



# Elected Members' Interest Disclosure Policy 2025



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# 1. Policy Objectives

- 1.1 This Policy sets out the expectations on and requirements of Elected Members of Ruapehu District Council (Council) regarding conflicts of interest (bias) and pre-determination and seeks to provide best practice guidance to Elected Members so that such decisions are seen to be transparent and unbiased and without giving rise to any perception of conflict of interest.
- 1.2 This Policy applies to all Elected Members of Council, and its Community Boards.
- 1.3 This Policy seeks to preserve the integrity of Council's decisions. If Elected Members participate in a decision when they have a conflict of interest or a closed mind, public confidence in those decisions will be diminished and the decisions themselves may be exposed to challenge by judicial review. This causes delay, cost and uncertainty. Elected Member conflicts of interests pose a reputational, legal and financial risk to not only the individual Elected Member, but also the Council.
- 1.4 Conflicts of interest are concerned with public perceptions as to impartial decision-making, based on the interests or relationships of the decision-maker. Pre-determination is concerned with "closed mind" decision-making and is not dependent on the interests or relationships of the decision-maker.
- 1.5 The purposes of this Policy are:
  - (a) to ensure that Elected Members make decisions on their merits, in the interests of the public, and unaffected by illegitimate considerations such as personal interests, or other duties or relationships;
  - (b) to ensure that Elected Members make decisions with an open mind to the views of others and to alternatives, and are prepared, despite any predisposition, to change their mind;
  - (c) to ensure the integrity of decisions made by Ruapehu District Council, and to ensure that the people of Ruapehu District can have trust and confidence in the decision making of the Council's Elected Members.
- 1.6 To achieve the purposes of this Policy, Elected Members must disclose all personal and outside interests, relationships and duties, and abstain from discussion and voting where they have a conflict of interest or a closed mind.
- 1.7 Ruapehu District Council maintains a register of Elected Members' Pecuniary Interests.
- 1.8 This Policy targets the following community outcome contained in the Council's Strategic Framework:
  - (a) Diverse, positive and engaged workforce that values people, teamwork and continuous improvement whilst serving communities.
- 1.9 This Policy targets the following goal contained in the Council's Strategic Framework:
  - (a) We communicate effectively.

## 2. Definitions

**Appointed Member** means Members appointed under either the Local Electoral Act 2001 or the Local Government Act 2002 as an office holder in relation to the Ruapehu District Council including Committees and Subcommittees (for example, an independent chairperson).

**Business Interest** means an Elected Member will have a business interest in an enterprise seeking to do business with the Council if they:

- (a) are a director of the enterprise;
- (b) are an owner of or partner in the enterprise;
- (c) have a shareholding in the enterprise;
- (d) have a close personal or familial relationship with a person who is an owner or partner or significant shareholder in the enterprise.

**Business Entity** means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor but does not include any blind trust.

**Conflict of interest** means a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity. For example: Accepting trips and gifts from a potential contactor.

**Actual Conflict:** there is a real conflict between an Elected Member's public duties and private interests.

**Potential Conflict:** an Elected Member has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.

**Perceived Conflict:** the public or a third party could form the view that an Elected Member's private interests could improperly influence their decisions or actions, now or in the future.

**Company** has the same meaning as in section 2(1) of the Companies Act 1993, and includes:

- (a) a body corporate that is incorporated outside of New Zealand;
- (b) a society incorporated under the Industrial and Provident Societies Act 1908 or any former Industrial and Provident Societies Act.

**Council** means Ruapehu District Council

**Elected Member** means Elected Members of the Ruapehu District Council including Community Boards.

### **Employed**

- (a) means employed under a contract of service; but
- (b) does not include holding—
  - (i) the position of an Elected Member of a local authority, local board, or community board (as applicable); or
  - (ii) any other position for which the person in question would not be qualified unless he or she had been elected a Member of a local authority, local board, or community board (as applicable)

**Fair-minded Observer** means a reasonably informed person with knowledge of the material objective facts might entertain a reasonable apprehension that [the Elected Member] might

not bring an impartial and unprejudiced mind to the resolution of the question.

**Family Member**, in relation to an Elected Member, means the Elected Member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling of that Elected Member.

