

Candidates' Handbook

2007 Local Elections

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Disclaimer: Every effort has been made to ensure that the information contained in this booklet is accurate and consistent with the Local Electoral Act 2001. Wellington City Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which can be purchased from any Bennetts Bookstore.

1. Introduction

This booklet outlines information you need to know as a candidate in the 2007 local authority elections.

The elections are being conducted by postal vote with election day on Saturday 13 October 2007.

The conduct of local authority elections is regulated by the following legislation:

- Local Electoral Act 2001 (LEA) (and amendments)
- Local Electoral Regulations 2001 (LER) (and amendments)
- Local Government Act 2002 (LGA)
- New Zealand Public Health and Disability Act 2000 (for the Capital and Coast District Health Board elections only) (and amendments)
- Crown Entities Act 2004 (for the Capital and Coast District Health Board elections only).

Key dates for the 2007 elections are:

Nominations open	Friday 27 July 2007
Nominations close	Friday noon, 24 August 2007
Delivery of voting documents	Friday 21 September 2007 to Wednesday 26 September 2007
Appointment of scrutineers	By noon, Friday 12 October 2007
Removal of election hoardings (from Council property)	Midnight Friday 12 October 2007
Close of voting	Saturday noon, 13 October 2007
Preliminary results available	As soon as practicable after close of voting Saturday 13 October 2007
Official Declaration	Between 17 – 21 October 2007

Key contacts:

Electoral Officer: Ross Bly
Phone: 801 3484 Fax: 801 3020
Cell: 021 227 8373
Email: ross.bly@wcc.govt.nz

Deputy Electoral Officer: Adele Gibson
Phone: 801 3346
Cell: 021 227 8399
Email: adele.gibson@wcc.govt.nz

Hoardings information: For enquiries regarding enforcement matters, please contact Wayne Tacon, Manager Property and Parking Services on 801 3557 or 021 227 8010

2. Positions up for Election

Elections will be held for:

- Wellington City Council
 - Mayor
 - Councillors
 - Community board members
- Greater Wellington Regional Council (Greater Wellington)
- Capital and Coast District Health Board
- Hutt Mana Charitable Trust

The following describes how each of these elections will be held (at large, by ward, or by constituency) and the numbers of residential and ratepayer electors in each area.

1. Wellington City Council

The Mayor (1 vacancy) is elected 'at large', by the number of electors given in the table below (i.e. 136,273). The city is divided into five wards as follows:

Ward	No. of Councillors	Approximate No. of Resident Electors ¹	Approximate No. of Ratepayer Electors ¹
Northern	3	30,033	36
Onslow-Western	3	30,799	28
Lambton	3	29,433	128
Eastern	3	26,915	29
Southern	2	18,857	15
TOTAL	14	136,037	236

¹ Electors enrolled as at 4 May 2007 (final rolls close on 24 August 2007)

Residential Electors:

The Residential Electoral Roll comprises the names and addresses, listed in alphabetical order of surnames, of every person who resides within Wellington City who has enrolled and is qualified to be an elector of the city, in accordance with the Local Electoral Act 2001 and the Local Electoral Regulations 2001.

Ratepayer Electors:

The Ratepayer Electoral Roll comprises the names and addresses, listed in alphabetical order of surnames, of those non-resident ratepayer electors who have made application for enrolment and are qualified to be entered on this roll in accordance with the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001.

Below are two examples:

- a person who owns and pays rates on a property in Wellington but who resides and is enrolled as a parliamentary elector at an address outside the city boundaries
- a nominee of a company/organisation whose office is located in Wellington upon

which rates are paid, provided both the nominator and the nominee are registered as parliamentary electors at addresses outside of Wellington City.

The suburbs within each ward are:

Northern Ward	Onslow-Western Ward	Lambton Ward
<ul style="list-style-type: none"> • Grenada North • Takapu Valley • Tawa • Grenada Village • Glenside • Horokiwi • Churton Park • Newlands • Paparangi • Woodridge • Johnsonville • Ohariu 	<ul style="list-style-type: none"> • Ngauranga • Broadmeadows • Khandallah • Ngaio • Crofton Downs • Kaiwharawhara • Makara • Makara Beach • Karori • Northland • Wilton • Wadestown 	<ul style="list-style-type: none"> • Thorndon • Pipitea • Wellington Central • Kelburn • Highbury • Aro Valley • Brooklyn • Te Aro • Mt Cook • Mt Victoria • Oriental Bay
Eastern Ward	Southern Ward	
<ul style="list-style-type: none"> • Roseneath • Hataitai • Kilbirne • Melrose • Lyall Bay • Houghton Bay • Rongotai • Miramar • Maupuia • Karaka Bays • Seatoun • Breaker Bay • Moa Point • Strathmore Park 	<ul style="list-style-type: none"> • Mornington • Vogeltown • Kingston • Owhiro Bay • Island Bay • Berhampore • Newtown • Southgate 	

2. Community Boards

Two community boards operate within Wellington City. These are:

Community	No. of Members	Approximate No. of Resident Electors ¹	Approximate No. of Ratepayer Electors ¹
Makara/Ohariu	6	533	2
Tawa	6 ²	9931	9
TOTAL	12	10464	11

¹ Electors enrolled as at 4 May 2007 (final rolls close on 24 August 2007)

² Tawa Community Board also has two appointed members (who must be Councillors from the Northern Ward).

The suburbs within the community board areas are:

Makara/Ohariu	Tawa
<ul style="list-style-type: none"> • Makara • Makara Beach • Ohariu 	<ul style="list-style-type: none"> • Tawa • Takapu Road • Grenada North

3. Greater Wellington Regional Council

Greater Wellington is divided into the following six constituencies:

- Kapiti
- Porirua-Tawa
- Wairarapa
- Upper Hutt
- Lower Hutt
- Wellington

The Wellington constituency has the following number of resident and ratepayer electors:

Constituency	No. of Councillors	Approximate No. of Resident Electors ¹	Approximate No. of Ratepayer Electors ¹
Wellington	5	126,106	80

¹ Electors enrolled as at 4 May 2007 (final rolls close on 24 August 2007)

Although Tawa is part of Wellington City, it is included in the Porirua-Tawa Constituency insofar as the Regional Council elections are concerned. The Porirua-Tawa Constituency elects two members and has approximately 43,773 electors.¹

4. Capital and Coast District Health Board

For more information on standing for the Capital and Coast District Health Board, please refer to the 2007 District Health Board Elections: Information for Candidates booklet produced by the Ministry of Health (available from the Electoral Officer on 801 3484 or the Deputy Electoral Officer on 801 3346)

The Capital and Coast District Health Board is elected 'at large':

Board	No. of Members	Approximate No. of Resident Electors ¹
CCDHB	7	199,607

¹ Electors enrolled as at 4 May 2007 (rolls close on 24 August 2007)

¹ Electors enrolled as at 4 May 2007 (final rolls close on 24 August 2007)

Note: Ratepayer electors are not entitled to vote in district health board elections.

5. Hutt Mana Charitable Trust

For more information on standing for the Hutt Mana Charitable Trust, please contact either Warwick Lampp, Electoral Officer on 0508 666 336 or at wlampp@electionz.com or Mike Chapman, Deputy Electoral Officer, Porirua City Council on 237 5089.

The Hutt Mana Charitable Trust has members elected from the following districts:

- Porirua
- Upper Hutt
- Lower Hutt
- Northern Wellington²

The Northern Wellington district of the Trust has the following number of resident electors:

Area	No. of Members	Approximate No. of Resident Electors ³
Northern Wellington	1	30,400

Note: Ratepayer electors are not entitled to vote in the Hutt Mana Charitable Trust election.

² All of the Northern Ward (of Wellington City) and a small portion of Broadmeadows.

³ Electors enrolled as at 4 May 2007 (rolls close on 24 August 2007)

3. Electoral Principles

The Electoral Principles contained in Section 4 of the Local Electoral Act 2001 are outlined below. These principles must be taken into account in the conduct of any election or poll.

4. Principles

- (1) *The principles that this Act is designed to implement are the following:*
 - (a) *fair and effective representation for individuals and communities*
 - (b) *all qualified persons have a reasonable and equal opportunity to:*
 - (i) *cast an informed vote*
 - (ii) *nominate one or more candidates*
 - (iii) *accept nomination as a candidate*
 - (c) *public confidence in, and public understanding of, local electoral processes through:*
 - (i) *the provision of a regular election cycle*
 - (ii) *the provision of elections that are managed independently from the elected body*
 - (iii) *protection of the freedom of choice of voters and the secrecy of the vote*
 - (iv) *the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes*
 - (v) *the provision of impartial mechanisms for resolving disputed elections and polls.*
- (2) *Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.*
- (3) *This section does not override any other provision in this Act or any other enactment.*

4. Election Timetable

2007 TRIENNIAL ELECTION TIMETABLE	
[Based on the Local Electoral Act 2001 (LEA) and Local Electoral Regulations 2001 (LER)]	
2 March – 30 April	Ratepayer Roll enrolment confirmation forms sent [Reg 16 LER]
2 March – 6 July	Preparation of Ratepayer Roll [Reg 10 LER]
1 May – 31 May	Public notices of Ratepayer Roll qualifications and procedures [Sec 39 LEA]
9 July	Electoral Enrolment Centre (EEC) enrol campaign commences
11 July	Preliminary Electoral Roll closes (Reg 10 LER)
13 July	Campaign expenditure monitoring period commences [Sec 104 LEA]
16 July – 25 July	Compile Preliminary Electoral Roll [Sec 38 LEA]
By 27 July	Public notice of election, calling for nominations, roll open for inspection [Sec 42, 52, 53 LEA]
27 July	Nominations open/Electoral Roll open for inspection [Sec 42, 55 LEA]
24 August	Nominations close (12 noon)/ Roll closes (close of business) [Sec 55 LEA]
29 August	Public notice of candidate names [Sec 65 LEA]
By 31 August	Ratepayer Roll insert with rates notice [Sec 39 LEA]
By 17 September	Electoral Officer certifies final Electoral Roll [Sec 51 LEA, Reg 22 LER]
21 September	EEC letter sent to Unpublished Roll electors
21 September – 26 September	Delivery of voting documents [Sec 5 LEA]
21 September – 13 October	Progressive roll scrutiny [Sec 83 LEA] Special voting period and early processing of voting documents
By 12 October	Appointment of scrutineers (12 noon) [Sec 68 LEA]
13 October	Election day [Sec 10 LEA]
13 October	Voting closes 12 noon [Sec 5 LEA] Preliminary results available as soon as practicable after close of voting [Sec 85 LEA]
13 October – 17 October	Official count [Sec 84 LEA]
17 October – 21 October	Declaration and public notice of result [Sec 86 LEA]
By 11 December	Return of election expenses and donations form

5. Electoral Systems

Two electoral systems will be operating side by side for the 2007 elections. These are:

- Single Transferable Voting (STV)
- First Past the Post (FPP).

Organisations using the STV electoral system in the Wellington area are:

- Wellington City Council (Mayor, Council and community boards)
- Capital and Coast District Health Board.

Organisations using the FPP electoral system are:

- Greater Wellington Regional Council
- Hutt Mana Charitable Trust.

For information on understanding how the STV electoral system works, refer to the Department of Internal Affairs website (www.stv.govt.nz).

A comprehensive explanation on the New Zealand method of counting STV votes is found in Schedule 1A, Local Electoral Regulations 2001.

Briefly, the STV electoral system consists of the following:

- voters receive a single (transferable) vote no matter whether there is one vacancy or several
- voters rank the candidates in order of preference. “1” next to the name of the candidate most preferred, “2” next to the name of the candidate next preferred and so on
- when votes are counted, all the first preferences are allocated first. To be elected, a candidate must reach a “quota” of votes, which is based on the number of vacancies and the number of valid votes
- a candidate who reaches the quota is elected. If there is more than one vacancy and a candidate gets more votes than the quota, a proportion of each vote for that candidate is transferred to the voter’s second preference. If, as a result, another candidate gets more votes than the quota, a proportion is transferred to third preferences, and so on
- if insufficient candidates reach the quota after the first preferences are allocated and after any surplus votes are transferred, then the candidate who received the fewest votes is eliminated and each vote for that candidate is transferred to the voter’s second preference. This process is repeated until enough candidates reach the quota to fill all the vacancies.

6. Community Board Membership

Relevant legislation relating to membership of community boards is found in the Local Electoral Act 2001.

