

2019 INFORMATION BOOKLET FOR CANDIDATES

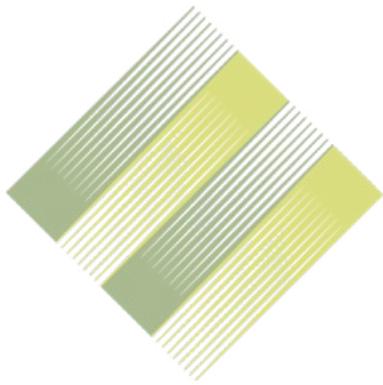


*Western Bay of Plenty
District Council*



**VOTE
2019**
LOCAL ELECTIONS

*Prepared by Independent Election Services Ltd for the
Local Government Elections - Saturday, 12 October 2019*



Western Bay of Plenty District Council

Disclaimer: Every effort has been made to ensure that the information contained in this handbook is accurate and consistent with the Local Electoral Act 2001. Western Bay of Plenty District Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which is available online at www.legislation.govt.nz

May 2019

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Overview

This handbook provides information which may be of interest to you as a candidate in the 2019 local government elections.

More information specific to Western Bay of Plenty District Council's current work programme and financial position is included in the council's pre-election report, available in July 2019 at www.westernbay.govt.nz

The triennial elections of elected members to Western Bay of Plenty District Council are being conducted by postal vote concluding on 12 noon on Saturday 12 October 2019.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Other legislative references are found on page 8 of this handbook.

Key dates for a candidate

Nominations open	Friday 19 July 2019
Nominations close	Noon, Friday 16 August 2019
Delivery of voting documents	From Friday 20 September 2019
Appointment of scrutineers	By noon, Friday 11 October 2019
Close of voting	Noon, Saturday 12 October 2019
Progress results available	As soon as practicable after close of voting, Saturday 12 October 2019
Preliminary results available	By noon, Sunday 13 October 2019
Official declaration of results	Thursday 17 October 2019
Return of electoral donations & expenses form	By Friday 13 December 2019

Contact us

Electoral Officer:

Dale Ofoske, Independent Election Services Ltd
Level 2, 198 Federal Street, Auckland 1010
PO Box 5135, Wellesley Street, Auckland 1141
Phone - 0800 922 822
Email - dale.ofoske@electionservices.co.nz
Website - www.electionservices.co.nz

Deputy Electoral Officer:

Kirstie Elder, Governance Manager
Western Bay of Plenty District Council
Barkes Corner, 1484 Cameron Road, Greerton, Tauranga
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
Phone - 07 571 8008 or 0800 926 732
Email - kirstie.elder@westernbay.govt.nz
Website - www.westernbay.govt.nz

Elections

Representation review

In 2018, Western Bay of Plenty District Council was required to review its representation arrangements.

The review largely resulted in no changes to the current number of wards, community boards and elected members except for a small boundary adjustment between the Katikati-Waihi Beach Ward and the Kaimai Ward.

Elections required

Elections will be held for:

- mayor
- councillors
- community board members
- Bay of Plenty Regional Council members
- Bay of Plenty District Health Board members

Western Bay of Plenty District Council area is divided into three wards and five community boards, these being:

Ward	Councillors	Resident electors
Katikati-Waihi Beach	3	10,855
Maketu-Te Puke	4	11,918
Kaimai	4	14,205
	11	36,978

Number of Electors as at 31 March 2019

Community Board	Members	Resident electors
Katikati	4	7,839
Waihi Beach	4	2,871
Maketu	4	824
Te Puke	4	7,225
Omokoroa	4	2,853
	20	21,612

Number of electors as at 31 March 2019

The Bay of Plenty Regional Council is divided into four General constituencies and three Māori constituencies. These being:

Constituency	Members	Resident electors
General		
Rotorua	2	34,572
Western Bay of Plenty	2	33,759
Tauranga	5	89,863
Eastern Bay of Plenty	2	24,470
	11	182,664
Māori		
Mauao	1	10,271
Kōhi	1	10,726
Ōkurei	1	11,431
	3	32,428
	14	215,092

Number of electors as at 31 March 2019

Note 1: The Western Bay of Plenty General Constituency covers all of Western Bay of Plenty District Council area.

Note 2: The Mauao Māori Constituency covers all of Western Bay of Plenty District Council area.

The Bay of Plenty District Health Board's seven members are elected 'at large' from the Kawerau, Ōpōtiki, Whakatāne and Western Bay of Plenty District Council areas, and from the Tauranga City Council area.

Fact Sheet

Triennial Election

Western Bay of Plenty District Council
12 October 2019



General

Triennial elections for elected members of all local authorities throughout New Zealand are to be conducted, by postal vote, on Saturday 12 October 2019.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and will be undertaken by Election Services, under contract to Western Bay of Plenty District Council.

Positions

During 2018, Western Bay of Plenty District Council undertook a representation arrangements review (a review of wards, community boards, boundaries, number of elected members etc.)

The outcome, as determined by the Local Government Commission, largely retains the current arrangements.

Elections will be required for the following positions:

- mayor (elected 'at large')
- councillors (11)
 - Kaimai Ward (4)
 - Katikati-Waihi Beach Ward (3)
 - Maketu-Te Puke Ward (4)
- community board members (20)
 - Katikati Community (4)
 - Maketu Community (4)
 - Te Puke Community (4)
 - Waihi Beach Community (4)
 - Omokoroa (4)

- Bay of Plenty Regional Council members (either 2 members from the Western Bay of Plenty General Constituency, or 1 member from the Mauao Māori Constituency)
- Bay of Plenty District Health Board Members (7 members elected 'at large').

Nominations

Nominations for the above positions will open on **Friday 19 July 2019** and close at **noon on Friday 16 August 2019**.

Nomination papers will be available during this period:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- Katikati Library & Service Centre, The Centre – Pātuki Manawa, 21 Main Road, Katikati;
- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa;
- Te Puke Library & Information Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach;
- by accessing www.westernbay.govt.nz
- by telephoning the electoral office on 0800 922 822.

To be eligible to stand for election, a candidate **must** be:

- a New Zealand citizen (by birth or citizenship ceremony); **and**

- enrolled as a Parliamentary elector (anywhere in New Zealand); **and**
- nominated by two electors whose names appear on the electoral roll within the respective area that a candidate is standing for.

Electoral roll

Those eligible to vote in the election are all resident electors and non-resident ratepayer electors whose names appear on the electoral roll when it closes on Friday 16 August 2019. The preliminary electoral roll will be available for public inspection from **Friday 19 July 2019 to Friday 16 August 2019** at all council offices and libraries.

Resident Roll: All parliamentary electors, including those on the Māori Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

Any alterations to the Resident Roll (e.g. change of address details, including new postal addresses) should be made by:

- completing the appropriate form at any NZ Post agency;
- phoning 0800 ENROLNOW (0800 367 656);
- accessing the Electoral Commission website on www.elections.org.nz

Ratepayer Roll: If a person is on the parliamentary roll in one area and pays rates on a property in another area, this person may be eligible to be enrolled on the non-resident ratepayer roll. A firm, company, corporation or society paying rates on a property may nominate one of its members or officers as a ratepayer elector (provided the nominated person resides outside the area).

Ratepayer Roll enrolment forms are available at all council offices, by accessing www.westernbay.govt.nz or by phoning the electoral office on 0800 922 822.

Electoral system

The first past the post (FPP) electoral system will be used for all elections, except for the Bay of Plenty District Health Board, which will use the single transferable voting (STV) electoral system.

Voting period

Voting documents will be sent to all eligible electors, by post, from **Friday 20 September 2019**.

The voting period is three weeks (**Friday 20 September 2019 to noon Saturday 12 October 2019**). Electors may post their completed voting documents back to the electoral officer using the orange pre-paid envelope sent with their voting document. Polling places for the issuing of special voting documents and for the receiving of completed voting documents will be available from Friday 20 September 2019 to noon Saturday 12 October 2019 at all council offices.

To be counted, all completed voting documents must be in the hands of the electoral officer or an electoral official by **noon Saturday 12 October 2019**.

Progress results will be known early afternoon on Saturday 12 October 2019 and preliminary results will be known on Sunday morning, 13 October 2019. These will be accessible on council's website: www.westernbay.govt.nz

Contact us

For further information regarding this election, please contact the electoral office:



Dale Ofoske, Electoral Officer
Western Bay of Plenty District Council
C/o PO Box 5135, Wellesley Street,
Auckland 1141
Email: info@electionservices.co.nz
Phone: **0800 922 822**

Timetable

Triennial Election

Western Bay of Plenty District Council
12 October 2019

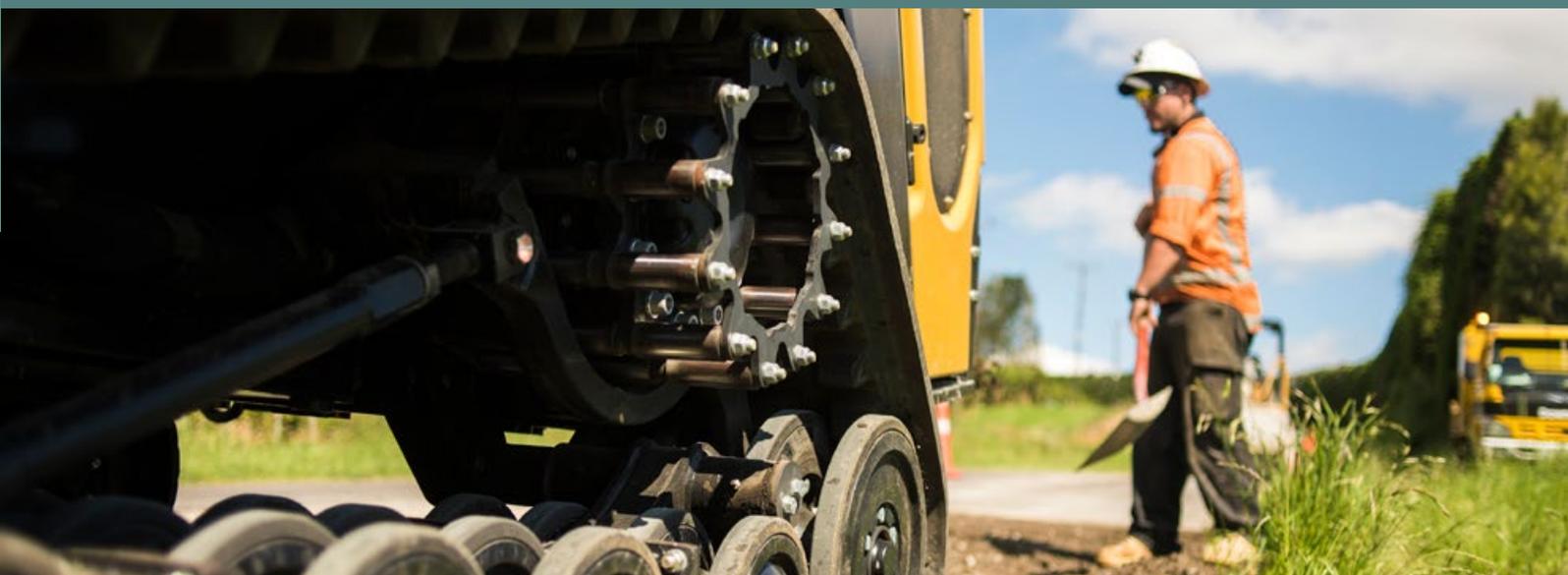


Saturday 12 October 2019

Saturday 2 March - Tuesday 30 April 2019	Ratepayer roll enrolment confirmation forms sent [Reg 16, LER]
Saturday 2 March - Saturday 6 July 2019	Preparation of ratepayer roll [Reg 10, LER]
May 2019	National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]
Monday 1 July 2019	Electoral Commission's enrolment update campaign commences
Wednesday 17 July 2019	Public notice of election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]
Friday 19 July 2019	Nominations open / roll open for inspection [Sec 42, LEA]
Friday 16 August 2019	Nominations close (12 noon) / roll closes [Sec 5, 42, 55 LEA, Reg 21, LER]
Wednesday 21 August 2019	Public notice of day of election, candidates' names [Sec 65, LEA]
by Monday 16 September 2019	Electoral officer certifies final electoral roll [Sec 51, LEA, Reg 22, LER]
Friday 20 September - Wednesday 25 September 2019	Delivery of voting documents [Reg 51, LER]
Friday 20 September - Saturday 12 October 2019	Progressive roll scrutiny [Sec 83, LEA] Special voting period [Sec 5 LEA, Reg 35, LER] Early processing period [Sec 80, LEA]
by Friday 11 October 2019	Appointment of scrutineers (12 noon) [Sec 68, LEA]
Saturday 12 October 2019	Election day [Sec 10, LEA] Close of voting (12 noon) [Sec 84, LEA] Progress and preliminary results available as soon as practicable after close of voting [Sec 85, LEA]
Saturday 12 October (pm) - Thursday 17 October 2019	Official count [Sec 84, LEA]
Thursday 17 October - Wednesday 23 October 2019	Declaration of result/public notice of declaration [Sec 86, LEA]
by Friday 13 December 2019	Return of electoral donations & expenses form [Sec 112A, LEA]

LEA = Local Electoral Act 2001
LER = Local Electoral Regulations 2001

Electoral principles



Key message

The electoral principles contained in section 4 of the Local Electoral Act 2001 are outlined below for candidate information. These principles must be taken into account in the conduct of any election or poll.

Principles

- (1) The principles that this Act is designed to implement are the following:
 - a. fair and effective representation for individuals and communities
 - aa. representative and substantial electoral participation in local elections and polls.
 - b. all qualified persons have a reasonable and equal opportunity to:
 - i. cast an informed vote;
 - ii. nominate 1 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.

Electoral legislation

Key message

All local government elections are required to be conducted strictly following legislation.

Legislation to be followed

- Local Electoral Act 2001;
- Local Electoral Regulations 2001;
- Local Government Act 2002;
- Local Authorities (Members' Interests) Act 1968.

In addition, all district health board elections are subject to the following legislation:

- New Zealand Public Health and Disability Act 2000;
- Crown Entities Act 2004.

Full copies of the above legislation are available online at www.legislation.govt.nz



Key message

Two electoral systems will be operating side by side for the 2019 elections, these being:

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

Organisations using the FPP electoral system are:

- Western Bay of Plenty District Council
- Bay of Plenty Regional Council

Organisations using the STV electoral system are:

- Bay of Plenty District Health Board

Understanding FPP

When you vote in an FPP election, you tick the name of the candidate(s) you most prefer, up to the number of vacancies.

When the votes are counted, the candidate(s) with the most votes is/are elected.

For example if there is one vacancy, you can vote for up to one candidate. If there are three vacancies, you can vote for up to three candidates.

Understanding STV

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.

Candidate eligibility

Key message

A candidate for the Western Bay of Plenty District Council must be:

- a New Zealand citizen; and
- a parliamentary elector (anywhere in New Zealand); [Section 25, Local Electoral Act 2001]
- nominated by two electors whose names appear on the electoral roll for the district or subdivision of the district.