**Financial Interest** means anything of monetary value, including but not limited to:

- (a) Salary or payments for service, e.g., consulting fees and honoraria;
- (b) Equity interests, e.g., stocks, stock options and other ownership interests;
- (c) Koha gifts and hospitality;
- (d) Allowances, forgiveness of debts, interests in real estate or personal property, dividends, rents, capital gains;
- (e) Intellectual property rights, e.g., patents, copyrights, and royalties from these rights.

**Managed Investment Scheme** has the same meaning as in section 9(1), (2), and (4) of the Financial Markets Conduct Act 2013.

**Matter** means the Council's performance of its functions or the exercise of its powers, or an arrangement, agreement or contract the Council has entered into or proposes to enter.

**Pecuniary Interest** means a matter or activity of financial benefit to the Elected Member that is required to be declared.

**Personal Interest** means an 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 or relationship, could be advantaged or disadvantaged by any decision that the Elected Member either can make, or does make, or is in a position to influence.

**Relevant Interest** means an Elected Member has a relevant interest when they have a business, financial or personal interest in a company, trust, or community organisation that is likely to do business with Council at any time.

**Retirement Scheme** includes -

- (a) a retirement scheme within the meaning of section 6(1) of the Financial Markets Conduct Act 2013, and
- (b) any trust or other arrangement established in New Zealand or any other country with a purpose of providing retirement benefits to individuals; for example, a private superannuation scheme.

### **3. Context**

- 3.1 All Elected Members are required to maintain a clear separation between their personal interests and duties, and their role as an Elected Member of Council. The public must have confidence that Elected Members are acting impartially in their decision-making and use of publicly funded resources. Conflicts of Interest sometimes cannot be avoided and can arise without anyone being at fault. They are a fact of life. But they need to be managed carefully.
- 3.2 Public officials, whether elected, or appointed, need to exercise care to avoid situations where they have, or appear to have, a conflict of interest. Broadly speaking, a conflict of interest exists when an Elected Member could use, or uses, their position to further their own interests or those of their partner, or spouse.
- 3.3 Where Elected Members make decisions about the disbursement of public monies, ratepayers will expect them to exhibit a high degree of integrity and transparency in their official dealings. It is also important that Elected Members avoid even the perception of a conflict of interest, as far as is possible. In a small district, however, conflicts of interest are unavoidable to some degree and can arise without anyone being at fault. It is a matter of ensuring transparency through prompt disclosure.
- 3.4 The requirement to keep a register of Elected Members' interests under the Local Government Act 2002 through the amendments in the Local Government (Pecuniary Interests Register) Amendment Act 2022 is a further step in ensuring transparency of interests and strengthening public trust and confidence in local government processes and decision making.

## **4. Policy Statement**

### **4.1 Principles and Ethics**

- 4.2 Elected Members must carry out their duties in an efficient and competent manner and avoid any behaviour which might impair their effectiveness or damage the integrity or standing of council. Thus, it is fundamental to the protection of the reputation of the Council that no Elected Members have, or are perceived to have, a conflict between their official responsibilities and their personal interests.
- 4.3 A conflict of interest can arise where two different interests overlap, i.e. in any situation where an Elected Member 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 judgment.
- 4.4 Elected Members must at all times avoid situations where their integrity might be questioned or where they may appear to favour one party, supplier or customer over another. In addition, Elected Members must act honestly and impartially and in no circumstances reveal or make private use of personal, confidential, or other non-public information obtained as a result of their employment by the Council.
- 4.5 The existence of a conflict of interest may not necessarily mean that the Elected Member concerned has done anything wrong or that the interests of the Council or the public have been compromised. For an Elected Member, a conflict of interest that creates risks may be where their duties or responsibilities to the Council could be affected by some other interest or duty that they may have. For example, other interests or duties might exist for an Elected Member because of their own financial affairs; a relationship (private or personal interest) or other role (business interest) that the Elected Member has; or something the elected or staff member has said or done.
- 4.6 It is important that Elected Members avoid even a perception of a conflict of interest, as far as possible. In a small district, however, conflicts of interest are unavoidable to some degree and can arise without anyone being at fault. 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 interest.