- Each community board **must** consist of not fewer than four and no more than 12 members; and **must** include at least four elected members; and **may** include appointed members. The number of appointed members must be less than half the total number of members [Section 19F(1) and (2)].
- Appointed members to a community board must be appointed by the Council from the elected Councillors representing the ward in which the community is situated [Section 19F(3)].
- A person elected as a Councillor and a community board member within the same ward/community district is required to vacate the office as a community board member and the next highest polling community board candidate is elected. (If there is no highest polling unsuccessful candidate, an extraordinary vacancy occurs and a by-election is required). (Sections 88A and 88B).
- If a person is elected as a Councillor and a community board member (the community being in a **different** ward to the ward containing the community), that person is considered an **elected** member to both.

In Wellington City, six members are elected to both the Tawa and Makara/Ohariu community boards and two Northern Ward Councillors are appointed to the Tawa Community Board.

7. Candidate Qualifications

1. Community Board, City and Regional Council Candidates

Candidates standing for a community board or the city or regional council **must** be:

- a New Zealand citizen, and
- a parliamentary elector (anywhere in New Zealand).

(Section 25, Local Electoral Act 2001)

Restrictions on these candidates are:

- a candidate may stand for Mayor, Council and a community board within the same territorial authority area but may not **also** seek nomination for the regional council of which the territorial authority is part (that is, a candidate may stand for either the city council or the regional council, but not both) (Section 58 Local Electoral Act 2001)
- a candidate **cannot** be a person concerned or interested in contracts over \$25,000 with the territorial local authority (Section 3(1) Local Authorities (Members' Interests) Act 1968). This restriction is waived if prior approval from the Office of the Controller and Auditor-General is obtained
- an employee of a local authority who is elected as Mayor or Councillor must resign from his/her position as an employee of the local authority before taking up his/her position as an elected member. This does not apply if an employee is elected to a community board (Section 41(5) Local Government Act 2002).

2. District Health Board Candidates

For more information on standing for the Capital and Coast District Health Board, please refer to the 2007 District Health Board Elections: Information for Candidates booklet produced by the Ministry of Health (available from the Electoral Officer on 801 3484 or the Deputy Electoral Officer on 801 3346)

A candidate standing for a district health board must:

- be a New Zealand citizen
- be a parliamentary elector (anywhere in New Zealand)
- not be disqualified by Clause 17, Schedule 2, New Zealand Public Health and Disability Act 2000 and Section 30(2)(a) to (f) of the Crown Entities Act 2005 (see below).

A candidate for a district health board can also stand for Mayor, city council, regional council or community board, subject to the restrictions outlined above.

Restrictions on a candidate standing for a district health board:

- a person cannot be a candidate for more than one district health board
- the following restrictions stated in legislation:

Clause 17, Schedule 2, New Zealand Public Health and Disability Act 2000:

17. Certain persons disqualified from membership

- (1) *None of the following persons may be elected or appointed as a member of a board, or appointed as a member of a board committee, of a district health board:*
 - (a) *a person described in Section 30(2)(a) to (f) of the Crown Entities Act 2005*
 - (b) *Repealed*
 - (c) *Repealed*
 - (d) *Repealed*
 - (e) *a person who has, since the date on which members of boards elected at the immediately preceding triennial general election came into office, been removed as a member of a board for any reason specified in clause 9(c) or (e) of Schedule 3*
 - (f) *a person who has failed to declare a material conflict of interest before accepting nomination as candidate for an election of a district health board held in conjunction with the immediately preceding triennial general election.*
- (2) *In addition to the grounds specified in Subclause (1), a person may not be elected as a member of a board if the person is incapable of being elected as a member of a local authority because of Section 25 of the Local Electoral Act 2001.*
- (3) *However, Subclause (1)(a) does not disqualify a person described in section 30(2)(f) of that Act who is elected (rather than appointed) to office as a member under any other Act.*

Section 30(2)(a) to (f) of the Crown Entities Act 2005:

- (2) *The following persons are disqualified from being members:*
 - (a) *a person who is an undischarged bankrupt*
 - (b) *a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993*
 - (c) *a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988*
 - (d) *a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's –*
 - (i) *competence to manage his or her own affairs in relation to his or her property; or*
 - (ii) *capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare*
 - (e) *a person who has been convicted of an offence punishable by*

imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person

(f) *a Member of Parliament.*

3. Hutt Mana Charitable Trust Candidates

A candidate standing for the Hutt Mana Charitable Trust **must** be:

- a New Zealand citizen, and
- a parliamentary elector, and
- living inside the Hutt Mana Charitable Trust district.

The following persons are not eligible to hold office as a Trustee:

- (a) a bankrupt who has not obtained a final order of discharge or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled
- (b) a person who has been convicted of any offence punishable by a term of imprisonment of two or more years
- (c) a person who has been convicted of any offence punishable by imprisonment of a term of less than two years and has been sentenced to imprisonment for that offence
- (d) a person to whom an order made under Section 189 of the Companies Act 1955 applies
- (e) a person who is mentally disordered within the meaning of the Mental Health Act 1969
- (f) a person who resides outside the District.

8. Nominations

1. Key Dates

- Nominations open on Friday 27 July 2007
- Nominations close at noon, Friday 24 August 2007
- A public notice calling for nominations will appear in the Dominion Post on Wednesday 25 July 2007
- Selection of the order of CCDHB candidate names on the voting document, 4pm, Friday 24 August 2007.

2. Availability of Nomination Papers

Each nomination must be made on the appropriate official nomination paper. A separate nomination paper is required for each position. Nomination papers for all positions will be available from 27 July 2007:

- at the reception desk, Wellington City Council Offices, 101 Wakefield Street, Wellington, or
- by telephoning Ross Bly (801 3484) or Adele Gibson (801 3346).

Nomination papers for the Capital and Coast District Health Board are also available from:

- Kapiti Coast District Council Offices, 175 Rimu Road, Paraparaumu
- Porirua City Council Offices, City Centre, Hagley Street, Porirua
- or by telephoning Warwick Lampp on 0508 666 336.

Although these nomination papers can be picked up from these locations, they must be lodged with the Electoral Officer as outlined in section 7 below.

Nomination papers for Greater Wellington Regional Council are available from the above locations or from the Greater Wellington:

Electoral Officer: Margaret Meek
Phone: (04) 381 7792
Fax: (04) 384 5023
Email: margaret.meek@gw.govt.nz

Deputy Electoral Officer: Francis Ryan
Phone: (04) 802 0348
Email: francis.ryan@gw.govt.nz

Nomination papers for the Hutt Mana Charitable Trust are available from:

Mike Chapman
Deputy Electoral Officer

Porirua City Council
Phone: (04) 237 5089
Email: mchapman@pcc.govt.nz

If you have any questions regarding the Hutt Mana Charitable Trust, please contact either Warwick Lampp, Electoral Officer on 0508 666 3366 or at wlampp@electionz.com, or Mike Chapman (details given above).

3. Candidate Profile Statement

Every candidate may provide a candidate profile statement with their nomination. This is a statement of up to 150 words containing information about the candidate and his or her policies and intentions if elected to office. The profile may include a recent passport size photograph. The candidate profile statement must be true and accurate. The Electoral Officer is not required to verify or investigate any information included in this statement.

Candidate profiles will be printed with minimal formatting. Paragraphs will be permitted but there will be no line space between paragraphs. This is to ensure each candidate's profile statement is accorded approximately the same amount of space in the candidate booklet. Any bullet points used will be changed into lists, with each item separated by a semi-colon.

The candidate profile statement may be in English or Maori, (maximum 150 words for each language) or in any other language (not exceeding 150 words for both the English part and its translation). Should all or part of a candidate profile statement be provided in a language other than English or Maori, it is required that this be provided in an electronic graphic file. All translations must be supplied as a single image (if more than one language is translated, they must be supplied together in the single image), as follows:

- 1. EPS Bit map*
- 2. Black and white*
- 3. 600 dpi*
- 4. 1 mm white space included around the head and left hand side of the image*
- 5. The image being 55 mm high and 85 mm wide*

Below are the contact details for two translation companies, for those candidates who are unable to prepare the translation image themselves or do not know of anyone to do this for them.

The Translation Service
P O Box 805, Wellington
Phone: (04) 470 2920
Fax: (04) 470 2921
Email: translate@parliament.govt.nz
Contact: Kelly Wilton

Wellington Community Interpreting Service
P.O. Box 6472, Wellington
Phone: (04) 384 2265
Fax: (04) 384 6292
Email: christine.goodman@wcis.org.nz
Contact: Christine Goodman

Section 61 of the Local Electoral Act 2001 states the following:

61. Candidate profile statements

- (1) *Every candidate may provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).*
- (2) *A candidate profile statement:*
 - (a) *if:*
 - (i) *in English or Maori or both, must not exceed 150 words in each of the languages used in the statement*
 - (ii) *in a language other than English or Maori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate), and*
 - (b) *must be provided to the electoral officer before 12 noon on nomination day, and*
 - (c) *must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or his or her status as an independent candidate, and the candidate's contact details), and the candidate's policies and intentions if elected to office, and*
 - (d) *must comply with any prescribed requirements, and*
 - (e) *may include a recent photograph of the candidate alone.*
- (3) *If a candidate profile statement is submitted in Maori and English, the information contained in each language must be substantially consistent with the information contained in the other language.*
- (4) *If the electoral officer is not satisfied that a candidate profile statement complies with subsection (2), or, if applicable, subsection (3), the electoral officer must, as soon as practicable, return the statement to the candidate and must:*
 - (a) *specify the concerns of the electoral officer and the reasons for those concerns, and*
 - (b) *unless the candidate profile statement does not comply with subsection (2)(b), specify a period, which must not be less than 3 days from the date of return of the statement, during which the candidate may submit an amended candidate profile statement to the electoral officer.*
- (5) *A candidate is to be treated as having failed to provide a candidate profile statement, if subsection (4)(b) applies to the candidate and the candidate:*
 - (a) *fails to submit an amended candidate profile statement within the period specified in subsection (4)(b), or*
 - (b) *submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with subsection (2) or, if applicable,*

- subsection (3).*
- (6) *An Electoral Officer:*
- (a) *is not required to verify or investigate any information included in a candidate profile statement*
 - (b) *may include, in or with any candidate profile statement that is published, displayed, or distributed, any disclaimer concerning the accuracy of the information contained in the statement that the electoral officer considers appropriate*
 - (c) *is not liable in respect of:*
 - (i) *any statement contained in or omitted from the candidate profile statement or the work of a translator prudently selected by the electoral officer, or*
 - (ii) *the exercise of the powers and functions conferred on the electoral officer by this section.*

4. District Health Board Conflict of Interest Statements

All district health board nominations must be accompanied by a statement completed by the candidate that discloses any conflicts of interest the candidate has with the district health board at the time of nomination or any conflicts of interest the candidate believes are likely to arise in the future.

*For more information, please refer to pages 17-22 of the 2007 District Health Board Elections: Information for Candidates booklet produced by the Ministry of Health
(Contact the Electoral Officer on 801 3484 or the Deputy Electoral Officer on 801 3346 for a copy of this booklet)*

The conflict of interest statement is required to be included with the voting document sent to each elector by the Electoral Officer.

Section 6, Schedule 2 of the New Zealand Public Health and Disability Act 2000 states the following:

6. Candidate to declare conflicts of interest

When a candidate gives the responsible Electoral Officer notice of the candidate's consent to being nominated as a candidate, the candidate must also give the Electoral Officer a statement completed by the candidate in good faith that:

- (a) *discloses any conflicts of interest that the candidate has with the district health board as at the date of the candidate's notice of consent, or states that the candidate has no such conflicts of interest as at that date, and*
- (b) *discloses any such conflicts of interest that the candidate believes are likely to arise in future, or states that the candidate does not believe that any such conflicts of interest are likely to arise in the future.*

5. Completion of Nomination Paper

Each nomination must have the consent of the candidate and he/she must be nominated

by two electors whose names appear on the Electoral Roll for the district or subdivision of the district (for example, ward or constituency) in which the candidate is standing.

If a candidate is unable to sign the nomination paper (for example, because they are absent overseas), a letter of consent signed by the candidate is acceptable to attach to the nomination paper.

If a candidate is commonly known in the community by a slightly different name (for example, Edward Smith is commonly known as Ted Smith) and has been known by this name for at least the last six months (to the satisfaction of the Electoral Officer), the commonly known name may appear on the voting document provided it:

- will not cause offence to a reasonable person
- is not unreasonably long
- is not, or does not include or resemble, an official title or rank
- will not cause confusion or mislead electors.

