



Submission from Hamilton City Council's Chief Executive

Draft Standardised Code of Conduct



Local Government Commission

26 September 2025

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission from Hamilton City Council's Chief Executive is aligned with all of Hamilton City Council's five priorities.

Council Approval and Reference

This submission was approved by Hamilton City Council's Chief Executive on 26 September 2025.

Submission # 816

Introduction

1. Thank you for the opportunity to make a submission to the Local Government Commission on the Draft Standardised Code of Conduct.
2. We would like to acknowledge the considerable work undertaken by the Local Government Commission in developing the Draft Standardised Code of Conduct and for consulting on this key document with the local government sector.

Local Government Sector Representative Submissions

3. Many of the points in this submission are also outlined in the local government sector representative submissions made by Taituarā and LGNZ.
4. Although we support many of the recommendations and the overall tenor of both draft submissions that were circulated to the sector for feedback, we do not agree with a small number of points raised by LGNZ. These points of difference are highlighted in the relevant sections of our submission.

General Comments

5. This submission supports the Local Government Commission's proposal to introduce a Standardised Code of Conduct for all councils across New Zealand. Establishing and upholding high standards of professional conduct and elected member behaviour is essential for maintaining public trust, attracting capable candidates, and delivering positive outcomes for communities.
6. **Purpose and Principles**
7. While much of the discussion around the Code of Conduct focuses on breaches and complaints, the primary purpose should be to set out good governance standards and behaviours. The Code of Conduct should be aspirational and educative – fostering collegiality and setting clear expectations, rather than being viewed solely as a disciplinary tool. Complaint and investigation processes should support the Code of Conduct, not be the primary focus.
8. **Support for Key Elements**
9. We support the Code of Conduct's emphasis on clarity and consistency, including:
 - a national framework that is not subject to local modification;
 - embedding the Code of Conduct in legislation to ensure enforceability;
 - avoiding reliance on council-specific policies by embedding key behavioural expectations directly in the Code of Conduct;
 - a robust, independent process for assessing and investigating breaches, including professional standards for investigators;
 - mechanisms to dismiss vexatious or trivial complaints early; and
 - actionable consequences for breaches, particularly around confidentiality, to ensure accountability and reinforce public confidence.
10. **We also strongly support the reference in Clause 11 to the need for Elected Members to maintain public confidence in the office to which they have been elected. However, we feel this is undermined by the limited reach of the proposed Standardised Code of Conduct, as covered later in this submission.**

11. Areas Requiring Clarification

12. Further clarification is needed on:

- the distinction between personal and elected member capacity, which has been a point of considerable contention in past complaints;
- the consequences for breaches, especially where sanctions are currently limited or unenforceable; and
- the process for employees to safely and effectively raise complaints against elected members.

13. Role of the Chief Executive

14. We strongly support minimising the role of the Chief Executive in the complaints process. It is inappropriate for an employee to assess the conduct of their employer, and this creates a clear conflict of interest.

15. LGNZ recommends expanding the Chief Executive's role in clause 50 beyond "administrative" actions, suggesting that a broader interpretation would allow the Chief Executive to facilitate reconciliation or address competency issues. We do not agree with this suggestion and maintain that the Chief Executive should not be involved in the complaints process in any capacity.

16. Accessibility and Legal Consistency

17. We support clarification on how councils will address undischarged bankruptcy under a universal Code of Conduct, with reference to Clause 15(5) of Schedule Seven of the Local Government Act.

18. We commend the use of plain English throughout the Code of Conduct, which enhances accessibility and understanding. A standardised national process and fee structure for legal assessments would further support consistency and independence.

Comments on Specific Clauses

19. Clause 7 – Expectations and Behaviours of Members

20. The phrase "*members are expected to*" should be strengthened to "*members are required to*." If the goal is to raise standards, compliance must be mandatory, not optional. For example, elected members should be *required to* attend induction programmes.

21. The expectation that members "*acquire and maintain skills*" is important. We note that elected member training budgets are frequently seen as 'low-hanging fruit' for budget savings, so this expectation/requirement must be worded sufficiently strongly to ensure it is followed in practice.

22. Clause 9 – Behaviours

23. The phrase "*while acting in their capacity as members*" needs a clearer definition, particularly regarding social media usage. (Also see our comments on Clause 17.) In addition, the Code of Conduct should acknowledge the elevated profile elected members have – and at times leverage – as a result of being an elected member.

24. The requirement for members to "*make an equitable contribution, including attending meetings/workshops*" is important, but it raises questions about how this would be measured. Could repeated absences trigger a formal complaint?

25. Clause 10 – Trust

26. We support clarification of the scope of conflicts of interest, including non-financial interests and perceived bias, as referenced in Part 4.

27. The wording relating to conflict of interest needs to be strengthened so there is greater transparency, and any assessment of whether a conflict of interest exists or not does not rest solely with the elected member concerned.

28. Clause 11 – Respect

29. This section is particularly well written. The use of plain English, especially the phrase “*respect the people they work with*,” is excellent and clear.

