

Comment provided on Tuesday 27 October by email.

Thanks for your email I will try and respond as best I can comment in general on conflicts of interest.

There are a number of frameworks that are in place to identify and manage conflicts including good practice guidance from the Office of the Auditor General, Standing Orders, the Code of Conduct, the Local Authorities (Members' Interests) Act 1968, and (from November) amendments to section 54 of the Local Government Act 2002. As you can see, some of these are legislative requirements, some are in-Council procedures that Councillors have to adopt, and others clear and authoritative recommendations.

Ultimately, through all of these it is for the member to identify and declare a conflict (whether that is perceived, potential or actual) or a predetermination on a matter, and for Council to define how that conflict should be managed. Under standing orders it is clear that once a conflict or predetermined position is declared that member must either step aside from any discussion or voting on a matter, or in the case of a matter being dealt with the public excluded they should leave the room altogether. As you raise it specifically, items such as the leaky buildings matters would be dealt with largely with public excluded due to the legal and commercial nature of such discussions and any member declaring an interest would need to leave the room.

All elected members are provided with training and induction on managing conflicts of interest, and for this we bring in external legal advice as well as providing clear information through our own documentation and resources. This includes details of managing annual returns for the register of interests previously just required under LAMIA but now also under the new S54 of the LGA.

That induction will cover off the risk that not declaring or adequately managing a conflict of interest poses not only to the member themselves (there are legal penalties under S54 LGA and means of addressing misconduct through the code of conduct) but also to Council decision-making through challenge to or judicial review of a decision where someone partook in discussion and voting with an undeclared or inappropriately managed conflict.

It's not appropriate for me to comment specifically on the potential conflicts of any particular candidate but I would suggest there is an emphasis for all of them to be aware of the distinction that a conflict is not just one of actual and direct conflict but also that of potential and perceived. This is a distinction often not well understood.

Ka mihi

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