

Western Bay of Plenty District Council

Council

2019 Triennial Elections and Order of Candidate Names

Purpose

The 2019 triennial Council elections will occur on Saturday 12 October 2019. An update on preliminary matters relating to the election is provided to Council, including consideration of the order of candidate names to appear on the voting documents.

The outcome of the Local Government Commission's determination on representation arrangements (received 8 April 2019) applies to the 2019 Western Bay of Plenty District Council elections (following the representation review undertaken by Council in 2018).

A copy of the Local Government Commission determination and media release is attached (**Attachment A**).

Recommendation

- 1. THAT the Governance Manager's report dated 8 April 2019 and titled 2019 Triennial Elections and Order of Candidate Names be received.**
- 2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT Council resolves for the 2019 triennial elections to adopt either:**
 - the alphabetical order of candidate names;**
 - or**
 - the pseudo-random order of candidate names;**
 - or**
 - the random order of candidate names**
as permitted under regulation 31 of the Local Electoral Regulations 2001.



Kirstie Elder
Governance Manager

1. Background

The 2019 triennial local authority elections are due to occur on Saturday 12 October 2019 and are required to be undertaken according to the Local Electoral Act 2001, the Local Electoral Regulations 2001, the New Zealand Public Health & Disability Act 2000 and, to a limited extent, the Local Government Act 2002.

Certain pre-election information and tasks are outlined in this report for Council's information and attention.

The Local Electoral Regulations 2001 provides for Council to resolve the order of candidate names to appear on the voting documents (alphabetical, pseudo-random or random order). If no decision is made, the order of names defaults to alphabetical.

2019 Elections

Elections will be required for the following positions:

- Mayor (elected 'at large')
- 11 Councillors (elected from 3 wards)
- 20 Community Board Members (elected to represent 5 community board areas)
- 1 or 2 Bay of Plenty Regional Council Members (either 2 members elected from the WBOPDC General Constituency or 1 member from the Mauāo Māori constituency)
- 7 Bay of Plenty District Health Board Members (elected 'at large').

2019 Election Timetable

With an election date of **Saturday 12 October 2019**, the following key functions and dates will apply:

Nominations open/roll open

Friday 19 July 2019

Nominations close/roll closes

Noon Friday 16 August 2019

Delivery of voting documents

From Friday 20 September 2019

Close of voting

Noon Saturday 12 October 2019

A more detailed timetable is attached **Appendix 1** and has been placed on Council's website.

2019 Election Fact Sheet

A 2019 Election Fact Sheet summarising the key functions of the election (**Appendix 2**) is attached and has also been placed on Council's website.

Compilation of non-resident Ratepayer Roll

The compilation of the 2019 non-resident Ratepayer Roll is required to commence early-mid 2019. This will include:

- an insert detailing the qualifications and procedures for enrolment as a ratepayer elector which was included with the February 2019 rates instalment notice (**Appendix 3**);
- a national Ratepayer Roll inquiry hotline operating between 15 April and 30 August 2019;
- a confirmation letter issued to all current ratepayer electors in April 2019;
- a national advertising campaign on the qualifications and procedures for enrolment as a ratepayer elector during May 2019.

Council is able to undertake additional promotion of the Ratepayer Roll if it wishes - such as contacting (letter/email etc) all current or potential ratepayer electors encouraging their enrolment and participation in the electoral process.

Local Government Regulatory System Amendment Act

The Local Government Regulatory Systems Amendment Act 2019 amended section 42 of the Local Government Act 2002 (effective 21 March 2019). The amendment states that the chief executive of a local authority has a duty to facilitate and foster representative and substantial elector participation.

Council is therefore required to promote the election process and particularly to encourage greater participation.

Order of Candidate Names

Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for Council to choose the order of candidate names appearing on the voting documents from three options – alphabetical, pseudo-random (names drawn out of a hat in random with all voting documents printed in this order) or random order (names randomly drawn by computer with each voting document different).

Council may determine which order the names of candidates are to appear on the voting documents, but if no decision is made, the order of names defaults to alphabetical order.

Council resolved to adopt the pseudo-random order for the 2016 triennial elections.

For Council's information, following a recent analysis undertaken by Auckland Council, research showed there was no compelling evidence that candidates being listed first were more likely to be elected.

Alphabetical Order

Alphabetical order is simply listing candidate surnames alphabetically and is the order traditionally used in local and Parliamentary elections.

Comments regarding alphabetical order are:

- voters are easily able to find names of candidates for whom they wish to vote. Some candidates and voters over the years have argued that alphabetical order may tend to favour candidates with names in the first part of the alphabet, but in practice this is generally not the case most voters tend to look for name recognition, regardless of where in the alphabet the surname lies;
- the order of candidate names on the voting document matches the order listed in the candidate directory (candidate profile statements).

Pseudo-Random Order

Pseudo-random order is where candidate surnames are randomly selected, and the same order is used on all voting documents for that position. The names are randomly selected by a method such as drawing names out of a hat.

Comments regarding pseudo-random order are:

- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates;
- the order of candidate names on the voting document does not match the order in the candidate directory (candidate profile statements).

Random Order

Random order is where all candidate surnames are randomly selected and are listed in a different order on every voting document. The names are randomly selected by computer so that the order is different.

Random order enables names to be listed in a completely unique order on each voting document.

Comments regarding random order are:

- the candidate names appear in mixed order (not alphabetical) on the voting document;
- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates;
- the order of candidate names on the voting document does not match the order listed in the candidate directory (candidate profile statements).

There is no price differential in printing costs between the three orders of candidate names.

Number of Electors

The number of electors for the 2019 triennial elections is expected to be in the order of 37,000 (as at January 2019 this was 36,895). This compares to 34,177 electors for the 2016 triennial election or +8.3% growth.

Pre-Election Report

Section 99A of the Local Government Act 2002 requires each local authority to prepare a pre-election report. The purpose of the report is to provide information to promote public discussion about the issues facing the local authority. The pre-election report is prepared by the Chief Executive, must contain financial and major project information and is to be completed by 2 August 2019.

Online Voting Trials

Following a strong push by a number of local authorities (led by Auckland Council) in 2018 to trial online voting alongside postal voting for the 2019 local elections, the proposed trial was unfortunately halted due to costs. All security and delivery requirements for the online voting provider were met, but the cost involved forced the decision.

Work on a collaborative approach with relevant government sectors is continuing so as to deliver online voting for the 2022 local elections.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is a legislative requirement.

3. Communication

Interested/Affected Parties	Communication
General Public	The order of candidates' names will be incorporated on statutory voting documents.

4. Issues and Options Assessment

Insert précis of resolution required	
Reasons why no options are available	Legislative or other reference
Council is required to decide the order of names on voting documents in the Local Electoral Regulations 2001.	Local Electoral Act 2001

5. Statutory Compliance

This report meets statutory compliance for elections.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Elections are budgeted	Contained in LTP documentation

ATTACHMENTS

Attachment A Local Government Commission Determination and Media Release

Appendix 1 2019 Election Timetable

Appendix 2 2019 Election Fact Sheet

Appendix 3 Compilation of non-resident Ratepayer Roll



Local Government Commission
 Mana Kāwanatanga ā Rohe

Determination

of representation arrangements to apply for
 the election of Western Bay of Plenty District Council
 to be held on 12 October 2019

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Western Bay of Plenty District Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Therefore, it was required to undertake a review prior to the next elections in October 2019.
3. At the time of the last review, the council's initial proposal was for a council comprising the mayor and eight councillors, reduced from the existing 12, elected from three wards. The number of councillors was increased to 11 in the council's final proposal still elected from three wards. The council also proposed to retain the existing five community boards with each comprising four elected and two appointed members. A total of 97 appeals/objections (including 77 form letters) were received.
4. After considering the appeals/objections, the Commission endorsed the council's proposal for 11 councillors elected from three wards. As a result, the ward arrangements for the 2013 and subsequent 2016 elections were as set out in the following table.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Katikati-Waihi Beach	12,165	3	4,055	-110	-2.64
Kaimai	16,375	4	4,094	-71	-1.70
Maketu-Te Puke	17,270	4	4,318	+153	+3.67
Total	45,810	11	4,165		

*Based on Statistics NZ 2011 population estimates

5. The Commission also endorsed the council's proposals for the existing five community boards (Katikati, Waihi Beach, Omokoroa, Maketu and Te Puke).