Candidate restrictions

Restrictions on a candidate for the Western Bay of Plenty District Council are:

- a candidate may seek nomination for mayor and council but if elected to both, the mayoral position is filled and the councillor position is vacated with the next highest polling candidate elected.
- a candidate may seek nomination for council and community board but if elected to both, the council position is filled and the community board position is vacated, with the next highest polling candidate elected.
- a candidate may seek nomination to one ward only (not multiple wards).
- a candidate may seek nomination for mayor, council and community board but cannot also seek nomination for the Bay of Plenty Regional Council i.e. a candidate may stand

for the Western Bay of Plenty District Council or the Bay of Plenty Regional Council, but not both. [Section 58 Local Electoral Act 2001].

- a candidate for mayor, council or community board (or candidate's spouse) cannot be a person concerned or interested in contracts over \$25,000 with the Western Bay of Plenty District Council [Section 3(1) Local Authorities (Members' Interests) Act 1968]. This restriction may be waived, and it is recommended that advice from Audit New Zealand is sought.
- an employee of the Western Bay of Plenty District Council who is elected as mayor or councillor must resign from their position as an employee of the Western Bay of Plenty District Council before taking up their position. This requirement does not apply if elected to a community board. An employee will need to alert their manager of the intention to stand for office prior to any nomination being lodged. [Section 41(5) Local Government Act 2002].

District health board

A candidate for a district health board must be:

- a New Zealand citizen; and
- a parliamentary elector (anywhere in New Zealand); and
- not disqualified by clause 17, Schedule 2, New Zealand Public Health and Disability Act 2000 (see next page).

Restrictions on a candidate for a district health board:

- a person cannot be a candidate for more than one district health board. (If a person is nominated for more than one district health board, all nominations are void).
- clause 17, Schedule 2, New Zealand Public Health and Disability Act 2000 states:

"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 2004;
 - b. 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;
 - c. 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 that 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 2004 states:

- (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 their own affairs in relation to their property; or
 - ii. capacity to make or to communicate decisions relating to any particular aspect or aspects of their 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. member of Parliament.

Nominations

Key message

Nominations open on Friday 19 July 2019 and close at 12 noon, Friday 16 August 2019.

Availability of nomination papers

A public notice calling for nominations will appear in the Katikati Advertiser and the Waihi Leader on Tuesday 16 July 2019, the Bay of Plenty Times and the Te Puke Times on Wednesday 17 July 2019 and the Weekend Sun on Friday 19 July 2019.

Each nomination must be made on the appropriate official nomination paper. A separate nomination paper is required for each position and these are available from 19 July 2019 from:

- Council's Main Office, Barkes Corner, 1484 Cameron Road, Greerton, Tauranga;
- Katikati Library & Service Centre, The Centre – Pātuki Manawa, 21 Main Road, Katikati;
- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach;
- by telephoning 0800 922 822;
- by accessing www.westernbay.govt.nz

Nomination papers for the Bay of Plenty Regional Council are also available from 19 July 2019 from:

- Bay of Plenty Regional Council offices:
 - 87 First Avenue, Tauranga;
 - 5 Quay Street, Whakatāne;
 - 1125 Arawa Street, Rotorua;
- by telephoning 0800 368 267;
- by accessing www.boprc.govt.nz

Nomination papers for the Bay of Plenty District Health Board are also available from 19 July 2019 from:

- territorial authority offices in the Bay of Plenty;
- by telephoning 0800 922 822;
- by accessing www.bopdhb.govt.nz

Candidate profile statement

Every candidate may provide the electoral officer with a candidate profile statement with their nomination. This statement must not exceed 150 words and can contain information about the candidate, their qualifications and skills applicable to the position for which they are standing and their policies/intentions if elected to office.

The candidate profile statement must be true and accurate and the electoral officer is not required to verify or investigate any information included in this statement.

The profile may include a recent passport-sized colour photograph.

The candidate profile statement and colour photo are required to be submitted in hardcopy, not electronically (except where information in another language is provided).

Candidate profile statements will be printed in plain text, without formatting ie:

- no bullet points;
- no bold or underlining;
- no italics;
- no quote marks.

These will be included with the voting document sent to each elector by the electoral officer, as well as being placed on the council's website.

Note that any spelling or grammatical errors will not be corrected, and candidates are therefore reminded to check their candidate profile statement prior to submitting their nomination.

The candidate profile statement may be in English or Māori or both (maximum 150 words in either language) or in any other language (not exceeding 150 words in total). Should all or part of a candidate profile statement be provided in a language other than English or Māori, it is required that this be provided in an electronic graphic file.

If submitting an electronic graphic file containing other languages, the specifications (from the printer) are: all translations must be supplied as a single image. If there is more than one language translated, then these are to be all supplied together in a single image.

The image file to be supplied must meet the following criteria:

- PNG format;
- black and white;
- 600 dpi;
- maximum file size 400kB;
- the image being 1300 pixels high and 2000 pixels wide.

The following contact details are given for a translation company, for those candidates who are unable to prepare the translation image themselves or do not know of anyone to do this for them:

Pacific International Translations (NZ) Ltd
Level 4, City Fitness Building, 203 Queen Street,
Auckland 1010.
PO Box 7067, Wellesley Street, Auckland 1141
Phone: 0508 872675
Email: info@pactranz.com
Web: www.pactranz.com

Candidates are also required to submit with their candidate profile statement the following information:

- i. whether or not the candidate's principal place of residence (where the candidate is registered as a parliamentary elector) is/is not in the area (e.g. ward) the candidate is seeking election for [Section 61(2)(ca) Local Electoral Act 2001]; and
- ii. each position the candidate is seeking election for (e.g. council and district health board) [Section 61(2)(cb) Local Electoral Act 2001].

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

- (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 Māori or both, must not exceed 150 words in each of the languages used in the statement;
 - ii. in a language other than English or Māori, 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 together with the nomination paper and other things referred to in section 55(2)(f); 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 their status as an independent candidate, and the candidate's contact details), and the candidate's policies and intentions if elected to office; and
 - ca. must state whether or not the candidate's principal place of residence, being the address in respect of which the candidate is registered as a parliamentary elector, is in the local government area for which the candidate seeks election (for example, either "My principal place of residence is in the Lambton Ward" or "My principal place of residence is not in the Lambton Ward"); and
 - cb. if the candidate is seeking election to any other positions in elections to which this Act applies (under section 7), must specify each position and state that the candidate is seeking to be elected to the positions; and
 - d. must comply with any prescribed requirements; and
 - e. may include a recent photograph of the candidate alone.

- (2A) The information required by subsection (2)(ca) and (cb) does not count for the purposes of the word limit under subsection (2)(a).
- (3) If a candidate profile statement is submitted in Māori 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.

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 that 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 or otherwise states that the candidate has no such conflicts presently (or any likely to arise in the future).

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

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

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.

Completion of nomination paper

Each nomination paper must have the consent of the candidate and be nominated by two electors whose names appear on the electoral roll for the district or subdivision of the district (e.g. if a person wishes to stand for election to a specific ward, then that person must be nominated by two electors from the specific ward).

If a candidate is unable to sign the nomination paper (e.g. 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 (e.g. 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.

Once lodged, a nomination paper is available for public inspection at the electoral office. Candidate details not identified as confidential (e.g. mobile phone number) are made available to the media, placed on websites etc.

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 an organisation or group, 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 claiming a specific affiliation must supply with their nomination paper an authority to adopt the affiliation for the organisation or group concerned (i.e. letter of consent to use the affiliation from the organisation or group). This is a safety measure to avoid any illegal adoption of affiliations.

Affiliations that will not be accepted are ones:

- that might cause offence or
- are likely to confuse or mislead electors or
- are elections slogans rather than the name of an organisation or group.

Should an affiliation be rejected for any of the above reasons, section 57(3) of the Local Electoral Act 2001 sets out a process for the electoral officer and candidate to follow. Should agreement not be reached, no affiliation will appear on voting documents.

Affiliations are not able to be 'pre-registered' with the electoral officer, before a nomination is lodged.

Return of nomination paper

Completed nomination papers can be lodged at:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- Katikati Library & Service Centre, The Centre – Pātuki Manawa, 21 Main Road, Katikati;
- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach;

or posted to:

The Electoral Officer
Western Bay of Plenty District Council
C/- Independent Election Services Ltd
PO Box 5135
Wellesley Street
Auckland 1141

**in time to be received no later than noon, Friday
16 August 2019.**

All nomination material:

- nomination paper;
- candidate profile statement [if provided];
- nomination deposit;
- evidence of NZ citizenship;
- letter endorsing affiliation [if applicable];

is required to be lodged together.

[Section 55(2)(f) Local Electoral Act 2001].

A receipt will be issued to acknowledge that a nomination has been received. **This receipt does not constitute an acknowledgment that the nomination paper is in order.**

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).

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

Payment of the nomination deposit can be made by electronic bank transfer, eftpos or cash. Evidence of an electronic bank transfer will be required to accompany the nomination.

Electronic bank payment details are:

Account name: Independent Election Services Ltd

Bank: ANZ

Account number: 01 0102 0437238 01

Particulars: your initials and surname

Code: WBOPDC

Reference: Nomination

Cheques will be accepted but not preferred (should they be dishonoured and the nomination invalidated).

Should a cheque payment be made, cheques should be payable to:

Independent Election Services Ltd.

The lodgement of nomination papers 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 ineligible nominators are provided, there may be insufficient time to correct the situation and the nomination paper could be invalidated.

Please do not leave lodging your nomination to the last minute.

Nominations can be returned by mail, but should these be received by the electoral officer or electoral official after the close of nominations, the nomination is invalid.

Cancellation of nomination

A candidate is able to withdraw their nomination up until the close of nominations (noon, Friday 16 August 2019). After the close of nominations, a candidate is not able to withdraw their nomination. [Section 69, Local Electoral Act 2001].

However, should a candidate become incapacitated after the close of nominations but before the close of voting, application may be made for the cancellation of the nomination of a candidate.

'Incapacitated' means that a candidate, because they are suffering from a serious illness or has sustained a serious injury, would be unlikely to be capable of performing the functions and duties of office if elected to office. [Section 69(7) Local Electoral Act 2001].

An application for the cancellation of the nomination of a candidate must be made to the electoral officer by submitting a prescribed form (available from the electoral office) together with a medical certificate.

Candidate information briefing

Key message

People interested in standing for election are invited to attend a candidate information briefing to hear about the electoral process (the do's and don'ts), responsibilities and expectations if elected etc.

Briefing date

Monday 22 July 2019, 6:00pm - 8:00pm,
Council Chambers, Western Bay of Plenty District
Council, Barks Corner, 1484 Cameron Road,
Greerton, Tauranga.

The candidate information briefing is being held to provide an opportunity for those members of the public who are considering standing for office to find out:

- how the organisations are structured
- the skills required, the role and responsibilities of elected representatives
- matters pertaining to the elections (eligibility, nominations, timetable, induction process and remuneration).

Registration to attend is not required.

For further information, contact Kirstie Elder,
Governance Manager on 07 571 8008.

Key message

Election campaigning can commence anytime and may continue up to and including election day. However there are certain constraints candidates need to be aware of.

Election signs are permitted on private property, provided landowner permission is given.

Election signs are not permitted on council roads or state highways (or the road and highway reserves).

All signs must be removed by midnight 11 October 2019.

All signs must be erected in a stable fashion, not being a hazard to public or traffic safety. Council policy on election signs is detailed on page 29 of this handbook.

Campaigning

Election material cannot contain:

- any untrue statement defamatory of any candidate (e.g. under the Defamation Act 1992);
- 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 contains such direction or indication likely to influence the voter.

Voting documents should not be collected from electors by candidates or their assistants. Each elector should post or deliver their own voting document to the electoral officer. This also applies to rest homes and hospitals - voting documents should not be collected from elderly or infirm electors by candidates or their assistants.

Use of council resources

Candidates are not permitted to use council resources for campaigning purposes. Council resources include, but are not limited to, the council's logo, crest or branding, website, Facebook page, Twitter account, any other forms of social media, tablets, computers, ipads, email, mobile phones, faxes, stationery, photocopiers, printers, stamps, cars, meeting rooms and venues (except those available for public hire). This applies to either sitting members, council staff or other candidates in any context that could reasonably be construed as campaigning for elections.

Social media

Social media can be a useful tool for candidates for campaigning purposes and electioneering. Candidates should however be aware of any council social media guidelines for candidates and should comply with these at all times.

Council's social media channels are council resources and must remain politically neutral at all times. Council will promote elections and the importance of voting but will not associate these posts with any candidates.

Council social media accounts will not follow any candidates. This may result in your account being unfollowed.

Council's social media accounts are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by council-controlled organisations.

Candidates should not post on council's social media channels, nor should they comment on, share or otherwise use council social media channels for electioneering. You may not rate, review, check-in or tag the council's social media channels in your own posts or comments.

Council's social media accounts are constantly monitored, and any campaign related or electioneering content, (including posts related to nominations and candidacy), will be removed immediately.

Candidates should be aware that election advertising, using any media, including on social media, must identify the true name of the person under whose authority they have been produced and the physical address (not a PO Box) of the person under whose authority they have been produced [Section 113, Local Electoral Act 2001]. This may be details of the candidate or their agent, and may be included on a profile picture, or within the bio section of a page.

For example: 'All content/images contained on this social media page/channel are authorised by [name], [physical address]'.

Offences

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 they should vote. Candidates and their assistants should be mindful of this particularly if campaigning occurs in rest homes or hospitals.

Election offences are detailed for your information on page 39 of this handbook. Please refer to them for your own protection

Election advertising

Election advertising, using any media, must show an authorisation statement. This statement must include:

- the true name of the person under whose authority they have been produced; and
- the physical address (not a PO Box) of the person whose authority they have been produced. [Section 113, Local Electoral Act].

This includes election advertising on signs, in newspapers, on flyers and posters, on a vehicle and on election websites.

Relevant criteria as contained in the Local Electoral Act 2001 are:

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.
- (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 than 1 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 their 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 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 their 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.
- (6) A person who willfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.

Electoral donations and expenses

Key message

Candidates need to be aware to keep a record of all donations received and expenses incurred in their election campaign. Election expenditure limits will apply, these depending on the population size of the area of the election the candidate is standing for.

Every candidate must, by law, complete an Electoral Donations and Expenses Return declaring all donations and expenses and forwarded to the electoral office by Friday 13 December 2019.

Electoral expenses

Candidates should be aware that candidate campaign expenditure limits are applicable. This means a limit has been placed on how much a candidate may spend on their campaign, and this includes 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 -1,000,000	\$70,000
1,000,000 or more	\$100,000*

* Plus 50 cents for each elector

[NOTE: Expenditure limits are inclusive of GST].

Electoral expenses are defined as relating to electoral activity which can comprise advertising, broadcasting or communicating material to the public (electronically or otherwise).

These electoral expenses are generally funded by the candidate and are not reimbursable from the organisation the candidate is standing for.

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

The population distribution for Western Bay of Plenty District Council (population estimates as at 30 June 2018) is:

Ward	Population
Katikati-Waihi Beach	13,750
Maketu-Te Puke	18,050
Kaimai	18,350
Total	50,100

source: Statistics New Zealand as at 30 June 2018 based on 2016 wards.

Community Board	Population
Katikati	9,900
Waihi-Beach	3,550
Omokoroa	3,010
Maketu	1,190
Te Puke	10,750
Total	28,400

source: Statistics New Zealand as at 30 June 2018 based on 2016 community boards.