## **5. Disclosing Conflicts of Interest**

- 5.1 The primary responsibility for identifying and disclosing conflicts of interest to the relevant people in a timely and effective manner rests with the Elected Member concerned. This is because it is the individual person who will always have the fullest knowledge of their own affairs. They will be in the best position to realise whether and when something at work has a connection with another interest of theirs. It is better to err on the side of openness and take a precautionary approach.
- 5.2 The Local Government (Pecuniary Interests Register) Amendment Bill 2022 amends the Local Government Act 2002 (LGA), making it mandatory for local government representatives to declare their pecuniary interests and making it an offence if they fail to do so. Pecuniary interest is defined as “a matter or activity of financial benefit to the member,” a definition not previously included in the LGA.
- 5.3 All disclosures of conflicts of interest by Elected Members are recorded in the Pecuniary Interests Register of Interest maintained by the Governance Manager, as the Appointed Registrar.
- 5.4 **Initial Disclosure**
- 5.5 Elected Members shall make a declaration of interests at the start of each triennium within six (6) weeks of the triennial meeting.
- 5.6 **Ongoing Disclosure**
- 5.7 Conflicts can arise at any time, and Elected Members need to remain alert to this possibility. It is the responsibility of the Elected Member concerned to make a disclosure as soon as practicable after becoming aware of any interest that has not been previously declared or changes.
- 5.8 **Meetings**
- 5.9 Elected and Appointed Members are given the opportunity at the opening of each meeting to declare any interests pertaining to items on the agenda for that meeting. It is the responsibility of the Elected and Appointed Member concerned to disclose the interest before that matter is discussed.
- 5.10 Elected Members can also register any Conflicts of Interest via the function in the Resolve Board Portal used for meeting agendas.
- 5.11 The Chair of the meeting will decide on the appropriate action in order to mitigate any risk associated with the conflict of interest; this will usually be in the form of asking the Elected Member to leave the room/table while the item on the agenda is being discussed. Elected Members will not be able to vote on any items that are deemed a conflict of interest.
- 5.12 Any Elected Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting.
- 5.13 Their departure will be confirmed by the Governance Officer, who will invite the relevant Elected Member by text, to re-join the meeting at the appropriate time.



#### 5.14 **Managing the Risk Associated with the Conflict of Interest**

- 5.15 Managing the risks associated with the conflict of interest is the responsibility of the Council. The Council will consider carefully what needs to be done to manage the risk associated with a conflict on a case-by-case basis.

### **6. Conflicts of Interest (bias)**

- 6.1 A conflict of interest may arise from a financial or non-financial interest of an Elected Member.

#### **6.2 Financial Conflicts of Interest**

- 6.3 An Elected Member has a financial interest in a matter being decided by Ruapehu District Council if they could reasonably expect a financial gain or loss, depending on how the Council decides to deal with the matter. An interest in common with the public (for example as a general ratepayer of the Ruapehu District) is not a concern. For a financial interest to arise, it does not matter how the Elected Member votes (or intends to vote), or whether financial gain is sought.

- 6.4 An Elected Member could have a financial interest if, for example, the decision involves a quantifiable dollar amount, cash changing hands, or if the decision could be expected to have an effect on the value of land or shares that an Elected Member owns, or the turnover of a business that an Elected Member is involved in.

- 6.5 The interest may be direct or indirect. A direct interest will usually involve a direct financial gain or loss to an Elected Member. An indirect financial interest will usually involve financial gain or loss to other people or organisations an Elected Member is connected to. An Elected Member must consider the financial interests of their spouse/partner as their own.

- 6.6 Where a decision may give rise to a very small financial gain or loss to an Elected Member, this may be too trivial or negligible to amount to a financial interest. This will depend on the circumstances of the particular interest and decision.

- 6.7 The question of whether an interest is held in common with the public is a matter of fact and degree. While there is no formula that can be applied to this assessment, it generally requires a consideration of:

- (a) whether there is a group of people “in common” with the Elected Member, who are affected by the proposed decision, in a similar way and to a similar magnitude. The most materially similar group should be considered (usually the smallest group, or the most significantly affected group); and
- (b) whether the group can be considered the “public”, that is, whether the group is a fair proxy for the people of the Ruapehu District, and so it is legitimate for the Elected Member to act in the interest of this group to the exclusion of other groups?

- 6.8 If an Elected Member has a financial interest in a decision before the Council, they must apply the [test for a conflict of interest](#) to determine whether they may participate in decision-making on the matter.