6. For its current review, the council undertook some informal consultation with the community, using a variety of communication and engagement channels, between 12 March and 6 April 2018. This was with a view to gaining community views on where residents and ratepayers identified their communities of interest and how they viewed the current representation model in terms of this identification and the meeting of their needs for fair representation.
7. From this work the council “identified that the current five community board model no longer reflected the different communities which had changed since the boards were established in 1989, through growth and development in different areas across the district”.
8. “To address the changing face of the district and to achieve a fairer representation model, council has formulated initial representation arrangements which propose:
 - the number of wards across the district remain at the current three wards of Katikati-Waihi Beach, Kaimai and Maketu-Te Puke with one minor boundary adjustment between the Katikati-Waihi Beach and Kaimai wards ...
 - councillor numbers remain at 11 to achieve fair and effective representation within a three-ward model ...
 - the current five community boards be disestablished and replaced post-election with three ward committees with appointed community representation from identified communities of interest within the relevant districts.”
9. At a meeting on 10 July 2018, the council adopted the above model as its initial representation proposal.
10. This resulted in the following proposed ward arrangements.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Katikati-Waihi Beach	13,500	3	4,500	+50	+1.12
Kaimai	17,850	4	4,463	+13	+0.29
Maketu-Te Puke	17,600	4	4,400	-50	-1.12
Total	48,950	11	4,450		

*Based on Statistics NZ 2017 population estimates

11. The council notified its initial proposal on 24 July 2018 and received 460 submissions.
12. In notifying its final proposal, the council analysed the submissions as follows:
 - a) the proposal to disestablish community boards and replace them with community committees:
 - i. 377 opposed with 189 wanting community boards retained and 62 opposed to the proposed community committee appointment process
 - ii. 48 supported
 - b) the proposed minor ward boundary alteration:
 - i. 65 opposed

- ii. 60 supported
 - c) the proposed number of councillors (11) and wards (3):
 - i. 4 opposed.
- 13. At a meeting on 20 September 2018, the council, after considering the submissions, resolved to adopt its final representation proposal as follows:
 - a) the number of councillors, number of wards and minor boundary alteration between two wards as proposed in the council's initial proposal
 - b) retention of four of the five current community boards with their current membership, including one small boundary alteration to the Katikati community
 - c) disestablishment of Omokoroa Community Board
 - d) establishment of a ward councillor committee consisting of the respective ward councillors for each of the following areas:
 - i. whole of Kaimai Ward
 - ii. eastern end of Maketu-Te Puke Ward i.e. all areas not included in the Te Puke and Maketu community boards
 - iii. Matakana Island and Rangiwaea Island of Katikati-Waihi Beach Ward i.e. all the areas not included in the Waihi Beach and Katikati community boards.
- 14. In notifying its final proposal, the council gave the following reasons for its decisions:
 - a) The council is of the view that the current three-ward structure, subject to the proposed ward boundary change, satisfactorily represents the district's communities of interest. It also believes that membership of 11 councillors (plus the mayor) is sufficient to ensure effective representation is provided to constituents.
 - b) The reason for the minor ward boundary adjustment between Kaimai Ward and Katikati-Waihi Beach Ward (and an extension of the Katikati Community Board area) is to better align communities of interest (as identified in the preliminary consultation process).
 - c) The reason for retaining four of the five community boards is the overwhelming number of submissions received supporting the retention of community boards in their area. The reason for disestablishing Omokoroa Community Board is to achieve better representation by establishing a ward councillor committee for all Kaimai Ward.
 - d) To better represent constituents where there are no community boards, ward councillor committees are to be established. Council is of the view that ward councillor committees enable different communities (urban and rural) within the same ward to better address their own interests; and to provide direct contact for Kaimai Ward, the eastern end of Maketu-Te Puke Ward and Matakana Island and Rangiwaea Island residents with their ward councillors.
- 15. The final representation proposal was notified on 4 October 2018 and appeals/objections invited by 5 November 2018. Eleven appeals/objections against the council's final proposal were received.

Appeals/objections against the council's final proposal

16. Appeals/objections against the council's final proposal were received from:
- Karen Summerhays – appealed against the decision not to adopt a mixed system of representation.
 - Anthony Te Uruhi Wihapi on behalf of Ngati Moko Marae Committee – objected to the proposal given the absence of Māori representation and on this basis sought a reduction in the number of members; and did not support the retention of four community boards or establishment of ward councillor committees.
 - Jo Gravit – appealed against the ward and community representation proposals and sought a reduction in the number of councillors and establishment of three democratically elected ward-based community committees.
 - Josephne Burrell – appealed against “wider boundaries and fewer councils” and also provisions for the appointment of committee members.
 - Norman Mayo – appealed against the reduction in wards from five to three; non-inclusion of Matakana Island in Kaimai Ward; disestablishment of Omokoroa Community Board.
 - Western Ward Residents & Ratepayers Assn. – appealed against non-inclusion of Matakana Island in Kaimai Ward; establishment of ward councillor committees; disestablishment of Omokoroa Community Board and non-establishment of two new community boards; non-establishment of separate Waihi Beach Ward.
 - Keith Hay – appealed against the non-inclusion of Matakana Island in Kaimai Ward; disestablishment of Omokoroa Community Board; non-establishment of two new community boards; non-establishment of separate Waihi Beach Ward.
 - Peter & Dianne Dudfield – appealed against the provisions for representation for the Waihi Beach/Bowentown area; and the lack of clarity regarding the constitution of ward councillor committees.
 - George van Dyke – appealed against the proposal to establish ward councillor committees rather than new community boards.
 - Murray Grainger – objected to the proposed ward councillor committee arrangements.
 - Michael Kingston – appealed against the proposed community board and ward councillor committee arrangements.

Hearing of appeals/objections

17. The Commission met with the council and seven of the appellants/objectors who wished to be heard, at a hearing held in Tauranga on 20 February 2019.
18. The council was represented by mayor Garry Webber and chief executive Miriam Taris.

*Matters raised at hearing and in appeals/objections**Western Bay of Plenty District Council*

19. The mayor gave a presentation outlining the process the council had undertaken during the review and the decisions reached. This included preliminary consultation which attracted 970 responses with mixed feedback on representation options.
20. The mayor referred to the commitment made by the council at the time of the last representation review in 2013 to comprehensively review community board effectiveness. This was in light of the fact the existing community boards covered only 40 per cent of the district. He said the council had now undertaken a review, beginning by seeking residents' views on the communities of interest making up the district.
21. As a result of this review, the council had identified 11 communities of interest. It considered these were reflected in the current three-ward structure with one minor alteration in the boundary between two wards. This was the basis of the council's initial proposal including disestablishment of the existing five community boards and their replacement with three ward committees. He said it was the council's intention that the membership of these committees would be determined through a democratic process though this may not have been made clear by the council.
22. In light of the opposition to disestablishment of the community boards in submissions received on the council's initial proposal, the council was now proposing retention of four of the existing community boards. In relation to the fifth board, Omokoroa, the council considered it would be more equitable and effective to have a ward committee covering all Kaimai Ward. It was also the intention to have ward committees, including ward councillors, in the other two wards for the areas outside the existing community board areas. This would result in district-wide representation at this level.

Karen Summerhays

23. Ms Summerhays said she was concerned the process for consideration of submissions on the council's initial proposal had been truncated with the mayor and four councillors hearing those submissions. She thought her submission, seeking a mixed system of representation with two councillors elected at large, had not been considered in its entirety.
24. She believed the community of interest of the district as a whole needed to be acknowledged and represented. With the growth in the north of the district, current arrangements were not fair for areas like Te Puke, and at large councillors would be able to support the ward councillors. At large representation could also incorporate representation for tangata whenua.

Jo Gravit

25. Ms Gravit read a prepared submission which covered the review process including the reliance placed on online communication and council decision-making on the options. She said she supported establishment of three ward-based community boards, with more consultation on the boundaries for these boards. If these boards were well resourced and had clear delegated powers, then a total of just seven councillors would be necessary.

Anthony Te Uruhi Wihapi

26. Mr Wihapi, on behalf of Ngati Moko Marae Committee, read a submission in support of a formal objection against the council's final representation proposal. This submission was that 60 percent of eligible electors did not vote in the poll on the decision of the council to establish a Maori ward, with only 30 percent voting against that proposal. The result of the poll was, therefore, not the resounding result promoted. The submission was for the Commission to take this into account in making its final determination.
27. The objection to the council's proposal was that the community is seriously over represented on the council by one culture to the detriment of the Treaty partner and that this over-representation requires the council to be reduced. In relation to the final proposal, the submission was the council be reduced to 8 members, including the mayor, from the present three wards and that the four community boards be disestablished. The proposed ward councillor committees are also an unnecessary over duplication.

Norman Mayo

28. Mr Mayo said the 'proof of the pudding' of the final proposal, particularly in relation to the ward councillor committees, will be in the council making it work. He said the nature of the district was such that particular areas could easily be forgotten and he still favoured five wards rather than three for this reason. This was also why residents' and ratepayers' associations were set up such as in Katikati. Mr Mayo said he did not think communities of interest in the district were properly identified and recognised. He tabled a diagram of the Smart Growth initiative as a model for involvement by Maori.