The estimated expenditure limit for the mayor is \$30,000 (including GST), based on a 50,100 population (as at 30 June 2018).

The period for which campaign expenditure limits apply is three months before election day (i.e. 12 July 2019 to 12 October 2019). However legislation further specifies that all expenses incurred before the three month period for campaign expenditure and used during the three month period, must be fairly apportioned and included in the Return of Electoral Donations and Expenses.

Where an electoral expense relates to more than one candidate, an equitable apportionment between candidates is required.

Nomination deposits, voluntary labour and election sign framework are not electoral expenses and therefore should not be included in the Return of Electoral Donations and Expenses.

Electoral donations

a. Candidate donations

A candidate donation is a donation of money, goods or services that is made for use in the candidate's campaign.

Candidate donations, and contributions to donations, of more than \$1,500 (inc GST) are required to be declared in the candidate return of donations and expenses. A series of donations made by one person that adds up to more than \$1,500 must also be declared.

A candidate donation includes:

- where a candidate is provided with goods or services free of charge that have a reasonable market value greater than \$300;
- where a candidate is provided with discounted goods or services and the reasonable market value of the goods or services is greater than \$300, the difference between the contract or agreed price and the reasonable market value of those goods and services is a donation;
- where a candidate sells over-valued goods or services the difference between the price paid and the reasonable market value is a donation, for example a fundraising auction or dinner.

The following are not deemed a donation:

- volunteer labour;

- goods or services provided free of charge to a candidate, or to any person on the candidate's behalf that have a reasonable market value of \$300 or less; or
- money provided by the candidate for their own campaign.

If a person or organisation gives or pays for goods or services that would otherwise be candidate election expenses, the reasonable market value of those items, whatever their value, should be recorded as an election expense. If the reasonable market value of the items exceeds \$300 it should also be recorded as a donation.

b. Donations made up of contributions

Donations to candidates can be made up of pooled funds contributed by more than one person (referred to as donations funded from contributions). These types of donations include, for example, campaign donations made through a trust, or where there is a fundraising collection for a candidate's campaign.

The total proceeds of a collection are treated as a donation. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors.

If a candidate donation, other than an anonymous donation, is made up of contributions, the transmitter or donor must tell the candidate:

- the name and address of the donor;
- whether the donation is made up of contributions;
- the total amount of individual contributions of \$1,500 or less; and

- in the case of individual contributions greater than \$1,500, the name, address, and contribution of each contributor.

If the candidate knows, or has reasonable grounds to believe, that the donor has failed to supply information about contributions, the whole donation must be returned to the donor.

c. Transmitted donations

A donation can be made either directly by the donor to the candidate or indirectly by a transmitter who transmits a donation to the candidate on someone else's behalf, for example via a lawyer's trust fund. Any person who receives a candidate donation on the candidate's behalf must transmit it to the candidate within 10 working days.

When transmitting a donation, the transmitter must tell the candidate:

- that the donation is being transmitted on behalf of a donor;
- the name and address of the donor;
- whether the donation is made up of contributions;
- the total amount of contributions of \$1,500 or less; and
- in the case of contributions greater than \$1,500, the name, address, and contribution of each contributor.

Where a transmitter does not disclose the name and address of the donor, the donation must be treated as an anonymous donation.

d. Anonymous donations

Candidates are not permitted to retain anonymous donations exceeding \$1,500. An anonymous donation is a donation made in such a way that the candidate who receives

the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor.

If a candidate receives an anonymous donation greater than \$1,500, they may retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the electoral officer for payment into the general fund of the local authority.

Return of Electoral Donations and Expenses

A Return of Electoral Donations and Expenses form (a copy of this is located at the rear of this handbook) is required to be supplied to the electoral officer within 55 days after the official declaration (by 13 December 2019). This can be supplied to the electoral officer within 76 days after the official declaration if a candidate is overseas when successful candidates are declared elected.

The Return of Electoral Donations and Expenses must set out —

- the details of every electoral donation received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value; and
- the details in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and
- details of the candidate's electoral expenses.

The details of every electoral donation are -

- the name of the donor; and
- the address of the donor; and

- the amount of the donation or in the case of aggregated donations, the total amount of the donations; and
- the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

The details of every anonymous donation exceeding \$1,500 are —

- the date the donation was received; and
- the amount of the donation; and
- the amount paid to the electoral officer and the date the payment was made.

With respect to electoral expenses, the return must set out separately the name and description of every person or body of persons to whom or which any sum was paid, and the reason for which it was paid. Sums paid in excess of \$200 (GST inclusive) must be vouched for by an invoice or a bill and a receipt.

Candidates are advised to retain all invoices and receipts relating to electoral expenses should these be required in the event of a challenge. They should not be submitted with the return.

Once the Return of Electoral Donations and Expenses forms have been received by the electoral officer they become public documents and are to be kept for a public inspection period of seven years. During this period, the returns:

- are placed on council's website;
- can be inspected by any person;
- copies can be made available if requested.

This is a requirement under section 112F of the Local Electoral Act 2001.

Relevant legislation

Relevant definitions as contained in the Local Electoral Act 2001 are:

Subpart 1—Electoral donations

103A Interpretation:

In this subpart and subpart 3, unless the context otherwise requires,—

anonymous, in relation to an electoral donation, means a donation that is made in such a way that the candidate who receives the donation—

- does not know the identity of the donor; and
- could not, in the circumstances, reasonably be expected to know the identity of the donor

contribution means any thing (being money or the equivalent of money or goods or services or a combination of those things) that makes up a donation or is included in a donation or has been used to wholly or partly fund a donation, and that—

- does not know the identity of the donor; and
 - to the donor; or
 - to a person who was required or expected to pass on all or any of its amount or value to the donor, whether directly or indirectly (for example, through one or more intermediaries, trustees, or nominees); and
- would have been a donation if it had been given directly to the candidate; and
- was given in the knowledge or expectation (whether by reference to a trust, an agreement, or an understanding) that it would be wholly or partly applied to make up, or to be included in, or to fund, a donation

contributor means a person who makes a contribution and who immediately before making the contribution—

- beneficially holds any money, or the equivalent of money, or any goods that make up the contribution or are included in the contribution; or
- provides any services that make up the contribution or are included in the contribution or pays for those services out of money that the person beneficially holds

donation funded from contributions means a donation that is made up of, includes, or is wholly or partly funded from one or more contributions

donor means a person who makes an electoral donation

electoral donation or donation means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things) that is made to a candidate, or to any person on the candidate's behalf, for use in the candidate's campaign for election and—

- a. includes,—
 - i. where goods or services are provided to a candidate, or to any person on the candidate's behalf, under a contract or an arrangement at a value that is less than their reasonable market value, the latter being a value that exceeds \$300, the amount of the difference between the former value and the reasonable market value of those goods or services; and
 - ii. where goods or services are provided by a candidate under a contract or an arrangement at a value that is more than their reasonable market value, the amount of the difference between that value and the reasonable market value of those goods or services; and
- b. excludes—
 - i. where goods or services are provided by a candidate under a contract or an arrangement at a value that is more than their reasonable market value, the amount of the difference between that value and the reasonable market value of those goods or services; and
 - ii. where goods or services are provided to a candidate, or to any person on the candidate's behalf, under a contract or an arrangement at a value that is less than their reasonable market value, the latter being a value that exceeds \$300, the amount of the difference between the former value and the reasonable market value of those goods or services; and

receive, in relation to a donation, means to get a donation that has been given or sent by—

- c. the donor directly; or
- d. the donor indirectly, via a transmitter

transmitter means a person to whom a donor gives or sends a donation for transmittal to a candidate.

103B Donations and contributions include GST

All references to the amount or value of a donation or contribution are inclusive of any goods and services tax incurred by the donor or contributor in respect of the goods or services donated or contributed.

103C Donations to be transmitted to candidate

Every person, other than a candidate, to whom an electoral donation is given or sent must, within 10 working days after receiving the donation, transmit the donation to the candidate.

103D Contributors to be identified

Every person, other than a candidate, to whom an electoral donation is given or sent must, within 10 working days after receiving the donation, transmit the donation to the candidate.

- (1) This section applies to a donation (other than an anonymous donation) that is made up of, includes, or is wholly or partly funded from one or more contributions.
- (2) If this section applies to a donation, the donor must, at the time of making the donation, disclose—
 - a. the fact that the donation is funded from contributions; and
 - b. the following information about any contribution that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds \$1,500 in sum or value:
 - i. the name of the contributor; and
 - ii. the address of the contributor; and
 - iii. the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and
 - c. the total of all of the amounts disclosed under paragraph (b)(iii) in relation to the donation; and
 - d. the total of all of the other contributions made in relation to the donation.
- (3) A candidate must give back to the donor the entire amount of the donation, or its entire value, if the candidate knows, or has reasonable grounds to believe, that the donor has failed to comply with subsection (2) in any respect.
- (4) For the purpose of section 112A, any amount given back by a candidate under subsection (3) is taken not to have been received by the candidate.

103E Offence relating to contravention of section 103D

A donor who fails to comply with section 103D with the intention of concealing the identity of any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding \$5,000.

103F Identity of donor to be disclosed by transmitter, if known

- (1) When a transmitter transmits a donation to a candidate on behalf of the donor, the transmitter must disclose to the candidate—
 - a. the fact that the donation is transmitted on behalf of the donor; and
 - b. the name and address of the donor; and

- c. whether section 103D applies to the donation and, if so, all information disclosed by the donor under subsection (2) of that section.

- (2) Where a transmitter does not disclose, or is unable to disclose, the information required by subsection (1), then the donation must be treated as an anonymous donation.

If any person involved in the administration of the affairs of a candidate in relation to their election campaign knows the identity of the donor of an anonymous donation exceeding \$1,500, the person must disclose the identity of the donor to the candidate.

103G Offence relating to contravention of section 103F

A transmitter who fails to comply with section 103F(1) with the intention of concealing the identity of the donor or any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding \$5,000.

103H Disclosure of identity of donor

If any person involved in the administration of the affairs of a candidate in relation to their election campaign knows the identity of the donor of an anonymous donation exceeding \$1,500, the person must disclose the identity of the donor to the candidate.

103I Offence relating to contravention of section 103H

A person who fails to comply with section 103H with the intention of concealing the identity of the donor commits an offence and is liable on conviction to a fine not exceeding \$5,000.

103J Anonymous donation

- (1) If an anonymous donation exceeding \$1,500 is received by a candidate in relation to an election campaign, the candidate must, within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500.
- (2) If an anonymous donation exceeding \$1,500 is received by a candidate who is seeking election to more than one office, the candidate must—
 - a. designate one election campaign for election to one office for which the donation will be used; and
 - b. within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500.
- (3) An electoral officer who receives an amount under subsection (1) or (2) must, within 20 working days of receiving that amount,—
 - a. issue a receipt to the candidate; and
 - b. pay the amount into the general fund of the local authority that appointed the electoral officer.

103K Offence relating to contravention of section 103J

- (1) A person who enters into an agreement, arrangement, or understanding with any other person that has the effect of circumventing section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$5,000.
- (2) A candidate who contravenes section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

103L Records of electoral donations

- (1) A candidate must keep proper records of all donations received by him or her.
- (2) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

Subpart 2—Electoral expenses

104 Interpretation:

In this subpart and subpart 3,—

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 their capacity as a member of the local authority or local board 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 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; and
- h. does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed.

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.
- (3) A person who makes a payment in breach of this section commits an offence and is liable on conviction to a fine not exceeding \$5,000.

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 they 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.

111 Maximum amount of electoral expenses (refer to page 20 in this handbook)

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.

112AA Offence to pay electoral expenses in excess of relevant prescribed maximum

- (1) This section applies to any candidate or other person 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 relevant maximum amount prescribed by section 111.
- (2) The candidate or person commits an offence and is liable on conviction—
 - a. to a term of imprisonment not exceeding two years, or a fine not exceeding \$10,000, if they knew the payment was in excess of the relevant prescribed maximum amount; or
 - b. to a fine not exceeding \$5,000 in any other case, unless they prove that they took all reasonable steps to ensure that the electoral expenses did not exceed the relevant prescribed maximum amount.

Subpart 3—Return of electoral donations and expenses

112A Return of electoral donations and 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 file a return of electoral donations and expenses.
- (2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.
- (3) The return of electoral donations and expenses must set out—
 - a. the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value; and
 - b. whether any donation is funded from contributions, and if so, and to the extent known or ascertainable from the information supplied under section 103D, the details specified in subsection (5) in respect of every contribution that, either on its own or when aggregated with other contributions by the same contributor to the donation, exceeds \$1,500 in sum or value; and
 - c. the details specified in subsection (6) in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and

- d. details of the candidate’s electoral expenses.

- (4) The details referred to in subsection (3)(a) are—
 - a. the name of the donor; and
 - b. the address of the donor; and
 - c. the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
 - d. the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
- (5) The details referred to in subsection (3)(b) are—
 - a. the name of the contributor; and
 - b. the address of the contributor; and
 - c. the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions.
- (6) The details referred to in subsection (3)(c) are—
 - a. the date the donation was received; and
 - b. the amount of the donation; and
 - c. the amount paid to the electoral officer under section 103J(1) or (2) and the date that payment was made.
- (7) Every return filed under this section must be in the form prescribed in Schedule 2.
- (8) It is the duty of every electoral officer to ensure that this section is complied with.
- (9) In this section, file in relation to a return, means to send the return to the electoral officer responsible for the conduct of the election.

112B Nil return

If a candidate considers that there is no relevant information to disclose under section 112A, the candidate must file a nil return under that section.

112C Failure to file return of electoral donations and expenses

A candidate who fails, without reasonable excuse, to comply with section 112A commits an offence and is liable on conviction to—

- a. a fine not exceeding \$1,000; and
- b. if they has been elected to office, a further fine not exceeding \$400 for every day that they continues to hold office until the return is filed.

112D Filing a false return of electoral donations and expenses

A candidate who files a return under section 112A that is false in any material particular commits an offence and is liable on conviction—

- a. to a term of imprisonment not exceeding two years, or a fine not exceeding \$10,000, if they filed the return knowing it to be false in any material particular; or
- b. to a fine not exceeding \$5,000 in any other case, unless the candidate proves that—
 - i. they had no intention to misstate or conceal the facts; and
 - ii. they took all reasonable steps in the circumstances to ensure the information in the return was accurate.

112E Obligation to retain records necessary to verify return

- (1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under section 112A to be verified.
- (2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.
- (3) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

112F Return of electoral donations and expenses to be open for public inspection

- (1) The electoral officer must keep every return filed under section 112A 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 (the public inspection period).
- (2) During the public inspection period the electoral officer must—
 - a. publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under section 112A; and
 - b. make available for public inspection a copy of every return filed under section 112A; and
 - c. provide to any person upon request a copy of one or more returns filed under section 112A, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987.

Part 5A—Electoral advertising

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.
- (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 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 their 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 their residence or place of business; and
 - ii. the true name of the organisation or body who 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.
- (6) A person who willfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.

114 Use of public money

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

Council policy on election signs

Key message

Council has a policy around election signs and candidates should familiarise themselves with this. Election signs on private property must be removed by midnight 11 October 2019.

