

Canterbury Water Management Strategy Zone Committees

Code of Conduct

Introduction

The Zone Committees have been established as part of the implementation of the Canterbury Water Management Strategy (CWMS). The Committee's purpose is to develop and facilitate enduring water management solutions that give effect to the CWMS vision, principles and targets. These solutions will be developed and implemented with the community, stakeholders and water users.

This document describes how the Committees will work as a Committee and as individual Committee members. It also outlines the roles of the Chair, Deputy Chair and appointee to the Regional Committee.

How the Committee will work is determined primarily by the Committee's purpose, the requirements of Local Government Act (LGA) and Local Government Official Information and Meetings Act (LGOIMA), the contributing District Council's Standing Orders, the Committee's Terms of Reference (TOR), and the philosophy of the CWMS.

Operating Philosophy

The following outlines the operating approach and code of conduct that documents how the Committee will:

- Take a collaborative and solution-focused approach;
- Engage with local community and partner with key stakeholders and water users to identify, develop and implement water management solutions;
- Recognise its Treaty of Waitangi responsibilities;
- Operate in accordance with Local Government Official Information and Meeting Act (LGOIMA) and New Zealand Model Standing Orders;
- Manage media contacts;
- Have a "no surprises" relationship with District Council and Environment Canterbury;
- Manage conflicts of interest;
- Expect Committee members to act at all times in an ethical and professional manner;
- Respect confidential and privileged information.

How the Committee will work

Collaborative, co-operative, participatory and solution-focused

The Committee will:

- 1) Work in a collaborative and co-operative manner using best endeavours to reach solutions that take into account the interests of all sectors of the community;
- 2) Cultivate a sense of group responsibility, emphasising the Committee as a whole rather than individual Committee members;
- 3) Use the expertise of individual members to enhance the Committee as a body;
- 4) Give consideration to the interests of all water stakeholders in the Zone;
- 5) Work in a manner that encourages the involvement and collaboration of the community, stakeholders and water users in identifying, developing and implementing water management solutions in the Zone;

- 6) Seek consensus in its decision-making;
- 7) Work with adjacent Zone Committees to ensure a collaborative and consistent approach to common areas of interest and to water bodies and water issues that cross Zone boundaries;
- 8) Work with the Regional Committee to ensure a collaborative and consistent approach to water management in the Zone and across Zones;
- 9) Operate in a manner that emphasises:
 - a. Solutions rather than issues or blame;
 - b. focus on the future rather than the past or present;

Treaty of Waitangi

The Committee will:

- 10) Operate in a manner that recognises Ngāi Tahu rights as protected under Treaty of Waitangi;
- 11) Operate in a manner that recognises the role and rights of Ngā Papatipu Rūnanga as Mana Whenua in the exercise of kaitiakitanga to all water and lakes, rivers, hapua, waterways and wetlands in the Zone;
- 12) Be culturally sensitive, observing tikanga Maori;
- 13) Committee members can get advice on their Treaty of Waitangi responsibilities and tikanga Maori from the Ngāi Tahu members on the Committee and CWMS Tangata Whenua Facilitators in the first instance.

LGOIMA

- 14) The Committee will at all times operate in accordance with the requirements of Local Government Official Information and Meetings Act (LGOIMA,) and a District Council's Standard Orders.

No alternates

- 15) Committee members are appointed as themselves. Delegates or alternates cannot attend meetings or take part in other Zone Committees on a member's behalf.

Limitation of power

- 16) The Committee has no authority to commit a District Council or Environment Canterbury to any path or expenditure.
- 17) The Committee will operate in such a way as to not compromise a District Council's or Environment Canterbury's freedom to deliberate and make such decisions as the Council(s) deem appropriate.
- 18) The Committee shall not submit on resource consent matters in its own right.

External communication (contact with the media)

- 19) Media contact and public comment on behalf of the Zone Committee will in the first instance be directed to and handled by the Chair (where the Chair is absent any matters will be referred to the Deputy Chair).
- 20) The Chair may refer any matter to the spokesperson agreed by the Committee.
- 21) No other member may comment on behalf of the Committee without having first obtained the approval of the Chair.

- 22) Committee members are free to express a personal view in the media provided the following rules are observed:
- a. Media comments must not state or imply that they represent the views of the Committee;
 - b. Media comments must observe the other requirements of this Operating Approach – Code of Conduct including:
 - i. Avoiding public criticism of other members, of the Committee and its work, or other comments that could undermine the performance of the Committee;
 - ii. Recognising the limitation of power of the Committee;
 - iii. Not disclosing confidential information.

Linkage to the community, stakeholder and interest groups

- 23) The Zone Committee is a conduit for community and stakeholder engagement in water management in the Zone.
- 24) The Committee will work in a manner that ensures the views of the local community and key stakeholders are reflected in alternatives developed and will provide feedback on how input influenced the Committee's decisions.
- 25) The Committee will partner with stakeholders (including water users) on a best endeavours basis to develop alternatives and preferred water management solutions that reflect the CWMS principles and targets and that are supported by the range of interests in water management in the Zone.
- 26) The Committee's recommendations, such as those in its Zone Implementation Programme, will be developed through the involvement of local community and key stakeholders.
- 27) Where a Committee member has a close association with a particular local community, stakeholder, interest group or sector, the Committee member will keep the group informed, to the extent required, and will inform the Zone Committee of the views of the group. When informing others, the Committee member will ensure that the information reflects the views of the Committee as a whole and not their own personal views.

Linkage to the District Council(s) and Regional Council

- 28) The Zone Committee will ensure that it maintains close links with and excellent working relationships with District Councils and Environment Canterbury.
- 29) The Zone Committee will keep District Councils and Environment Canterbury informed of its work, its deliberations and of any issues that arise. This includes a "no surprises" approach for the Councils in relation to the Zone Committee.
- 30) The Zone Committee will report regularly to District Councils and Environment Canterbury. This will include verbal reports, from the Zone Committee chair (or delegate), to both Councils.