Section 56 of the Local Electoral Act 2001 states the following:

56. Name of candidate

An electoral officer must not accept the nomination of a candidate if the electoral officer is not satisfied, by the evidence (if any) that the electoral officer requires, that the name under which the candidate is nominated is:

- (a) *the name under which the candidate's birth was registered, or*
- (b) *the name which the candidate adopted by deed poll or by statutory declaration under section 21 of the Births, Deaths and Marriages Registration Act 1995, at least 6 months before nomination day, or*
- (c) *the name by which the candidate was commonly known during the six months before nomination day, not being a name that:*
 - (i) *might cause offence to a reasonable person, or*
 - (ii) *is unreasonably long, or*
 - (iii) *is, or includes or resembles, an official title or rank, or*
 - (iv) *is likely to cause confusion or to mislead electors.*

6. Affiliation

The nomination paper provides for a candidate to have an affiliation. An affiliation is described in Section 57(3) of the Local Electoral Act 2001 as “an endorsement by any organisation or group (whether incorporated or unincorporated)”. Individual candidates not part of a political party may wish to nominate their affiliation as “Independent” or leave as blank (if left blank, nothing will show alongside the name on the voting document).

A candidate requiring a specific party affiliation should have authority to adopt the affiliation from the party concerned (that is, a letter of consent to use the affiliation from the party). This is a safety measure to avoid any illegal adoption of party affiliations.

No affiliation that might cause offence or is likely to confuse or mislead electors will be accepted.

7. Return of Nomination Paper

Completed nomination papers for Mayor, the Council, the Tawa and Makara/Ohariu community boards and the Capital and Coast District Health Board must be lodged:

at: the reception desk, Ground Floor, Wellington City Council Offices
101 Wakefield Street, Wellington.

or posted to: The Electoral Officer
Wellington City Council
PO Box 2199
Wellington

in time to be received no later than **12 noon, Friday 24 August 2007.**

Note: The following nomination papers must be returned to the below people no later than 12 noon, Friday 24 August 2007.

Greater Wellington – to the Greater Wellington Electoral Officer (Level 5, 142 - 146 Wakefield Street, PO Box 11-646, Wellington)

Hutt Mana Charitable Trust – to Warwick Lampp or Mike Chapman, Porirua City Council, 16 Cobham Court, PO Box 50218, Porirua.

Once lodged, nomination papers are checked to ensure the candidate's name appears on a Parliamentary Roll and the nominators are two electors whose names appear on the Electoral Roll for the district or subdivision of the district (e.g., ward) in which the candidate is standing.

Each nomination paper lodged requires a deposit of \$200 (inclusive of GST). This is refunded if the candidate polls greater than 25% of the final quota as determined at the last iteration (for STV elections) or greater than 25% of the lowest polling successful candidate (for FPP elections).

Payment of the nomination deposit can be made by cash, bank cheque or personal cheque. However, should a personal cheque be dishonoured, the nomination becomes invalid as the deposit has not lawfully been made.

Cheques should be made payable to: Wellington City Council, unless the candidate is standing for Greater Wellington or the Hutt Mana Charitable Trust, in which case cheques should be made payable to Greater Wellington and the Porirua City Council respectively.

The lodgement of nomination papers and candidate profile statements (and photographs)

should not be left to the last minute. Should a nomination paper be lodged late on the morning nominations close, and be incorrectly completed or have ineligible nominators provided, there may be insufficient time to correct the situation and the nomination paper could be invalidated.

Nomination papers, with the deposit and the candidate profile statement, can be returned by mail, but should the paper(s) be received by the Electoral Officer or Deputy Electoral Officer after the close of nominations (12 noon, Friday 24 August 2007), the nomination is invalid.

Do not leave lodging your nomination to the last minute.

8. Determination of CCDHB Candidate Order

Candidates' names for the CCDHB are being listed in "pseudo-random" order. This means the names will be placed in a hat (or similar receptacle), mixed together, and then redrawn out of the receptacle, with the candidates' names being placed on all voting documents in the order in which they are drawn.

The process for selecting the order of candidate names for the CCDHB election will be undertaken by the Electoral Officer at **4pm, Friday 24 August** in:

Committee Room One
Ground Floor
Wellington City Council Offices
101 Wakefield Street
Wellington

Any person is entitled to attend while the draw is in progress.

9. Campaigning

Election campaigning can commence any time and may continue up to and including election day.

Election signs are permitted on private property (with the owner's consent) at any time. Signs must be erected in a stable fashion, not being a hazard to public or traffic safety.

Election signs are permitted on selected Council road reserve sites. These signs can be erected up to six weeks before election day (from 1 September 2007) but must be removed the day before election day (that is, by 12 midnight Friday 12 October 2007). Further information on election signs and the sites where these signs are permitted are detailed in section 11 of this booklet.

The publication of any advertisements (**e.g. to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard or card, or broadcast over radio or television**) for candidates requires the written authorisation of the candidate or the candidate's agent. The advertisement must contain a statement setting out the true name of the person or persons for whom, or at whose direction, it is published and the name and address of his or her place of residence or business. **This applies during the candidate's entire campaign.** For more detailed information regarding the rules surrounding this requirement please refer to Section 113 of the Local Electoral Act 2001 (reproduced in section 10 of this booklet).

Election offences are detailed in section 18 of this booklet. Please refer to them for your own protection. No election material can contain any untrue statement defamatory of any candidate and calculated to influence the vote of any elector. No election material may contain an imitation voting document which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contain such direction or indication likely to influence the voter.

Candidates should be aware that it is an offence (carrying a fine of up to \$5,000 if convicted) to interfere in any way with an elector with the intention of influencing or advising that elector as to how he or she should vote. Candidates and their assistants should be mindful of this particularly if campaigning occurs in rest homes or hospitals.

Voting documents are not permitted to be collected from electors by candidates or their assistants. Each elector should post or deliver his or her own voting document to the Electoral Officer.

Refer to sections 113 and 135 of the Local Electoral Act 2001 for the:

- **rules relating to advertisements for candidates (Section 113 – reproduced on p28 of this booklet)**
- **offences relating to electoral expenses (Section 135 – reproduced on p59 of this booklet).**

Households

For campaigning purposes the approximate number of households for each of the ward/constituency areas is set out below. Note: these figures are based on the 2006 census data.

Mayor and Council

Ward	Number of Households
Northern	14,451
Onslow-Western	14,895
Lambton	15,891
Eastern	13,851
Southern	9,639
TOTAL	68,727

Community Boards

Board	Number of Households
Makara/Ohariu	267
Tawa	4,746

Greater Wellington Regional Council

Constituency	Number of Households
Wellington	63,981
Porirua-Tawa	20,310

Capital and Coast District Health Board

Board	Number of Households
Capital and Coast	101,634

Hutt Mana Charitable Trust

District	Number of Households
Northern	14,651

10. Election Expenses

1. Expenditure Limits

Candidate campaign expenditure limits are outlined in legislation (Section 111, LEA). A limit has been placed on how much a candidate may spend on his or her campaign, including donations and joint campaigning. The maximum amount spent must not exceed the limits set out below where the election covers a population range as detailed:

Local government area population	Expenditure limit
up to 4,999	\$3,500
5,000 - 9,999	\$7,000
10,000 - 19,999	\$14,000
20,000 - 39,999	\$20,000
40,000 - 59,999	\$30,000
60,000 - 79,999	\$40,000
80,000 - 99,999	\$50,000
100,000 - 149,999	\$55,000
150,000 - 249,999	\$60,000
250,000 or more	\$70,000

Note: These limits are inclusive of goods and services tax.

The following campaign expenditure limits for the various positions have been determined from population figure estimates provided by the Government Statistician as at 30 June 2006:

Position up for Election	Total Population ¹	Expenditure limit
Mayor	188,400 ²	\$60,000
Councillor, Northern Ward	43,700	\$30,000
Councillor, Onslow-Western Ward	40,900	\$30,000
Councillor, Lambton Ward	41,300	\$30,000
Councillor, Eastern Ward	36,500	\$20,000
Councillor, Southern Ward	26,100	\$20,000
Tawa Community Board member	14,700	\$14,000
Makara/Ohariu Community Board member	600	\$3,500
Greater Wellington Councillor (Wellington Constituency)	173,700	\$60,000
Greater Wellington Councillor (Porirua-Tawa Constituency)	65,400	\$40,000
Capital and Coast District Health Board member	264,650	\$70,000
Trustee, Hutt Mana Charitable Trust	43,700	\$30,000

¹ Estimated resident population as at 30 June 2006 (Statistics New Zealand)

² Due to rounding the total population figure does not sum to the individual ward figures.

If a candidate is standing for more than one position (e.g. Mayor and Council) then the higher limit applies (not both combined).

The “applicable period” for which campaign expenditure limits apply is three months before election day (that is 13 July 2007 to 13 October 2007). Where an election activity is carried on “both before and within the applicable period” then its costs must be apportioned in terms of Section 112 of the Local Electoral Act (reproduced later in this section).

2. Return of Electoral Expenses and Electoral Donations Form

Candidates are required to supply a return of electoral expenses and electoral donations form to the Electoral Officer within 55 days after the official declaration for the election results (estimated to be by 11 December 2007). A copy of this form is included in the pack sent out with this handbook and will be available from the Council’s website (www.wellington.govt.nz).

- If an election is not required (ie for those candidates who are elected unopposed), the 55 days will apply from the date of the Electoral Officer’s public notification of the candidates’ election (estimated to be by 23 October 2007).
- For candidates out of New Zealand at the time they are declared elected, the return must be filed within 21 days of their return to New Zealand.

The return of electoral expenses and electoral donations form once returned becomes a public document and can be inspected by any person for a period of seven years after receipt.

3. Relevant Legislation

Relevant definitions in relation to electoral expenses, as contained in the Local Electoral Act 2001, are:

104. Interpretation

In this Part:

“applicable period before the close of polling day” means the period beginning three months before the close of polling day and ending with the close of polling day

“electoral activity”, in relation to a candidate at an election, means an activity:

- (a) that is carried out by the candidate or with the candidate’s authority, and*
- (b) that relates to the candidate solely in the candidate’s capacity as a candidate and not to the candidate:*
 - (i) in his or her capacity as a member of the local authority or community board, or as the holder of any other office, or*

- (ii) *in any other capacity, and*
- (c) *that comprises:*
 - (i) *advertising of any kind, or*
 - (ii) *radio or television broadcasting, or*
 - (iii) *publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards, or*
 - (iv) *any electronic communication to the public, including (without limitation) the establishment or operation of a website or other method of communication to the public using the Internet, and*
- (d) *that relates exclusively to the campaign for the election of the candidate, and*
- (e) *that takes place within the applicable period before the close of polling day*

“electoral donation”, *in relation to a candidate at an election:*

- (a) *means a donation (whether of money or the equivalent of money or of goods or services or of a combination of those things) of a sum or value of more than \$1,000 (such amount being inclusive of any goods and services tax and of a series of donations made by or on behalf of any one person that aggregate more than \$1,000) made to the candidate, or to any person on the candidate’s behalf, for use by or on behalf of the candidate in the campaign for his or her election, and*
- (b) *includes, if goods or services are provided to the candidate, or to any person on the candidate’s behalf, under a contract at 90% or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services, but*
- (c) *does not include the labour of any person that is provided to the candidate free of charge by that person*

“electoral expenses”, *in relation to a candidate at an election:*

- (a) *means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity, and*
- (b) *includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity, and*
- (c) *includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value, and*
- (d) *includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate, but*
- (e) *does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate’s personal means of transport, and*
- (f) *does not include expenses incurred by the candidate in preparing a candidate profile statement, and*
- (g) *does not include the labour of any person that is provided to the candidate free of charge by that person*

“population”, *means the population, as at the day that is three months before the close of polling day, of a local government area as specified in a certificate issued*

in respect of that area by the Government Statistician.

105. Periods for claiming and paying expenses

- (1) *No claim against a candidate, or against any agent of a candidate, in respect of any electoral expenses is recoverable unless it is sent to the candidate within 30 days after the day on which the successful candidates are declared to be elected.*
- (2) *All electoral expenses incurred by or on behalf of a candidate must be paid within 60 days after the day on which the successful candidates are declared to be elected.*

106. Procedure if claim disputed

- (1) *If a candidate, in the case of a claim for electoral expenses sent in to him or her within the time allowed by this Act, disputes it, or fails to pay it within 60 days:*
 - (a) *the claim is a disputed claim, and*
 - (b) *the claimant may, if he or she thinks fit, within a further 30 days, bring an action for the disputed claim in any court of competent jurisdiction.*
- (2) *Any sum paid by the candidate to satisfy the judgment or order of the Court in any action referred to in subsection (1) is to be treated as paid within the time allowed by this Act.*

107. Leave to pay claim after time limited

- (1) *A District Court may, on the application of the claimant or the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any electoral expenses, even though it is sent in after the time allowed by this Act, if the Court considers it in the interests of justice to grant that leave.*
- (2) *Any sum specified in the order granting that leave may be paid by the candidate and, when paid, is to be treated as paid within the time allowed by this Act.*

108. Payments to be vouched by bill

Every payment made in respect of any electoral expenses must, except when it is less than \$200 (inclusive of goods and services tax), be vouched by:

- (a) *a bill stating the particulars, and*
- (b) *a receipt.*

109. Return of electoral expenses

- (1) *Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the Electoral Officer a return setting out:*
 - (a) *the candidate's electoral expenses, and*
 - (b) *the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation, and*
 - (c) *if an electoral donation of money or of the equivalent of money is made to the candidate anonymously and the amount of that donation exceeds \$1000:*
 - (i) *the amount of that donation, and*
 - (ii) *the fact that it has been received anonymously.*
- (2) *Every return under subsection (1) must be in the form prescribed in Schedule 2 or to similar effect.*

- (3) *If the candidate is outside New Zealand on the day on which the successful candidates are declared to be elected, the return must be transmitted by the candidate to the Electoral Officer within 21 days after the date of the candidate's return to New Zealand.*
- (4) *It is the duty of every Electoral Officer to ensure that this section is complied with.*

Note: Section 5 of the Local Electoral Act 2001 specifies that an anonymous donation means "a donation that is made in such a way that the candidate concerned does not know who made the donation."