- 6.9 Participating in a decision where an Elected Member has a financial interest may (as well as undermining the integrity of the Council decision) also constitute an offence under the Local Authorities (Members’ Interests) Act 1968 (LAMIA), and this may have personal consequences for the individual Elected Member.

**6.10 Non-Financial Interest**

- 6.11 The Council is committed to addressing Elected Members' conflicts of interest. Council will adhere to the steps identified by the Auditor-General in relation to managing Elected Members' conflicts of interests:
- (a) Recognising that there is a conflict of interest.
  - (b) Disclosing the conflict of interest.
  - (c) Managing the risks associated with the conflict of interest.
- 6.12 Examples of non-financial conflict of interest include:
- (a) Holding another public office
  - (b) Being an employee, advisor, director or partner of another business organisation
  - (c) Pursuing a business opportunity
  - (d) Being a member of a club, society, or association
  - (e) Having a professional or legal obligation to someone else (such as being a trustee)
  - (f) Owning a beneficial interest in a trust
  - (g) Owning or occupying a piece of land
  - (h) Being a spouse, relative or close friend of someone who has one of these interests (or who could otherwise be personally affected by a decision of the public entity).
- 6.13 An Elected Member has a non-financial interest in a matter being decided by Ruapehu District Council, if they have a relationship, involvement or role with an individual or organisation, or a duty to an individual or organisation (usually separate to their role as an Elected Member), in circumstances where that individual or organisation is involved in or affected by a matter before the Council.
- 6.14 The interest or duty arises from a pre-existing state of affairs. Common non-financial interests may arise from a personal relationship, such as with family, or friends. Other interests may arise from involvement or roles with organisations, such as community groups, clubs or churches.
- 6.15 If an Elected Member has a non-financial interest in a decision before the Council, they must apply the [test for a conflict of interest](#) to determine whether they may participate in decision-making on the matter.

## 7. Local Authorities (Members' Interests) Act 1968 (LAMIA)

- 7.1 The Local Authorities (Members' Interests) Act 1968 applies to members of city councils, district councils, regional councils, community boards, local boards, and a range of other public bodies. The Act uses the term "local authority" to cover all these public bodies.
- 7.2 The Act also applies to members of committees of those local authorities (regardless of whether a committee member is also a member of the local authority), including Appointed Members.
- 7.3 The Act does not apply to:
- (a) officers and staff of local authorities; or
  - (b) council-controlled organisations, port companies, airport companies, energy companies, or tertiary education institutions.
- 7.4 If an Elected or Appointed Member has a financial interest, they must consider the requirements of the Local Authorities (Member's Interests) Act 1968. The Act has two main rules:
- (c) Members cannot benefit from contracts with the local authority if the total payments made, or to be made, by or on behalf of the local authority, exceed \$25,000 (including GST) in any financial year. This is referred to as the contracting rule.
  - (d) Members cannot participate in matters before their local authority in which they have a financial interest, other than an interest in common with the public. This is referred to as the non-participation rule.
- 7.5 A person is disqualified from being a Member of the local authority (or a committee) if they are concerned or interested in contracts with the authority under which the total payments made, or to be made, by or on behalf of the authority exceed \$25,000 (including GST) in any financial year (1 July to 30 June).
- 7.6 The Auditor-General can approve participation in limited circumstances. It is an offence for a Member to breach the non-participation rule and, if convicted, they automatically vacate office.
- 7.7 It is an offence for the person to act as a Member of the local authority while disqualified.
- 7.8 For advice on compliance with LAMIA, Elected Members should review the [OAG LAMIA Guidelines](#) and/ or seek advice from the Office of the Auditor-General or independent legal advice.