30. Clause 12 – Policies

31. The list of required policies is strong and well-considered, but we would question if it is realistic for all councils to adopt all of these policies. Currently, Hamilton City Council has only one of these policies in place. Moreover, policies that differ from council to council would somewhat go against the principle of having a standardised Code of Conduct. We recommend that either support should be given to all councils to develop these policies, or the standardised Code should be expanded to cover these issues.

32. Clause 14 – Complaints

33. We support the requirement for complainants to provide a valid name and contact details as part of the complaints process.

34. The Code of Conduct must include a robust and safe process for employees to lodge complaints against elected members. This is essential to ensure accountability and protect staff.

35. Clause 17 – Members Capacity

36. Greater clarity is required as to when an elected member is acting in their capacity as a member or in their private capacity.

37. Clause 17 states that “*A complaint must relate to the conduct of a member while acting in their capacity as a member*”. This is the crux of a lot of the Code of Conduct complaints, where an elected member’s response is that derogatory or rude comments made by them on social media or in an email were made not in their capacity as an elected member but in their private capacity.

38. If this clause remains as drafted, the first test for an investigator would be to determine if their actions were taken as a private individual or in their capacity as an elected member.

39. **Our view is that their behaviour should be covered by the Code of Conduct at all times while they are an elected member – particularly in situations where an elected member’s alleged behaviour is so egregious as to potentially bring Council into disrepute. We note that the Local Government Commission is likely to attract criticism if the standardised Code of Conduct is seen to be toothless in the case of some of the most high-profile complaints.** However, we are aware that the Bill of Rights may necessarily limit the reach of the Code.

40. We also concur with Taituarā’s submission, which recommends the inclusion of examples of personal activities that could be regarded as breaching the Code of Conduct.

41. Clauses 22 and 23 – Materiality

42. At Hamilton City Council, elected members self-declare conflicts of interest, and there is no mechanism for others to challenge these declarations. Clear conflicts of interest have, on occasions, been ignored.

43. The list of behaviours outlined in this section is therefore strongly supported, particularly the final point: “*Advocating for, or encouraging any of the above behaviours*.” This is a crucial inclusion and adds significant value to the Code of Conduct.

44. Clause 26 – Investigator makes Preliminary Assessment

45. We support the establishment of a central register of investigators to ensure transparency and consistency in the investigation process.

46. The definition of “*political advantage*” needs to be strengthened.

47. Clause 32 – Outcomes of Preliminary Assessment

48. Where complaints are not dismissed or redirected, the investigator should provide a ruling on any further processes required, i.e. there is no need to refer back to the Mayor or Chair.

49. Clause 43 – Investigator to Undertake Full Investigation

50. Further clarification is sought regarding which sanctions are binding and enforceable under the Code of Conduct.

51. We note that the benefits of an independent process include the avoidance of bias or conflict of interest, as well as mitigating unhelpful perceptions that individual councils are choosing to expend ratepayer funds on investigating complaints.

52. We support an addition to the Code of Conduct stipulating that refusal to comply with previous sanctions constitutes a new breach.

53. **Regarding Clause 43 (“Where a complaint is upheld, the investigator will also determine whether to impose any of the following sanctions on the member”), our view is that the sanctions need to be widened as per the footnote below this section, and the sooner that the Department of Internal Affairs complete this work, the better. As with an earlier comment, we note that the Local Government Commission (and the Department of Internal Affairs) is likely to attract criticism if the standardised Code of Conduct is ultimately seen to be toothless.**

54. In terms of sanctions, consideration could also be given to:

- decreasing part of an elected member’s remuneration; and
- developing a publicly accessible local and/or national register of upheld sanctions against elected members.

55. Overall, we support the revised role of the Chief Executive and the use of independent investigators. The Code needs to be clear on who pays for the investigator (the council, we assume).

56. There also needs to be some guidance on the skills/experience needed in an independent investigator.

57. LGNZ proposes splitting the investigator role into separate ‘Assessor’ and ‘Investigator’ positions to reduce costs and avoid conflicts of interest, and further suggests that the Chief Executive may undertake the role of assessor for certain complaints. We **do not support** this recommendation; it is our firm view that the Chief Executive should remain entirely independent of the complaints process.

58. LGNZ also contends that, given the authority vested in an investigator, an appeal process may be necessary to provide recourse for members dissatisfied with an investigator’s findings or decisions. We **do not support** this proposal, as it risks unnecessarily prolonging the process and undermining the finality of decisions. Hamilton City Council currently uses law firm Tompkins Wake to undertake a preliminary assessment of appeals lodged, which is the initial clearing house, and this step in the process has worked quite well to date.

Further Information and Opportunity to Discuss our Submission

59. Should the Local Government Commission require clarification of the submission from Hamilton City Council’s Chief Executive, or additional information, please contact **James Clarke** (Corporate Planning and Advocacy Manager) on **027 808 9580**, or email James.Clarke@hcc.govt.nz in the first instance.

60. Hamilton City Council representatives would welcome the opportunity to discuss the content of this submission in more detail with the Local Government Commission.

Yours faithfully



Lance Vervoort

CHIEF EXECUTIVE

FURTHER INFORMATION

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