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Local Government Commission
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Christchurch City Council submission on the Draft Standard Code of Conduct

Introduction

1. Christchurch City Council (the Council) thanks the Local Government Commission for the opportunity to provide comment on the Draft Standard Code of Conduct (the draft Code).

Submission

2. Firstly, by way of context, in the Council's submission¹ on the Local Government (System Improvements) Amendment Bill 2025 (the Bill), it expressed the desire for any standardised Code of Conduct (the Code) to 'set out clear and unambiguous expectations that facilitate professional and cooperative behaviour and outline how code violations are to be managed.' The Council is concerned that the draft Code does not provide unequivocal standards and we have several observations for the Commission's consideration in relation to the process for dealing with breaches of the Code.

Part 2: Expectations and Behaviors

3. The Council takes pride in the fact that it already sets high standards that support its accountability to the communities of Christchurch. It views the Code of Conduct as an opportunity to lift good practice, provide clarity in addressing behavioural challenges, strengthen public confidence, and support elected members to serve their communities with integrity. The Council considers its current Code of Conduct is effective and notes that further standardisation may limit the ability to accommodate local circumstances.
4. The Council concurs with the descriptors of general standards in paragraphs 6 and 7 and the standards of behaviour are expressed at paragraphs 10 to 12. However, the Council submits that certain elements remain ambiguous and would benefit from further clarification, either within the draft Code or through supplementary guidance. The Council suggests that without clarification, there is a risk of inconsistent interpretations of acceptable behaviour. This may reflect that each council in New Zealand has its own culture and levels of tolerance of political banter and acceptable standards of elected members but may not be consistent with the aims of the Bill to standardise conduct within local government.
5. Ethical standards such as integrity, honesty, respect, service to the public, accountability, transparency and stewardship of public resources are fundamental to local governance. Currently, these principles are not clearly articulated within paragraphs 10-11 of the draft Code. Explicitly stating

¹ See paragraphs 57-65 [Local-Government-System-Improvements-Amendment-Bill-2025.PDF](#)

these principles would establish a clear reference point within the Code to which the other provisions could be subject to. This would promote a more consistent understanding of expected standards of behaviour.

6. An additional way the ethical standards could be referenced is to look to the Cabinet Manual and the standards expected of Ministers. The Council considers that elected officials across all levels of government should be held to consistently high standards. The Council proposes that the following statement from the Cabinet Manual provides a clear expectation of behaviour and could be adapted to the local government setting:

'Ministers are expected to act lawfully and behave in a way that upholds, and is seen to uphold, the highest ethical and behavioural standards. This includes exercising a professional approach and good judgment in their interactions with the public, staff and officials, and in all their communications...'

7. The Council recommends that the expectations outlined in Part 2 of the draft Code explicitly define the parameters of freedom of expression and robust political debate, rather than limiting this to Part 6 (Freedom of Expression). If inclusion within the behaviours and expectations paragraphs is not feasible, the Council suggests that paragraphs 60-64 be elevated by including them into Part 2.
8. Should ambiguity remain within the Code, the Council anticipates that supplementary guidance and support materials will be provided. The Council requests that these materials be circulated for input prior to finalisation. It would be particularly helpful if these materials include case examples that demonstrate both acceptable and unacceptable conduct ("above and below the line behaviour"), thereby clarifying the standards expected. This would be especially valuable in relation to social media use, where it can be difficult to distinguish between personal activity and content shared in an official governance capacity by elected members.
9. Paragraph 12 of the draft Code allows individual councils to list policies with which elected members must comply. The Council notes that the policies that could be included here will be subject to periodic review and may change in content and number over time. If there is a finite list of policies adopted, then any amendment would require formal Council approval via a 75% vote. As an alternative to providing for a list, the Council proposes that the provision be amended to refer more broadly to 'policies that also apply to elected members'. This approach would place the onus on the organisation to clearly indicate within each policy whether it applies to elected members. This would also place an implicit duty on the Chief Executive to ensure that elected members receive appropriate education and support to facilitate compliance.
10. Information management is one area for expectations that may be covered in a listed policy, but the Council considers should have an express provision. The safe use of digital systems, the careful treatment of confidential information (including commercially sensitive and personal data) are obligations that elected members should be alert to the consequences if mishandling occurs. The consequences of an information breach can be serious.

Te Tiriti

11. The Council notes paragraph 8 of the draft Code identifies that members are expected to operate and make decisions in a manner that recognises and respects the significance of Te Tiriti o Waitangi. The section identifies the principles of tino rangatiratanga, partnership, equity, active protection and options (to ensure that its services are provided in a culturally appropriate way).
12. The Council requests clarification during the amendment process to support improved alignment with

the obligations outlined in the Local Government Act 2002.

Part 3: Breaches and Complaints Process

13. The draft Code provides for an inquisitorial process where an external investigator is appointed to both assess and determine complaints. The Council makes the following observations in relation to this part of the draft Code:

- a. Lack of provision for early informal resolution – Under the draft Code, all complaints are referred directly to the independent investigator upon receipt. Based on the Council's experience, many breaches of the Code of Conduct, particularly those of a minor nature, can be effectively resolved at first instance by the Chief Executive or their delegate. While automatic referral to an external investigator may mitigate perceptions of bias, it also introduces immediate external costs and resource implications, even in cases that may be readily and amicably resolved.