Requirements

Candidates may put up electoral signs in the Western Bay of Plenty District Council area provided that they meet the following requirements:

- (1) Signs do not exceed 3m² in area.
- (2) All signs must be located on private property with the consent of the property owner. Signs are not permitted on council roads or the State Highway (or the road and highway reserves).
- (3) Signs are not to be sited in such a way as to cause a traffic hazard (i.e. block lines of sight on an intersection).

- (4) Signs may be illuminated but flashing or reflectorised signs are not allowed.
- (5) Signs may be single-sided, double-sided or 'V' shaped and their area calculated from one face only.
- (6) Signs must be removed by 12 midnight the day preceding polling day.
- (7) Non-compliance may result in a \$300 infringement fee.

Due to traffic safety considerations, any signs which do not meet the above requirements will be removed by council/Transit New Zealand staff without prior notice.



Key message

The preliminary electoral roll, containing both resident and non-resident ratepayer electors, will be available for public inspection from 19 July 2019 to 16 August 2019. All registered electors (as at 16 August 2019) whose name is on the final electoral roll will be issued voting packs.

Resident electors

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 the Western Bay of Plenty District Council area are enrolled automatically on the residential electoral roll if they are registered as Parliamentary electors. Therefore, there is no need to enrol separately for these elections.

Non-resident ratepayer electors

Residents who pay rates on a property in another local authority area or community board area may be entitled to enrol on the ratepayer electoral roll for that local authority area or community board area.

Companies, businesses, trusts, corporations or societies which are ratepayers of a property in a local authority district or community board area may also nominate an elector to vote on their behalf, provided any such elector resides outside the district or community board area where the property is situated.

Partners, joint tenants and tenants in common who collectively pay rates on a property in a local authority district or community board area may also nominate one of the group who is an elector to vote on their behalf, provided any such elector resides outside of the district or community board area where the property is situated.

Preliminary electoral roll

A copy of the preliminary electoral roll for the Western Bay of Plenty District Council will be available for public inspection from Friday 19 July 2019 to Friday 16 August 2019 at:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- Katikati Library & Service Centre, The Centre – Pātuki Manawa, 21 Main Road, Katikati;
- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach;

Those eligible to vote are:

- all residents enrolled on the Parliamentary electoral roll within the Western Bay of Plenty District Council area; and
- all non-resident ratepayers enrolled on the ratepayer electoral roll.

The preliminary electoral roll will be contained in one book with the residential roll located at the front and the ratepayer roll located at the rear.

Details appearing on the preliminary electoral roll are electors names (surname, then first names) listed alphabetically. The qualifying address of the elector is shown alongside. No postal addresses or occupations are shown.



Any alterations to the residential electoral roll should be made:

- by completing the appropriate form at any NZ Post agency; or
- by telephoning 0800 ENROLNOW (0800 36 76 56); or
- by accessing the Electoral Commission website - www.elections.org.nz

Any alterations to the non-resident ratepayer electoral roll should be made through the electoral office (telephone 0800 922 822).

Copies of the hardcopy preliminary electoral roll may be purchased from the electoral office for \$75.00 (inc GST).

Final electoral roll

The final electoral roll is produced once the preliminary electoral roll closes on 16 August 2019. The final electoral roll contains the details used for issuing voting documents. Copies of this roll will also be available for purchase.

Roll data requests

Information contained on the electoral roll is not available from the electoral office in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the Electoral Commission (provided the criteria of section 114 of the Electoral Act 1993 are met). An application form is required to be completed, and these are available upon request from the Electoral Commission.

Note however that elector details for the area a candidate is standing for only will be provided, and this data is unable to be passed on to any third-party and must be used for election purposes.

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

Candidates or candidate scrutineers may request, **before the close of voting**, a listing of names of persons from whom voting documents have been returned. Such a request can be supplied in either hardcopy or electronic copy, and a reasonable charge will be made for this. [Section 68 (6) Local Electoral Act 2001].

Voting and special voting

Key message

The three-week voting period is Friday 20 September to noon Saturday 12 October 2019. Voting packs are posted to electors from Friday 20 September 2019. Special votes are available to those who have not received an ordinary vote during the voting period, or registered on the electoral roll after 16 August 2019.

Postal voting

The election is being conducted by postal vote. Voting documents are posted to all electors whose names appear on the final electoral roll with delivery commencing Friday 20 September 2019. All electors should have received their voting documents by Wednesday 25 September 2019.

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:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- Katikati Library & Service Centre, The Centre – Pātuki Manawa, 21 Main Road, Katikati;
- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach.

When posting voting documents back, it is recommended these be posted by 5pm, Tuesday 8 October 2019 to guarantee delivery before the close of voting (noon, Saturday 12 October 2019).

There is no online voting option for these elections.

Special votes

Special votes are available to electors:

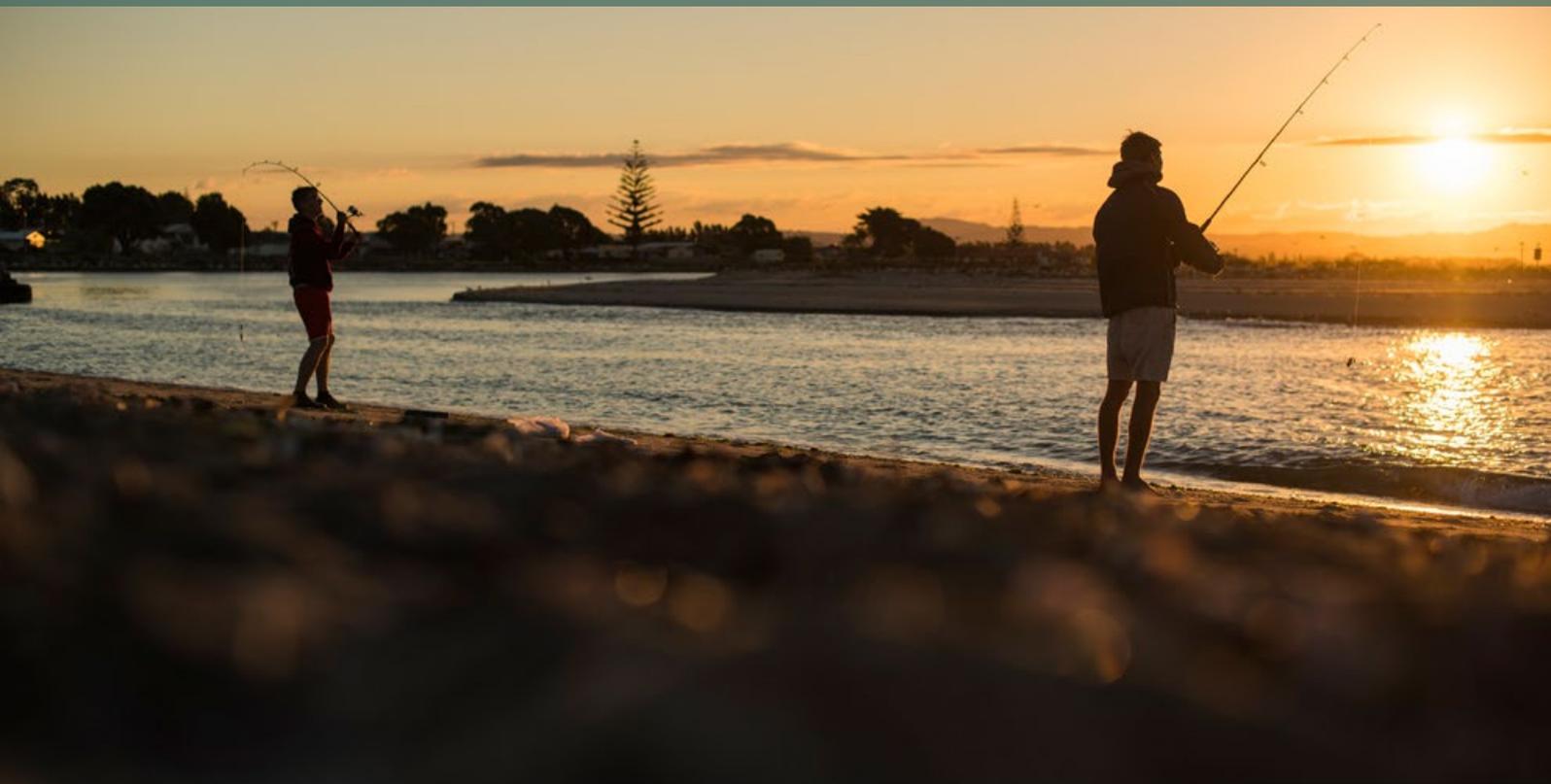
- whose names do not appear on the final electoral roll, but who qualify as electors;
- who do not receive a voting document previously posted to them;
- who spoil or damage a voting document previously posted to them.

Special votes are available from Friday 20 September 2019 to noon, Saturday 12 October 2019 from:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- Katikati Library & Service Centre, The Centre – Pātuki Manawa, 21 Main Road, Katikati;
- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach.
- by telephoning the electoral office on 0800 922 822.

Special votes can be posted directly to electors. The completed voting document however, must be returned to the electoral officer by noon on election day.

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



If an elector requests a special vote and is not on the Parliamentary electoral roll (e.g. just turned 18 years of age), the person must enrol by Friday 11 October 2019 (the day before the close of voting). An application for registration as a Parliamentary elector may be obtained:

- from any NZ Post agency; or
- telephoning 0800 ENROLNOW (0800 36 76 56); or
- by accessing the Electoral Commission website - www.elections.org.nz

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

Special votes cannot be collected by candidates or their assistants for distribution to electors.

Election day

On election day, ordinary votes can be returned, and special votes issued and returned, from 9 am to noon at:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- Katikati Library & Service Centre, The Centre – Pātuki Manawa, 21 Main Road, Katikati;
- Omokoroa Library & Service Centre, McDonnell Street, Omokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, Waihi Beach Road, Waihi Beach.

Early processing of returned voting documents



Key message

During the voting period, returned voting documents are able to be opened and processed, but not counted.

Processing of votes

Returned voting documents are able to be opened and processed during all or part of the voting period prior to the close of voting.

The early processing of voting documents involves the following functions:

- roll scrutiny (marking people off the roll);
- opening of envelopes;
- extracting of voting documents;
- checking for informal or duplicate votes;
- electronic capture of all valid votes (twice).

No tallying of votes is undertaken until after the close of voting (noon, Saturday 12 October 2019).

The early processing functions are undertaken with strict security measures. One or more Justices of the Peace observe all early processing functions, and sign a statement at the end of the processing that all functions were undertaken correctly and conformed with the strict legal requirements.

Candidate scrutineers are not permitted to observe the early processing functions.

Scrutineers

Key message

Candidates are able to appoint scrutineers to observe certain functions. Appointment of scrutineers must be made by noon, Friday 11 October 2019.

Appointment of scrutineers

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

These functions are:

- the scrutiny of the roll;
- the preliminary count (after the close of voting);
- the 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 which an election is 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 as a scrutineer, the letter of appointment must be received by the electoral officer no later than noon Friday 11 October 2019 [Section 68, Local Electoral Act 2001].

A standard letter for the appointment of a scrutineer is located at the end of this handbook.

Each appointed scrutineer must report initially to the electoral officer or deputy electoral officer, where a declaration pledging not to disclose any information coming to their knowledge, will need to be signed and a name tag issued. When departing the premises, scrutineers are to return their name tag to the electoral officer or deputy electoral officer.

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

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

The scrutiny of the roll will be undertaken at the electoral office (Level 2, 198 Federal Street, Auckland), during normal office hours between Monday 23 September 2019 and to noon, Saturday 12 October 2019.

The preliminary count of votes will commence once voting closes at noon on Saturday 12 October 2019 at the electoral office.

The official count of votes will be undertaken once the preliminary count is concluded and the final result will be known on Thursday 17 October 2019. The official count will also occur at the electoral office.

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

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

Results

Key message

Election results will be released on three occasions:

Progress results around 2pm on election day, Saturday 12 October 2019.

Preliminary results on Sunday morning, 13 October 2019.

Final results on Thursday afternoon, 17 October 2019.

Progress results

The counting of votes will commence from noon Saturday, 12 October 2019 at the offices of Independent Election Services Ltd, Level 2, 198 Federal Street, Auckland.

As soon as practicable following the close of voting, progress results will be made available, these are likely to reflect approximately 95% of the votes cast.

Progress results will be available at approximately 2pm on election day.

Progress results however will not be available for the Bay of Plenty District Health Board election, as this is conducted under the STV electoral system.

Preliminary results

Preliminary results will be available once all votes that are hand-delivered on election morning have been received and processed. This is expected to be on Sunday morning 13 October 2019.

Both progress and preliminary results will be available:

- by accessing council's website www.westernbay.govt.nz
- by telephoning the electoral office on 0800 922 822.

Final results

Once all special votes have been validated by the Electoral Commission, a final result is able to be announced. This is expected late afternoon on Thursday 17 October 2019.

Release of results

Where email addresses have been provided, candidates will be emailed both the progress and preliminary results, once available.

All results will also be placed on council's website: www.westernbay.govt.nz

Term of membership

Key message

All members leave office and come into office on the day after the declaration of results is publicly notified.

Term of membership

All members come into office for the Western Bay of Plenty District Council 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).

[Section 115, Local Electoral Act 2001]

All members leave office for the Western Bay of Plenty District Council when the members elected at the next election come into office.

[Section 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 (12 October 2019). [Section 64, Local Electoral Act 2001]

Any such extraordinary vacancy is required to be filled by an election, which cannot occur any earlier than 17 February 2020. [Section 138, Local Electoral Act 2001]

For district health boards, members come into office (and current members leave office) on 9 December 2019, the 58th day after polling day.

[Clauses 14 & 15, Schedule 2, New Zealand Public Health and Disabilities Act 2000].

A member is disqualified from holding office in a local authority under the following provisions:

"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 during that time.
- (3) person may not do an act as a member while disqualified under subclause (1) or while on leave of absence under subclause (2)"
[Clause 1, Schedule 7, Local Government Act 2002]

Community board membership

Key message

Community boards act as advocates for their communities and are an important link to council.

Legislation

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

Each community board must consist of between 4 and 12 members; and is to include at least 4 elected members; and may include, as appointed members, up to half the total number of members

[Section 19F, Local Electoral Act 2001.]

Appointed members to a community board must be appointed by council from the elected councillors representing the ward in which the community is situated [Section 19F, Local Electoral Act 2001].

A person elected as a councillor and a community board member within the same ward/community district, is deemed to be elected as a councillor and a community board member but is then deemed to have vacated 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, in this instance, an extraordinary vacancy occurs and a by-election is required) [Sections 88A, 88B, Local Electoral Act 2001].

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 the Western Bay of Plenty District Council, four members are elected to each of the following community boards: Waihi Beach, Katikiti, Omokoroa, Te Puke and Maketu.

In addition, each of these community boards has two members appointed by council from the councillors in the ward in which the community board is located.



Local Electoral Act 2001

121 Illegal nomination, etc

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

- a. consents to being nominated as a candidate for an elective office, knowing that they 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 they 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 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 they 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 an 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 their 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 -
 - a. in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years;
 - b. in the case of any other person, to imprisonment for a term not exceeding six months.