110. Return to be open for public inspection

The Electoral Officer must keep every return under section 109 in the Electoral Officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of seven years after the date of the election to which it relates, and:

- (a) *during that period the return must be open to inspection by any person, and*
- (b) *at the expiry of that period the Electoral Officer must ensure that the return is destroyed.*

111. Maximum amount of electoral expenses (refer to earlier in this section for details).

112. Apportionment of electoral expenses

- (1) *If any activity of the kind described in paragraphs (a) to (d) of the definition of the term "electoral activity" (as set out in section 104) is, in relation to a candidate at an election, carried on both before and within the applicable period before the close of polling day:*
 - (a) *the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the candidate) must be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in the applicable period before the close of polling day, and*
 - (b) *the fair proportion of those expenses are electoral expenses.*
- (2) *If any election activity relates exclusively to campaigns for the election of two or more candidates, any electoral expenses in respect of that electoral activity must be apportioned equitably in relation to each of those candidates.*

113. Advertisements for candidates

- (1) *No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.⁴*
- (2) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if:*
 - (a) *the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more*

⁴ Contravention of this subsection is an offence [Section 135(1)].

- than one candidate, the candidates or an agent acting for all of those candidates, and*
- (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.*
- (3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.*
- (4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if:*
- (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published, and*
 - (b) the advertisement contains a statement setting out:*
 - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business, and*
 - (ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.*
- (5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.*

114. Use of public money

Sections 111 and 112 do not validate any use of public money that would otherwise be unlawful.

For offence provisions relating to candidate expenditure limits (Sections 132-136 LEA) refer to section 18 of this booklet.

11. Council Policy on Election Hoardings

Please note: All signs etc, are to display the name and contact address of the person authorising them (see Section 113(2)(b) LEA).

Election hoardings may be erected on selected Council owned sites (outlined later in this section) subject to strict compliance with the rules and conditions set out in this section.

In 1993, Wellington City Council agreed to charge a refundable bond of \$200 to candidates using these sites. This bond is used to offset any cleaning charges for posters placed on non-permitted sites such as street furniture (poles, traffic signals, bus shelters, etc).

In the past, there have been a number of illegal posters and hoardings placed on Council property. During the forthcoming elections, the Council will take legal action against any candidate whose material is placed on unauthorised sites. Any illegal hoardings or hoardings on an unauthorized site will be removed and the costs incurred will be debited to the candidate.

Once payment of the bond has been made, candidates may use any of the scheduled sites without any further approach to the Wellington City Council, subject to their complying with the following conditions:

- (i) Candidates and their campaign teams will refrain from illegal posting up of hoardings and posters on all public property. This includes Council buildings, power poles, sub-stations, street signs, bus shelters, and traffic signals.
- (ii) That the Council will be reimbursed for the costs incurred in removing illegal posters and hoardings from public property.
- (iii) Candidates will arrange for the immediate removal from public property of all illegal posters and hoardings or hoardings on unauthorised sites within eight hours of being instructed to do so by the Council's Manager Property and Parking Services.
- (iv) The schedule of sites may be amended and sites added or deleted as deemed appropriate by the Council from time to time.
- (iv) Hoardings will be removed to the Southern Landfill and candidates have 24 hours to collect them before they are disposed of.

Approval to use these sites for the purpose of political advertising is subject to the following conditions:

- (a) The hoardings must be:
 - soundly constructed

- not exceed 1.2 x 2.4 metres
 - securely fixed and braced in place clear of mown areas.
- (b) Road signs and street nameplates must not be obscured.
- (c) Candidates should check with utility companies for any underground services, which may be in the vicinity of their hoardings. A list of Utility Companies is available from the Council's Manager Property and Parking Services.
- (d) Signs must be sited so as not to distract or obstruct driver or pedestrian visibility.
- (e) Signs must not be placed closer than six metres from an intersection and must be placed at a greater distance if visibility for pedestrians or drivers is obscured.
- (f) Unless otherwise stated signs may not be placed closer than 1.5 metres from the edge of the carriageway and must be clear of all pedestrian routes and accessways.
- (g) Any signs erected on private property must be kept within the confines of the property and must comply with District Plan requirements. For further information please contact Building Consents and Licensing Services on 499 4444.
- (h) Signs and hoardings must not be erected earlier than six weeks (42 days) prior to election day (1 September 2007). Signs must be removed from all sites the day prior to election day (i.e. by midnight on Friday 12 October 2007).
- (i) Should any sign or hoarding suffer damage it must be repaired immediately or removed from the site.
- (j) A bond deposit of \$200 is to be forwarded to the Council's Manager Property and Parking Services, together with contact name, address and telephone number; prior to placing any advertising material on approved Council sites.
- (k) It is an offence against the Wellington Consolidated Bylaw 1991; Roads and Public Places, Part 17, 17.3.1 (a), (b) and (c) (Posters and Notices), to place posters on any servicing equipment or facility. A copy of this bylaw is available on request (to the Council's Manager Property and Parking Services).

All enquiries and any complaints concerning the erection of election hoardings on road reserve should be referred to:

Wayne Tacon
Manager Property and Parking Services
Phone: 801-3557
Fax: 801-3188
Mobile: 021 227 8010
Email: wayne.tacon@wcc.govt.nz

Schedule of Election Hoarding Sites

Please note:

- All signs etc, are to display the name and contact address of the person authorising them (see Section 113(2)(b) LEA).
- Signs and hoardings are no longer permitted on town belt land under the Wellington Town Belt Management Plan.

Eastern Ward

1. **Seatoun.** Corner Ferry and Ludlam Streets, in front of garden at Seatoun end of Tunnel. Sign must not be placed in the garden, but in front of the stone fence.
2. **Miramar.** Otaki and Ira Streets, on the south-east corner.
3. **Miramar.** Miramar Avenue (between Tauhinu and Maupuia Roads), on mown grass area.
4. **Miramar.** Miramar Avenue and Maupuia Road on the north-west corner at the back of mown area against the hillside.
5. **Hataitai.** Evans Bay Parade, on the north-west grassed section opposite the Hataitai Beach Changing Rooms. Not on the picnic area.
6. **Hataitai.** Evans Bay Parade (opposite Cog Park) on the rough grass area.
7. **Hataitai.** Evans Bay Parade, west side north of Consolidated Traders for 20 metres on grassed area.

Southern Ward

8. **Owhiro Bay.** Owhiro Road – west side opposite Murchison Street, on the grass.
9. **Island Bay.** Corner of Reef Street and The Esplanade north side, at back of mown area.
10. **Island Bay.** Corner of Trent Street/Brighton Street/The Esplanade.

Lambton Ward

11. **Aro Valley.** Durham and Aro Streets, on the triangle of road reserve and embankment, against the fence, with no supports on the main grassed area.
12. **Aro Valley.** Mount Pleasant and Raroa Roads on the south-east corner on mown grass area.
13. **Kelburn.** Salamanca Road at Kelburn Park. East side of the road on the grassed area, behind the fence. On the southern side of the park building.
14. **Thorndon.** Grant Road between Wadestown Road and Park Street. North side of the road on the grassed area.

15. **Brooklyn.** Brooklyn Road, south of the Wellington Renouf Tennis Centre. West side of the road on the grassed area
16. **Mt. Cook.** Corner of John Street and Tasman Street, north-west corner on the grassed area.
17. **Mt. Victoria.** Palliser Road, directly next to the Southern Walkway Trail. North side of the road, west of the trail, on the grassed area.

Onslow-Western Ward

18. **Wadestown.** Grosvenor Terrace opposite Lower Watt Street on the east side against the shrubs.
19. **Wadestown.** Wadestown Road, west side by Wellington Waterworks Building by the shrubs.
20. **Wadestown.** Corner of Lennel Road/Barnard Street, next to shrubs on east side of road. Do not obstruct views of city or drive on to grass.
21. **Northland.** Corner of Farm and Northland Roads on rough grass area against the bank.
22. **Northland.** Curtis Street and Albemarle Road, opposite Cardinal McKeefry Catholic School, off lawn area.
23. **Karori.** Corner of Chaytor and Curtis Streets on the west side, behind fence. Sign must not be beneath blue directional sign.
24. **Karori.** Corner of Chaytor and Birdwood Streets on the south-west side.
25. **Wilton.** Blackbridge Road and Churchill Drive intersection, on grass area.
26. **Crofton Downs.** Churchill Drive, 100 metres south of Bowen Hospital in front of shrubs.
27. **Ngaio.** Ngaio Gorge/Perth Street intersection on north-east corner on grass.
28. **Ngaio.** Kaiwharawhara Road north side west of Old Porirua Road for 50 metres.

Northern Ward

29. **Johnsonville.** Burma Road, opposite Raroa Park.
30. **Johnsonville.** Burma Road, just south of Fraser Avenue east side of mowed area.
31. **Newlands.** Corner of Helston Road and Stewart Drive north-west corner on the grass.
32. **Newlands.** Corner of Kenmore Street and Horokiwi Road, on the north-west corner.

Tawa Area

1. Corner of Takapu Road and Jamaica Drive, on the grassed area opposite the intersection.
2. Collins Avenue, by Arthur Carman Park, near motorway bridge.

3. Collins Avenue by the substation (next to clothing bins), near the Old Pipe and Tile Works, north-east corner.
4. Main Road Tawa, near number 251, on the northwest side, 1.5 metres from the gutter and 3 metres beyond, site approximately 60 metres long.

12. Electoral Rolls

A copy of the Preliminary Electoral Roll for Wellington City Council will be publicly available for inspection from Friday 27 July 2007 to close of business on Friday 24 August 2007 at the following locations:

- Wellington City Council City Service Centre, 101 Wakefield St, Wellington
- Johnsonville Library and Service Centre, 5 Broderick Road, Johnsonville
- Kilbirnie Library and Service Centre, 101 Kilbirnie Crescent, Kilbirnie
- Newtown Library and Service Centre, 13 Constable Street, Newtown
- Tawa Library and Service Centre, Corner Cambridge Street and Main Road, Tawa
- Central Library, 65 Victoria St, Wellington and at all branch libraries throughout the city
- all New Zealand Post shops throughout Wellington City.

Those eligible to vote are:

- all residents enrolled on the Parliamentary Electoral Roll
- all non-resident ratepayers enrolled on the Ratepayer Electoral Roll.

Persons are qualified to be enrolled on the Parliamentary Electoral Roll if they:

- are a New Zealand citizen or a permanent resident of New Zealand, and
- are 18 years of age or over, and
- have at some time resided continuously in New Zealand for one year or longer, and
- are not disqualified under the Electoral Act 1993.

Residents of Wellington City are enrolled automatically on the city's Residential Electoral Roll if they are registered as parliamentary electors. Therefore, there is no need to enrol separately for the city's elections.

Ratepayers who are not residents of Wellington City but also pay rates on property within the city, may be entitled to enrol on the Ratepayer Roll. Companies, businesses and societies which are ratepayers, may also nominate an elector to vote on their behalf, provided any such elector resides outside of Wellington City. Also the person who is nominating a nominee must be registered as a parliamentary elector at an address outside of the city.

A separate Preliminary Electoral Roll will be produced for each of the five wards, which will comprise both the Residential and Ratepayer Electoral Rolls. The Residential Electoral Roll is located in the front of each book and the non-resident Ratepayer Electoral Roll in the rear of each book.

Any alterations to the Residential Electoral Roll should be made by:

- completing the appropriate form at any Post Shop
- accessing the Electoral Enrolment Centre (EEC) website on: **www.elections.org.nz**

- telephoning 0800 ENROLNOW (0800 36 76 56).