## 8. Test for Conflict of Interest

- 8.1 Once a financial or non-financial interest is identified, the test for whether that interest may constitute a conflict of interest is:

*Would a fair-minded observer reasonably think that a Member of the decision-making body might not bring an impartial mind to the decision, in the sense that they might unfairly regard with favour (or disfavour) a particular position due to their financial or non-financial interest?*

- 8.2 This question is not just limited to actual bias, but also the appearance or possibility of bias. This is because even the appearance of bias may undermine public trust and confidence in Council decision-making.
- 8.3 When applying this test, fair-minded observers should be taken to understand the practicalities and political context of local government. Local authorities are different in nature to other decision-making bodies, such as courts and judges, and Elected Members are not required to be entirely impartial or removed from their communities. The democratic status of a local authority, the representative nature of Members of a local authority, and the practice of decisions being made by a committee of Members by majority vote must be recognised. So too must the type of decision being made. Some decisions, such as decisions under the Resource Management Act 1991 and those requiring a formal statutory process and hearing, require a higher degree of impartiality than decisions that are more high-level policy making, or where it is a recommendatory power only.
- 8.4 Where an Elected Member has a direct financial interest, a fair-minded observer will be quick to assume that they might not bring an impartial mind to the decision.

## 9. Pre-determination

- 9.1 Pre-determination is concerned with “closed mind” decision-making and, unlike conflicts of interest, is not dependent on the relationships or interests of the decisionmaker. It is generally based on the expression of a view or conduct; for example, an Elected Member making a statement that indicates their mind is made up about a particular matter before having heard all views, or refusing to read or listen to reports or submissions presented to the Council on the matter.
- 9.2 **Test for Pre-Determination**
- 9.3 Pre-determination requires proof of “actual pre-determination or fettering rather than the appearance of the same”. For an Elected Member to have pre-determined a matter, they must have an actual closed mind. This will be assessed based on evidence which is capable of objective assessment, such as things the Elected Member said or did prior to the decision, or other documentary evidence such as decision papers or advice. A mere statement by an Elected Member after the fact that they did not have a closed mind may not be sufficient to displace an allegation of pre-determination.
- 9.4 In a local authority context, Elected Members may approach their task with a legitimate predisposition to decide in accordance with particular views on certain issues that they have previously articulated. What is critical is that an Elected Member is “prepared, despite predisposition, honestly to consider whether to change its mind”. This requirement is reinforced by statutory obligations to have an open mind. For example, a principle of consultation under s82(1)(e) of the Local Government Act 2002 is that a local authority should receive views presented to it with an open mind, and in making a decision give those views due consideration.
- 9.5 **Avoiding Pre-determination**
- 9.6 Elected Members must approach decisions with an open mind. They must listen to and consider the views of others, staff reports and advice, and submissions and feedback presented to the Council. They should avoid making statements or exhibiting behaviours that suggest that they have made up their mind before all views have been heard and deliberated on.
- 9.7 Where an Elected Member has pre-determined a matter, they must refrain from discussing or voting on the matter. In addition, Elected Members must not deliberate on a public consultation process where that Member has made a personal submission.
- 9.8 If an Elected Member is in doubt as to whether there is a risk of pre-determination, they must consider and review this Policy, and/or seek advice from the chief executive. The Elected Member may also find assistance from the OAG Managing conflicts of interest guide.
- 9.9 It is a breach of this Policy for Elected Members to discuss or vote on a matter if they did not approach the decision with an open mind.

