
Tira Kāwana / Governing Body Workshop: Code of Conduct MINUTES

Minutes of a workshop of the Governing Body held in the Meeting Room, Level 26, 135 Albert Street, Auckland on Thursday, 14 March 2019 at 1.05pm.

PRESENT

Hon Phil Goff, CNZM, JP
Cr Josephine Bartley
Cr Bill Cashmore
Cr Cathy Casey
Cr Fa'anana Efeso Collins
Cr Linda Cooper, JP
Cr Chris Darby
Cr Alf Filipaina
Cr C Fletcher
Cr Mike Lee
Cr Daniel Newman, JP
Cr Desley Simpson, JP
Cr Sharon Stewart
Cr Wayne Walker
Cr John Watson
Cr Paul Young

APOLOGIES

Cr Richard Hills
Cr Penny Hulse
Cr Greg Sayers

IN ATTENDANCE

Richard Northey

Waitemata Local Board

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.

Purpose:

- to discuss the Code of Conduct

Apologies

Apologies from Cr R Hills, Cr P Hulse, Cr G Sayers were noted.

Declaration of Interest

There were no conflicts of interest.

Code of Conduct

Marguerite Delbet, Warwick McNaughton, Richard Northey

A PowerPoint presentation was given

The workshop closed at 2.05pm.

Review of the code of conduct

Governing body workshop 14 March 2019

Where have we come from?

- The current code was last reviewed in 2013
- PWC undertook a stocktake of current issues in 2017
- Governing Body resolved to review the code of conduct at February 2018 meeting and agreed a process that included local boards, with the Joint Governance Working Party (JGWP) developing a proposal
- Governing body workshop 15 March 2018 discussed issues with current code and sought views about our initial proposal
- Sought ideas about format of the code at Local board cluster meetings
- First draft presented to JGWP 20 June 2018

Where have we come from?

- JGWP agreed a draft to report to local boards 12 September 2018
- 21 local boards resolved their feedback on the draft code
- On 31 October 2018 the JGWP agreed changes as a result of local board feedback and referred this version to the Governing Body for adoption
- Governing Body workshop 26 November 2018 sought feedback on final draft
- Governing Body meeting 13 December 2018 did not adopt the code and decided to have a further workshop

Key changes from current code

- Presented as a simpler document with detail contained in attachments
- It is a positive, principles based approach focused around the two key principles of trust and respect, similar to the Our Charter model that applies to staff
- Provides clarity on materiality of breaches
- Separate processes for non-material breaches, material breaches and conflicts of interest
- Removes elected members from the assessment process
- Independent external investigation is conducted by one individual rather than a panel

Key changes from current code

- The current conflicts of interest is out of date and does not reflect the legal position relating to conflicts of interest and pre-determination. The revised draft policy has been updated to reflect the current legal position, and is intended to be more user friendly and accessible to assist elected members to comply with the law.
- An access to information protocol which puts a framework around information elected members requests pursuant to the “need to know” principle as determined by the Courts, and to provide a means to give a higher priority and speed to responding to relevant elected member information requests.

Where are we at?

- A range of issues were discussed at the GB meeting, including on the draft Code of Conduct, draft Conflicts of Interest policy and draft Access to Information protocol. The relevance of the Office of the Ombudsman's investigation into Auckland Council's LGOIMA practices was also raised.
- GM Democracy Services emailed councillors after the GB meeting to ask them which specific issues they wanted covered at the workshop
 - One response from Cr Simpson who wanted comments from Orakei LB addressed – they have been and the councillor was emailed with the details
- It is important to get the support of elected members (governing body and local board members) to the new code of conduct

Recommendations – JGWP chair

- The proposed new code is not perfect but it is a clear improvement and it would be a shame not to proceed
- There should be a clear commitment to a review of the Code within 18 months, particularly in the light of experience with the Access to Information protocol.
- If Governing Body Members are unhappy with the proposed access to information protocol it could be replaced by a simple commitment that staff will prioritise responding to information requests from elected members.
- If Governing Body Members are unhappy with any specific section of the proposed Code of Conduct that section can be deleted.