Keith Hay/Western Ward Residents & Ratepayers Association

29. Keith Hay read a submission also on behalf of the Western Ward Residents & Ratepayers Association, which had recently changed its name to Katikati-Waihi Beach Residents & Ratepayers Association to better reflect its area of interest. The submission stated that the association was not convinced the boundary change was necessary to better align communities of interest.
30. The submission sought, in particular, that Matakana Island be moved to Kaimai Ward, the proposed boundary change be abandoned and that the council take population growth projections into account instead of proposing unnecessary boundary changes in future. The association also supported Waihi Beach having its own ward as previously, the retention of all community boards, including Omokoroa, with further boards established in the parts of Kaimai and Maketu-Te Puke wards without community boards.

George van Dyke

31. Mr van Dyke spoke in support of the retention of existing community boards and the establishment of new boards for those areas within Kaimai and Maketu-Te Puke wards currently without boards. He said the current boards worked well and members generally knew each other and what the boards were doing. There had also been a lack of communication by the council about the role of boards.

Murray Grainger

32. Mr Grainger, who is also chairperson of the Omokoroa Community Board, appeared at the hearing in a personal capacity. He said he wished to focus on the unequal representation that would occur from the proposed ward councillor committees with one committee of three councillors proposed for Matakana and Rangiwaea islands with a population of less than 300 (one representative per 100 residents) compared to one committee of four councillors for the whole Kaimai Ward (one representative per 4,100 people).
33. Mr Grainger also said he believed the proposed boundary change was flawed and he suggested an amended boundary adjustment based on what he considered to be the community of interest in the area. He said if community boards were to be retained, he believed there should be one each for the eastern and western areas of Kaimai Ward.

Matters for determination by the Commission

34. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
35. Given this requirement, any concerns expressed by appellants/objectors relating to the council's review process are not matters that the Commission needs to address. We may, however, comment on a council's process if we believe it would be of assistance to the council in a future review.
36. The matters in scope of the review are:
 - whether the council is to be elected from wards, the district as a whole, or a mix of the two
 - the number of councillors
 - if there are to be wards, the area, boundaries and names of wards and the number of councillors to be elected from each ward
 - whether there are to be community boards
 - if there are to be community boards, the area, boundaries and names of their communities, and the membership arrangements for each board.

Key considerations

37. Based on legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
 - communities of interest
 - effective representation of communities of interest
 - fair representation for electors.

Communities of interest

38. The Guidelines identify three dimensions for recognising communities of interest:
- *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
39. We note that in many cases councils, communities and individuals tend to focus on the perceptual dimension of communities of interest. That is, they focus on what intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the functional one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
40. In addition to evidence demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities i.e. that they may have "few commonalities". This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
41. In the case of Western Bay of Plenty, the district is a mix of coastal, urban and rural areas circling Tauranga City and stretching from Waihi Beach in the west to Otamarakau in the east. Communities of interest in the district were recognised at the time of its constitution in 1989, with establishment of five wards for Waihi Beach, Katikati, Kaimai, Maketu and Te Puke. Both Waihi Beach and Katikati, and also Maketu and Te Puke were seen to have sufficient commonalities for these areas to be combined into new wards in 2013 thereby reducing the number of wards to three.

Effective representation of communities of interest

42. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a mix of both) will provide effective representation of communities of interest within the city
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
43. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the appropriate total number of elected members and the appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).

44. We note the council comprised 12 councillors from its constitution in 1989 until the 2013 elections when this number was reduced to 11. Two appellants/objectors sought a reduction in the current number of councillors.
45. One appellant sought a reduction on the basis that three “democratically elected ward-based committees” are established. We address the issue of local community representation later in this determination.
46. One objector sought a reduction given what he saw as an absence of representation of one Treaty of Waitangi partner and over-representation of the other. His concern arose from the council’s proposal for the establishment of Māori wards in the district being defeated at a poll of electors.
47. While closely related, the issue of Māori representation by way of Māori wards, is a separate process from the representation review process now being determined. The statutory criteria we are required to apply at this stage in the process are for the fair representation of electors and effective representation of communities of interest. This determination sets out our findings and conclusions on the application of these criteria.
48. The Commission’s Guidelines note the following factors need to be considered when determining effective representation:
 - avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents’ familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.
49. As noted, Western Bay of Plenty District has been divided into wards since its constitution in 1989, with initially five and now three wards. At least some element of ward representation does seem to us to be appropriate, given the size and geography of the district.
50. We note one appellant sought the introduction of a mixed at large-wards system of representation. She believed this was necessary to reflect the community of interest at the district level and it would help balance representation given high growth in the north-west part of the district.
51. We note firstly, there are pros and cons to each of the options for the basis of election. Secondly, a council is generally in the best position to assess these pros and cons in relation to its own district, as it will know the area better than the Commission. This view, however, is subject to the council going through a good process in assessing the pros and cons, and carefully considering community views throughout the process. In such a case, we see it as appropriate for the Commission to endorse a council’s decision on options such as the basis of election.
52. We heard from the appellant that she was not satisfied the council had seriously considered the mixed system as the basis of election for Western Bay of Plenty District. However, the council later assured us that this option had been the subject of consultation. On this basis, and given just one appellant raised this matter, we are

- sufficiently satisfied to endorse the council's proposal to retain the ward system of representation.
53. The council also proposed to retain the current three wards subject to a boundary alteration between the Katikati-Waihi Beach and Kaimai wards. One objector suggested an adjustment to this based on what he considered to be community of interest grounds. We asked the council to comment on this suggestion and subsequently received its advice.
 54. The council outlined the process it had gone through in reaching its decision to propose the altered boundary. This began with preliminary consultation in March – April 2018 from which the council received 970 items of feedback including the identification of 34 communities of interest. These were subsequently grouped, based on commonalities, into 11 wider communities of interest using councillors' knowledge of the areas concerned. We were advised that the proposed boundary alteration between Katikati-Waihi Beach and Kaimai wards arose from this work "based on Pahoia residents sharing common links with Katikati e.g. educational (including High School), shopping, social link connections".
 55. The council noted that of 422 submissions received on its initial proposal, 297 did not have an opinion on the proposed boundary alteration while 60 supported it and 65 did not. It also noted that most of those who did not support the alteration were residents of Waihi Beach who were possibly concerned at the impact on representation for that area by adding the proposed additional area in the east of the ward.
 56. While some debate on the exact most appropriate location of this ward boundary may still be possible, we see this as a matter for the council to resolve. In the meantime, we are satisfied that the council has considered the matter sufficiently for us to endorse the council's proposal in relation to the boundary alteration.
 57. A further matter that was raised in the appeals/objections and also arose during the hearing was the suggestion that Matakana and Rangiwaea islands would be more appropriately located in Kaimai Ward rather than in Katikati-Waihi Beach Ward as they are at present. We have undertaken some further consultation on this matter with local iwi and raised it specifically with the council. As a result, we have decided not to make any change. This reflects the advice we received that it was a deliberate decision to locate Matakana and Rangiwaea islands in Katikati-Waihi Beach Ward based on whakapapa connections to Tamawhariua at Katikati. While local iwi on the islands currently have concerns about their representation, the location of the islands in Katikati-Waihi Beach Ward is not one of these concerns.
 58. In summary, we have decided to endorse the council's proposal for the retention of the existing three wards subject to the boundary alteration between the Katikati-Waihi Beach and Kaimai wards as proposed by the council, electing a total of 11 councillors. We believe this will achieve effective representation for the communities of interest making up Western Bay of Plenty District.
 59. We note the Commission has received an application for a boundary alteration between Western Bay of Plenty District and Tauranga City seeking the transfer of an area from the district to the city, which it now needs to address. The nature of the statutory reorganisation process, including a requirement to invite alternative applications, means the exact outcome of this process cannot be predicted at this time. In the event that a boundary alteration is made, this may have an impact on the

communities of interest of the district and their future effective representation. This would need to be taken into account in the council's next representation review.

Fair representation for electors

60. For the purposes of fair representation for the electors of a district, section 19V(2) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
61. The council's proposal for a council comprising the mayor and 11 councillors elected from three wards, complies with the rule.

Communities and community boards

62. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
63. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:
 - Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community or communities of interest?
64. There have been five community boards (Waihi Beach, Katikati, Omokoroa, Maketu and Te Puke) in Western Bay of Plenty District since 1989.
65. The council initially proposed to disestablish all five boards as part of the current review and replace these with "three ward committees with appointed community representation from identified communities of interest within the relevant districts". However, in light of "the overwhelming number of submissions received supporting the retention of community boards in their area" the council is now proposing to retain four boards and disestablish the fifth, the Omokoroa Community Board. It considers it will achieve "better representation" for the latter area by establishing a ward councillor committee for all the Kaimai Ward.
66. We note a minor boundary alteration to the area of Katikati Community Board is proposed in order that the board's boundary coincides with the altered boundary between Katikati-Waihi Beach Ward and Kaimai Ward. As noted, the altered ward boundary arises from the council's consideration of communities of interest in the area. The alteration to the community board boundary is therefore appropriate and in line with the provisions of section 19U(c) of the Act that ward and community board

boundaries, so far as is practicable, coincide. Accordingly, we endorse this proposed community board boundary alteration.