## 10. Managing Conflicts of Interest

- 10.1 Elected Members are required to evaluate their financial and non-financial interests to determine whether or not they have a conflict of interest in any matter being discussed or voted on.
- 10.2 If an Elected Member is concerned that they may have a conflict of interest in a matter before the Council (either financial or non-financial), they must consider and review this Policy, and/or seek advice from the Chief Executive. If it is a non-financial interest, Elected Members may also find assistance from the Office of the Auditor General's Managing conflicts of interest: a guide for the public sector ([OAG Managing conflicts of interest guide](#)).
- 10.3 Additionally, if it is a financial interest, the Elected Member should review the Office of the Auditor-General's Local Authorities (Members' Interests) Act 1968: A guide for Members of local authorities on managing financial conflicts of interest (OAG LAMIA seeking advice from the Office of the Auditor-General or independent legal advice).
- 10.4 If an Elected Member has a non-financial conflict of interest, it does not automatically exclude them from participating in a decision. It will depend on how serious the conflict is, and there is generally more room for judgement about whether it is acceptable for a Member to participate. If a Member does not declare a non-financial interest, it is not an offence under either the Local Government Act 2002 or the Local Authority (Members' Interests) Act 1968. However not declaring such an interest creates a reputational risk for both the Member and the Council.
- 10.5 If an Elected Member has a financial (pecuniary) conflict of interest, the law presumes the Member is biased and they must not participate in discussion or voting on the matter. The Elected Member must:
  - (a) declare that a conflict of interest exists at the beginning of the meeting;
  - (b) not take part in any discussion or vote on the matter;
  - (c) leave the meeting table while the matter is being discussed or voted on (but may remain in the meeting room if appropriate);
  - (d) ensure that the declaration and abstention are recorded in the meeting minutes.
- 10.6 Reminders to Elected Members to declare any conflicts of interests are included as a standard item on meeting agendas. If they wish, Elected Members may also declare any interest (which the Member has determined does not constitute a conflict of interest) at the beginning of a meeting but are not required to do so. Elected Members can also register any Conflicts of Interest via the function in the Resolve Board Portal used for meeting agendas.
- 10.7 In addition, in order to protect against conflicts of interest, Elected Members must not accept any gifts (including hospitality and entertainment) from parties to any regulatory process that the Council is making decisions on, where the Elected Member is directly involved or interested in the governance or administration of the regulatory process itself. This requirement does not apply to regulatory decisions which concern the public generally, for example, decisions relating to the adoption or review of a Bylaw.
- 10.8 Elected Members must monitor any business interactions between the Council and any company or organisation in which the Elected Member has a material interest and ensure that such business does not exceed \$25,000 (inclusive of GST) in value without the prior approval of the Auditor-General.
- 10.9 It is a breach of this Policy if an Elected Member has a financial or non-financial conflict of interest in a decision and does not manage it in accordance with this Policy.

- 10.10 Members shall:
- (a) declare any interests in contracts in the Register of Members' Interests;
  - (b) discuss any proposed interest in contracts (of whatever value) in advance with the Chief Executive and/or the Office of the Auditor-General (OAG) and follow the advice that they are given;
  - (c) not participate in decision-making relating to any contract in which they have an interest;
  - (d) not accept any gifts (including hospitality, entertainment) from tendering parties where the Council, Community Board or Committee will be part of the decision-making process.

## 11. Register of Members' Interests

- 11.1 The Local Government (Pecuniary Interests Register) Amendment Act 2022 passed on 20 May 2022, and came into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act 2002 (LGA 2002), all of which relate to Members' pecuniary interests.
- 11.2 The purpose of the new provisions is to increase transparency, trust, and confidence in local government by keeping and making publicly available, information about Members' pecuniary interests. It is largely modelled on the regime that applies to Members of Parliament but has been tailored to reflect particular aspects of local government.
- 11.3 Every Council (including all territorial authorities, unitary authorities, and regional Councils) is required to keep a register of its Members' pecuniary interests, and to make a summary of it publicly available.
- 11.4 The new requirements and obligations apply to the following Members:
- (a) Members of the Council;
  - (b) Members who have been elected under the Local Electoral Act 2001 to a community board that is part of the Council; and
  - (c) Members who have been elected under the Local Electoral Act 2001 to a local board that is part of the Council.
- 11.5 Appointed Members will not be subject to these requirements and obligations. For example, individuals who have been appointed as a Member of a Council committee due to their skills, attributes, or knowledge will not need to provide annual returns to the Registrar.
- 11.6 Elected Members must make a full and complete declaration of interests they hold each year (the Annual Declaration). Members must make their declarations by the following dates:
- (a) the day that is 120 days after the date on which the Member comes into office under section 115 of the Local Electoral Act 2001
  - (b) the last day of February in each subsequent year.
- 11.7 The Annual Declaration must notify the Council of the nature and extent of any interest for the 12-month period that ended on the day one month prior to the dates above.
- 11.8 Elected Members must also advise the Registrar as soon as practicable during the year if any new interests arise.
- 11.9 Council, Community Board and Committee agendas will include a 'standing' item for the disclosure of any interest relating to any agenda item.
- 11.10 The Annual Declarations for all Elected Members are recorded in a Register of Members' Interests maintained by the Council (the Register) and a summary is published on the Council's website.

**11.11 Appointment of a Registrar**

11.12 The Local Government Act 2002 requires the appointment of a Registrar. The existing delegations to the Chief Executive allow them to appoint a staff member as Registrar.

11.13 The Governance Manager's role is to promote the integrity of local democratic functions and provide leadership and support to Elected Members, as such the Governance Manager is appointed as the Registrar for Ruapehu District Council.