Any changes, queries or omissions to the Ratepayer Electoral Roll should be referred to the Electoral Officer on 801 3484 or Deputy Electoral Officer on 801 3346.

Hardcopies of the Preliminary Electoral Roll for each ward may be purchased from the Electoral Officer for \$15 (incl GST) per copy (per ward).

The final Electoral Roll is produced once the Preliminary Electoral Roll closes on 24 August 2007. The final Electoral Roll is the roll used for issuing voting documents. Copies of the final roll will also be available for purchase.

Details appearing in the Electoral Rolls are electors' names (surname, then first names) listed alphabetically. The qualifying address of each elector and the elector's occupation is shown alongside. No postal addresses, as distinct from the residential addresses, will be shown.

Information contained on the Electoral Rolls is not available from the Electoral Officer in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the EEC (provided the criteria in section 114 of the Electoral Act 1993 are met). An application form is required to be completed, and these are available from the EEC by contacting Bob Chandler on 801 0700 or fax 801 0709.

With regard to a listing of non-resident ratepayer electors, a candidate may purchase mailing labels and/or postal address lists from the Electoral Officer.

Candidates or candidate scrutineers may request the Electoral Officer, before the close of voting, to provide a listing of names of people from whom voting documents have been returned. Such a request can be supplied in either hardcopy or electronic copy, but a reasonable charge may be made for this (Section 68 (6) LEA).

13. Voting and Special Voting

1. Voting

The election is being conducted by postal vote. Voting documents will be posted out to all electors whose names appear on the final Electoral Roll. Delivery by NZ Post will commence Friday 21 September 2007, and all electors should receive their voting documents by Wednesday 26 September 2007 at the latest.

Each elector, after receiving their voting document, should complete it, seal it in the return, postage paid envelope, and post or deliver it to the Electoral Officer.

If hand delivered, completed voting documents can be lodged at the **City Service Centre, Council Offices, 101 Wakefield Street, Wellington** during normal business hours or in the drop-off box out of hours.

If posting completed voting documents back, it is recommended these be posted no later than 5pm, Thursday 11 October 2007 to guarantee delivery before the close of voting (12 noon, Saturday 13 October 2007).

2. Special Voting

Special votes are available to electors:

- whose names do not appear on the final Electoral Roll, but who qualify as electors
- who did not receive the voting document posted to them
- who spoil or damage the voting document posted to them
- whose names appear on the Unpublished Roll.

Special votes will be available during normal business hours from Friday 21 September 2007 to 12 noon, Saturday 13 October 2007 at the **City Service Centre, Council Offices, 101 Wakefield Street, Wellington.**

Special votes can be posted directly out to electors. The completed voting document however, must be back in the hands of the Electoral Officer or the Deputy Electoral Officer by noon on election day (Saturday 13 October 2007.)

Special votes require the completion of a statutory declaration. This is a legal requirement and a protection against possible duplicate voting.

If an elector requests a special vote and is not on the Parliamentary Roll (for example, they turned 18 years of age after the Preliminary Electoral Roll closed), the person must enrol by Friday 12 October 2007. An application for registration as a parliamentary elector may be obtained:

- from any Post Shop
- by accessing the EEC website on **www.elections.org.nz**
- by telephoning 0800 ENROLNOW (0800 367656).

After voting closes, special vote declarations are forwarded to the Registrar of Electors for verification that the elector has enrolled as a parliamentary elector and is eligible to vote.

Special votes can be uplifted on behalf of an elector but **cannot** be collected by candidates or their assistants for distribution to electors.

14. Early Processing of Returned Voting Documents

Returned voting documents are able to be opened and processed (but not counted) during all or part of the voting period before the close of voting. In Wellington City's case the Council has resolved that early processing will take place from Monday 24 September – 12 noon on Saturday 13 October 2007.

The early processing of voting documents involves the following functions and is carried out only after the scrutiny has been completed:

- opening of envelopes
- extracting of voting documents
- checking for informal or duplicate votes
- electronic capture and reconciliation of valid votes.

No tallying of votes is undertaken until after the close of voting on election day (12 noon, Saturday 13 October 2007).

The early processing functions are undertaken with strict security measures in place. One or more Justices of the Peace observe all early processing functions and sign a statement at the end of the processing to confirm that all functions were undertaken correctly and conformed with the strict legal requirements. The Justice of the Peace must be present at all times early processing is taking place.

Candidate scrutineers are **not** permitted to observe the early processing functions during the three week period but can be present after 12 noon on Saturday 13 October 2007.

15. Scrutineers

Candidates may appoint scrutineers to oversee various functions of the election. These functions are the:

- scrutiny of the roll
- preliminary count
- official count.

Each candidate may appoint one or more scrutineers for each of the above functions, **but only one scrutineer for each candidate may be present at any one time.**

A scrutineer cannot be:

- a candidate
- a member or employee of any local authority or community board for an election being conducted
- under 18 years old.

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the Electoral Officer. For a person to be appointed a scrutineer, the letter of appointment must be received by the Electoral Officer no later than 12 noon, Friday 12 October 2007 (Section 68, LEA). A sample of this letter is included in the pack sent out with this handbook.

Each appointed scrutineer must report initially to the Electoral Officer, or Deputy Electoral Officer, where they will sign a declaration pledging not to disclose any information coming to his or her knowledge.

Any scrutineer may leave or re-enter the place where election functions are being conducted, **but it is an offence** (and liable to a fine) to make known:

- for what candidate any voter has voted
- the state of the election, or give or pretend to give any information by which the state of election may be known, before the close of voting.

The scrutiny of the roll will be undertaken during normal office hours between Monday 24 September 2007 and 12 noon, Saturday 13 October 2007 at Level 4, Wellington City Library, 65 Victoria Street, Wellington.

The preliminary count of votes will commence once voting closes at 12 noon on Saturday 13 October 2007. This will be undertaken on Level 4, Wellington City Library, 65 Victoria Street, Wellington. A preliminary result will be available as soon as practicable after 12 noon, but it is unlikely to be before 7pm on election day.

The official count of votes will commence once the preliminary count is concluded and

the official declaration will be made in the week beginning Monday 15 October 2007, but unlikely to be before Wednesday 17 October. The official count will also be undertaken at Level 4, Wellington City Library, 65 Victoria Street, Wellington.

The role of scrutineers is to ensure that election procedures are undertaken correctly and that the count of votes is done fairly and reasonably.

During the preliminary and official counts, scrutineers must not talk to any staff member and should not distract, annoy, or linger close by or talk loudly to one another so as to disrupt or upset any staff member. All communication should be through the Electoral Officer or Deputy Electoral Officer.

No refreshments or meals will be provided to scrutineers. Scrutineers are reminded to make their own provision for refreshments.

Mobile phones are prohibited within the secure area where the count will take place.

16. Preliminary and Official Results

The preliminary count will commence after the close of voting at 12 noon on Saturday 13 October 2007.

As soon as practicable following the completion of the preliminary count, preliminary results will be available from the following outlets:

- the news media
- the Council's website (www.wellington.govt.nz)
- Local Government Online's website (www.localgovt.co.nz)
- by telephone, through prior arrangement
- by e-mail, to those candidates who are online
- by telephoning the Electoral Officer on 801 3484 or 021 227 8373.

Arrangements for the release of preliminary results are still being finalised and details will be provided to candidates once the nominations close. It is unlikely, however, that preliminary results will be available before 7pm.

The official result will be announced after all special votes have been counted. This result is expected to be announced on Wednesday 17 October 2007.

17. Maps

1. Wellington City Council Wards
2. Northern Ward
3. Onslow-Western Ward
4. Lambton Ward
5. Eastern Ward
6. Southern Ward
7. Tawa Community Board
8. Makara/Ohariu Community Board
9. Capital and Coast District Health Board
10. Greater Wellington Regional Council
11. Hutt Mana Charitable Trust

18. Election Offences

The following information is reproduced from the Local Electoral Act 2001.

Part 7 - Offences

121. *Illegal nomination, etc*

Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, who:

- (a) consents to being nominated as a candidate for an elective office, knowing that he or she is incapable under any Act of holding that office, or*
- (b) signs a nomination paper purporting, to nominate as a candidate a person who is, to the knowledge of the person signing, incapable under any Act of holding that office, or*
- (c) signs a nomination paper purporting to nominate another person as a candidate knowing that he or she is not qualified to vote at the election of the person named in the nomination paper as the candidate.*

122. *Interfering with or influencing voters*

(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who:

- (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote*
 - (b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be in imitation of any voting document to be used at the election or poll that:
 - (i) in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote*
 - (ii) in the case of a poll, includes a statement or indication as to how any person should vote*
 - (iii) in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes**
 - (c) prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.*
- (2) Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed:*
- (a) the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent), and*

- (b) *nothing else.*
- (3) *Nothing in this section applies to:*
 - (a) *any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act, or*
 - (b) *any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.*

123. Offences in respect of official documents

- (1) *Every person commits an offence who:*
 - (a) *intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll*
 - (b) *intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll*
 - (c) *forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document*
 - (d) *supplies, without authority, a voting document to any person*
 - (e) *obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority*
 - (f) *intentionally destroys, opens or otherwise interferes with any ballot box or box or parcel of voting documents without authority.*
- (2) *Every person who commits an offence against subsection (1) is liable on conviction on indictment:*
 - (a) *in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding two years*
 - (b) *in the case of any other person, to imprisonment for a term not exceeding 6 months.*

124. Voting offences

Every person commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding two years, who:

- (a) *votes or applies to vote more than once at the same election or poll, or*
- (b) *without authority removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.*

125. Bribery

- (1) *Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person:*
 - (a) *gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or*
 - (b) *gives or obtains, agrees to give or obtain, offers, promises, or promises to*

- obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting, or*
- (c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting, or*
 - (d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector, or*
 - (e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) obtains, or tries to obtain, the election of any person or the vote of any elector, or*
 - (f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll, or*
 - (g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.*
- (2) An elector commits the offence of bribery if:*
- (a) before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting*
 - (b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.*
- (3) Every person who commits bribery is liable on conviction on indictment to imprisonment for a term not exceeding two years.*

126. Treating

- (1) Every person commits the offence of treating who corruptly, before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person:*
- (a) for the purpose of influencing that person or any other person to vote or refrain from voting, or*
 - (b) for the purpose of obtaining his or her election, or*
 - (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.*
- (2) Every holder of a licence under the Sale of Liquor Act 1989 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision:*
- (a) to any person, if the supply is demanded for one or more of the purposes specified in subsection (1); or*
 - (b) to any person, whether an elector or not, for the purpose of obtaining the*

election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.

- (3) *Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.*
- (4) *Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.*
- (5) *Every person who commits the offence of treating is liable on conviction or indictment to imprisonment for a term not exceeding two years.*

127. Undue influence

- (1) *Every person commits the offence of undue influence:*
 - (a) *who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person:*
 - (i) *in order to induce or compel that person to vote or refrain from voting*
 - (ii) *on account of that person having voted or refrained from voting*
 - (b) *who, by abduction, duress, or any fraudulent device or means:*
 - (i) *impedes or prevents the free exercise of the vote of any elector*
 - (ii) *compels, induces, or prevails upon any elector either to vote or to refrain from voting.*
- (2) *Every person who commits the offence of undue influence is liable on conviction on indictment to imprisonment for a term not exceeding two years.*

128. Personation

- (1) *Every person commits the offence of personation who, at any election or poll:*
 - (a) *votes in the name of some other person (whether living or dead), or of a fictitious person*
 - (b) *having voted, votes again at the same election or poll*
 - (c) *having returned a voting document, applies for or returns another voting document with the intention of returning an additional valid voting document or invalidating a vote already cast at the same election or poll (whether or not any voting document he or she returns is valid).*
- (2) *Every person who commits the offence of personation is liable on conviction on indictment to imprisonment for a term not exceeding two years.*

129. Infringement of secrecy

- (1) *Every electoral officer, deputy electoral officer, and other electoral official:*
 - (a) *must maintain and assist in maintaining the secrecy of the voting, and*
 - (b) *must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.*
- (2) *No person, except as provided by this Act or regulations made under this Act, may:*
 - (a) *interfere with or attempt to interfere with a voter when marking or recording his or her vote, or*
 - (b) *attempt to obtain, in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, any information as to any candidate for whom, or the proposal for or against which the voter is about to vote or has voted, or*
 - (c) *communicate at any time to any person any information obtained in the*

building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to:

- (i) any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted, or*
 - (ii) any number on a voting document marked or transmitted by the voter.*
- (3) Every person present at the counting of votes must:*
- (a) maintain and assist in maintaining the secrecy of the voting, and*
 - (b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.*
- (4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.*
- (5) Every person commits an offence who contravenes or fails to comply with this section.*
- (6) Every person who commits an offence against subsection (5) is liable on summary conviction to imprisonment for a term not exceeding six months.*

130. *Disclosing voting or state of election or poll*

- (1) Every electoral officer, deputy electoral officer, other electoral official, Justice of the Peace, or scrutineer commits an offence who:*
- (a) makes known for what candidate or candidates or for which proposal any particular voter has voted for or against, except as provided by this Act or regulations made under this Act, or*
 - (b) before the close of voting, makes known the state of the election or poll or gives or pretends to give any information by which the state of the election or poll may be known.*
- (2) Subsection (1)(b) does not prevent an electoral officer from disclosing the total number of voting documents so far returned at an election or poll at any time during the voting period.*
- (3) A person who commits an offence against subsection (1) is liable on summary conviction to a fine:*
- (a) not exceeding \$5,000 for an electoral officer or deputy electoral officer*
 - (b) not exceeding \$2,000 for any other person.*

131. *Penalty for electoral officer, deputy electoral officer, and other electoral officials*

Every electoral officer, deputy electoral officer, or other electoral official commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, who is guilty of any intentional or reckless act of commission or omission contrary to the provisions of this Act or regulations made under this Act in respect of any election or poll, and for which no other penalty is imposed by this Act or regulations made under this Act.