67. The council is proposing that Omokoroa Community Board be disestablished on the basis that a ward councillors committee for all Kaimai Ward would achieve "better representation".
68. We note that eight of the 11 appellants/objectors expressed concerns about the council's proposals for ward councillor committees. These concerns included a lack of clarity about their role and purpose, the appointment process for non-councillor members and, as initially proposed, the committees as replacements for the democratically elected community boards.
69. The establishment of ward/community committees of any form, unlike community boards, is not a matter that comes within the scope of a representation review. Accordingly, we are not able to make any determination in respect of the council's proposed ward councillor committees. These are matters for the council to consider further and on which to make recommendations to the incoming council following the October elections.
70. However, we note the appellants' concerns about the committees and, while with one exception they are no longer proposed as replacements for the existing community boards, we are also unclear about their comparative status and role vis-à-vis the current community boards. We did seek some more information about the proposed committees from the council including such matters as proposed delegations. We remain unclear and, in the case of the proposed replacement of Omokoroa Community Board, unconvinced an all of Kaimai Ward committee would provide effective representation for the Omokoroa community.
71. Accordingly we have determined that the Omokoroa Community Board will be retained, with its current membership, alongside the other four existing community boards which will also retain their current membership.
72. We suggest the council gives further consideration to the matter of local community representation across Western Bay of Plenty District and what objectives it is wishing to achieve. We note the council has gone to considerable effort to identify 11 groupings of communities of interest across the district and it appears to us that this is the appropriate starting point for this consideration. These groupings, or further combinations of the groupings, could then be a good base for effective local community representation structures. Depending on the role intended for these structures, the council would then be in a position to consider the relative merits of community boards, community committees or other forms of structure across the district.

Commission's determination

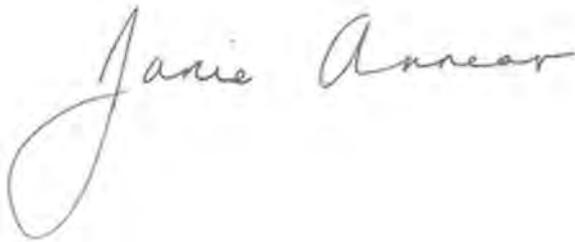
73. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Western Bay of Plenty District Council to be held on 12 October 2019, the following representation arrangements will apply:
 1. Western Bay of Plenty District, as delineated on Plan LG-022-2019-W-1 deposited with the Local Government Commission, will be divided into three wards.

2. Those three wards will be:
 - a) Katikati-Waihi Beach Ward, comprising the area delineated on Plan LG-022-2019-W-2 deposited with the Local Government Commission
 - b) Kaimai Ward, comprising the area delineated on Plan LG-022-2019-W-2 deposited with the Local Government Commission
 - c) Maketu-Te Puke Ward, comprising the area delineated on Plan LG-022-2013-W-4 deposited with the Local Government Commission
3. The council will comprise the mayor and 11 councillors elected as follows:
 - a) 3 councillors elected by the electors of Katikati-Waihi Beach Ward
 - b) 4 councillors elected by the electors of Kaimai Ward
 - c) 4 councillors elected by the electors of Maketu-Te Puke Ward
4. There will be five communities as follows:
 - a) Katikati Community, comprising the area delineated on Plan LG-022-2019-Com-1 deposited with the Local Government Commission
 - b) Waihi Beach Community, comprising the area delineated on SO Plan 58078 deposited with Land Information New Zealand
 - c) Omokoroa Community, comprising the area delineated on SO Plan 382062 deposited with Land Information New Zealand
 - d) Maketu Community, comprising the area delineated on SO Plan 58102 deposited with Land Information New Zealand
 - e) Te Puke Community, comprising the area delineated on SO Plan 58076 deposited with Land Information New Zealand.
5. The membership of each community board will be as follows:
 - a) Katikati Community Board will comprise four elected members and two members appointed to the community board by the council representing Katikati-Waihi Beach Ward
 - b) Waihi Beach Community Board will comprise four elected members and two members appointed to the community board by the council representing Katikati-Waihi Beach Ward
 - c) Omokoroa Community Board will comprise four elected members and two members appointed to the community board by the council representing Kaimai Ward
 - d) Maketu Community Board will comprise four elected members and two members appointed to the community board by the council representing Maketu-Te Puke Ward
 - e) Te Puke Community Board will comprise four elected members and two members appointed to the community board by the council representing Maketu-Te Puke Ward.
74. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

LOCAL GOVERNMENT COMMISSION

A handwritten signature in black ink, appearing to read 'P. Paraone', with a large, stylized initial 'P'.

Commissioner Pita Paraone (Chairperson)

A handwritten signature in black ink, appearing to read 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

8 April 2019



Media release

8 April 2019

Commission announces decision on representation arrangements for Western Bay of Plenty District Council

The Local Government Commission today announced its decision that largely existing representation arrangements for Western Bay of Plenty District Council will apply for the 2019 local authority elections.

The Commission has endorsed the decision of Western Bay of Plenty District Council that the existing arrangements of 11 councillors elected from three wards, with one boundary alteration, will apply for the October elections.

The decision means that for the 2019 local authority elections, Western Bay of Plenty District councillors will continue be elected as follows:

Ward	Councillors
Katikati-Waihi Beach	3
Kaimai	4
Maketu-Te Puke	4

In a change from arrangements proposed by the council, the Commission has determined that the Omokoroa Community Board will be retained with its existing area and membership. The Commission endorsed the council's proposal to retain the four other community boards – Katikati, Waihi Beach, Maketu and Te Puke.

There were eleven appeals/objections against the council's proposal.

The determination is available on the Commission's website: www.lgc.govt.nz

Ends

Media contact:

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donald.riezebos@lgc.govt.nz



TIMETABLE Triennial election

Western Bay of Plenty District Council

12 OCTOBER 2019

SATURDAY 12 OCTOBER 2019

Saturday 2 March - Tuesday 30 April 2019	Ratepayer roll enrolment confirmation forms sent [Reg 16, LER]
Saturday 2 March - Saturday 6 July 2019	Preparation of ratepayer roll [Reg 10, LER]
May 2019	National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]
Monday 1 July 2019	Electoral Commission's enrolment update campaign commences
Wednesday 17 July 2019	Public notice of election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]
Friday 19 July 2019	Nominations open / roll open for inspection [Sec 42, LEA]
Friday 16 August 2019	Nominations close (12 noon) / roll closes [Sec 5, 42, 55 LEA, Reg 21, LER]
Wednesday 21 August 2019	Public notice of day of election, candidates' names [Sec 65, LEA]
by Monday 16 September 2019	Electoral officer certifies final electoral roll [Sec 51, LEA, Reg 22, LER]
Friday 20 September - Wednesday 25 September 2019	Delivery of voting documents [Reg 51, LER]
Friday 20 September - Saturday 12 October 2019	Progressive roll scrutiny [Sec 83, LEA] Special voting period [Sec 5 LEA, Reg 35, LER] Early processing period [Sec 80, LEA]
by Friday 11 October 2019	Appointment of scrutineers (12 noon) [Sec 68, LEA]
Saturday 12 October 2019	Election day [Sec 10, LEA] Close of voting (12 noon) [Sec 84, LEA] Progress and preliminary results available as soon as practicable after close of voting [Sec 85, LEA]
Saturday 12 October (pm) - Thursday 17 October 2019	Official count [Sec 84, LEA]
Thursday 17 October - Wednesday 23 October 2019	Declaration of result/public notice of declaration [Sec 86, LEA]
mid-December 2019	Return of electoral donations & expenses form [Sec 112A, LEA]

LEA = Local Electoral Act 2001

LER = Local Electoral Regulations 2001



FACT SHEET

Triennial election

Western Bay of Plenty District Council

12 OCTOBER 2019

GENERAL

Triennial elections for elected members of most local authorities throughout New Zealand are to be conducted, by postal vote, on Saturday 12 October 2019.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and will be undertaken by Election Services, under contract to Western Bay of Plenty District Council.

POSITIONS

During 2018, Western Bay of Plenty District Council undertook a representation arrangements review (review of number of elected members, wards, community boards, etc). The final proposal retains the current number of councillors and wards with minor ward boundary changes and some changes to community boards.

The final proposal, subject to a Local Government Commission determination, will require elections for the following positions:

- Mayor (elected 'at large')
- Councillors (11)
 - Kaimai Ward (4)
 - Katikati-Waihi Beach Ward (3)
 - Maketu-Te Puke Ward (4)
- Community Board Members (16)
 - Katikati Community (4)
 - Maketu Community (4)
 - Te Puke Community (4)
 - Waihi Beach Community (4)
- Bay of Plenty Regional Council Members (either 2 members from the Western Bay of Plenty General Constituency, or 1 member from the Mauāo Māori Constituency)
- Bay of Plenty District Health Board Members (7 members elected 'at large').