**11.14 Responsibilities of the Registrar**

11.15 The Local Government Act 2002 does not require a Registrar to:

- (a) obtain a return from an Elected Member,
- (b) notify a Member if they fail to make a return by the due date, or
- (c) notify a member if there is any error or omission in their return.

11.16 The onus is on Elected Members to ensure they provide a return and ensure the content of the return is accurate. However, the Registrar will provide guidance and advice on the process of completing returns on pecuniary interests.

11.17 The Registrar will send Elected Members a form via email and provide an alternative weblink for completing their pecuniary interests return. The form will be sent one month prior to the due date for the return.

11.18 A reminder will be sent to Elected Members ten days prior to the due date for the return and again on the Monday of the week the return is due. The Registrar will also advise Elected Members on how to correct a return should an omission or error be discovered by an Elected Member after filing their return.

11.19 The Registrar will ensure that a Register of Members' Interests is kept and that a summary of the register is available for the public to view on the Council website. Each of the public libraries have computers which will allow the public to access the register online. The Registrar will also update the register if a Member corrects their return (having made an error or omission). The register will show that a correction or addition has been made and the date upon which the correction or addition was made.

11.20 The information provided by Members in their pecuniary interests returns will be kept for seven years. After seven years have passed, that information will be destroyed. The Registrar will ensure that the information provided by members in their pecuniary interests return is only used or disclosed in accordance with the purpose of the register.

11.21 If an elected member does not provide a return, or provides a return which is incorrect, they are liable to have committed an offence under section 235 of the Local Government Act 2002. Each offence is punishable by a fine of up to \$5,000.

11.22 The Local Government Act 2002 is silent as to whether and in what way councils are required to report possible offences to the Secretary of Local Government.

11.23 The responsibility for charging elected members with an offence under section 235 of the Local Government Act sits with the Secretary for Local Government (the Chief Executive of the Department of Internal Affairs).



## 11.24 Content of Return of Declaration of Members' Interests

- 11.25 Every Annual Declaration must notify the Council of the nature and extent of any interest, including:
- (a) **Property interests:** location of, and general nature and extent of, any legal or beneficial interests in land in the Ruapehu District of the Member or their spouse/partner;
  - (b) **Trusts (beneficiary):** general nature and extent of any interest in trusts for which the Member or their spouse/partner is aware, or ought reasonably to be aware, that they are a beneficiary;
  - (c) **Trusts (trustee):** general nature of any trust for which the Member is a trustee, and its activities and beneficiaries;
  - (d) **Companies and businesses:** name of any company or business, and general nature and extent of, any financial interest of the Member or their spouse/ partner in the company or business;
  - (e) **Employment:** any employment for which the Member receives remuneration, including the name of each employer of the Member, a description of the main business activities of each employer, and the nature of the Member's role and remuneration;
  - (f) **Other sources of income:** any other role for which the Member receives remuneration, and the nature of the remuneration, including for directorships, trusteeships, or other governance roles;
  - (g) **Contracts:** any contracts with Ruapehu District Council that the Member or their spouse/ partner are involved in (or a company or business that the Member or their spouse/ partner are interested in), and under which they receive payments from the Council, including the general nature of the contract, the nature of the Member's rights, and whether the combined value of payments by the Council under the contracts is worth more or less than \$25,000 in any financial year;
  - (h) **Governance:** any governance roles in community organisations, including the name of the organisation and the nature of the Member's role;
  - (i) **Membership and patronage of community organisations:** any community or other organisation of which the Member is a Member or patron, including the name of the organisation and the nature of the role;
  - (j) **Other appointments:** any appointment, except those made by the Council or Community Board, including the name of the organisation the Member has been appointed to, and the nature of the appointment;
  - (k) **Travel costs:** any contributions to travel costs of the Member made by third parties, and the value of the contribution;
  - (l) **Gifts:** a description of gifts received by the Member over the value of NZD\$500, and the name of the donor of each of those gifts (if known or reasonably ascertainable by the Member);
  - (m) For the purpose of this clause, gift –
    - i. Includes hospitality (e.g. meals, corporate box) and donations in cash or kind other than donations made to cover expenses in an electoral campaign;

- ii. Excludes gifts received from family Members (that is, any of the following: the Member's spouse or domestic or any parent, child, step-child, foster-child or grandchild of the Member).

