca and Chloe who are joining Denise as MPs based in our area. So, I want to thank our campaign team. You all know who you are: Annaliese, Tere, Fiona, Vena, Leitu, Lotu, Mathew, Fala, Julia, Chris, Richard, my mum, Aunty Lita, Nick, Jesse, Maria, Wendy, Ngatia, and Scott, and I apologise if I’ve left anybody out. This has been a dream of mine since 2006, to be an Auckland Councillor, and you guys helped me get there.

When I did want to be an Auckland City Councillor in 2006 I had so many people tell me “you can’t do it”, “you won’t get there” – the naysayers, even now the campaign critics, the people saying “you won’t win”, comments about appearance, about race. And, to any of you young ones watching, or anyone, just believe in yourself, be yourself. And, to the haters, I say:

“when the sharpest words wanna cut me down
I’m gonna send a flood, gonna drown them out
I am brave, I am bruised,
I am who I’m meant to be, this is me…”

Fa’afetai lava.
The attachment provides an RNZSPCA perspective on the sale and private use of fireworks.
Significant harms associated with fireworks

Fireworks cause significant distress and injury to animals as well as harms to people and damage to property.

**Companion animals**

- 2010 NZ study\(^1\): 3,527 animals of which 46% (1,635) showed fear of fireworks
- 2017 NZ study\(^2\): 19,829 animals of which 59.5% (11,791) showed fear of fireworks


Significant harms associated with fireworks

**Horses**

- 2016 NZ study\(^1\): 4765 animals of which 39% (1987) showed fear of fireworks
  - 35% (384/1107) of respondents reported having horses break through fences in response to fireworks


[Image of a horse's hoof]

https://www.stuff.co.nz/national/91637817/injured-horse-prompts-fresh-calls-for-ban-on-fireworks/
Significant harms associated with fireworks

Wildlife

- The effect of fireworks on wildlife is also a major concern
- Animals change their behaviour in response to loud and abrupt noise\(^1\)
- Fireworks have significant impact on birds – causing them to fly to well above the normal altitude, disorientation, stress, nest abandonment and mortality\(^2\)

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Injuries as a result of fireworks

2010 NZ study
• 6% (51/923) animals received physical injuries from fireworks

2016 NZ study
• 26% owners reported horse injuries due to fireworks
  o Lacerations (40%, 194/289)
  o Strains/sprains (10%, 33/289)
  o Broken limbs (7%, 11/289)

2017 NZ study
• At least 345 animals severely injured at least once due to fireworks
  o 15% of those animals died or were euthanased as the direct result of their injuries


RNZSPCA position

- RNZSPCA calls for a ban on the private sale and use of fireworks but supports public displays of fireworks
- NZVA and NZCAC also support a ban on the private sale and use of fireworks
- Many other countries, such as Canada, South Africa, Australia, and Finland, have strict limitations or bans on private fireworks

http://www.stuff.co.nz/stuff-nation/assignments/fireworks-night-boom-or-bust/106954506/injuries-and-scared-pets-are-fireworks-worth-it
Consistent public support for a ban on the sale of fireworks for private use

2010 NZ study support for a ban\(^1\)  
- Yes: 83%  
- No: 17%

2016 NZ study support for a ban\(^2\)  
- Yes: 90%

2017 NZ study support for a ban\(^3\)  
- Yes: 94%

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Questions?
Local Government Act 1993 No 30

440 Codes of conduct

(1) The regulations may prescribe a model code of conduct (the model code) applicable to councillors, members of staff of councils and delegates of councils.

(2) Without limiting what may be included in the model code, the model code may:

(a) relate to any conduct (whether by way of act or omission) of a councillor, member of staff or delegate in carrying out his or her functions that is likely to bring the council or holders of civic office into disrepute, and

(b) in particular, contain provisions for or with respect to conduct specified in Schedule 6A.

(3) A council must adopt a code of conduct (the adopted code) that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.

(4) A council’s adopted code has no effect to the extent that it is inconsistent with the model code as in force for the time being.

(5) Councillors, members of staff and delegates of a council must comply with the applicable provisions of:

(a) the council’s adopted code, except to the extent of any inconsistency with the model code as in force for the time being, and

(b) the model code as in force for the time being, to the extent that:

(i) the council has not adopted a code of conduct, or

(ii) the adopted code is inconsistent with the model code, or

(iii) the model code contains provisions or requirements not included in the adopted code.

(6) A provision of a council’s adopted code is not inconsistent with the model code merely because the provision makes a requirement of the model code more onerous for persons required to observe the requirement.

(7) A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.

(8) Nothing in this section or such a code gives rise to, or can be taken into account in, any civil cause of action, but nothing in this section affects rights or liabilities arising apart from this section.

(9) This section applies to an administrator of a council (other than an administrator appointed by the Minister for Primary Industries under section 66) in the same way as it applies to a councillor.
a member can be raised by the Mayor, a local board chairperson or a committee chairperson as a breach of the Code of Conduct.

7.9.3. **Pre-election period**

During the three months prior to polling date for local authority elections, Council resources should not be used in any way that could be deemed to give any sitting member an electoral advantage.

During this period elected members will:

- not use Council stationery, email, postage or fax/phone facilities or any other Council resource explicitly for campaign purposes;
- not attempt to make any use of Council communications that could be construed as giving that member an unfair electoral advantage by raising their profile.
- Abide by any council policies adopted by the Governing Body relating to conduct during the pre-election period.

Note: Complaints in regard to any matter relating to the conduct of the elections are to be made through the Electoral Officer. If any complaint involves the use of Council resources the Electoral Officer will bring the complaint to the attention of the Chief Executive.

7.9.4. **Bankruptcy**

Elected members who are declared bankrupt shall notify the Chief Executive as soon as practicable after being declared bankrupt.

