

From: [Allie Dunn](#)
To: [REDACTED]
Subject: CM: Response - request for information re employment contracts
Date: Friday, 9 August 2024 3:49:00 pm
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[LGOIMA - Position Descriptions1.pdf](#)

Kia ora

I refer to your official information request dated 31 July 2024, seeking copies of employment contracts for our elected members, plus specified staff positions.

Our response to your request is outlined below.

Employment Contracts for Mayor and Councillors

The Mayor and Councillors are elected members of the Council, not employees of the Council and as such are not subject to the requirements of the Employment Relations Act 2000.

Therefore we are not able to supply a copy of the employment contracts (known as employment agreements under the Employment Relations Act 2000) for the Mayor and Councillors to you as these documents do not exist. Therefore, this part of your request for information is declined under section 17(e) of the Local Government Official Information and Meetings Act 1987 "that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found".

As an explanation, the elected members of the Council form the governing body. These members are elected by the residents of the Tararua District that are enrolled upon the Parliamentary Electoral Roll, at the triennial local body elections held in New Zealand. Upon election, the Mayor and Councillors swear an oath of office, the wording of which is set out in the Local Government Act 2002 "*I, [name], declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Tararua District, the powers, authorities, and duties vested in or imposed upon me as a member of the Tararua District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.*"

Upon making the above declaration at the first meeting of Council following the election, the member is then empowered to execute and perform the powers, authorities and duties vested in or imposed upon them in their role. All of these are set out in numerous Acts of legislation.

To give you a general idea of the role of an elected member, set out below is an extract from the elected members' Code of Conduct, that explains the role of an elected member:

The role of the governing body includes:

- Representing the interests of the people of the district;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its Long-term plan;
- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

Employment Contracts for Chief Executive, Financial, Rates, Customer Service and Legal Team Members

The Chief Executive of the Council is the sole employee of the elected body, i.e. the Mayor and

Councillors. All other officers that work at the Council are employed by the Chief Executive. The role of the Chief Executive is defined in section 42 of the Local Government Act 2002, and this is summarised as follows:

A chief executive is responsible to their Council for:

- implementing the decisions of the Council; and
- providing advice to members of the Council and to its community boards, and
- ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the Council, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
- ensuring the effective and efficient management of the activities of the Council; and
- facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001; and
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council; and
- providing leadership for the staff of the Council; and
- employing, on behalf of the Council, the staff of the Council (in accordance with any remuneration and employment policy); and
- negotiating the terms of employment of the staff of the Council (in accordance with any remuneration and employment policy).

A chief executive is responsible to their Council for ensuring, so far as is practicable, that the management structure of the Council—

- reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and
- is capable of delivering adequate advice to the Council to facilitate the explicit resolution of conflicting objectives.

With regard to your request to be supplied with copies of individual employment agreements of the Chief Executive, Financial, Rates, Customer Service and Legal Team members, we advise that these agreements are confidential to the signatories of the agreements. Therefore, we are unable to provide you with copies of these agreements.

However, we are able to provide you with copies of the position descriptions for the above roles, similar to what we would publish when recruiting for a role. I have attached position descriptions for the roles that you are interested in and hope this provides the information you are seeking.

You have the right to seek an investigation and review by the Ombudsman of this decision.

Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Ngā mihi



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From: Allie Dunn

Sent: Wednesday, July 31, 2024 8:55 AM

To: [REDACTED]

Subject: CM: Acknowledgement - request for information re employment contracts

Kia ora

This email is to acknowledge receipt of your request for information, regarding employment contracts for the Mayor, Councillors, Chief Executive and specified officer positions.

We will endeavour to respond to your request as soon as possible and in any event no later than 28 August 2024, being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe.

As part of our commitment to openness and accountability, we are now proactively publishing copies of requests for information and the responses provided to these requests, on our website. In doing so, we will ensure we comply with the provisions of the Privacy Act 2020 and redact any personal / identifying information from any response published.

If you have any questions about this, please don't hesitate to get in contact with me.

Ngā mihi



Allie Dunn | Manager - Democracy Services

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From: [REDACTED]

Sent: Wednesday, July 31, 2024 8:30 AM

To: Info - Tararua District Council <Info@TararuaDC.Govt.NZ>

Subject: LGOIMA request

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Hi there I'm needing a copy of the employment contracts for councillors mayor CEO financial,

rates, customer service and all legal team members please.

If this is already publicly available information I would like clear instructions on how to access it please

Thanks for your time

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]