

(I exclude the new councillors from responsibility for the following)

Reference: Human Rights Review Tribunal
<http://www.nzlii.org/nz/cases/NZHRRT/2015/55.html>

{paras 13, 47, 71, 76 are most relevant}

LODGING A COMPLAINT

While there seems to be agreement regarding the public's right to lodge a complaint you may wish to open your mind to what complainants are confronted with.

I first lodged a complaint (under the existing code which allows public complaints) in October 2010 with Mayor Cutforth who told me that he wasn't going to do anything because Cr Deeming hadn't hurt him!

A week later he emailed me that the proper process had been followed.

This was confirmed by council's legal counsel who claimed the formal process in the code of conduct had been followed but details were withheld *"to protect the privacy of the person"*.

However, many months later following an ombudsman intervention, she replied that *"no formal process had been followed"*.

In case I thought that, heaven forbid, lies had been told, Council's GM Support Services assured me that both statements were true: a formal process had been carried out and, paradoxically apparently, it also had not!

I re-lodged my complaint with Cr Syers in 2012, with Mayor Mai in 2014 and again with Mayor Mai following the tribunal hearing. Not one of these attempted to ensure that my legitimate complaint was subjected to a proper process.

So those who support public complaints, what have you done over that six year period to ensure that right is honoured and my complaint processed? One councillor best summed it up by telling me that he wouldn't help me because to do so would lessen him in the eyes of his fellow councillors!

And there is the crux of the problem; it doesn't much matter what words you put in the code as long as two Mayors, two CEOs and a slew of councillors lack the integrity to accept their responsibility to make sure a legitimate complaint is properly and lawfully processed.

WHAT IS THE LAW?

The draft code recognises the independence of the process but this is hardly a big deal since the existing code does as well. In any case, that independence is enshrined in law – the NZ Bill of Rights Act, through its asserting the right to natural justice.

Natural justice demands that any such process is carried out by an independent assessor – Council apparently believes that its CEO is above this law and that, his gigantic conflict of interest evident in assessing the conduct of his employer, is of no consequence. The law and code both say he can't and, while the draft code makes this abundantly clear for even the slowest of slow learners, not only the Mayor but virtually all councillors still go along with his unprincipled behaviour.

It doesn't matter what the code says as long as WDC has a CEO, a Mayor and a set of fawning councillors who act as if they own the process, place themselves above the law and won't accept that they have a responsibility to act according to the law.

PROPER PROCESS

Nowhere in the existing code (or the law for that matter) does it specify a completely undocumented meeting of councillors (including the subject of the complaint), is an appropriate means of handling a complaint especially, as in this case, when the complaint had not even been laid at the time!

The law also demands that both parties are able to test the evidence of the other and that claims are tested on fact and not the outrageous and untested opinion of compliant councillors.

There was no independent assessor and nor was I given any opportunity to produce any evidence or to test "evidence" that was presented, or to even know that this meeting was under way.

It is shameful that Council's CEO, Mayor and a majority of councillors would accept this "kangaroo court" as having any status whatsoever under the code.

Complaints are judged on fact and not the uninformed and idiotic expression of a handful of councillors and, as long as you have senior people who demonstrate a complete lack of integrity to fact and to their responsibility, it doesn't much matter what your code says.

WHAT IS A CODE OF CONDUCT?

It is a minimum standard of behaviour that the public can expect from its elected representatives.

And, let's face it, the bar has been set pretty low at WDC.

If Mr Forlong is to be believed Mayor Mai, Cr Morgan, Cr Christie, Cr Glen, Cr Halse, Cr Martin and, presumably, Cr Deeming all apparently believe that breaking the law, trashing council's non-disclosure policy and seriously harming a citizen constitute a "*minor or frivolous matter that warrants no action*".

Put simply, council's grossly improper behaviour has set a precedent that makes Council's non-disclosure policy unenforceable.

FINALLY

Now there is not a single person sitting around the council table who doesn't know that Cr Deeming has indulged in disgusting behaviour totally violating her code of conduct; if you don't then consider the findings of the Human Rights Review Tribunal who heard and balanced the evidence.

And yet she faces no accountability because the Mayor, CEO and each councillor turn a blind eye to their responsibility to the code and the law.

This is not about citizens laying complaints or handling complaints through an independent process – they're all part of the law and the existing code already anyway.

The issue for this council is about those responsible exerting a level of self-importance which places themselves as above the law and as long they have no respect for the law and the code it doesn't much matter what the code says.

Where I sit with my placards, from the Mayor and CEO down there is just one person at council with the integrity to strive to ensure that the code actually means anything more than a few weasel words.

And look what has happened to him!