8. **Compliance**

8.1. **Compliance required**

Elected members must comply with the provisions of this Code of Conduct. Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is provided at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these Acts has with respect to conduct of elected members are attached as Appendix 2 to this Code.

8.2. **Lodging of Code of Conduct Complaints**

All complaints must be addressed to the Chief Executive\(^1\). Any allegation of a breach of the Code must relate to Section 7 of the Code, be in writing, make a specific allegation of a breach of the Code and provide corroborating evidence.

Complaints alleging a breach of the Code of Conduct may be made by any elected member or by the Chief Executive acting on behalf of staff or on behalf of a complaint from a CCO conveyed through that CCO's chief executive.

\(^1\) Or his or her nominee (refer 1 “Interpretation”)
The Chief Executive may determine whether a complaint from a member of the public concerning an elected member constitutes a question of breach of the Code of Conduct. In making this determination, the Chief Executive may consult a convener of the Independent Conduct Review Panel. The Chief Executive may determine jointly with a convener of the Independent Review Panel to dismiss or terminate a complaint from a member of the public on grounds which may include that the complaint is frivolous, vexatious or has been adequately resolved.

8.3. Preliminary Steps

The Chief Executive may request from the complainant further information/evidence in support of the complaint and, if considered appropriate, may also request a preliminary statement in response from the elected member against whom the complaint is lodged.

8.4. Referral of Complaints

A complaint concerning a member of the Governing Body or a local board will be lodged with the Chief Executive who will advise the complainant in regard to options available for resolving the complaint. Where the facts are clear and the breach is a first offence, an initial option may be a letter to the member from the Chief Executive advising that a complaint has been received.

The member should inform the Chief Executive of the action they have taken or propose to take in response to the complaint. The Chief Executive or the member shall inform the complainant of the action taken in response. Where alternative options do not, or are not capable of, resolving the complaint, the complaint will be referred to a convener of the Conduct Review Independent Panel who will assign the complaint to a panel member or convener. The panel member or convener will endeavour to resolve issues by mediating between the parties or refer the matter to the Conduct Review Independent Panel for full investigation and recommendation to the Governing Body or local board as the case may be.

8.5. Conduct Review Independent Panel

The governing body shall constitute a Conduct Review Independent Panel. The members of the Panel will be selected from a list of persons with appropriate skills and knowledge, to be recommended by the Chief Executive. The Independent Panel is not a Committee of the governing body and its sole function is to investigate those matters referred to it and to make recommendations on those matters to the governing body/local board. Up to three members on the list will be deemed to be ‘convenors’ who will be the Council’s primary contact in relation to convening a panel when required. ‘Convening’ a panel includes chairing that panel. A convenor may appoint other convenors to a panel.

8.6. Procedures of the Conduct Review Independent Panel

The Independent Panel will establish and notify standard procedures, fair to both complainants and respondents, which it will apply to the investigation and consideration of all complaints referred to it.

8.7. Governing Body/Local Board Consideration

In considering the Panel’s recommendation, the matter shall be considered with neither the complainant nor the respondent being entitled to participate in that item.
8.8. **Responses to Breaches of the Code**

To avoid doubt, a breach of the Code of Conduct does not constitute an offence under the Local Government Act 2002. The exact nature of the action the governing body/local board may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests may render members liable for prosecution by the Auditor-General under the Local Authority (Members' Interests) Act 1968;
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage;
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the governing body or local board may refer an issue to the relevant body, any member of the public may make a complaint to that body, or the Auditor-General or Police may take action of their own initiative.

Where there are no statutory provisions, the governing body or local board may take the following action:

- censure;
- removal of the elected member from representative type bodies;
- dismissal of the elected member from a position as Chair or Deputy Chair of a committee.

A decision to apply one or more of these actions requires a resolution to that effect.

9. **REVIEW OF THE CODE OF CONDUCT**

Once adopted, the Code of Conduct continues in force until amended by the Governing Body. The Code can be amended at any time but cannot be revoked unless the Governing Body replaces it with another code. Once adopted, amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the members of the Governing Body present.
Independent Review

21 October 2013

1. Introduction

The Auckland Council Chief Executive has commissioned a review of the use of any council resources by the Office of the Mayor and any conflict of interest as it relates to the Mayor’s relationship with Ms Bevan Chuang.

In light of issues raised, there is a need to provide a clear assurance that no council resources were misused by the Office of the Mayor. The independent review will be carried out by Ernst and Young.

2. Scope of review

The review will examine the following matters:

- any use of council resources within the Office of the Mayor, in respect of the Mayor’s relationship with Ms Chuang, that contravenes council policies (eg payments and procurement);
- any improper preferential treatment in relation to Ms Chuang’s engagement as an employee, contractor or an advisor within the Auckland Council Group; and
- any other issues that the reviewers or Chief Executive considers relate to, or arise out of, the above matters.

The period covered by the review is from 1 November 2010 until the 21 October 2013.

3. Reporting

The review will be conducted by an external party, Ernst and Young.

Ernst and Young will review relevant documentation held by the Office of the Mayor and any other relevant material held within the Auckland Council Group.

Once Ernst and Young have prepared a draft report, it will be provided to the Office of the Mayor and any other affected council party to enable them to provide feedback to ensure the review is factually accurate.

Ernst and Young will present a final report to the Auckland Council Chief Executive.

It is expected that the final report will be concluded not more than four weeks from the date of the review’s commencement.

4. General policy on comment during the review

Once the review has commenced, Auckland Council and Ernst and Young will not make any public comment on the substance or progress of the review until the findings of the review are released. This approach protects the rights of those involved in the review and council’s ability to carry out the work effectively and efficiently.