NOMINATIONS

Nominations for the above positions will open on **Friday 19 July 2019** and close at **noon on Friday 16 August 2019**.

Nomination papers will be available during this period from:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga
- The Centre - Pātuki Manawa, 21 Main Road, Katikati

- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa
- Te Puke Library & Information Service Centre, 130 Jellicoe Street, Te Puke
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach
- by accessing www.westernbay.govt.nz;
- by telephoning the electoral office on 0800 922 822.

To be eligible to stand for election, a candidate **must** be:

- a New Zealand citizen (by birth or naturalisation ceremony); **and**
- enrolled as a Parliamentary elector (anywhere in New Zealand); **and**
- nominated by two electors whose names appear on the electoral roll within the respective area that a candidate is standing for.

Detailed candidate information handbooks will be available from the electoral office from May 2019.

ELECTORAL ROLL

Those eligible to vote in the election are all resident electors and non-resident ratepayer electors whose names appear on the electoral roll when it closes on Friday 16 August 2019. The Preliminary Electoral Roll will be available for public inspection from **Friday 19 July 2019** to **Friday 16 August 2019** at the above locations.

Resident Roll: All parliamentary electors, including those on the Māori Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

Any alterations to the Resident Roll (eg change of address details, including new postal addresses) should be made by:

- completing the appropriate form at any post shop;
- phoning 0800 ENROLNOW (0800 367 656)
- accessing the Electoral Commission website on www.elections.org.nz

Ratepayer Roll: If a person is on the parliamentary roll in one area and pays rates on a property in another area, this person may be eligible to be enrolled on the non-resident ratepayer roll. A firm, company, corporation or society paying rates on a property may nominate one of its members or officers as a ratepayer elector (provided the nominated person resides outside the area). Ratepayer Roll enrolment forms are available at all Council offices, by accessing www.westernbay.govt.nz or by phoning the electoral office on 0800 922 822.

ELECTORAL SYSTEM

The first past the post (FPP) electoral system will be used for all elections except for the Bay of Plenty District Health Board which will use the single transferable voting (STV) electoral system.

Progress results will be known early afternoon, and preliminary results will be known early on Sunday morning, 13 October 2019. These will be accessible on Council's website www.westernbay.govt.nz

VOTING PERIOD

Voting documents will be sent to all eligible electors, by post, from **Friday 20 September 2019**.

The voting period is three weeks (**Friday 20 September 2019 to noon Saturday 12 October 2019**). Electors may post their completed voting documents back to the electoral officer using the orange pre-paid envelope sent with their voting document. Polling places for the issuing of special voting documents and for the receiving of completed voting documents will be available from Friday 20 September 2019 to noon Saturday 12 October 2019 at all Council offices.

To be counted, all completed voting documents must be in the hands of the electoral officer or an electoral official by **noon Saturday 12 October 2019**.

CONTACT US

For further information regarding this election, please contact the electoral office:



Dale Ofsoske, Electoral Officer
 Western Bay of Plenty District Council
 C/o PO Box 5135, Wellesley Street, Auckland 1141
 Email: info@electionservices.co.nz
 Phone: **0800 922 822**





**WHEREVER YOU
PAY RATES IT PAYS
TO VOTE**

DO YOU LIVE IN ONE AREA AND PAY RATES ON A PROPERTY IN ANOTHER?

Then you may qualify to vote more than once at the local authority elections on 12 October 2019

- If you live and vote in one council district, but also pay rates on a property in another district, you may be eligible to enrol as a non-resident ratepayer elector in that other council district.
- If your council district has community or local board established, and you are a residential elector in one community or local board area and pay rates on a property in another community or local board area, you may be eligible to enrol as a ratepayer elector in that other community or local board area.
- A firm, company, trust, corporation or society which pays rates on a property may nominate one of its members or officers as a non-resident ratepayer elector, provided that the nominator and the person nominated are both registered as Parliamentary electors at addresses which are outside the council district within which the property is situated.
- In the case of partners, joint tenants and tenants in common, who collectively pay rates on a property, one of the group may be nominated to be entered on the ratepayer electoral roll. Again, the nominated person and the nominator must be registered as Parliamentary electors at addresses which are outside the council district within which the property is situated.

Note: The term 'council district' includes a city, district and regional council area.

Eligibility to enrol or be nominated will depend on individual circumstances

In each case only one ratepayer elector can be nominated, irrespective of the number of properties owned by the firm, company, society, trust, partnership or ratepayer in a council district.

New Ratepayer Electors

If you think you may be eligible to enrol or to nominate a person for the ratepayer electoral roll, you will need to obtain an Enrolment Form for Ratepayer Electors from the city or district council to which you pay your rates.

If you are on the Parliamentary electoral roll you will automatically be on the local authority residential electoral roll

If you want further information please phone toll free

0800 54 8683

0800 LG VOTE

(from 15 April 2019 to 30 August 2019)



Western Bay of Plenty District Council**Council****Conflict of Interest Policy (Revised)**

Purpose

The purpose of this report is to request Elected Members review Council's Conflict of Interest Policy (Revised) and approve any amendments accordingly.

Recommendation

- 1. THAT the Group Manager, Finance and Technology Services report dated 9 April 2019 and titled "Conflict of Interest Policy (Revised)" be received.**
- 2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT Council note the revised Policy has been reviewed and approved for submission to Council by the Operational Management Team on 9th April 2019.**
- 4. THAT Council approve the revised Conflict of Interest Policy (Revised) with the following amendments....**



Kumaren Perumal
Group Manager, Finance and Technology Services

1. Background

As part of Councils interim audit carried out by Audit New Zealand for the year ending 30 June 2018, a number of recommendations were made to improve Councils existing Conflicts of Interest Policy.

As part of their review, Audit New Zealand compared the Policy to the Office of the Auditor-General's good practice guide "*Managing conflicts of interest: guidance for public entities*". Based on this, a revised and improved Conflicts of Interest Policy (Revised) is submitted to Council for approval (**Appendix A**).

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because:

- It is a legislative requirement for councils to hold/adhere to a Conflicts of Interest Policy.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
All Staff	All staff to be notified accordingly and the updated Policy to be uploaded to the Policy library on the intranet.
General Public	The approved Conflicts of Interest Policy be uploaded to Council's website.

4. Issues and Options Assessment

<i>THAT Council approve the revised Conflicts of Interest Policy with the following amendments.....</i>	
Reasons why no options are available	Legislative or other reference
<p>The Conflicts of Interest Policy was last reviewed by the Policy Committee in February 2018 and has been updated to reflect recommendations made by Audit New Zealand as part of the interim audit for the year ending 30 June 2018.</p> <p>Council is requested to approve the Policy and amend accordingly.</p>	<ul style="list-style-type: none"> - Local Government Act 2002, sections 100 and 101 (financial prudence) - Local Authorities (Members' Interests) Act 1968 - The Protected Disclosures Act 2000 - The Secret Commissions Act 1910 - The Crimes Act 1961, sections 99, 105 and 105A.

5. Statutory Compliance

The recommendations comply with legislation and Council's associated policies as noted above.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
	Not applicable.

Management Policy



Conflict of Interest Policy

Relevant Legislation

Local Government Act 2002
Local Authorities (Members' Interests) Act 1968

Purpose

The purpose of this policy is to:

- promote integrity and to preserve public trust in Western Bay of Plenty District Council by avoiding perceived or actual bias
- protect Elected Members, Members of Community Boards and Council officers and staff.

In accordance with relevant legislation and guidance from the Office of the Auditor-General, this Policy defines a range of circumstances that may constitute conflicts of interest along with procedures for identifying and managing these.

1. Policy

- 1.1 Each individual council officer, elected member and member of a community board is responsible for identifying and declaring conflicts of interest.
- 1.2 A conflict of interest can arise where two different interests overlap, i.e. in any situation where a person has a financial interest, a private or personal interest or business interest sufficient to influence or appear to influence the impartial exercise of their official duties or professional judgement.
- 1.3 The existence of a conflict of interest may not necessarily mean that the officer or elected member concerned has done anything wrong or that the interests of Council or the public have been compromised. For a council officer or elected member a conflict of interest that creates risks may be where their duties or responsibilities to Council could be affected by some other interest or duty they may have. For example, other interests or duties might exist for an officer or elected member because of their own financial affairs; a relationship (private or personal interest) or other role (e.g. a business or community interest) that the officer or elected member has; or something the officer or elected member has said or done.