Electoral Expenses

132. Payments in breach of section 105

- (1) *Every person commits an offence who makes a payment in contravention of section 105.*
- (2) *Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$5,000.*

Note: Section 105 relates to the periods for claiming electoral expenses against a candidate or the payment of electoral expenses incurred by a candidate.

133. Failure to transmit return

- (1) *Every candidate commits an offence who fails to transmit a return of electoral expenses in the prescribed form to the electoral officer within the prescribed period.*
- (2) *Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$1,000 and, if he or she has been elected, to a further fine not exceeding \$400 for every day on which he or she continues to act until the return is transmitted.*

134. False return

- (1) *Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding \$10,000.*
- (2) *Every candidate commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who transmits a return of electoral expenses that is false in any material particular unless the candidate proves:*
 - (a) *that he or she had no intention to mis-state or conceal the facts, and*
 - (b) *that he or she took all reasonable steps to ensure that the information was accurate.*

135. Unauthorised expenditure

- (1) *Every person commits an offence who wilfully contravenes section 113(1).*
- (2) *Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$1,000.*

Note: Section 113 relates to the rules concerning the placement of advertisements by or for candidates.

136. Excessive expenditure

- (1) *Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount, knowing that the payment is in excess of the prescribed maximum amount, and is liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding \$10,000.*

- (2) *Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount and is liable on summary conviction to a fine not exceeding \$5,000, unless the candidate or other person proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the prescribed maximum amount.*

General Provisions

137. Property may be stated as being in electoral officer

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, and instruments is to be treated as that of the electoral officer at that election or poll.

138. Duty to take action in respect of offences

- (1) *If the electoral officer at any election or poll –*
- (a) *receives a written complaint that an offence under this Part has been committed, or*
 - (b) *believes for any other reason that an offence under this Part may have been committed –*
- the electoral officer must report that matter to the police together with the results of any enquiries made by the electoral officer that he or she considers appropriate.*
- (2) **Subsection (1)** *does not prevent any person from reporting an alleged offence to the police.*
- (3) *Despite subsection (1), an electoral officer is not required to report the failure by a candidate at an election to file the return required by section 109(1) within the period prescribed in section 109, if the candidate files that return promptly after being required by the electoral office to file the return.*

19. Elected Members' Remuneration

The Remuneration Authority is a statutory body which establishes remuneration for local government. From election day, elected members will be paid a "uniform salary" until the Authority makes a new determination on elected members' remuneration for the new triennium (approximately six to eight weeks after the election). This "uniform salary" is yet to be set by the Remuneration Authority. The new determination will be based on the responsibilities elected members have under the committee structures agreed to by their respective councils following the elections.

The Remuneration Authority has determined that the following salaries apply from 1 July 2007 until the date the result of the elections is declared. The Authority will issue an interim declaration following the elections.

1. Wellington City Council and Greater Wellington

Mayor	\$146,178 per annum
Deputy Mayor	\$100,305 per annum
Chair, Strategy and Policy Committee	\$97,069 per annum
Portfolio Leader (x5)	\$84,126 per annum
Chair, Regulatory Processes Committee	\$77,655 per annum
Chair, Audit & Risk Management Subcommittee	\$71,184 per annum
Chair, Grants Subcommittee	\$71,184 per annum
Councillors	\$64,713 per annum
Chairperson, Makara/Ohariu Community Board	\$12,336 per annum
Member, Makara/Ohariu Community Board	\$4,816 per annum
Chairperson, Tawa Community Board	\$19,950 per annum
Member, Tawa Community Board	\$7,630 per annum

2. Greater Wellington Regional Council

Chair	\$134,424 per annum
Deputy Chair with Committee	\$70,352 per annum
Committee Chair	\$67,419 per annum
Planning and Monitoring Subcommittee Chair	\$56,428 per annum
Councillors	\$45,184 per annum

3. Capital and Coast District Health Board

Remuneration for members of district health boards is fixed by the Minister of Health. Further remuneration information is included in the *2007 District Health Board Elections: Information for Candidates* booklet available from the Electoral Officer on 801 3484 or Deputy Electoral Officer on 801 3346.

20. 2004 Voting Document Returns

Record of Votes Received Northern Ward

(No. of electors: 27,813)

Day	Date	Mail received	Mail – Accum Total	% Actual Return	% Possible Return
Monday	20/09/2004	176	176	0.63%	0.63%
Tuesday	21/09/2004	121	297	0.44%	1.07%
Wednesday	22/09/2004	552	849	1.98%	3.05%
Thursday	23/09/2004	1120	1969	4.03%	7.08%
Friday	24/09/2004	498	2467	1.79%	8.87%
Monday	27/10/2004	252	2719	.91%	9.78%
Tuesday	28/10/2004	1460	4179	5.25%	15.03%
Wednesday	29/10/2004	509	4688	1.83%	16.86%
Thursday	30/10/2004	207	4895	0.74%	17.60%
Friday	1/10/2004	457	5352	1.64%	19.24%
Monday	4/10/2004	1073	6425	3.86%	23.10%
Tuesday	5/10/2004	800	7225	2.88%	25.98%
Wednesday	6/10/2004	738	7963	2.65%	28.63%
Thursday	7/10/2004	736	8699	2.65%	31.28%
Friday	8/10/2004	1309	10008	4.71%	35.98%
Saturday	9/10/2004	1003	11011	3.61%	39.59%
		11011	11011	39.59%	39.59%

Record of Votes Received Onslow-Western Ward

(No. of electors: 26,535)

Day	Date	Mail	Accum Total	% Actual Return	% Possible Return
Monday	20/09/2004	124	124	0.47%	0.47%
Tuesday	21/09/2004	140	264	0.53%	0.99%
Wednesday	22/09/2004	593	857	2.23%	3.23%
Thursday	23/09/2004	1141	1998	4.30%	7.53%
Friday	24/09/2004	497	2495	1.87%	9.40%
Monday	27/10/2004	226	2721	0.85%	10.25%
Tuesday	28/10/2004	1483	4204	5.59%	15.84%
Wednesday	29/10/2004	532	4736	2.00%	17.85%
Thursday	30/10/2004	164	4900	0.62%	18.47%
Friday	1/10/2004	468	5368	1.76%	20.23%
Monday	4/10/2004	1278	6646	4.82%	25.05%
Tuesday	5/10/2004	904	7550	3.41%	28.45%
Wednesday	6/10/2004	890	8440	3.35%	31.81%
Thursday	7/10/2004	939	9379	3.54%	35.35%
Friday	8/10/2004	1571	10950	5.92%	41.27%
Saturday	9/10/2004	1343	12293	5.06%	46.33%
		12293	12293	46.33%	46.33%

Record of Votes Received Lambton Ward**(No. of electors: 30,696)**

Day	Date	Mail	Accum Total	% Actual Return	% Possible Return
Monday	20/09/2004	272	272	0.89%	0.89%
Tuesday	21/09/2004	144	416	0.47%	1.36%
Wednesday	22/09/2004	608	1024	1.98%	3.34%
Thursday	23/09/2004	1199	2223	3.91%	7.24%
Friday	24/09/2004	498	2721	1.62%	8.86%
Monday	27/10/2004	222	2943	0.72%	9.59%
Tuesday	28/10/2004	1399	4342	4.56%	14.15%
Wednesday	29/10/2004	459	4801	1.50%	15.64%
Thursday	30/10/2004	191	4992	0.62%	16.26%
Friday	1/10/2004	437	5429	1.42%	17.69%
Monday	4/10/2004	1171	6600	3.81%	21.50%
Tuesday	5/10/2004	878	7478	2.86%	24.36%
Wednesday	6/10/2004	771	8249	2.51%	26.87%
Thursday	7/10/2004	949	9198	3.09%	29.96%
Friday	8/10/2004	1541	10739	5.02%	34.99%
Saturday	9/10/2004	1557	12296	5.07%	40.06%
		12296	12296	40.06%	40.06%

Record of Votes Received Eastern Ward**(No. of electors: 24,104)**

Day	Date	Mail	Accum Total	% Actual Return	% Possible Return
Monday	20/09/2004	146	146	0.61%	0.61%
Tuesday	21/09/2004	127	273	0.53%	1.13%
Wednesday	22/09/2004	456	729	1.89%	3.02%
Thursday	23/09/2004	1089	1818	4.52%	7.54%
Friday	24/09/2004	557	2375	2.31%	9.85%
Monday	27/10/2004	223	2598	0.93%	10.78%
Tuesday	28/10/2004	1362	3960	5.65%	16.43%
Wednesday	29/10/2004	426	4386	1.77%	18.20%
Thursday	30/10/2004	158	4544	0.66%	18.85%
Friday	1/10/2004	441	4985	1.83%	20.68%
Monday	4/10/2004	1045	6030	4.34%	25.02%
Tuesday	5/10/2004	670	6700	2.78%	27.80%
Wednesday	6/10/2004	719	7419	2.98%	30.78%
Thursday	7/10/2004	768	8187	3.19%	33.97%
Friday	8/10/2004	1144	9331	4.75%	38.71%
Saturday	9/10/2004	1171	10502	4.86%	43.57%
		10502	10502	43.57%	43.57%

Record of Votes Received Southern Ward**(No. of electors: 17,650)**

Day	Date	Mail	Accum Total	% Actual Return	% Possible Return
Monday	20/09/2004	371	371	2.10%	2.10%
Tuesday	21/09/2004	143	524	0.81%	2.91%
Wednesday	22/09/2004	490	1004	2.78%	5.69%
Thursday	23/09/2004	678	1682	3.84%	9.53%
Friday	24/09/2004	266	1948	1.51%	11.04%
Monday	27/10/2004	121	2069	0.69%	11.72%
Tuesday	28/10/2004	693	2762	3.93%	15.65%
Wednesday	29/10/2004	228	2990	1.29%	16.94%
Thursday	30/10/2004	119	3109	0.67%	17.61%
Friday	1/10/2004	317	3426	1.80%	19.41%
Monday	4/10/2004	654	4080	3.71%	23.12%
Tuesday	5/10/2004	487	4567	2.76%	25.88%
Wednesday	6/10/2004	472	5039	2.67%	28.55%
Thursday	7/10/2004	497	5536	2.82%	31.37%
Friday	8/10/2004	967	6503	5.48%	36.84%
Saturday	9/10/2004	878	7381	4.97%	41.82%
		7381	7381	41.82%	41.82%

Record of Total Votes Received For All Wards**(No. of electors: 126,798)**

Day	Date	Daily Total	Accum Total	% Actual Return%	% Possible Return
Monday	20/09/2004	1089	1089	0.86%	0.86%
Tuesday	21/09/2004	675	1764	0.53%	1.39%
Wednesday	22/09/2004	2699	4463	2.13%	3.52%
Thursday	23/09/2004	5227	9690	4.12%	7.64%
Friday	24/09/2004	2316	12006	1.83%	9.47%
Monday	27/10/2004	1044	13050	0.82%	10.29%
Tuesday	28/10/2004	6397	19447	5.05%	15.34%
Wednesday	29/10/2004	2154	21601	1.70%	17.04%
Thursday	30/10/2004	839	22440	0.66%	17.70%
Friday	1/10/2004	2120	24560	1.67%	19.37%
Monday	4/10/2004	5221	29781	4.12%	23.49%
Tuesday	5/10/2004	3739	33520	2.95%	26.44%
Wednesday	6/10/2004	3590	37110	2.83%	29.27%
Thursday	7/10/2004	3889	40999	3.07%	32.33%
Friday	8/10/2004	6532	47531	5.15%	37.49%
Saturday	9/10/2004	5952	53483	4.69%	42.18%
		53483	53483	42.18%	42.18%

21. 2004 Election Results – Wellington City Council

MAYOR	Votes Received
	<i>(1 vacancy)</i>
PRENDERGAST, Kerry Leigh	Elected
PEPPERELL, Bryan Robert	Excluded
GOULDEN, Robin Charles Adrian	Excluded
O'BRIEN, Timothy James Benjamin	Excluded
RUBEN, Jack Lionel	Excluded
HAY, Stephen William	Excluded
BURKE, Bryon Charles	Excluded

I therefore declare the said **Kerry Leigh Prendergast** to be elected.