124 Voting offences

Every person commits an offence, and is liable on conviction to imprisonment for a term not exceeding 2 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 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, they, directly or indirectly, on their 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, they directly or indirectly, on their 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 to imprisonment for a term not exceeding 2 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 their 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 license under the Sale and Supply of Alcohol Act 2012 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 to imprisonment for a term not exceeding 2 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 to imprisonment for a term not exceeding 2 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 they returns is valid).
- (2) Every person who commits the offence of personation is liable on conviction to imprisonment for a term not exceeding 2 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 their vote; or
 - b. attempt to obtain, in the building, or other place where the voter has marked or recorded their 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 their 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 their 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 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 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 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.

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, appliances, 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) Subsection (2) applies if an electoral officer—
 - a. receives a written complaint that an offence has been committed under—
 - i. Part 5; or
 - ii. this Part; or
 - c. believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
- (2) If this subsection applies, the electoral officer must—
 - a. report the complaint or belief to the Police; and
 - b. provide the Police with the details of any inquiries that they considers may be relevant.
- (3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
- (4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

138AA Time limit for prosecutions

- (1) A prosecution under section 112C must be commenced within six months of the date on which the return was required to be filed.
- (2) A prosecution under section 103K or 112D must be commenced—
 - a. within six months of the date on which the prosecutor is satisfied that there is sufficient evidence to warrant the commencement of the proceedings; but
 - b. not later than 3 years after the offence was committed.

Remuneration

Key message

Elected members are entitled to be paid for the work undertaken. This remuneration is generally by way of a base salary and allowances for such things as mileage etc.

Member remuneration

The Remuneration Authority is a statutory body that establishes remuneration for local government. In 2018 the Remuneration Authority reviewed the remuneration of elected members, moving from a “partial pool” approach to a “full pool” approach. The new approach will take effect following the elections and is based on the following remunerations levels, subject to the Remuneration Authority’s confirmation:

Base remuneration for members of Western Bay of Plenty District Council (as at 1 July 2019) will likely be as follows:

Position	\$PA
Mayor	\$127,637
Deputy mayor	\$48,807
Committee chairperson (3)	\$43,579
Councillor	\$34,694

Base remuneration for community board members (as at 1 July 2019) will likely be as follows:

Katikati and Te Puke Community Boards:

Chairperson	\$11,008
Member	\$5,504

Omokoroa Community Board:

Chairperson	\$7,987
Member	\$3,993

Maketu Community Board:

Chairperson	\$5,827
Member	\$2,914

Waihi Community Board:

Chairperson	\$9,065
Member	\$4,532

Council will provide technology to enable elected members to undertake their roles and elected members will be reimbursed for council related communication and other costs in accordance with council’s expenses policy, which is subject to approval by the Remuneration Authority.

Base remuneration for members of the Bay of Plenty Regional Council (as at 1 July 2019) will likely be as follows:

Position	\$PA
Chairperson	\$144,661
Deputy chairperson	\$81,011
Councillor	\$57,395

Remuneration for Members of the Bay of Plenty District Health Board (as at October 2019) will likely be as follows:

Position	\$PA
Chairperson	\$44,000
Deputy chairperson	\$27,500*
Member	\$22,000*
Meeting Fees	\$Per Meeting
Committee meetings: chair	\$312.50
Statutory committee member	\$250.00

* 2019 remuneration confirmed by the Remuneration Authority.

Members are covered for reasonable expenses associated with board and committee business, such as travel costs.

Health and safety responsibilities

Key message

All elected members of Western Bay of Plenty District Council are required to comply with the duties and obligations of the Health and Safety at Work Act 2015.

Health and Safety at Work Act 2015

Under the legislation an officer is someone who holds a position which allows them to exercise significant influence over the whole of council. At Western Bay of Plenty District Council, elected members and the chief executive (and possibly others) are 'Officers'. The boards of council-controlled organisations and their chief executives are also officers.

As a PCBU (persons conducting a business or undertaking), council holds the primary duty to ensure people's safety. An officer's responsibility is to exercise due diligence to ensure that council complies with its duties and obligations under the Health and Safety at Work Act – similar to the responsibility councillors and local boards have to exercise due diligence over council's financial matters.

An officer's duty is important because leadership contributes to council's safety culture, and elected members need to have an understanding of what is required to manage council's risks.

Officers can rely on information provided to them by staff and experts so long as that reliance is reasonable. However, elected members and the chief executive must test and assess the advice provided to them to ensure they are confident their decisions have sufficiently considered health and safety factors. Officers must demonstrate that they have carefully considered health and safety.

There are six key aspects of officer due diligence. The legislation requires officers take reasonable steps to:

- (1) Acquire and keep up to date with health and safety knowledge and health and safety matters for council.
- (2) Understand council's operations and the associated hazards and risks.
- (3) Ensure council has appropriate resourcing and processes to eliminate or minimise risks to health and safety.
- (4) Ensure council has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information.
- (5) Ensure council has, and implements, processes for complying with any duty or obligation.
- (6) Verify the provision and use of resources and processes through reviews and audits.

Liability

Whilst officers do not have the same primary duty as the PCBU to directly ensure health and safety they must exercise due diligence to ensure that the PCBU is meeting its duties.

Elected members acting in their capacity as elected members (as distinguished from elected members acting in a governance role for another entity) are excluded from liability for the most serious offences under the new Act. However they may still be liable under some of the other requirements in the legislation – for example in some circumstances WorkSafe NZ could still serve an improvement notice on them.

Further information can be found at:
<https://worksafe.govt.nz/managing-health-and-safety/businesses/guidance-for-business-leaders/>

2016 voting document returns

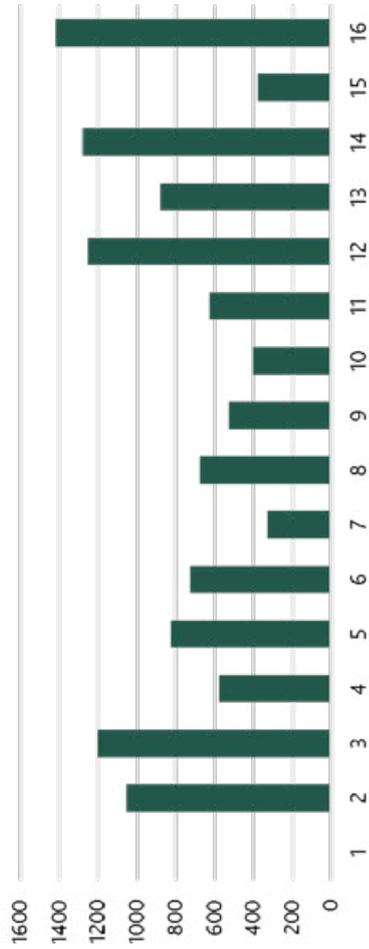


Voting document returns - 2016 Elections

Ward/Electors	19 Sept	20 Sept	21 Sept	22 Sept	23 Sept	26 Sept	27 Sept	28 Sept	29 Sept	30 Sept	3 Oct	4 Oct	5 Oct	6 Oct	7 Oct	8 Oct
Kaimai	0	325	425	225	300	200	475	275	225	125	225	525	350	525	175	485
12859	0	325	750	975	1275	1475	1950	2225	2450	2575	2800	3325	3675	4200	4375	4860
Returns %	0.0%	2.5%	5.8%	7.6%	9.9%	11.5%	15.2%	17.3%	19.1%	20.0%	21.8%	25.9%	28.6%	32.7%	34.0%	37.8%
Katikati - Waihi Beach	0	275	425	175	250	300	425	200	150	225	150	375	250	400	100	519
10175	0	275	700	875	1125	1425	1850	2050	2200	2425	2575	2950	3200	3600	3700	4219
Returns %	0.0%	2.7%	6.9%	8.6%	11.1%	14.0%	18.2%	20.1%	21.6%	23.8%	25.3%	29.0%	31.4%	35.4%	36.4%	41.5%
Maketu - Te Puke	0	450	350	175	275	225	425	200	150	50	250	350	275	350	100	411
11143	0	450	800	975	1250	1475	1900	2100	2250	2300	2550	2900	3175	3525	3625	4036
Returns %	0.0%	4.0%	7.2%	8.7%	11.2%	13.2%	17.1%	18.8%	20.2%	20.6%	22.9%	26.0%	28.5%	31.6%	32.5%	36.2%
Total	0	1050	1200	575	825	725	1325	675	525	400	625	1250	875	1275	375	1415
34177	0	1050	2250	2825	3650	4375	5700	6375	6900	7300	7925	9175	10050	11325	11700	13115
Returns %	0.00%	3.07%	6.58%	8.27%	10.68%	12.80%	16.68%	18.65%	20.19%	21.36%	23.19%	26.85%	29.41%	33.14%	34.23%	38.37%
Daily %	0.00%	3.07%	3.51%	1.68%	2.41%	2.12%	3.88%	1.98%	1.54%	1.17%	1.83%	3.66%	2.56%	3.73%	1.10%	4.14%
2010 Returns	0.0%	0.0%	5.7%	9.0%	11.7%	13.7%	15.9%	19.4%	20.8%	22.3%	25.1%	25.1%	28.3%	30.5%	33.5%	37.0%
2013 Returns	0.0%	0.2%	4.9%	7.0%	9.7%	12.7%	14.1%	16.4%	19.1%	20.5%	22.1%	24.1%	26.5%	30.3%	33.2%	37.8%

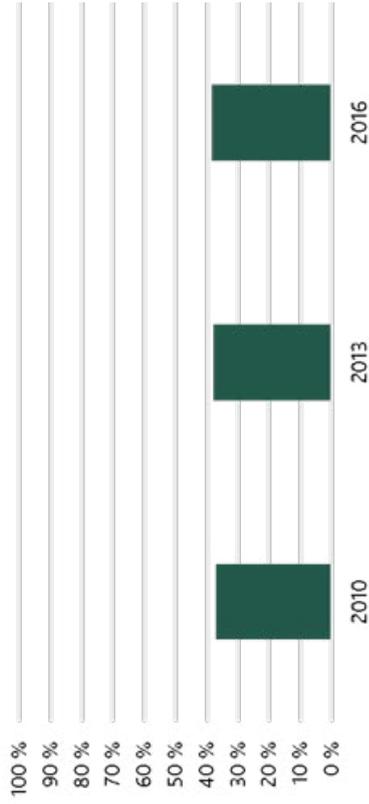
Western Bay of Plenty District Council 2016 Election

Daily voting document returns



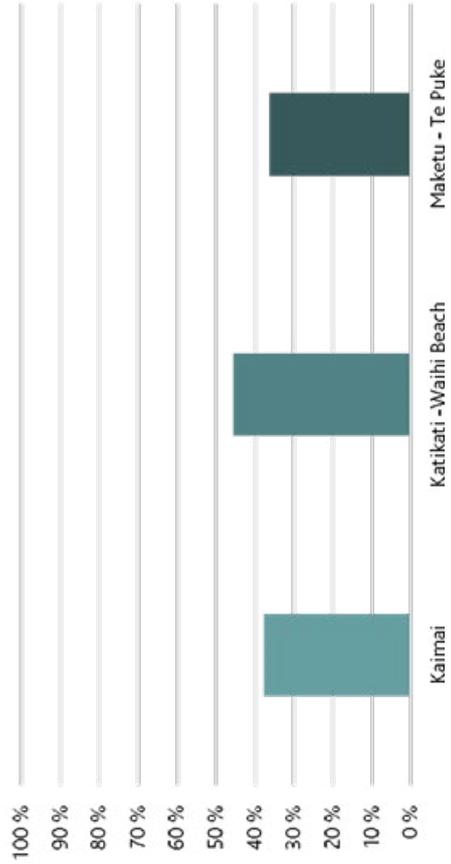
Western Bay of Plenty District Council 2016 Election

Total Document % Returns



Western Bay of Plenty District Council 2016 Election

Total Document % Returns





DECLARATION OF RESULTS OF ELECTION

for the Western Bay of Plenty District Council 2016 elections

I hereby declare the results of the elections held on 8 October 2016 for the following offices:

MAYOR (<i>one vacancy</i>)	Votes Received		Votes Received
LALLY, Mike	1,950	TOHIARIKI, Kevin	1,926
MERRIMAN, Gwenda	2,793	WEBBER, Garry	3,971
THWAITES, Don	2,022		

Informal votes received: 29

Blank votes received: 422

I therefore declare Garry WEBBER to be elected.

COUNCIL

Kaimai Ward (<i>four vacancies</i>)			
DEAN, Mark	2,681	MURRAY-BENGE, Margaret	2,806
HUMPHREYS, Christina	1,585	PALMER, John	2,669
LIVINGSTON-POOLEY, Tracy	1,200	THWAITES, Don	3,321

Informal votes received: 1

Blank votes received: 194

I therefore declare Mark DEAN, Margaret MURRAY-BENGE, John PALMER and Don THWAITES to be elected.

Katikati-Waihi Beach Ward

 (*three vacancies*)

BOWYER, Phil (<i>Western Ward Ratepayers</i>)	1,603	MARSHALL, David	1,952
GOUDIE, Ross	1,663	TOHIARIKI, Kevin	1,581
MACKAY, Peter	1,844	WILLIAMS, Mike	1,819

Informal votes received: 26

Blank votes received: 129

I therefore declare Peter MACKAY, David MARSHALL and Mike WILLIAMS to be elected.

Maketu-Te Puke Ward

 (*four vacancies*)

CANTLON, Gus	1,188	LALLY, Mike	1,758
COLMORE, Margaret (<i>Mountain Road Ratepayers Association</i>)	1,121	MARSH, Kevin	2,008
DALLY, Grant	1,665	RATU, Bertie	1,124
GUNN-THOMAS, Karyl	1,541	SCRIMGEOUR, John	1,911

Informal votes received: 6

Blank votes received: 44

I therefore declare Grant DALLY, Mike LALLY, Kevin MARSH and John SCRIMGEOUR to be elected.

COMMUNITY BOARDS

Katikati Community Board

 (*four vacancies*)

DUNLOP, Sam	1,447	MARTIN, Brian	795
GIBBS, Brendan	1,939	MAYO, Norm (<i>Western Ward Ratepayers</i>)	1,507
HOBBS, Jenny	1,815	WARREN, Ben	2,102

Informal votes received: 2

Blank votes received: 41

I therefore declare Brendan GIBBS, Jenny HOBBS, Norm MAYO and Ben WARREN to be elected.

Te Puke Community Board

 (*four vacancies*)

BUTTON, Bev	1,075	LALLY, Mike	1,526
DALLY, Grant	1,504	MILLER, Peter	1,277
DUGMORE, Joan	1,011		

Informal votes received: 2

Blank votes received: 130

I therefore declare Bev BUTTON, Grant DALLY, Mike LALLY and Peter MILLER to be elected. However, as Grant DALLY and Mike LALLY have both been declared elected Councillors to the Maketu-Te Puke Ward, their names have been withdrawn and the next highest polling candidate, Joan DUGMORE is declared elected. A by election for the remaining position will be held on 17 February 2017.

Waihi Beach Community Board

 (*four vacancies*)

HEPENSTALL, Brian (<i>Western Ward Ratepayers</i>)	796	ROBERTS, Marilyn	636
MILLS, Derek	508	SOLE, Allan	714
PARSONS, Ruth	774		

Informal votes received: 0

Blank votes received: 28

I therefore declare Brian HEPENSTALL, Ruth PARSONS, Marilyn ROBERTS and Allan SOLE to be elected.