The Council recommends the draft Code is amended to allow for discretion on behalf of the Chief Executive to manage and determine the preliminary assessment without the need to refer to the external investigator.

- b. Use 'serious' instead of 'material' – The use of the term 'serious' is generally more accessible than the word 'material'. The Council recommends this term is changed so the Code may have more practical weight for members of the public who may not be familiar with how the word 'material' is used in the local government legislative framework.
- c. The Chief Executive is best placed to complain on behalf of staff – The draft Code specifies any member of staff may complain and immediately this will be referred to the external investigator. The Council considers that if a member of its 3000 staff has a concern about a possible breach of the Code, then it would be more appropriate for them to raise the matter with their employer, the Chief Executive. It will then be a matter for the Chief Executive to elect to raise the matter as a complaint direct. This will allow the Chief Executive to exercise their discretion and resolve the matter informally or refer the matter to investigation. It would also reduce the prospect of significant costs at this stage in the process, which will be borne by the ratepayer.
- d. Support the independence of the investigator – The Council agrees that the investigation should be external and acknowledges there is a financial cost for this independence. The Council is aware that there have been suggestions of an external national body to determine standards and would be concerned at the financial levy that would likely be imposed to fund such a body. There would be consistency in approach if just one body determined all complaints made pursuant to the Code, however, on balance, the Council considers an external investigator provides the proportionate level of independence to provide integrity to the process.
- e. Sanctions to be imposed by the Council – The Council recommends that where the investigator upholds the complaint, that the matter is referred to the Council so it may determine the applicable sanction. This would allow separation between the investigation and findings and the decision to impose a sanction. The decision to impose any sanction may then take place in accordance with the Local Government Official Information and Meetings Act 1987, which will support public accountability and allow for local circumstances to be considered.

- f. Supports references designed to prevent undermining of role of other elected members and staff - The Council agrees with the inclusion of undermining other elected members and criticising staff as material breaches of the draft Code. This is within the context of elected members and Council staff experiencing increased levels of harassment and abuse both in their public facing roles and online. This trend has led the Council to run a 'Be Cool, Not Cruel' campaign to raise awareness about increasing abuse and appropriate standards of behaviour. The Council is concerned that in the event of such criticism by elected members, particularly when made online, that some members of the public will exacerbate the criticisms. This may have an indirect impact on the level of abuse and harassment experienced.

However, the Council suggests that references to acceptable banter and robust debate could also be expressly referred to in this part and not just in the standalone section towards the end of the draft Code.

Part 4: Conflicts of Interest

14. The Council supports inclusion of this part of the draft Code, recognising that unmanaged conflicts of interest can pose a significant risk to the integrity of decision-making processes. Currently there is no mechanism to prevent an elected member from participating in a matter where they have a non-pecuniary conflict of interest and choose not to take advice that they should withdraw. Such participation may expose the Council to legal challenge, including judicial review proceedings, which are often costly and resource-intensive.
15. The Council considers that the provisions in the draft Code will enhance trust and integrity in decision-making by reducing the likelihood of conflicted participation. This, in turn, mitigates potential legal and reputational risks associated with unresolved conflicts of interest.
16. The Council notes that the legislative and common law context governing conflicts of interest can be complex and difficult for members to navigate. The Council would welcome reform that clarifies the obligations. For example, there are some areas of conflict, such as between the common law obligations and the power of the Auditor-General under the Local Authorities (Members' Interests) Act 1968, where there is legal ambiguity.
17. In the absence of legislative reform, the Council recommends that the Code include provisions for situations where advice is equivocal. In such cases, elected members should be encouraged to err on the side of caution and refrain from participating in decision-making. Additionally, the Code should impose an obligation on members to seek advice well in advance of any decision, thereby allowing sufficient time for comprehensive guidance to be provided.
18. One way that may support elected members identifying potential conflicts of interest is if the Code included the obligation to register all interests, not just the pecuniary interests required by the Local Government Act 2002. This would not only provide a tool to allow the members to self-identify but will afford an additional level of transparency for all.

Penalties

19. Lastly, the Council acknowledges that expanding the available range of penalties is outside of the terms of reference for the Local Government Commission when it prepares the Standard Code of Conduct. The Council suggests that without an effective enforcement regime, that it is unlikely that a Standard Code of Conduct will raise the standards of conduct of elected members. There is a need for

legislative reform to allow for a wider range of consequences for breaches.

Conclusion

20. The Council reiterates that a standardised Code of Conduct should set out clear expectations for behaviour and be able to provide a fair and proportionate process for managing any breaches without imposing significant costs on the ratepayer.

Thank you for the opportunity to provide this submission.

For any clarification on points within this submission please contact Helen White, General Counsel – Director of Legal and Democratic Services (helen.white@ccc.govt.nz).

Ngā mihi,



Phil Mauger
Mayor of Christchurch
Christchurch City Council