2. Principles

- 2.1 Council officers and elected members are to conduct themselves at all times under the following principles, ensuring:
 - self-interest or personal factors are not permitted to influence their decision making
 - every precaution is taken to avoid a situation where a conflict of interest, or any perception of a conflict of interest could arise in carrying out their duties

Conflict of Interest Policy

- that financial, familial, personal or business relationships or interests do not in fact, nor appear to, unfairly advantage or disadvantage other Council officers, elected members or other individuals or organisations
 - staff must inform their manager as soon as practicable if an actual, perceived or potential conflict of interest arises. Their manager is responsible for taking appropriate steps to resolve the situation
 - If a conflict of interest arises between colleagues working in the same area, or who are in a supervisory relationship with each other and the conflict cannot be resolved, it may be necessary for one or more parties to the conflict to be placed in another reporting context within Council
 - Council officers and elected members must not be involved in the appointment process of people with whom they have a close personal or familial relationship
- the highest standards of behaviour in accepting gifts or rewards. Any gift that might attract the suspicion of improper motive, or which obligates the individual should not be accepted. In any event all gifts offered (received or not) are to be declared in the appropriate gifts register
- Council's name, resources, information and time are not used for private or personal benefit without prior written consent of an authorised person
- If an elected member is in any doubt as to whether they should declare an interest and stand aside from decision making (including a decision to take no action), then they should inform the Mayor immediately and seek advice from the Office of the Auditor-General (as to whether there is a financial interest) or from their own legal advisor.
- If a Council officer is in any doubt as to whether they should declare an interest and stand aside from decision making (including a decision to take no action), then they should inform and seek guidance from the Governance Manager.

3. Consequence of breach of this Policy

3.1 Elected Members:

If an Elected Member has a financial interest in a matter and participates in discussion and voting on it, they will have committed an offence under the LAMIA. In the event of a conviction, an elected member can be removed from office.

An elected member's bias (whether actual or perceived) has the potential to invalidate the particular decision made, or the action taken, by Council (if successfully challenged by way of judicial review). If an Elected Member's conduct has contributed to Council incurring a loss; that conduct could also result in personal financial liability under section 46 of the Local Government Act (2002).

Conflict of Interest Policy

- 3.2 Under the Local Authorities (Members' Interests) Act 1968 (LAMIA) an elected member will be disqualified from office, or from election to office, if that member is concerned or interested in contracts or subcontracts (either directly or indirectly) under which payments made by (or on behalf of) Council exceed \$25,000 in any financial year (unless there is an exemption granted by the Office of the Controller and Auditor-General).
- 3.3 The \$25,000 payment limit includes GST. The limit relates to the value of all payments made for all contracts in which a member is interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by the member.
- 3.4 Council Officers:
For Council officers, breach of this policy may be considered a material breach of Council's Policies and Procedures and may be subject to Council's disciplinary process.

4. Responsibilities

- 4.1 Council officers and elected members are responsible for identifying and disclosing conflicts of interest. The occurrence of an actual, potential or perceived conflict of interest is not in itself an indication of misconduct, however failure by a council officer to declare a conflict of interest could result in disciplinary action up to and including dismissal. Elected members may be removed from office for certain breaches of the LAMIA and are required to exercise their roles and duties in accordance with established principles of fairness and judicial responsibility. Elected members' obligations of conduct are set out in the Western Bay of Plenty District Council's Code of Conduct.
- 4.2 Conflicts of interest must always be declared as they constitute potential risks to Council, which must be managed. Such risks may not be limited to pecuniary interests but may include damaging Council's reputation with regard to the integrity of decision-making processes and public trust.
- 4.3 Council officers and elected members, including community board members and committee appointees should acquaint themselves with the Associated Policies and Procedures.
- 4.4 All senior Council officers are responsible for applying this policy and ensuring that their staff adhere to it. If Council officers are unclear about the application of this policy to specific circumstances or situations they should seek clarification from their manager who may seek clarification or advice from their Group Manager.
- 4.5 All senior Council officers (third tier managers and above) and all elected members including members of community boards must disclose at least annually in writing, any significant interests they may have in other organisations.

Conflict of Interest Policy

Disclosure provides transparency and protects those concerned from allegations of duplicity and enables the avoidance of being unwittingly placed in situations that may lead to a conflict of interests. Council staff declarations will be held in the Council Officers' Interests Register, and the elected members' and community board members' declarations will be held in the Elected Members' Interests Register, with both registers being maintained by the Governance Manager.

- 4.6 It is important that Council officers and elected members have access to good information and training that is regularly reviewed and updated so they are clear about what to do if they think they have a conflict of interest at any stage, and fully understand their responsibility to identify and disclose it.
- 4.7 Training includes receiving and dealing with disclosures of conflicts of interest, knowing how and when to access professional advice and support, and handling complaints or breaches of the policy.
- 4.8 The process for investigation and determination of complaints is outlined in Appendix One.

5. Definitions

- 5.1 A conflict of interest is any situation when a person has a financial interest, a private or personal interest or business interest sufficient to influence or appear to influence the impartial exercise of their official duties or professional judgement. The potential actual or perceived conflicts of interests detailed below, do not constitute an exhaustive list. It is not possible to anticipate every situation and some situations will require Council and management to exercise judgement on a case by case basis.

See (Appendix 3) for definition descriptions.

- 5.2 **Financial Interest**
The term financial interest means anything of monetary value, including but not limited to:
- Salary or payments for service, e.g. consulting fees and honoraria
 - Equity interests, e.g. stocks, stock options and other ownership interests
 - Koha gifts and hospitality
 - Allowances, forgiveness or debts, interests in real estate or personal property, dividends, rents, capital gains; and
 - Intellectual property rights, e.g. patents, copyrights and royalties from these rights.

The term financial interest does not include salary or other remuneration received from or approved by Council.

- 5.3 **Personal Interest**
A Council officer or elected member has a personal interest in a matter if their spouse or partner, or other person in their family with whom there is a close friendship, could be advantaged or disadvantaged by any decision that the

Conflict of Interest Policy

officer or elected member either can make, or does make, or is in a position to influence.

5.4 Business Interest

A Council officer or elected member will have a business interest in an enterprise seeking to do business with the Council if they:

- are a director of the enterprise
- are an owner of or partner in the enterprise
- have a significant shareholding (equal to or greater than 20% shareholding) in the enterprise
- have a close personal or familial relationship with a person who is an owner or partner or significant shareholder in the enterprise.

6. Identifying and Managing Conflicts of Interest

6.1 Council officers and elected members are responsible for identifying and managing conflicts of interest. Guidelines to assist with this are provided in **Appendix 1**.

Refer to **Appendix 2** for the Process for the investigation and determination of conflicts of interest and/or complaints relating to this Policy.

Associated Policies and Guidelines

Fraud and Corruption Prevention Policy
Sensitive Expenditure Policy
Human Resource Policies and Procedures

Codes of Conduct

Code of Conduct (Elected Members)
Code of Conduct (Community Board Members)

Associated Procedures

Payments to Related Parties
Declaration of Interests (Elected Members)
Declaration of Interests (Community Board Members)
Declaration of Interests (Management Staff)
Declaration of Gifts received/offered (Elected Members)
Declaration of Gifts received/offered (Community Board Members)
Declaration of Gifts given/offered (Elected Members)
Declaration of Gifts given/offered (Community Board Members)
Declaration of Gifts received/offered] (Employees)
Declaration of Gifts given/offered (Employees)

Management Policy



Conflict of Interest Policy

1. Guidelines for Identifying and Managing Conflicts of Interests

1.1 What is a conflict of interest?

A conflict of interest is any situation where a person has a financial interest, a private or personal interest or business interest sufficient to influence or appear to influence the impartial exercise of their official duties or professional judgement.

Conflicts of interest may be actual or perceived to exist or potentially exist at some time in the future.

Perception of a conflict of interest is important to consider because public confidence in the integrity of the Council is paramount.

1.2 Is it wrong to have a conflict of interest?

A conflict of interest in itself is not necessarily detrimental or unethical. However, it is unethical and may be detrimental to fail to disclose and appropriately manage a conflict of interest.

It is impossible to eliminate all situations that may lead to a conflict of interest but such situations can be managed to avoid the adverse effects that could result. This Policy is not intended to regulate or eliminate all occurrences of conflicts of interest but enables officers and elected members to recognise situations that may be subject to scrutiny and ensure those situations are dealt with properly.

1.3 Recognising an actual or potential conflict of interest

Being aware of the most common types of conflict of interest and the areas of Council where they are most likely to arise will assist in recognising actual, potential and perceived conflicts of interest.

The most common types of conflict of interest arise from financial, personal and/or business interests as detailed above in 5.2, 5.3, 5.4 of Council's Conflict of Interest Policy.

Every area of Council has the potential for incidences of conflicts of interest however, the most sensitive areas are expected to be:

- tenders and contracts
- procurement
- allocation of grants
- gifts, benefits and hospitality
- sponsorship
- recruitment, selection and appointment
- secondary employment.