Dated at Tauranga, 14 October 2016

Dale Ofoske
Electoral Officer
Western Bay of Plenty District Council
Barkes Corner
1484 Cameron Road, Tauranga
(Phone: 0800 922 822)

Local Elections 2016
**YOUR VOTE
YOUR COMMUNITY**



**Western Bay of Plenty
District Council**

DECLARATION OF RESULT OF BY-ELECTION TE PUKE COMMUNITY BOARD

I declare the result of the by-election held on 17 February 2017 for one member of the Te Puke Community Board to be as follows:

<u>Candidate</u>	<u>Votes Received</u>
MCNAIR, Richard	579
SPRATT, Ron	1,098
<i>(0 informal votes and 3 blank votes)</i>	

I therefore declare Ron SPRATT elected.

Dated at Tauranga, 21 February 2017

Dale Ofoske, **Electoral Officer**
Independent Election Services Ltd
for Western Bay of Plenty District Council

phone 0800 922 822



Western Bay of Plenty District Council Wards 2019

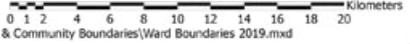


Legend

- KATIKATI-WAIHI BEACH WARD
- KAIMAI WARD
- MAKETU-TE PUKE WARD

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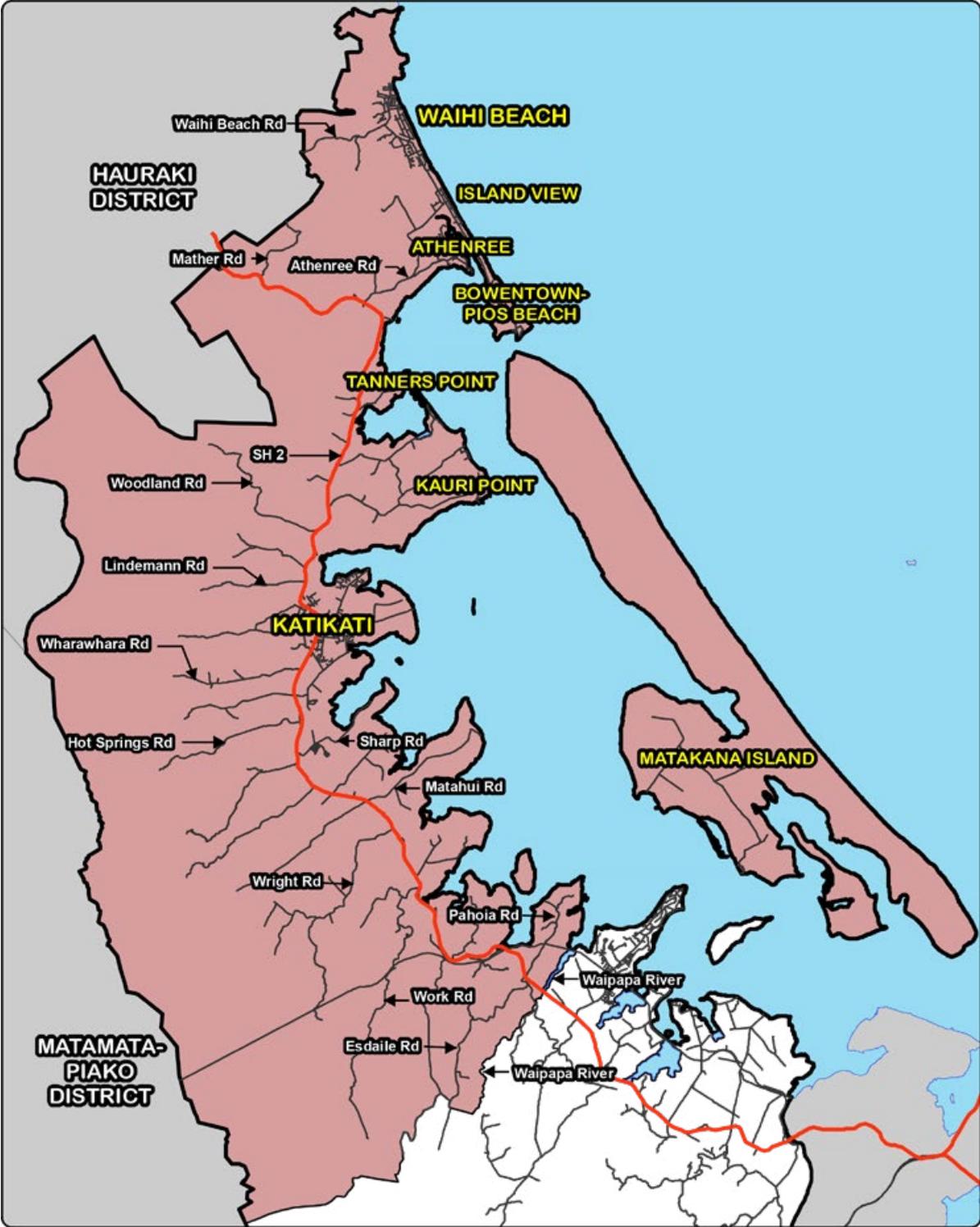
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**WESTERN BAY OF PLENTY DISTRICT
 WARD BOUNDARIES
 2019**



Katikati - Waihi Beach Ward 2019



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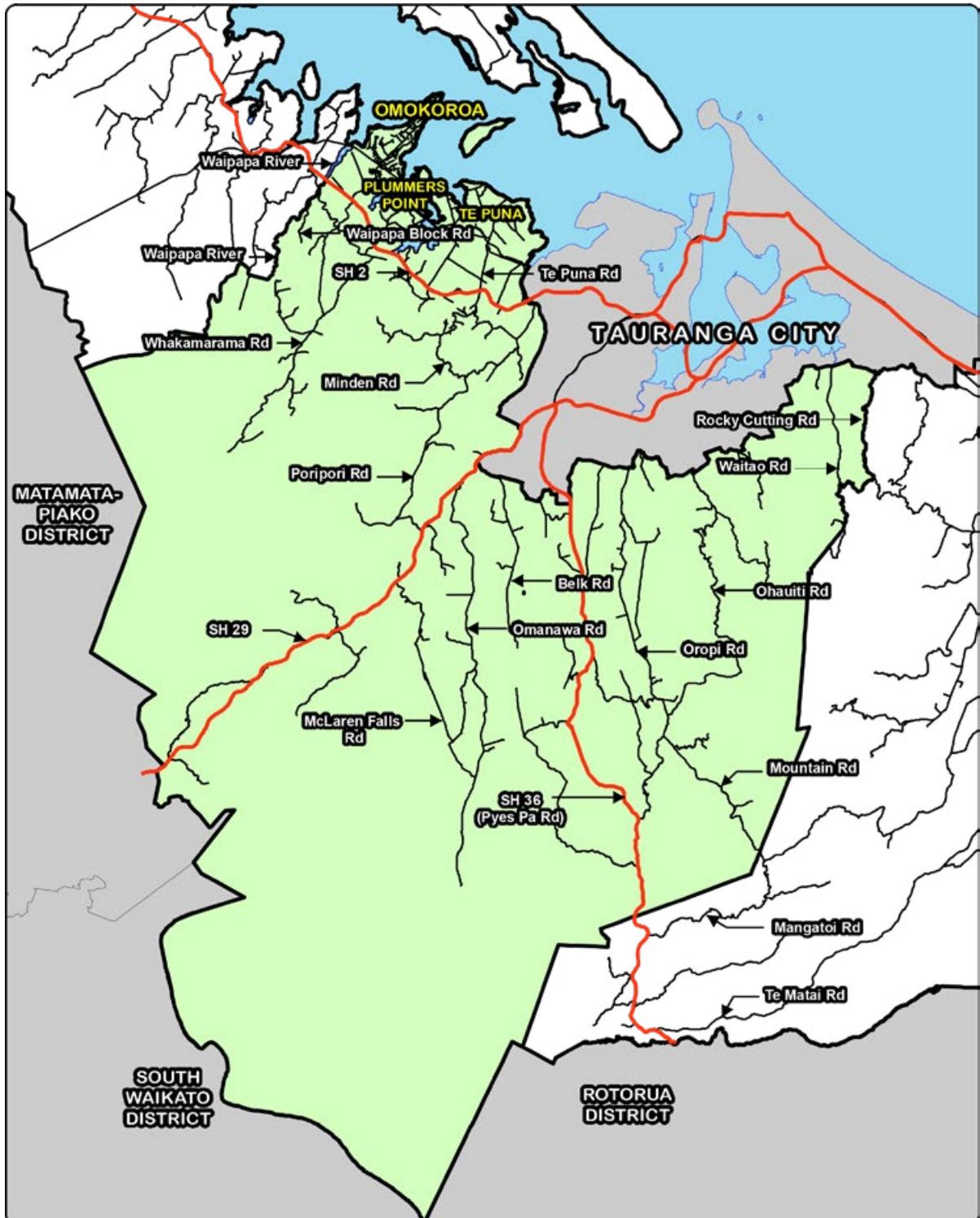
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**KATIKATI - WAIHI BEACH WARD
 2019**



Kaimai Ward 2019



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**KAIMAI WARD
2019**



Maketu - Te Puke Ward 2019



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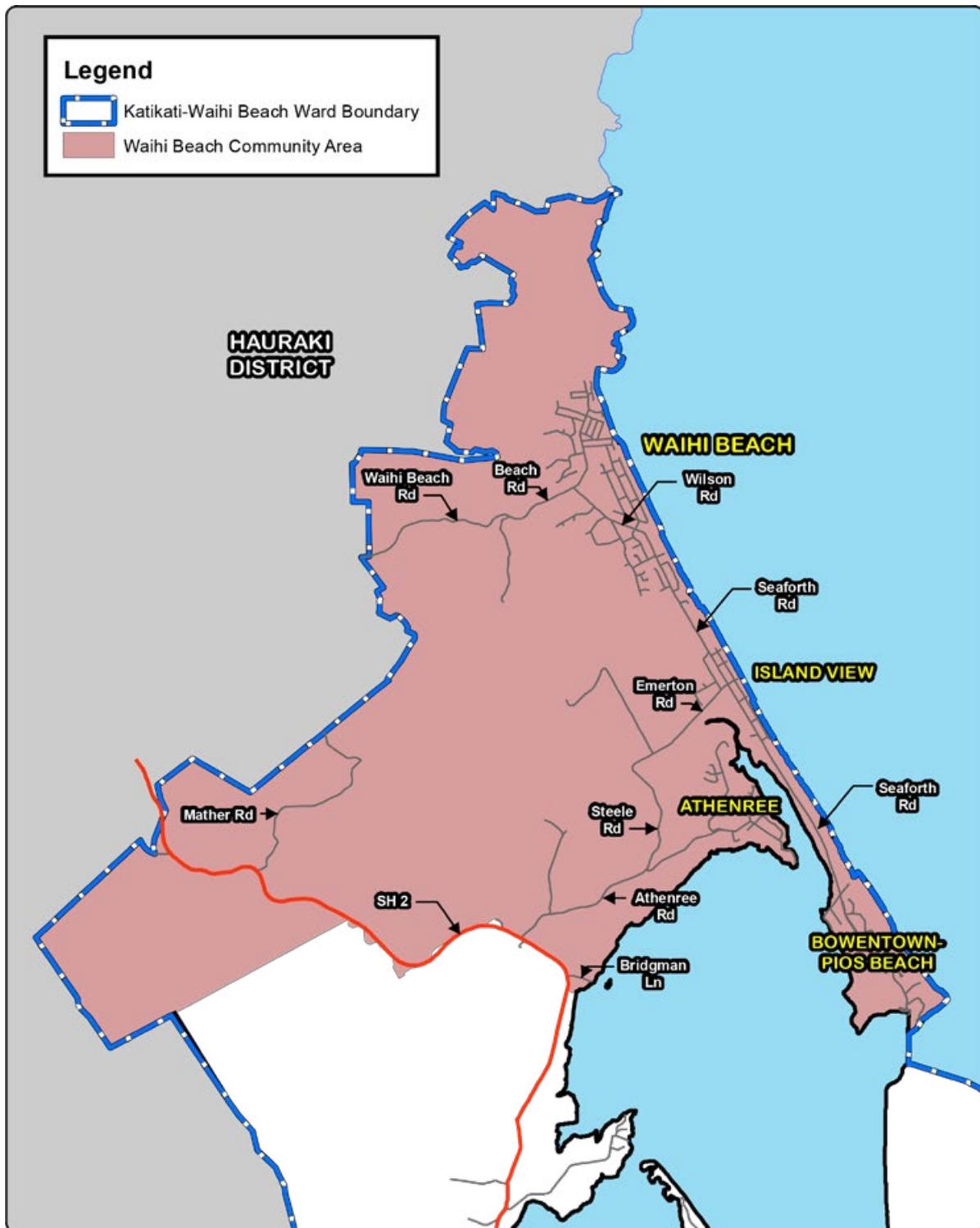
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**MAKETU-TE PUKE WARD
 2019**



Waihi Beach Community Board 2019



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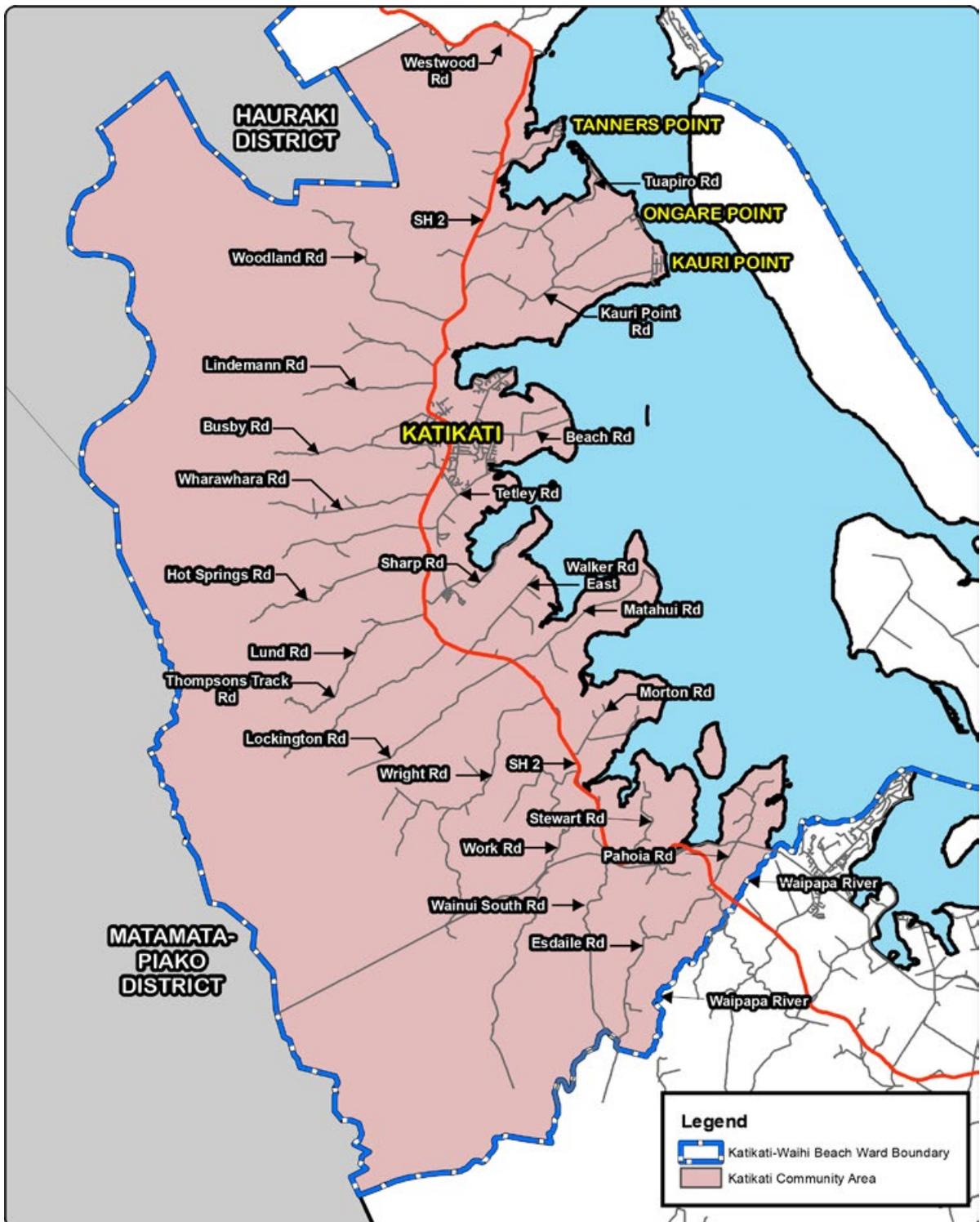
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**WAIHI BEACH COMMUNITY AREA
2019**