How Committee members will work

Collaborative approach

- 31) Committee members will behave in a manner that enables the Committee to work collaboratively. This behaviour will include:
- a. Listening respectfully to other members;
 - b. Engaging constructively with different views;
 - c. Helping the Committee to build collaboration;
 - d. Helping the Committee to reach solutions.

- 32) Members of the Committee are appointed on the basis of their experience and knowledge and not to represent a particular interest or group. Accordingly members will contribute their knowledge and perspective but not promote the views or positions of any particular interest or stakeholder group.

Act in a professional and ethical manner

Committee members will at all times act in a professional and ethical manner. This includes:

- 33) Members will extend towards each other respect, integrity, courtesy and fairness;
- 34) Members will avoid public criticism of other members, of the Committee or its work.
- 35) Members will avoid actions, including public comment, that would or could undermine the performance of the Committee or of other members in their duties as a Committee member;
- 36) Members will act at all times in a manner that maintains public confidence in the office and in the Zone Committee;
- 37) Members will ensure they regularly attend Committee meetings and are adequately prepared for meetings;
- 38) Members will not influence, or attempt to influence, any District Council(s) or ECan employee to take actions that may benefit the member, or the member's family or business interests;
- 39) Members will only claim for legitimate expenses.

Relationship with Council Officers

The Committee members will, with respect to Environment Canterbury and District Council officers:

- 40) Recognise that the Chief Executive Officer is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive Officer may hire, dismiss, or instruct, or censure an employee;
- 41) Treat all employees with courtesy and respect;
- 42) Not do anything which compromises, or could be seen as compromising, the impartiality of an employee;
- 43) Not publicly criticise the competence, integrity and personality of any employee;
- 44) Raise concerns about employees only with the Chief Executive Officer, and concerns about the Chief Executive, only with the District Council Mayor or Chair (Environment Canterbury).

Confidential and privileged information

In the course of its duties the Zone Committee will occasionally receive information that may need to be treated as confidential or privileged. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

- 45) Committee members shall not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the Committee;
- 46) Members must be aware that any information they hold as a member of the Zone Committee shall be deemed to be official information held by the District Council(s) and Environment Canterbury. In terms of the Local Government Official Information and Meetings Act this means information must be made publicly available upon request unless good reasons exist to withhold it.

Conflicts of Interest

Committee members must be careful that they maintain a clear separation between their personal interests and their duties as a Committee member. This is to ensure that Zone Committee members carry out their duties free from bias (whether real or perceived).

- 47) Committee members are prohibited from participating in any Zone Committee discussion or decision on any matter in which they have a pecuniary interest.
- 48) It is the responsibility of Committee members to identify and declare a conflict of interest. If in doubt on whether a conflict of interest exists, the Committee member should disclose the potential conflict of interest. Committee members can seek guidance on conflict of interest concerns from the District Council(s) Chief Executive, or Chief Executive Environment Canterbury.
- 49) A Declaration of Interests Register will be maintained by the District Council. Committee members shall, on a voluntary basis, make a general declaration of interest as soon as practicable after becoming aware of any interests which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a Zone Committee member. A 'Register of Interests' document is attached as an appendix to this Code of Conduct.

Disqualification from office

- 50) Committee members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more year's imprisonment.

Adoption of this Code of Conduct

- 51) The Committee will formally adopt this document as a record of how the Committee and its members will work.
- 52) Changes to this Code of Conduct can only be made with the agreement of all Committee members.

Committee roles

Chair

- 1) The Committee will appoint a Chair from its members.
- 2) As a Committee member the Chair shares the same responsibility as other Committee members. In addition to this the Chair has the following roles:
 - e. Chair Committee meetings with all commonly recognised authority of that position. The Chair may have the Zone Facilitator facilitate meetings and workshops of the Committee.
 - f. Speak on behalf of the Committee and act as an advocate for it, including taking the primary responsibility for interaction with the media and representing the Committee at meetings with external parties.
- 3) The Committee will appoint a Deputy Chair from its members.
- 4) The Deputy Chair exercises the same roles as other members, and if the Chair is absent or incapacitated, the Deputy Chair must perform all of the responsibilities and duties of the Chair (as above).

Representative on Regional Committee

- 5) The Zone Committee appoints a representative to the Regional Water Management Committee.
- 6) This appointee may be the Chair of the Zone Committee or another member appointed by the Committee from its membership.
- 7) The Zone representative on the Regional Committee will:
 - a. Speak on behalf of the Zone Committee and act as an advocate for it at Regional Committee meetings;
 - b. Keep the Zone Committee well informed on the activities and deliberations of the Regional Committee.

Conflicts of Interest

Committee members should be mindful of maintaining separation between their personal interests and their duties as a Committee member, to ensure they carry out their duties without bias for the benefit of achieving the CWMS objectives.

Usually the Local Authorities (Members' Interests) Act 1968 would apply, requiring Committee members to declare any potential conflict of interest where they might personally benefit from a decision of the Committee.

However the Auditor General has issued a declaration that allows zone Committee members to discuss and vote on all matters related to the development of implementation programmes to achieve the targets and goals set out in the CWMS. This ruling has been made to allow members to take part in all discussions, in order that all the views and different perspectives of the members are part of balanced decision-making on any issue.

Members of Zone Committees have been appointed from various sectors to ensure a balance across all main stakeholder interests. It is likely that at times some members may have a personal interest in an issue before the Committee. The Auditor General's declaration allows those members to take part in the discussion and vote on these issues, in order not to impede the work being done by the Committee and because the work is in the wider interests of the people of the area.