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1.4 Identifying and determining conflicts of interest

Mindful of the types of conflict of interest (financial, personal, business) and most likely areas (as above), ask yourself the following questions:

- **Public duty versus private interest**
Do I have personal or private interests that may conflict or be perceived to conflict with my duties for Council, my public duties?
- **Potential conflicts**
Could there be benefits for me now or in the future that could cast doubt on my objectivity?
- **Perception**
Perception is paramount. How will my involvement in this decision/action be viewed by others? Are there any risks associated for Council or me?
- **Proportionality**
Does my involvement in the decision appear fair and reasonable in all the circumstances?
- **Presence of mind**
What are the consequences if I ignore or fail to declare a conflict of interest? What if my involvement is questioned publicly?
- **Promises**
Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

1.5 Managing Conflicts of interest

Ways in which conflicts can be managed include:

- **Record/register**
Maintaining a register of declared interests is unlikely to resolve actual or perceived potential conflicts of interest but presents opportunities for managing conflicts of interest. The following strategies, if appropriately employed, may be sufficient to remove, isolate or mitigate any risk.
- **Restrict**
It may be appropriate to restrict involvement in the matter, e.g. refrain from taking part in debate about a specific issue; abstain from voting on decisions, and/or restrict access to information relating to the conflict of interest. If this situation occurs frequently, an ongoing conflict of interest is likely, and consideration should be given to other options.

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- **Recruit**
If it is impractical to restrict involvement, an independent third party may be engaged to participate in, oversee or review the integrity of the decision-making process.
 - **Remove**
Removal from involvement in the matter altogether is the best option when ad hoc or recruitment strategies are not feasible or are inappropriate.
 - **Relinquish**
Relinquishing the personal or private interests may be a valid strategy for ensuring there is no conflict with public duty. This may include relinquishing shares or membership of a club or association.
 - **Resign**
Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.
- 1.6 Council officers and elected members have an obligation to serve the best interests of the Western Bay of Plenty District Council. Secondary employment could potentially lead to a conflict of interest. Council Officers must seek management approval prior to being engaged in secondary employment. Elected members and Community Board Members are required to declare any potential, actual or perceived conflict or interest, including employment and business interests, when they arise.
- 1.7 Council officers and elected members are personally responsible for identifying and declaring conflicts of interest and must take every precaution to avoid situations where a conflict of interest may arise, or be perceived to arise, in carrying out their duties.
- 1.8 Each individual situation arising must be managed in consideration of its unique circumstances. Case studies provided by the Office of the Auditor-General in the good practice guide, *Managing conflicts of interest: Guidance for public entities*, June 2007, should be used for reference only.

Process for the investigation and determination of conflicts of interest and/or complaints relating to this Policy

Summary

There is a five-stage process for dealing with the investigation and determination of conflicts of interest and/or complaints under this Policy:

Stage 1: Acknowledgement of the complaint and the respondent is informed.	Employees and Elected Members
Stage 2: Preliminary assessment of the complaint – led by either the CEO or an independent investigator.	
Stage 3: Informal resolution of complaint (where alleged breach is considered non-material).	Elected Members
Stage 4: Independent investigator assessment where: <ul style="list-style-type: none"> • the alleged breach is considered material; • the complaint has not been able to be resolved informally; or • the complaint is otherwise referred to an independent investigator by the CEO. 	
Stage 5: The Council's consideration of the investigator's report.	

Note:

The Policy applies to the identification and management of conflicts of interest that arise in relation to the role and duties of council officers and elected members. Elected members are required to comply with the provisions of the Code of Conduct for Elected Members, which sets out further detail regarding disclosure and the receipt of complaints regarding conflicts of interest.

Stage 1: Acknowledgment of complaint

1. Within two working days of receipt of a complaint, the CEO will:
 - a. acknowledge receipt and refer the complainant to the process for dealing with the complaint under this Policy.
 - b. inform the respondent that a complaint has been made against them and refer them to the process for dealing with the complaint under this Policy.

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Stage 2: Preliminary assessment of complaint

2. Where a complaint relates to an employee, the assessment process set out below will be carried out by the CEO and thereafter Council's Human Resources Policies and procedures will be followed.
3. In the case of an elected member the following procedure applies, however the assessment will be managed by the CEO and the Mayor (or Deputy Mayor where the complaint relates to a conflict of interest in respect of the Mayor).

Complaints relating to Elected Member conduct will be made to the persons specified on page 15 of the Code of Conduct for Elected Members, being the CEO, Mayor or Deputy Mayor, as applicable. The exact nature of the action taken by Council will depend on the nature of the breach and whether there are statutory provisions dealing with the breach.

The CEO will assess whether:

- a. the complaint is frivolous or without substance and should be dismissed;
 - b. the complaint is outside the scope of this Policy and should be redirected to another agency or process;
 - c. the subject of the complaint has previously been assessed and actions have been completed in accordance with this Policy to address the complaint;
 - d. the complaint is not material and should progress to informal resolution (refer to Stage 3); or
 - e. the complaint is material and a full investigation is required by an independent investigator.
4. The CEO may request further information/evidence from the complainant in support of the complaint and, if considered appropriate, may also request a preliminary statement in response from the respondent.
 5. Where the CEO determines the complaint falls under paragraphs 2(a) or (c) above, the CEO will inform the complainant and the respondent directly. The CEO will also inform other elected members of the decision, unless there are grounds for the matter to remain confidential.
 6. If it is determined that the complaint involves a potential legislative breach and is outside the scope of this Policy, the CEO will forward the complaint to the relevant agency and inform both the complainant and respondent of the action.
 7. Where the CEO (and in the case of an elected member, the Mayor or Deputy Mayor) determine the complaint is material, the matter must immediately be referred to an individual investigator for assessment (Stage 4).
 8. The CEO has full discretion to refer any complaint to an independent investigator at any stage, even if it is considered not material.

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9. The preliminary assessment of a complaint under Stage 2 will be completed within seven working days of receipt of the complaint. If additional time is required to complete the assessment, the CEO must notify the complainant and respondent with the date when the preliminary assessment is expected to be completed.

Stage 3: Informal Resolution

10. Where the CEO (and in the case of an elected member, the Mayor or Deputy Mayor) determine the complaint falls under paragraph 2(d) (refer to Stage 2), they will endeavor to settle the matter informally between the parties within 10 working days from the completion of Stage 2. The process for informal resolution must be fair to, and include, the affected parties.
11. The outcome of this initial process may be that the parties reach an informal agreement to resolve the complaint, in which case no further action is required. A written record of the informal agreement must be kept by the CEO's office.
12. If agreement is not possible between the parties under Stage 3, the CEO will refer the complaint to an independent investigator for full investigation.
13. For clarity, Stage 3 is not available if the complaint has been assessed as material under Stage 2 or referred to an independent investigator under paragraph 7 above.

Stage 4: Independent Investigator Assessment

14. Where the CEO (and in the case of an elected member, the Mayor or Deputy Mayor) determines the complaint falls under paragraph 2(e) in Stage 2, or the complaint is not otherwise resolved, the CEO will refer the complaint to an independent investigator selected from the approved Panel of Independent Investigators.
15. On receipt of a complaint the investigator will, if appropriate, assess whether:
 - a. the complaint is frivolous or without substance and should be dismissed;
 - b. the complaint is outside the scope of this Policy and should be redirected to another agency or process;
 - c. the subject of the complaint has previously been assessed and actions have been completed in accordance with this Policy to address the complaint;
 - d. the complaint is non-material; or
 - e. the complaint is material and a full investigation is required.

Principles

16. The following principles will guide any processes for investigating and determining whether a breach under this Policy has occurred:
 - a. that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;

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- b. that the roles of complaint, investigation, advice and decision making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
 - c. that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Policy. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented;
 - have their privacy respected.
17. The investigator must carry out their assessment in accordance with the principles and within the terms of engagement provided by the CEO. The assessment must be completed and sent to the CEO as soon as possible, no later than 20 working days from the date the complaint is referred to the investigator (unless otherwise agreed with the CEO).
18. In making the assessment, the investigator may make whatever initial inquiry is necessary to determine the materiality of an alleged breach and to recommend the appropriate course of action. The investigator has full discretion to recommend any complaint is dismissed which, in their view, fails to meet the test of materiality.
19. On receiving the investigator's assessment, the CEO will:
- a. where an investigator determines that a complaint is frivolous or without substance or previously been assessed and actioned under the Policy, inform the complainant and the respondent directly and inform other elected members (if there are no grounds for confidentiality) of the investigator's decision; or
 - b. in cases where the investigator finds that the complaint involves a potential legislative breach and is outside the scope of this Policy, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Stage 4A: Actions where a breach is found to be non-material – Elected Members

20. The investigator will inform the CEO if they find the breach is non-material as part of their assessment (under Stage 4), and, if they choose, recommend a course of action appropriate to the breach, such as the respondent:
- a. receiving direction from the CEO and the Mayor (or Deputy Mayor as appropriate) regarding behaviour or conduct expected from elected members (as applicable);
 - b. attending appropriate training or counselling to better understand the behaviour or conduct that is expected from elected members (as applicable) in circumstances that led to the complaint.
21. The CEO in consultation with the Mayor (or Deputy Mayor, as appropriate) may determine which recommendation, if any, from the independent investigator's assessment should be actioned. The CEO will advise both the complainant and the respondent of the investigator's findings, which are not open to challenge, and any recommendations to be actioned. The CEO will also notify other elected members, unless there are grounds of confidentiality.