Katiki Community Board 2019



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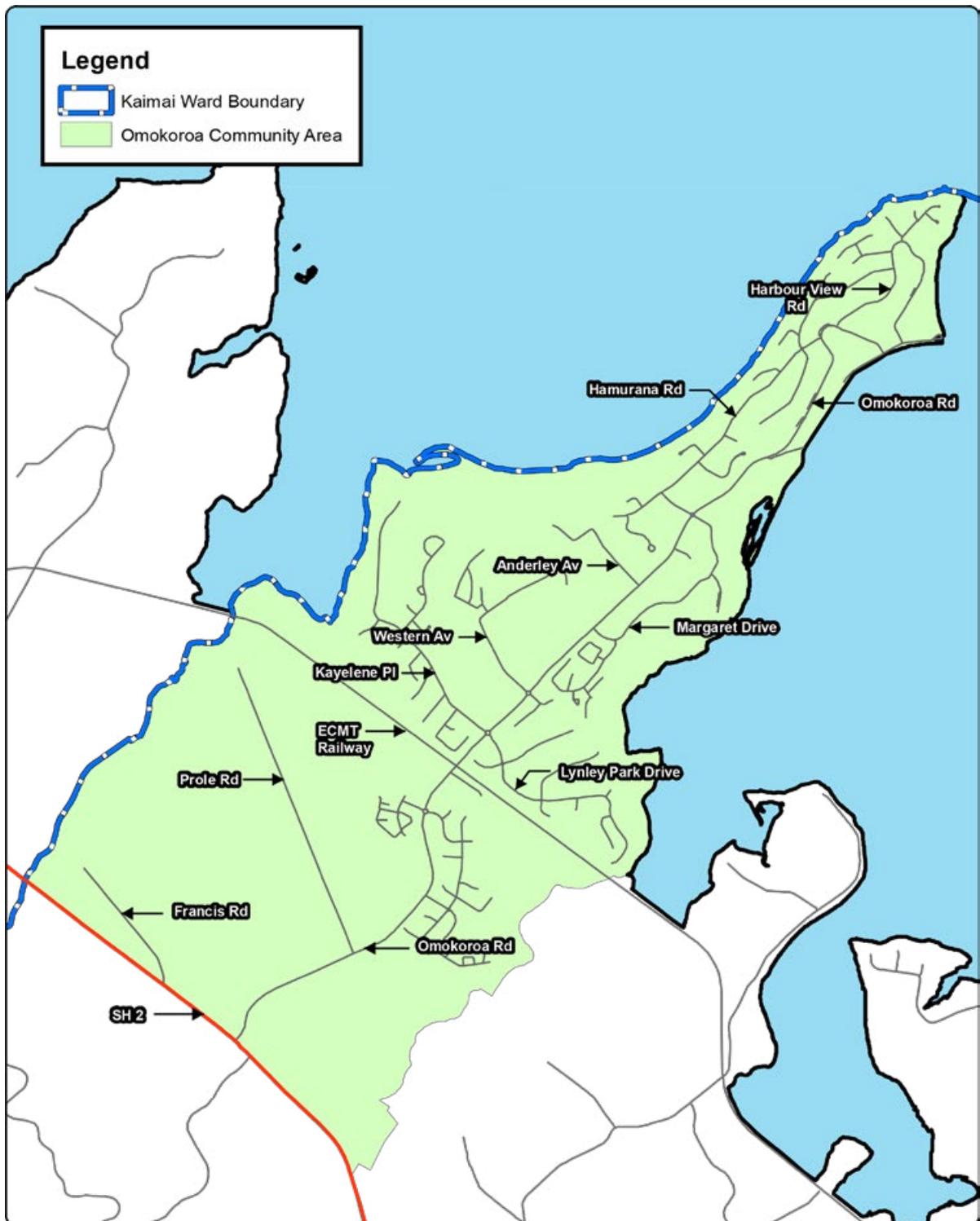
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**KATIKATI COMMUNITY AREA
 2019**



Omokoroa Community Board 2019



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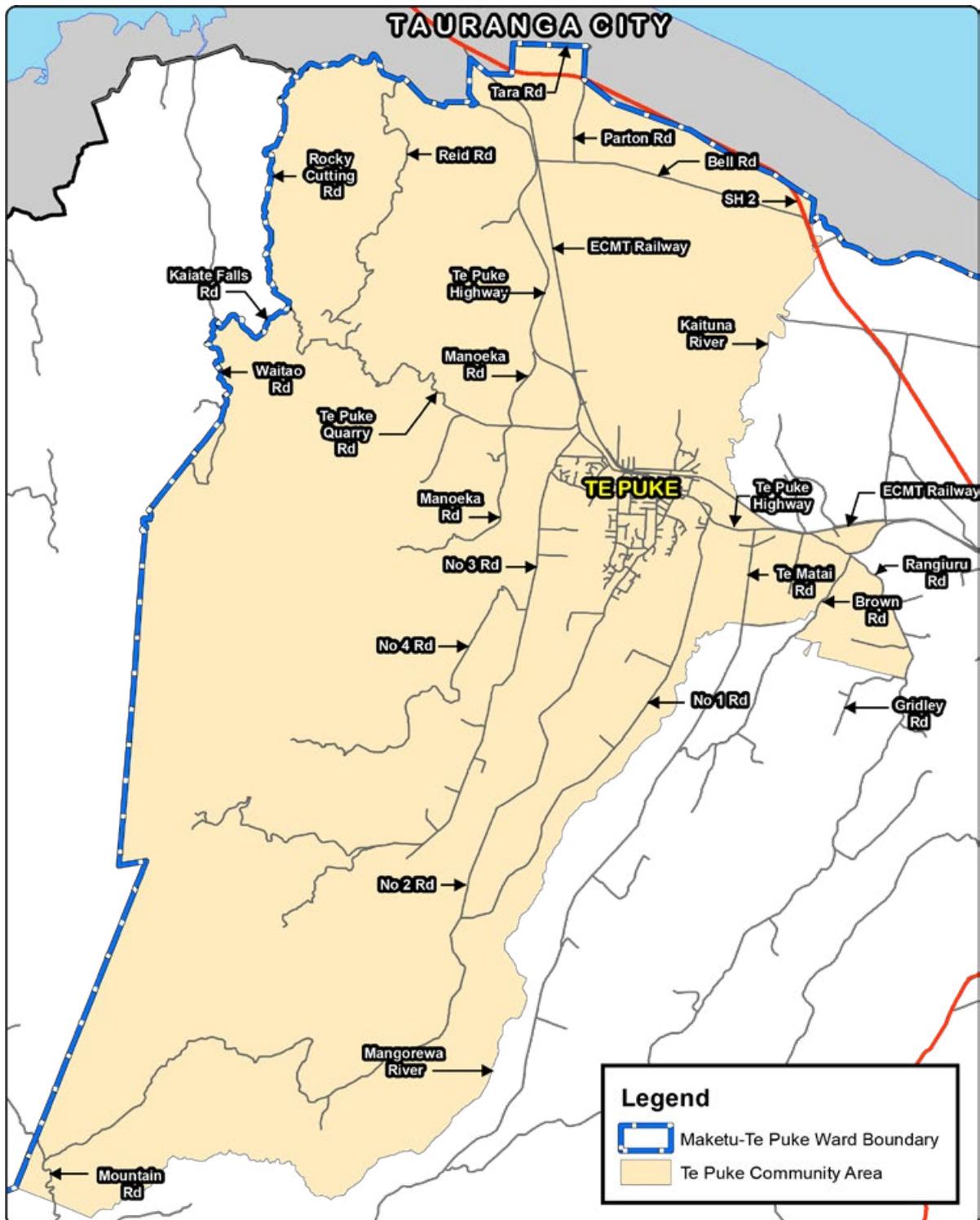
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**OMOKOROA COMMUNITY AREA
2019**



Te Puke Community Board 2019



Legend

- Maketu-Te Puke Ward Boundary
- Te Puke Community Area

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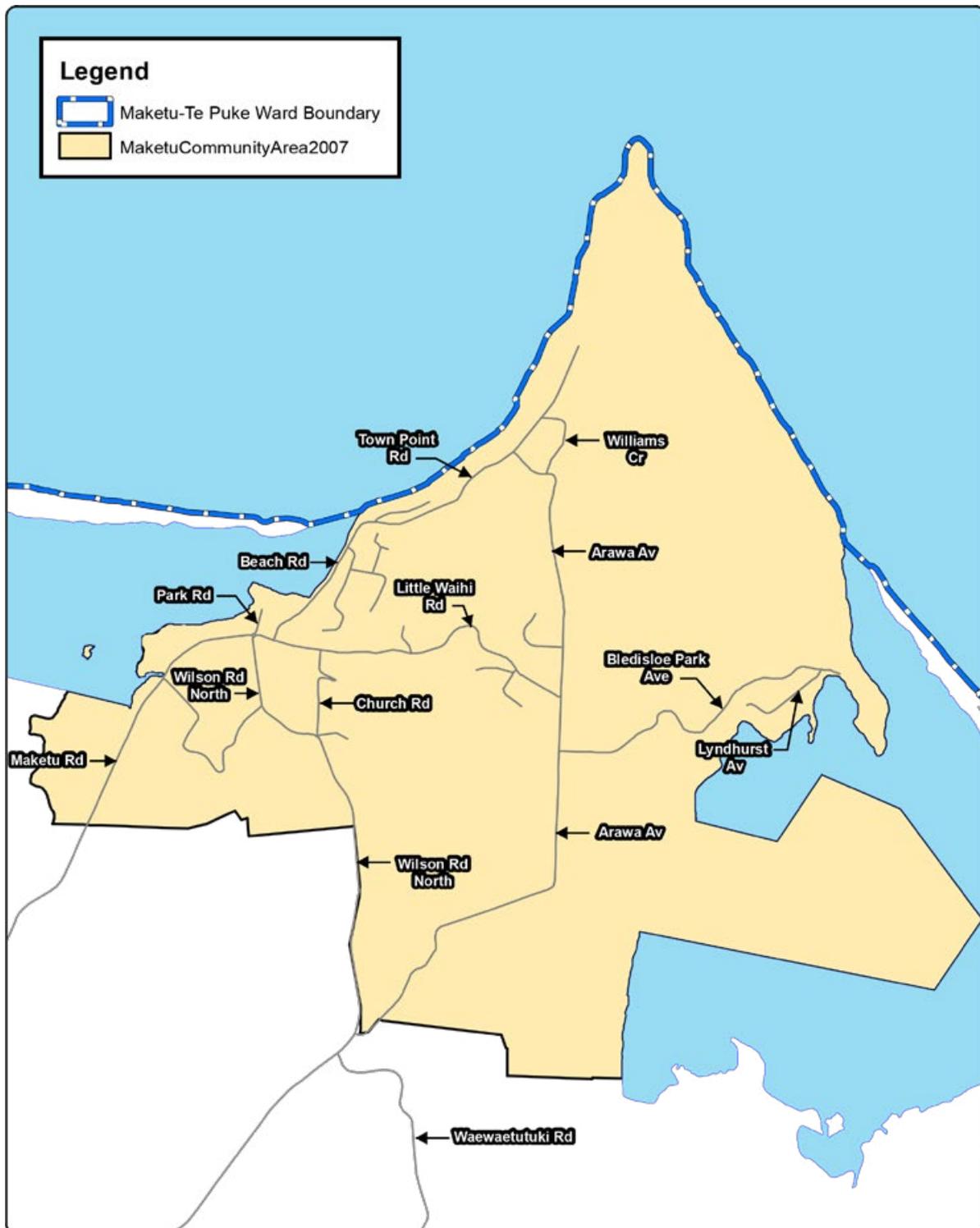
Email: gs@westernbay.govt.nz Scale A4 - 1:90,000
 Date: 4/8/2019
 Operator: mlb
 Map: E:\Shape\MLB\Map\Wards & Community Boundaries\Te Puke Community Area 2019.mxd



TE PUKE COMMUNITY AREA
2019



Maketu Community Board 2019



Produced using ArcMap by the Western Bay of Plenty District Council GIS Team. Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522. Location of services is indicative only. Council accepts no liability for any error. Archaeological data supplied by NZ Archaeological Assoc./Dept. of Conservation.

Email: gs@westernbay.govt.nz Scale A4 - 1:20,000
 Date: 4/8/2019
 Operator: mlb
 Map: E:\Shape\MLB\Map\Wards & Community Boundaries\Maketu Community Area 2019.mxd



**MAKETU COMMUNITY AREA
2019**



Councillor induction training

Key message

The Western Bay of Plenty District Council chief executive officer and senior management team run an extensive induction programme for councillors and community board members.

Declaration of election results

Following the declaration of election results, successful candidates will receive a programme of induction events. These will start in October and run through until February 2020 (excluding January). It will be important that you are available to attend the various events as they will assist you in your role as an elected representative of your community, and this may require attendance at events during the day for up to two days a week.

The training will cover areas such as governance, roles and responsibilities of local government, the local government planning cycle, long term plan, rules and regulations, code of conduct and council operations.

Inaugural meeting

The inaugural meeting of council will be held, with a minimum period of notice of 7 days, following the official declaration of results. This is likely to be in the first or second week of November.



What is the role of council?

Key message

The Local Government Act 2002 underpins council operations, and has been amended a number of times since 2002. Part two section 10 of the Act has re-defined Local Government's purpose as:

- to enable democratic local decision-making and action by, and on behalf of, communities; and
- to meet the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost- effective for households and businesses.

Council's role is to give effect to this purpose in relation to the district and to perform a number of other statutory duties (and such Acts) as the Building Act and the Resource Management Act.



Council operations

Key message

Council's operations are, in part, driven by how councillors see their role in achieving the vision for the Western Bay of Plenty District. Legislation also governs most council activities.

The District's vision reflects the wishes of the people living in the Western Bay of Plenty.

The vision was originally developed in 1998 after council consulted widely with the community. Consultation included public meetings, community workshops and a formal submission process to establish what the community's future vision for the district was.