11.26 Except as otherwise provided, nothing in the Annual Declaration requires the disclosure of the actual value, amount or extent of any asset, payment, interest, gift, contribution, or debt.

#### 11.27 **Maintenance of the Register**

11.28 The Register is maintained and updated on an ongoing basis, comprising all returns transmitted by Elected Members. Additional interests declared during the course of the year will be added to the Register as they occur.

11.29 The Register is maintained by the Registrar, or anyone who is authorised by the Registrar to act on their behalf. The Registrar is appointed by the chief executive, for the purposes of:

- (a) Compiling and maintaining the Register; and
- (b) Providing advice and guidance to Members in connection with their obligations under this Policy.

11.30 The Register (or a fair and accurate summary of its contents) is available for public inspection. The Register or the summary is published on the Council's website.

## 12. **Further Information and Guidance**

12.1 If an Elected Member has further questions about any matter covered by this Policy, they should:

- (a) Seek advice from the Chief Executive;
- (b) If they are concerned they may have a financial interest in a decision or may breach their obligations under LAMIA, consult the OAG Guidelines and/or seek advice from the Office of the Auditor-General;
- (c) Seek independent legal advice.

## 13. **Related Legislation/Policies**

- 13.1 Local Authorities (Members' Interests) Act 1968
- 13.2 Local Government Act 2002
- 13.3 Local Government (Pecuniary Interests Register) Amendment Act 2022
- 13.4 Local Electoral Act 2001
- 13.5 Ruapehu District Council's [Code of Conduct](#) 2022-2025

## 14. Annotations

Version	Date	Description
V1.0		Version 1 Policy Developed.

## 15. Policy Version Control

Policy drafted by	Governance
Policy reviewed by	Policy Team
Policy reviewed and recommended by the Information System Governance Group (ISGG)	N/A
Policy reviewed and recommended by the Risk and Assurance Committee	2 December 2024
Policy reviewed and adopted by Council	26 February 2025

## 16. Appendices

Appendix 1 Self-assessment checklist

**APPENDIX 1 Self-assessment Checklist for Identifying a Conflict of interest**

When you have to make a decision, ask yourself:

<b>FINANCIAL</b>	<ul style="list-style-type: none"> <li>• Do you stand to gain or lose financially from the decision?</li> <li>• Does someone close to you – like an immediate family member – or a business you are involved with stand to gain or lose financially from the decision?</li> <li>• Have you received a benefit or hospitality from someone who stands to gain or lose from your proposed decision or action?</li> </ul>
<b>NON-FINANCIAL</b>	<ul style="list-style-type: none"> <li>• Is someone close to you or an organisation you are involved with likely to be affected by the decision you make?</li> <li>• If so, is there a risk that you will be seen to be biased in your decision because of this relationship or association?</li> <li>• Have you contributed in a private capacity in any way to the matter the Council is dealing with?</li> </ul>
<b>CONFLICT OF ROLES</b>	<ul style="list-style-type: none"> <li>• Will a second organisation you have a role in (entity B) be affected by the decision you are making for the public organisation you work for (entity A)?</li> <li>• If so:             <ul style="list-style-type: none"> <li>Is there a risk that you will be seen to be acting in the interests of Entity B rather than Entity A?</li> <li>If you participate in this decision, is there a risk that you might breach obligations you owe to either entity – for example, a duty of loyalty or confidentiality?</li> </ul> </li> <li>• Are you an office bearer of an association, club or professional organisation or do you have particular ties and affiliations with organisations or individuals who stand to gain or lose by your proposed decision or action?</li> </ul>
<b>PRE-DETERMINATION</b>	<ul style="list-style-type: none"> <li>• Is there anything you have previously done or said that might make people think you are not going to listen fairly to all the relevant information before you make your decision?</li> <li>• Have you made any promises or commitments concerning the matter?</li> <li>• Do you still have any doubts about your proposed decision or action?</li> <li>• What assessment would a fair-minded member of the public make?</li> <li>• If you saw someone else doing this, would you suspect that they might have a conflict of interest?</li> <li>• How would you feel if your actions were highlighted in the media?</li> <li>• Is the matter or issue one of significant public interest that would lead to your proposed decision or action attracting greater scrutiny?</li> </ul>