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A written record must be kept by the CEO's office.

22. If the CEO and the Mayor (or Deputy Mayor) do not agree on the investigator's recommendations to be actioned, the CEO must report the investigator's assessment to Council for determination (refer to Stage 5).

Stage 4B: Actions where a breach is found to be material – Elected Members

23. The investigator will inform the CEO if they find that the breach is material as part of their assessment (Stage 4). The CEO will then inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach.
24. In preparing the report the investigator must:
- a. consult with the complainant, respondent and any affected parties; and
 - b. refer to any relevant documents or information provided by the CEO, and may undertake a hearing with relevant parties.
25. On receipt of the investigator's report, the CEO will prepare a report for the Council which will meet within a month of the CEO receiving the investigator's report, to:
- a. consider the findings of the investigator's report; and
 - b. determine whether a penalty, or some other form of action, will be imposed.

The CEO's report will include the full report prepared by the investigator, including any recommendations.

26. The CEO will share the investigator's report with the complainant and respondent under strict confidentiality inviting them to reply in writing as to whether they agree to the findings and whether they wish to make a written submission for consideration by Council. The complainant and respondent must not disclose or discuss the investigator's report with any person other than the CEO (and/or the Mayor or Deputy Mayor, as appropriate) prior to the Council meeting being held to determine the complaint.

Stage 5: The Council's consideration of an investigator's report – Elected Members

27. The CEO's report (with the investigator's full report or assessment, and any submissions from the complainant or respondent, attached) will be considered by full Council, excluding any interested members (including the complainant (if relevant) and respondent), only if:
- a. the CEO and Mayor do not agree on which recommendations from the investigator, if any, are to be actioned for a non-material breach (refer Stage 4A); or
 - b. the breach is found to be material (refer Stage 4B).

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28. The Council will consider the CEO's report in an open meeting except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under section 48 of the Local Government Official Information and Meetings Act 1987, in which case it will be considered in a Public Excluded meeting.
29. Before making any decision in respect of the investigator's report Council will provide the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings may not otherwise take part in these proceedings.
30. The form of penalty that might be applied will depend on the nature of the breach and may include actions set out below:

Penalties and actions – Elected members

31. Where a complaint is determined to be a material breach of this policy and referred to Council for determination, the nature of any penalty or action will depend on the seriousness of the breach.
32. In the case of material breaches of this Policy the Council may require one or more of the following:
 - a letter of censure to the member
 - a request (made either privately or publicly) for an apology
 - a vote of no confidence in the member
 - removal of certain Council-funded privileges or Council appointments
 - restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed)
 - limitation on any dealings with Council staff so that they are confined to the CEO only
 - suspension or removal from Committees (including joint committees), task forces or other representative type bodies
 - an invitation for the member to consider resigning from the council
 - dismissal of the elected member from a position such as Deputy Mayor or Chairperson of a committee. A Mayor cannot be asked to resign.
33. The Council may decide that a penalty will not be imposed where the respondent agrees to one or more of the following:
 - attend a relevant training course
 - work with a mentor for a period
 - participate in voluntary mediation (if the complaint involves a conflict between two members)
 - tender an apology.

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34. The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA) for not doing so.

Breaches of Legislation

35. If there are statutory provisions dealing with the issue in question, the issue will not be dealt with as a breach of this Policy but may be addressed in accordance with the relevant statutory provisions:
- Issues relating to members' interests may render members liable for prosecution by the Auditor General under the Local Authorities (Member's Interests) Act 1968 and, if convicted, the Member can be removed from office;
 - Issues which result in Council suffering financial loss or damage may be reported on by the Auditor General under the LGA, which may result in the member having to make good the loss or damage;
 - Issues relating to the commission of a criminal offence may leave the Elected Member liable for criminal prosecution. Council 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 the Police may take action of their own initiative.

Breaches of Policy during meetings

36. It is expected that compliance with the provisions of this Policy during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises.
37. Elected members should raise alleged breaches of this Policy with the Chairperson at the time. If an elected member believes that an alleged breach of the Policy has not been dealt with adequately by the Chairperson at a meeting that elected member may initiate the procedures set out under the investigation and determination of complaints section of this Policy.

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Term	Definition
Bias	This is common legal description of some types of conflict of interest, especially those situations that involve predetermination. In this guidance, we use the term "conflict of interest" to include situations that may be labelled as bias or predetermination.
Gift	A gift is something given to a person willingly and without payment. Gifts given or received in relation to undertaking Western Bay of Plenty District Council business must be declared in compliance with Western Bay of Plenty District Council Policy HR200-205 Giving and Receiving Gifts.
Interest in a matter	This refers to a direct or indirect connection to another matter which is separate from but related to the matter in hand.
Hospitality	In the context of this policy, hospitality infers the expense involved in being generous and friendly when hosting guests or being hosted. The expense can relate to a variety of expenditure, including food, beverages, accommodation and entertainment. Hospitality whether given or received must be declared in compliance with Western Bay of Plenty District Council Conflicts of Interest Policy and Procedures.
Koha	A Koha is a present, offering, donation, contribution and when given or received as such must be declared in compliance with Western Bay of Plenty District Council Conflicts of Interest Policy and Procedures.
Elected Member or Official	Refers to any person who works for Western Bay of Plenty District Council. They could be a statutory office holder, Mayor, Councillor, Community Board member, or appointed committee member or employee. For the purposes of this policy we also regard someone who is a contractor or consultant to Western Bay of Plenty District Council as an official.
Non-pecuniary interest	This is where there is the potential or perceived potential for a benefit, that is not a financial gain. It could be a professional gain, or could involve close personal relationships.
Official role	Refers to the duties or responsibilities a member or official has to Western Bay of Plenty District Council.
Other interest	This refers to a staff member's or official's separate interest or duty, which comes into conflict with their official role. Usually, the "other interest" will be personal or private in nature, but sometimes it could relate to a duty as well. The other interest might also actually belong to someone else connected to the staff member or official.
Pecuniary interest	This refers to a potential actual or perceived financial gain.

Group	Corporate Services	Contact (3rd Tier Manager)	Finance Manager
Supersedes	HR205		
Creation Date	21 August 2009	Resolution Reference	FR714 1707011
Last Review Date	8 February 2018	Resolution Reference	PP10.3
Review Cycle	Three yearly/legislative revisions, not later than	Date	February 2021
Authorised by	Management Team		9 April 2019
	Council	Date	

Western Bay of Plenty District Council**Council****Fraud and Corruption Prevention Policy (Revised)**

Purpose

The purpose of this report is to request Elected Members review Council's Fraud and Corruption Prevention Policy (Revised) and approve any amendments accordingly.

Recommendation

- 1. THAT the Group Manager, Finance and Technology Services report dated 9 April 2019 and titled "Fraud and Corruption Prevention Policy (Revised)" be received.*
- 2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*
- 3. THAT Council note the revised Policy has been reviewed and approved for submission to Council by the Operational Management Team at their meeting held 8 April 2019.*
- 4. THAT Council approve the revised Fraud and Corruption Prevention Policy (Revised) with the following amendments....*



Kumaren Perumal
Group Manager, Finance and Technology Services

1. Background

As part of Councils interim audit carried out by Audit New Zealand for the year ending 30 June 2018, a number of recommendations were made to improve Councils existing Fraud Prevention Policy.

As part of their review, Audit New Zealand compared the Policy to the Ministry of Justice's framework for creating a Fraud and Corruption Policy. Based on this, a revised and improved Fraud and Corruption Prevention Policy is submitted to Council for approval (**Appendix A**).

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because:

- It is a legislative requirement for councils to hold/adhere to a Fraud and Corruption Prevention Policy.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
All Staff	All staff to be notified accordingly and the updated Policy to be uploaded to the Policy library on the intranet.

4. Issues and Options Assessment

<i>THAT Council approve the revised Fraud and Corruption Prevention Policy with the following amendments.....</i>	
Reasons why no options are available	Legislative or other reference
The Fraud Prevention Policy was last reviewed in February 2018 and has been subsequently updated to reflect recommendations made by Audit New Zealand as part of the interim audit for the year ending 30 June 2018. Therefore,	<ul style="list-style-type: none"> - Local Government Act 2002, sections 100 and 101 (financial prudence) - Local Authorities