

Councillor Conduct Tribunal decision

14 August 2019

Key issue – Breach of Trust

Meaning of Breach of Trust in section 176(b)(ii)

The Councillor Conduct Tribunal considers the concept of ‘trust in a councillor’ is viewed broadly, in relation to the trust that the community has in the position of councillor, rather than a specific trust or limited focus trust, such as a fiduciary trust.

Councillors are ‘entrusted’ by electors in the community with the power to make policy and decisions in many areas affecting the life, lifestyle and well-being of the community.

There is little day to day close monitoring of conduct of councillors by anyone in a ‘supervisory role’, as may apply to many workers.

As elected representatives in responsible positions with significant powers, councillors have great discretion and are entrusted to use their powers appropriately in the public interest.

Any breach of this trust can have a corrosive effect on the community and its confidence in the democratic local government processes.