The final absolute majority of votes as determined at the last iteration was 22,559.

(268 informal votes, 1,066 blank votes recorded)

COUNCILLOR – NORTHERN WARD

	Votes Received
	<i>(3 vacancies)</i>
ARMSTRONG, Robert Anthony	Elected
RITCHIE, Helene Ruth Paula	Elected
WAIN, Hayley Gemma	Elected
HUTCHINGS, Ian Rex	Excluded
CANDILIOTIS, James	Excluded
BEST, Ngaire Elizabeth	Excluded
BHASIN, Ashok Kumar	Excluded
CLARK, Kentigern Mara Marshall	Excluded
ENGLAND, Ron	Excluded

I therefore declare **Robert Anthony Armstrong, Helene Ruth Paula Ritchie and Hayley Gemma Wain** to be elected.

The final absolute majority of votes as determined at the last iteration was 2512.862713427.

(84 informal votes, 291 blank votes recorded)

COUNCILLOR – ONSLOW-WESTERN WARD	Votes Received
	<i>(3 vacancies)</i>
FOSTER, Andrew John Whitfield	Elected
MORRISON, John Francis MacLean	Elected
RUBEN, Jack Lionel	Elected
SIERS, Judith Selby	Excluded
BOWKETT, Makao Teresa	Excluded
BUCHANAN, Kelly Juliet	Excluded

I therefore declare **Andrew John Whitfield Foster, John Francis MacLean Morrison and Jack Lionel Ruben** to be elected.

The final absolute majority of votes as determined at the last iteration was 2889.336522924

(100 informal votes, 246 blank votes recorded)

COUNCILLOR – LAMBTON WARD

	Votes Received
	<i>(3 vacancies)</i>
COOK, Stephanie Thornley	Elected
MCKINNON, Ian Duncan	Elected
SHAW, Alexander	Elected
PANNETT, Iona Katherine Mary	Excluded
ZWARTZ, David John	Excluded
MACALISTER, John Sinclair	Excluded
APPLEBY Michael George	Excluded
AVERTON, Rosamund	Excluded

I therefore declare **Stephanie Thornley Cook, Ian Duncan McKinnon and Alexander Shaw** to be elected.

The final absolute majority of votes as determined at the last iteration was 2850.984242359.

(96 informal votes, 344 blank votes recorded)

Votes Received	
COUNCILLOR – EASTERN WARD	
<i>(3 vacancies)</i>	
AHIPENE-MERCER, Raymond	Elected
GILL, Leonie Frances	Elected
GOULDEN, Robin Charles Adrian	Elected
MAJOR, David Elliott	Excluded
ANASTASIADIS, Chris	Excluded
SPREY, Philippe Aime	Excluded

I therefore declare **Raymond Ahipene-Mercer, Leonie Frances Gill and Robin Charles Adrian Goulden** to be elected.

The final absolute majority of votes as determined at the last iteration was 2455.579888762.

(168 informal votes, 280 blank votes recorded)

Votes Received	
COUNCILLOR – SOUTHERN WARD	
<i>(2 vacancies)</i>	
PEPPERELL, Bryan Robert	Elected
WADE-BROWN, Celia Margaret	Elected
Piper, Susan Margaret	Excluded
TO'O, Tafaleulua'iali'I Max	Excluded
KNIGHT, Benjamin Joshua	Excluded
HOBMAN, Linda Jane	Excluded
ZONOOBI, Silvia	Excluded
SIPELI, Lagi Fatatoa	Excluded

I therefore declare **Bryan Robert Pepperell and Celia Margaret Wade-Brown** to be elected.

The final absolute majority of votes as determined at the last iteration was 2052.439265114.

(115 informal votes, 186 blank votes recorded)

Votes Received	
TAWA COMMUNITY BOARD	
<i>(6 vacancies)</i>	
BEST, Ngaire Elizabeth	Elected
SUTTON, Graeme Bruce Gulliver	Elected
PARKER, Anthony Leonard Hope	Elected
BARNARD, David Phillip	Elected
TREDGER, Robert Stephen	Elected
DEVINE, Penelope Ingle	Elected
BEST, Gaylene	Excluded
WAIN, Hayley Gemma	Removed from the count

As Hayley Gemma Wain has been declared elected as a Northern Ward Councillor to the Wellington City Council, her name has been excluded from the Tawa Community Board.

I therefore declare **Ngaire Elizabeth Best, Graeme Bruce Gulliver Sutton, Anthony Leonard Hope Parker, David Phillip Barnard Robert Stephen Tredger and Penelope Ingle Devine** to be elected.

The final absolute majority of votes as determined at the last iteration was 514.221259571.

(36 informal votes, 123 blank votes recorded)

Votes Received	
MAKARA/OHARIU COMMUNITY BOARD	
<i>(6 vacancies)</i>	
PAUL, Ruth Natalie	Elected
BRUCE, Gavin Fraser	Elected
HUME, John Alexander	Elected
JENNINGS, David Leslie	Elected
ROBBERS, Justin	Elected
SMITH, Edward Comper	Elected
BHASIN, Ashok Kumar	Excluded
NANSON, Richard John	Excluded
VIBERT, Leigh Valerie	Excluded

I therefore declare **Ruth Natalie Paul, Gavin Fraser Bruce, John Alexander Hume, David Leslie Jennings, Justin Robbers and Edward Comper Smith** to be elected.

The final absolute majority of votes as determined at the last iteration was 37.040376191.

(4 informal votes, 10 blank votes recorded)

Votes Received

CAPITAL AND COAST DISTRICT

HEALTH BOARD (7 vacancies)

AITKEN, Judith Estranna	Elected
DADY, Peter John	Elected
DOUGLAS, Kenneth George	Elected
RITCHIE, Helene Ruth Paula	Elected
GOTLIEB, Ruth	Elected
BOWKETT, Brendon Douglas	Elected
BRADWELL, Ruth Hilary	Elected
TURVER, Christopher	Excluded
FAULKNER, Margaret Anne	Excluded
MCELDOWNEY, Rosemary Anne	Excluded
SHAW, Alexander	Excluded
URQUHART-HAY, Donald	Excluded
DEVLIN, Martin Hugh	Excluded
PEREIRA, Valentino (Fa'amatuaumu Tino)	Excluded
SHAW, Robert Keith	Excluded
BROWN, Diane Margaret	Excluded
APPLEBY, Michael George	Excluded
BRIDGMAN, Annette Elizabeth	Excluded
SAVELL, Geoffrey Bryan	Excluded
SHEARER, Ian John	Excluded
GOURLEY, Michael William	Excluded
CLARK, Kentigern Mara Marshall	Excluded
BUCKLE, Sharman Veronica	Excluded
AWAN, Bice Rowland Ross	Excluded
BREEN, Virginia Rosemary	Excluded
MITIKULENA, Arbutus	Excluded
PORTER, Sarah Frances	Excluded
WOTTON, Averil Frances	Excluded
CECIL-GIBSON, Michael Peter	Excluded
HAKIWAI, Mark Te Aranga	Excluded
HOWDEN, Maree Wendy	Excluded
JACOBSON, Ailsa Mary	Excluded
HOBMAN, Linda Jane	Excluded
MULLIGAN, Wayne Tamerangi (Thomas)	Excluded
DAY, Greg Joseph	Excluded
CLARK, Andrew Stewart	Excluded
GOLLEDGE, Rebecca Charlotte	Excluded
MASON, Mary Ellen	Excluded
SMITH, Andrew Derek	Excluded
RIVERS, Christopher Alun	Excluded

I therefore declare **Judith Estranna Aitken, Peter John Dady, Kenneth George Douglas, Helene Ruth Paula Ritchie, Ruth Gotlieb, Brendon Douglas Bowkett and Ruth Hilary Bradwell** to be elected.

The final quota as determined in the last iteration was 7637.990597331.

(2,245 informal votes, 5,711 blank votes recorded).

22. Code of Conduct for Elected Members of the Wellington City Council

Part One: Introduction

All councils are required to have a code of conduct under the Local Government Act 2002, Schedule 7, Clause 15.

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Wellington City Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the council
- the media
- the general public.

This code does not apply to members of community boards.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local governance of Wellington City
- the credibility and accountability of the council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

The code of conduct that follows is based on the following general principles of good governance:

Public Interest

- Members should serve only the interests of the city as a whole and should never improperly confer an advantage or disadvantage on any one person, or group of persons.

Honesty and Integrity

- Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

- Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- Members should also note that, once elected, their duty is to the interests of the entire city.

Accountability

- Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

Openness

- Members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.

Personal judgment

- Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Respect for Others

- Members should remember the respect and dignity of their office in their dealings with each other, management and the public.
- Members should treat people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability, and should not unlawfully discriminate against any person or group of persons.

Duty to uphold the law

- Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.

Stewardship

- Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.

Leadership

- Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

Part Two: Roles and Responsibilities

This part of the code describes the roles and responsibilities of elected members, the Mayor and Deputy Mayor, and Committee Chairpersons.

Elected Members

Elected members, acting as the Council, are responsible for governance, including:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive.

Elected members are also responsible for representing the interests of the residents and ratepayers of the city.

Unless otherwise provided in the Local Government Act 2002 or in Wellington City Council's Standing Orders, the Council can only act by majority decisions at meetings. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless provided for by statute or the Council has expressly delegated such authority.

Elected members are expected to attend the meetings (ordinary and extraordinary) of the Council, as well as the committees and subcommittees, working parties, and external organisations to which they are appointed. An elected member, unable to attend a meeting, should advise the Chair or Chief Executive as soon as possible.

Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of the Council. The Mayor also has the following roles:

- presiding at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined by Standing Orders)
- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council
- spokesperson for the Council
- ceremonial head of the Council
- providing leadership and feedback to other elected members on teamwork and chairing of committees
- fulfilling the responsibilities of a Justice of the Peace (while the Mayor holds office).

Deputy Mayor

The Deputy Mayor must be elected by the members of the Council at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of the Council.

Committee Chairpersons

The Council may create one or more committees (this includes subcommittees) of the Council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council. Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees. Chairpersons may be removed from office by resolution of Council. Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

Part Three: Relationships and Behaviours

Relationships with Other Members

Elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct.

Relationships with Chief Executive and Staff

The effective performance of the Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of the Council) of all Council employees, and as such only the Chief Executive or his or her delegated appointee may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee

- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Performance Review Subcommittee
- not seek to improperly influence staff in the normal undertaking of their duties.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Local Government Act 2002.

Members should act in a manner that encourages and values community involvement in local democracy.

Contact with the Media

The following rules apply for media contact *on behalf of Council*:

- the Mayor (or in the Mayor's absence, the Deputy Mayor) is the first point of contact for the official view on any issue. Usually, a matter will be referred to the relevant committee chairperson for their comment
- comment on operational or management matters should be left to the Chief Executive and management
- no other member may comment on behalf of the Council without having first obtained the approval of the Mayor, or in the Mayor's absence, the Deputy Mayor.

Elected members are free to express a *personal view* in the media, at any time. When doing so, they should observe the following:

- media comments must not state or imply that they represent the views of the Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information.

Confidential Information

In the course of their duties members will receive information that they need to treat as confidential. Confidential information includes information that officers have judged

there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987. This will often be information that is either commercially sensitive or is personal to a particular individual or organisation. The Chief Executive is responsible for release of this information under the Local Government Official Information and Meetings Act 1987.

Elected members should be aware that failure to observe confidentiality will impede the performance of the Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Conflicts of Interest

Elected members shall ensure they comply with the provisions of the Local Authorities (Members' Interests) Act 1968, which covers financial interests, and has other requirements relating to non-pecuniary conflicts of interest. Members should ensure they are familiar with the guidance contained in the Council publication *Conflict of Interest Guidelines*.

Members shall, within 30 days of a request by the Chief Executive, or following the triennial election, complete a declaration of interests. That declaration shall be updated whenever members' interests change.

Ethics

The Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of the Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests
- not use Council resources for personal business (including campaigning)
- not abuse the advantages of their official position for personal gain, or solicit or accept gifts, entertainment, rewards or benefits that might compromise their integrity.

Bankruptcy

Elected members who are declared bankrupt shall notify the Chief Executive as soon as practicable after being declared bankrupt.

Part Four: Compliance and Review

Compliance

Elected members must comply with the provisions of this code of conduct. Members are also bound by the Local Government Act 2002, the Local Authorities (Members'

Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Breaches of statutory provisions

Where there are statutory provisions:

- breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authorities (Member's Interests) Act 1968
- breaches which result in the council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

Breaches of non-statutory provisions

Any alleged breach by a member of the provisions of the code for which there is not a process and penalty provided elsewhere shall be reported in a timely manner to the Mayor in the first instance. The Mayor, in consultation with the Chief Executive (where appropriate), shall consider each allegation in a manner that is fair to all parties involved in the allegation, including ensuring that due process is respected. This will include ensuring that members named in an allegation are given an opportunity to consider and respond to that allegation. If, following the opportunity to respond to the allegation, it is considered that an allegation of a breach of the code is well-founded, the Mayor shall inform the member concerned and take any appropriate lawful action, such as censure.

Any alleged breach by the Mayor shall be reported in a timely manner to the Chief Executive, who shall consider and deal with the allegation, seeking advice as appropriate. The Chief Executive shall consider each allegation in a manner that is fair to all parties involved in the allegation, including ensuring that due process is respected. This will include ensuring that the Mayor is given an opportunity to consider and respond to that allegation.

If an alleged breach is considered to be of a serious enough nature, or if there is an allegation of repeated breaches of the code, the Mayor (or in the case of an alleged breach by the Mayor, the Chief Executive) may instead refer the matter to the Council. The Council will be asked to consider and determine whether a breach of the code has occurred and, if so, what consequences for the elected member should arise from that breach. In completing a report to the Council, fairness to all parties involved, and due process, will be respected, including ensuring the member named in the allegation is advised of the allegation and given an opportunity to consider and respond to it before the matter is considered by the Council. The Council's consideration of the matter will comply with statutory requirements relating to matters such as personal privacy or confidentiality of information.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of the conduct, or the adoption of a new code, require a resolution supported by 75 percent or more of the members of the Council present.

The Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the Council for their consideration and vote.

23. Terms of Membership

When members come into office:

- where there are the same or less than the number of candidates to vacancies, those candidates are declared elected at the close of nominations and no physical election is required. In this case, these candidates come into office on polling day (13 October 2007)
- where a physical election is required, a candidate comes into office on the day after the day the candidate is declared to be elected (i.e. the day after the first public notice declaring the result is made) (sec 115, Local Electoral Act 2001).

When members leave office:

- every member of a local authority or community board vacates office – where the members' office is subject to an election – when the members elected at the next election come into office (sec 116, Local Electoral Act 2001).

If at the close of nominations, the number of candidates is less than the number of vacancies, the unfilled vacancies become extraordinary vacancies and are treated as occurring on polling day (13 October 2007) (sec 64, Local Electoral Act 2001)

Any such extraordinary vacancy is required to be filled by an election, which cannot occur any earlier than 10 February the following year (sec 138, Local Electoral Act 2001).

A member is disqualified from holding office in a local authority as follows under Clause 1, Schedule 7 of the Local Government Act 2002:

1. Disqualification of members

- (1) *A person's office as a member of a local authority is vacated if the person, while holding office as a member of the local authority,*
 - (a) ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993, or*
 - (b) is convicted of an offence punishable by a term of imprisonment of 2 years or more.*
- (2) *If subclause (1)(b) applies:*
 - (a) the disqualification does not take effect –*
 - (i) until the expiration of the time for appealing against the conviction or decision; or*
 - (ii) if there is an appeal against the conviction or decision, until the appeal is determined; and*
 - (b) the person is deemed to have been granted leave of absence until the expiration of that time and is not capable of acting as a member while disqualified under subclause (1) or while on leave of absence under subclause (2)*

24. Additional Information

This additional information relates to candidates standing for election for the Wellington City Council for the position of Mayor, Councillor and/or community board member.

1. Wellington City Council

The Wellington City Council comprises of the Mayor and 14 Councillors who are elected members.

These people meet as the Wellington City Council but to assist in the efficient running of business, the Council generally appoints committees and subcommittees to conduct its business under delegation where it is empowered to do so.

Committees are selected by the Council following the elections and it is the Council that appoints members to those committees along with the appointment of committee chairpersons.

2. Community Boards

There are two community boards within the Council's boundaries (Tawa and Makara/Ohariu).

The community boards are separate from the Council but can only operate in terms of the delegations granted to them by the Council. For further information on their delegations, please contact either the Electoral Officer (801 3484) or Deputy Electoral Officer (801 3346).

3. Legislation

Local Government Act 2002

The Wellington City Council is a body corporate constituted under the Local Government Act 2002.

The Council gets its authority from the various laws made by Parliament. The principal acts under which the Council operates are the:

- Local Government Acts 1974 and 2002
- Local Government (Rating) Act 2002
- Local Authorities (Members' Interests) Act 1968
- Local Government Official Information and Meetings Act 1987
- Local Electoral Act 2001
- Building Act 2004
- Resource Management Act 1991
- Transit New Zealand Act 1989
- Health Act 1956

and various other Acts of Parliament, including regulations made under those acts.

The Local Government Act 2002 reflects a clear view that local authorities that are effective, responsible and accountable to the communities they represent are a fundamental part of our system of democratic governance, rather than a collection of assets and services.

The Act provides greater scope for communities to make their own choices about what local authorities do and the way they do these things. Local authorities have full capacity to undertake any act that promotes the purpose of local government, subject to other legislation.

Particular provisions in the Local Government Act 2002 that ensure the purposes of the Act are achieved include:

Section 10 which states that the purpose of local government is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities. and
- (b) To promote the social, economic, environmental, and cultural well-being of communities, in the present and the future.

Section 11 which states that the role of a local authority is to:

- (a) Give effect, in relation to its district or region, to the purpose of local government stated in section 10, and
- (b) Perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

The following statements envelop a number of related ideas that reflect the actual job of the council and therefore councillor:

Democracy – ensuring opportunities for participation by electors in decision-making processes, within the overall framework of representative democracy.

Effectiveness – decision-making processes are intended to ensure that representatives are well informed about the preferences of electors, and electors are well informed about the actions of their representatives (and the likely consequences of those actions).

Local decision-making and accountability – a framework for decision-making that reflects the need to provide effective means for local accountability.

Community well-being – local government is given a broad mandate to promote community well-being, rather than simply being empowered to undertake particular tasks or activities. The four aspects of well-being are social, economic, environmental and cultural.

Local Authorities (Members' Interests) Act

The Local Authorities (Members' Interests) Act 1968 fulfils two underlying purposes:

- It prevents members from using their position to obtain preferential treatment from

the authority of which they are a member in contracting situations.

- It ensures that members are not affected by personal financial motives when they participate in authority matters.

There is a rule of law, known as the rule against bias, which says that “no one may be judge of their own cause”. The object of this rule is to ensure that people who exercise power from positions of authority, carry out their duties free from bias. The Act is a statutory application of this rule to particular circumstances, i.e. pecuniary interests, and:

- Controls the making of contracts between members and their authority.
- Prevents members from participating in authority matters in which they have a pecuniary interest.

A member is disqualified from office who is “concerned or interested” in contracts with their authority under which the total payments made, or to be made, by or on behalf of the authority exceed \$25,000 in any financial year. The \$25,000 limit is GST inclusive.

Disqualification means that a person cannot:

- Be elected or appointed to:
 - the authority; and/or
 - any committee of the authority; or
- Hold office as a member of the authority or any committee.

It is also an offence under the Act for a person to act as a member of an authority, or a committee of the authority, while disqualified. A disqualification lasts until the next general election or opportunity for appointment to the authority.

The restriction on contracting applies to the member, not the authority. The Act does not affect the authority’s power to enter into contracts. The fact that a contract has been let does not invalidate the contract.

4. Post Election Processes

No elected member can act until they have made their statutory declaration.

The declaration requires that each member declares:

“I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Wellington City [or for community boards, the name of the community] the powers, authorities, and duties vested in, or imposed upon, me as [Mayor or a member] of the Wellington City Council [or name of the community board] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act.”

This declaration is for the Mayor, Councillors and community board members.

Once members have been sworn in, a series of briefings, training and induction processes have been planned to assist new elected members in settling into their duties as quickly and efficiently as possible.

Specific skill training is offered, particularly in the area of public speaking and chairing meetings.

5. Appointment to Outside Organisations

The Council appoints both Councillors and community board members to a wide range of external organisations as a result of statutory requirements i.e. trust boards, by longstanding arrangement with various organisations or where invitations are received from various bodies and organisations.

Examples of these are the Carter Observatory, Karori Wildlife Sanctuary Trust and the Spicer Landfill Community Liaison Group.

6. Management Structure

Staff are headed by the Chief Executive who is directly responsible to the Council.

The Council only employs the Chief Executive and all other staff are employed by the Chief Executive.

The key role of staff is to implement decisions of the Council, to provide advice to the Council, its committees and community boards; to ensure that all functions, duties and powers are properly performed; and to ensure the effective, efficient and economic management of the activities undertaken by the Council and community boards.

In Wellington City the management board comprises of the Chief Executive and 14 directors/senior managers. Each director has responsibility for reporting to committees and managing the various groups of the organisation within their directorate.

25. The Roles and Responsibilities of Elected Members

1. What do Elected Members do?

The Code of Conduct sets out that elected members, acting as the Council, are responsible for governance, including:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive.

Elected members are also responsible for representing the interests of the residents and ratepayers of the city.

Community board members fulfil similar responsibilities, with a focus on representing and advocating for the interests of their community.

It is important to note that unless otherwise provided in the Local Government Act 2002 or in Wellington City Council's Standing Orders, the Council can only act by majority decisions at meetings. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless provided for by statute or the Council has expressly delegated such authority.

In general terms, elected members spend much of their time:

- reading official reports and documents
- attending meetings (both formal and informal)
- meeting with, or speaking to, colleagues, council officers or residents
- dealing with correspondence (emails, letters)
- attending official and community functions and events.

All this requires a significant time commitment from elected members.

2. Time Commitment

Depending on the role (Mayor, Deputy Mayor, committee chair, Councillor, community board chair or community board member) the time commitment can be significant. Many official meetings and briefings are scheduled during the day, and can take two to three full days out of the average working week. Depending on the role, there will also be a number of night time meetings to attend, not to mention invitations to a range of evening functions and events. Around all this, elected members will need to find time to deal with correspondence and communications from residents, and carry out the necessary reading to prepare for upcoming meetings.

The organisation offers support through the Democratic Services business unit to elected

members to assist them in their duties.

Elected members need to be aware of the impact that can occur on families as a result of being elected as a Mayor, Councillor or community board member. This can range from needing to take time off work to attend meetings, to attending night meetings, receiving telephone calls at various times of the day and night, or being asked to address issues when shopping at the supermarket, watching sport, attending church, or even walking the dog.

Some members of the community see elected representatives as being available 24 hours 7 days a week. This may often depend on the issue currently before the Council or a community board but generally most citizen contact with elected representatives is done at a reasonable time and in a reasonable manner.

3. Skills and Experience

Section 7 of this Handbook sets out the formal requirements in relation to standing as a candidate for election to a community board, or the city or regional council (e.g. the requirement to be a New Zealand citizen).

Given the nature of the role of an elected member, there are a number of skills which would be helpful in undertaking the role. These include:

- analysing written material and oral presentations
- time management
- listening
- relationship building
- influencing and negotiating
- understanding financial information
- communicating with and through the media.

Experience in business, the public sector environment, with community or voluntary groups, in decision-making through meetings, and working with people of diverse backgrounds and interests, would also be useful.

The Democratic Services business unit runs an induction and training programme to assist elected members to improve their skills in these areas.

26. Websites

You can find out more about the upcoming Wellington City Council elections on our webpage:

www.Wellington.govt.nz

This will give you information on:

- standing as a candidate for Mayor, the Wellington City Council or a community board
- ensuring that you are on the Electoral Roll (including the non-resident ratepayer roll)
- when and how you will be able to vote.

The following websites will give you more information on:

- enrolling on the Residential Electoral Roll or checking you are currently enrolled:
www.elections.org.nz
- standing as a Greater Wellington Councillor:
www.gw.govt.nz/elections
- standing for the Capital and Coast District Health Board:
www.moh.govt.nz/electionsdhb
- the STV voting system:
www.stv.govt.nz