The vision was reviewed in 2005 following further consultation and was revalidated by the community.

Key elements

The key elements of the district vision are:

- we can all enjoy a healthy and safe lifestyle;
- our communities are vibrant and welcoming;
- leaders are effective, informed and inclusive;
- our environment is clean, green and valued;
- our economy is thriving.

The councillors of the Western Bay of Plenty play an important part in achieving this vision.

Their vision

Their vision is:

Council will be recognised as a leader providing strong governance and efficient, effective services through understanding the identity of our communities.

How the council organisation works to support the district and council visions is achieved through the organisational mission.

The mission

The mission is:

Provide people with best value service by implementing plans that deliver social, cultural, environmental and economic progress across Western Bay of Plenty District.

A culture of providing good customer service and engagement is at the heart of meeting the mission which is underpinned by four core competencies.

Core competencies

The core competencies of the organisation are:

- integrated information systems – strategically aligned and accessible information;
- integrated management systems – integrated planning, implementation and monitoring frameworks;
- agility and adaptability – ability to respond and adapt to a changing operating environment;
- organisational approach – focus on customers, building relationships, continuous improvement and workforce stability;

These core competencies enable council to address its strategic challenges and achieve its vision and mission.

There are over 124 separate pieces of legislation governing the actions of Local Authorities but the main councillor and community board member responsibilities and requirements are in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

To support councillors and community board members to meet our legal and community responsibilities, Western Bay of Plenty District Council has a meeting structure in place. Following is a brief description of the way our meetings work.

When are meetings held?

At present council and its committees meet during the day, with the majority of meetings starting at 9:30am. Most council and committee meetings are held at the Barks Corner office in the Council Chambers, however some are also held in relevant communities when a more local topical focus is involved.

Community boards meet in the evening, with the majority of boards starting their meetings at 7:00pm. The boards meet on council or community premises located within their board areas (service centres/ libraries/community centres).

The number of meetings you will need to attend in a week will depend on which committees you are appointed to and what the workload is for council in any given year. On average you will need to be available for at least two meetings per week during the day, and on occasion this may increase to up to four during public submission processes. Council's community engagement processes mean that often informal feedback sessions are organised in the community during weekends at community events such as markets and festivals. Elected members are invited to attend these events to hear what our communities have to say.

What are agendas?

Agendas are the group of items the council, committee or community board will discuss at their meetings. They include an order paper (an index of the items to be discussed) and the detailed reports on each individual item. You can view examples on our website www.westernbay.govt.nz

Responsibility for agendas

Under local government law the chief executive officer is responsible for preparing all council, committee and community board agendas.

How do items get on the agendas?

Officer reports.

There are two ways in which an officer's report can be put on an agenda:

(1) By resolution:

Resolutions from council or its committees, may request through the chief executive officer an officer report on a specific topic. Community boards can recommend to council or its committees that a report be requested. In considering these resolutions the chief executive officer will consider the relevance and importance of the topic to council in light of required resource allocation, council priorities and agreed plans and work programmes.

(2) By management directive:

Officers' reports requested by or approved by the chief executive officer or delegate are placed on the agendas to:

- enable council to set policy and monitor operations;
- maintain council's functions/implementation;
- update council on significant issues of concern or interest;
- achieve council or committee directives on matters within their delegated authorities and outside of staff delegations.



How can councillors or members get items on the agendas?

Under Standing Orders the mayor has the opportunity to report to council or the chairperson of a committee or board may report to that committee or board on anything relating to the board or committee's delegations.

Apart from a chair's report and because of the diverse interests of elected members, individuals cannot ask for items to be put on the agenda by directing staff. This is to ensure the council or board as a whole controls the items of business rather than individual members.

There is a way for individuals to have items addressed under Standing Orders and this is by using formal processes included in Standing Orders such as notices of motion. Standing Orders are the rules of meeting procedure that members must use in formal meetings.

How can members of the public get items on the agendas?

There are provisions for council, its committees and community boards to receive deputations from the public on items of public interest relevant to the delegations of the particular committee, board or council. As with notices of motion there are formalities around the arrangements to make such presentations and people are advised of these when making their requests to be heard. There is also provision for a public forum at most meetings where people can come and voice their opinions and issues. Notes are taken from these sessions and there are options for follow up through committee reports or service requests.

What are minutes?

Minutes are the formal record of decision making by council, its committees and boards at formal meetings. The decisions, known as resolutions, are the directives by which elected members instruct staff through the chief executive officer. Examples of minutes are available on our website:

www.westernbay.govt.nz

What's the role of elected members?

Key message

All elected members are required to adhere to a code of conduct. The code sets out the council's understanding and expectations of how the mayor and councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanctions that the council may impose if an individual breaches the code.

The mayor may create one or more committees of council, and appoint chairs. A committee chairperson is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by council, and as set out in the Council's Delegations Manual.

More detail on roles will be part of induction training. Copies of the full code of conduct may be obtained from the website www.westernbay.govt.nz

The incoming mayor will set the committee structure for the new council after the October 2019 elections. Historically council has reviewed its committee structures at the beginning of each triennium. At the beginning of the 2016-2019 council put in place the following structure for elected members to carry out their roles of policy setting and monitoring for the district and its residents. Following is a summary of the various committees and their roles. Council's Local Governance Statement available on the website www.westernbay.govt.nz has a more detailed description. The mayor and councillors have the following primary roles as set by the Local Government Act:

- setting council's strategic and policy directions for the district;
- monitoring the performance of the council;
- representing the interests of the whole district (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the district);

- employing the chief executive (under the Local Government Act the council employs the chief executive, who in turn employs all other staff on its behalf).

The mayoral role

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 council.

In addition the mayor has the following roles:

- to provide leadership to the other members and the people in the district of the council;
- to lead the development of the council's plans, policies and budgets;
- to appoint the deputy mayor;
- to establish committees of the council and appoint chairpersons;
- to appoint the chairperson of each committee;
- to be the chair of council meetings;
- to advocate on behalf of the community and represent its interests.

The councillor's role

Elected members have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the chief executive, and to abide by the current code of conduct and standing orders
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)

- The Financial Markets Conduct Act 2013 which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

Council:

Membership: His Worship the Mayor and all councillors

Council oversees all the functions and activities of administering the district, and has some powers which may not be delegated to committees.

Community Committee:

Membership: His Worship the Mayor and all councillors

This committee has, as its role, the development and maintenance of community relationships and overview of service delivery contracts such as Katch Katikati, Sport Bay of Plenty, and relating to community activities.

District Licensing Committee:

This is a statutory committee made up of 2 elected members and community appointments, and their task is to consider and determine applications for liquor licenses and bar managers certificates.

District Plan Committee:

This committee has delegated authority to hear and make decisions on district plan matters. The district plan is the document that sets the rules on development in our district.

Operations and Monitoring Committee:

Membership: His Worship the Mayor and all councillors

This committee oversees the implementation and performance monitoring of many of the core services provided by council for example transportation, parks and reserves and customer services.

Policy Committee:

Membership: His Worship the Mayor and all councillors

This committee's role is to develop plans, policies and strategies for the future direction of our community.

Regulatory Hearings Committee:

Membership: 6 councillors

This committee makes decisions on statutory and regulatory matters council is charged with managing under the legislation. Much of this work involves assessing applications by people to undertake certain activities in the district. For example planning and resource consents, liquor licensing, animal enforcement and objections to building consents, to name but a few. All chairs and members of hearing panels must be accredited under the Resource Management Act.

Committee structures

Rural Committee

Membership: His Worship the Mayor and all councillors

This committee reports and makes recommendations to council and its committee on issues facing rural communities, to promote public participation and communication within rural communities, and to develop relationships on behalf of council with rural sector organisations.

In addition council has a number of joint committees with other local authorities and also some involving other agencies. These committees are in place to promote cooperative work in various activities across the western bay sub region. They include the following:

SmartGrowth Leadership Group

Membership: Representation from Western Bay of Plenty District Council, Tauranga City Council, Bay of Plenty Regional Council and Tangata Whenua.

The SmartGrowth Leadership Group (SGLG) is a governance group responsible for prioritising, reviewing and monitoring the implementation of the SmartGrowth Strategy 2051.

Joint Governance Committee

Membership: Representation from Western Bay of Plenty District Council and Tauranga City Council

This Joint Committee co-ordinates, facilitates and monitors issues affecting both the Tauranga City Council and the Western Bay of Plenty District Council.

Joint Road Safety Committee

Membership: Representation from Western Bay of Plenty District Council, Tauranga City Council, Bay of Plenty Regional Council, New Zealand Transport Agency, New Zealand Police, Accident Compensation Corporation, Automobile Association.

This committee provides an administration role for the annual road safety programme and co-ordination of the work of various community groups concerned with road safety, with the power to co-opt other members as necessary.

Community boards - their role, purpose and delegations



Key message

There are 5 community boards in Western Bay of Plenty District Council area. They are Waihi Beach, Katikati, Omokoroa, Te Puke and Maketu. Some of the roles for boards are:

- to advocate the interests of their communities;
- to report on matters referred by council;
- to submit annually to council on spending within the community, and as required on any other matters affecting the community;
- to monitor council services provided in the community;
- to liaise with local community groups and organisations;
- to carry out responsibilities as delegated by council;
- to promote public participation and communication in the communities;
- to have input into council on issues and plans affecting the communities, and provide an effective mechanism for community feedback to council.

Bay of Plenty District Health Board background information for elections

Board

In accordance with the New Zealand Public Health and Disability Act (NZPHD) the Board may consist of seven elected members and up to four members appointed by the Minister of Health. Currently the BOPDHB Board consists of seven elected and four appointed members. The Minister of Health appoints the board chair and deputy chair from among the elected or appointed members. The board values the input of the community and interested groups to assist the board with its goal of building healthy, thriving communities. Without the people of our region taking an interest in their individual and community health, and disability issues, the board cannot succeed in its goals and responsibilities.

Population

The Bay of Plenty District Health Board (BOPDHB) covers an area of 9,666 square kilometres and serves a population of 234,350. 32% of the population are under 25 and 25% identify as having māori ethnicity. Like the national population, our population is ageing (currently 19% aged 65 or over, and forecast to reach

Vision, Mission, Values

Vision: healthy, thriving communities.

Mission: enabling communities to achieve

Our Values: compassion, all-one-team, responsive, excellence

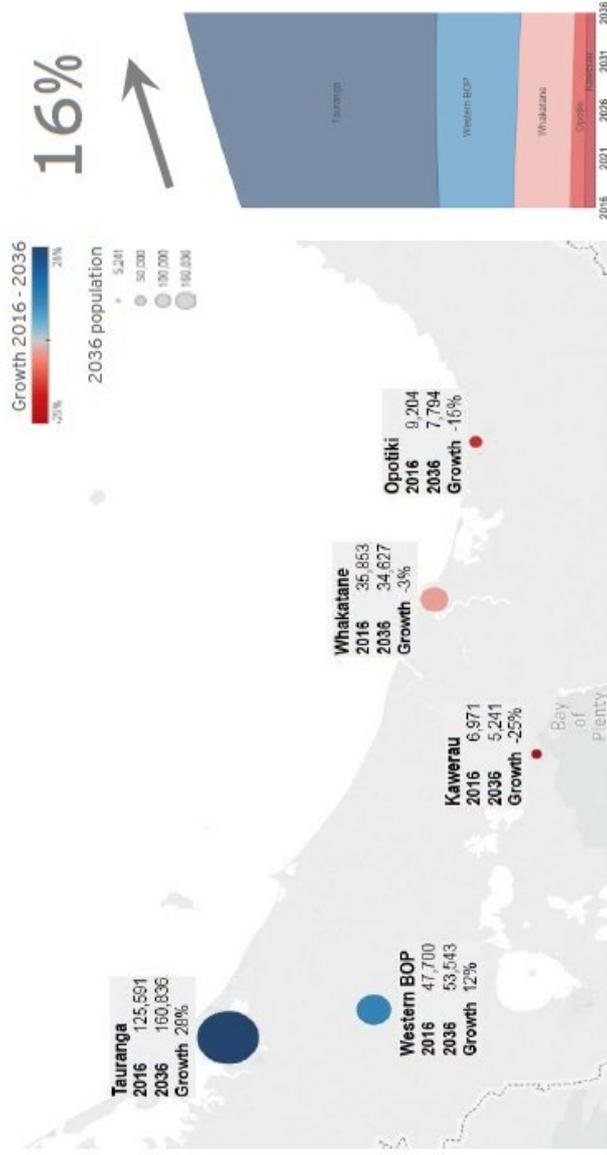


24% in 2026). The area served stretches from Waihi Beach in the north-west to Whangaparaoa on the East Cape and inland to the Urewera, Kaimai and Mamaku ranges. These boundaries take in the major population centres of Tauranga, Katikati, Te Puke, Whakatāne, Kawerau and Ōpōtiki. Eighteen Iwi are located within the BOPDHB area.

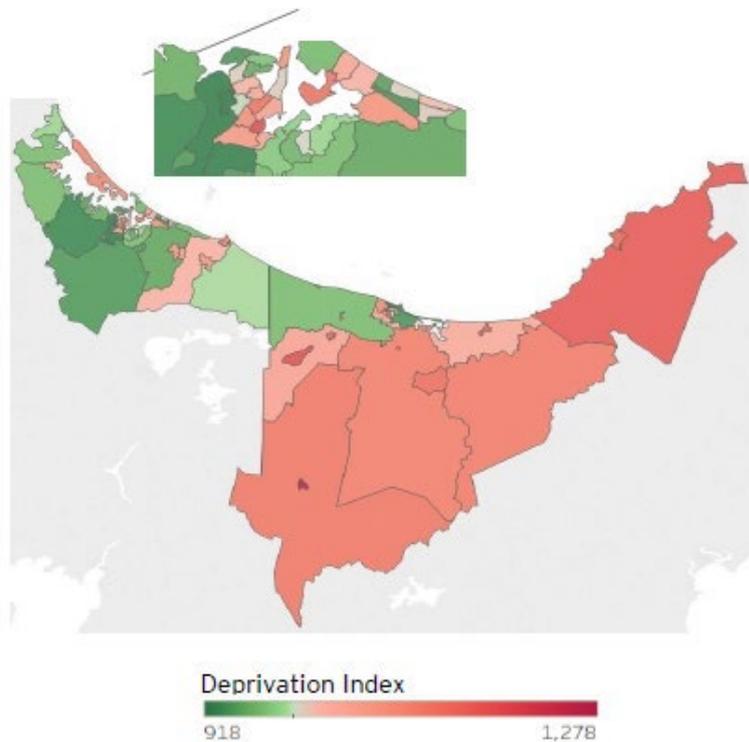


The following image highlights the changes in populations projected for the major population centres in the Bay of Plenty:

Population change *Urbanisation and growth*



Source: Statistics NZ Subnational Population Projections



Health need and deprivation

The Bay of Plenty (BOP) has a higher proportion of the population (28.6%) residing in the most deprived areas than the NZ average (20%). Kawerau and Ōpōtiki are most deprived with 100% of residents living in the most deprived areas. 21% of Tauranga, 33% of Western BOP and 12% of Whakatāne residents are in less deprived areas. More than half the children in BOP live in the most deprived areas.

Bay of Plenty District Health Board

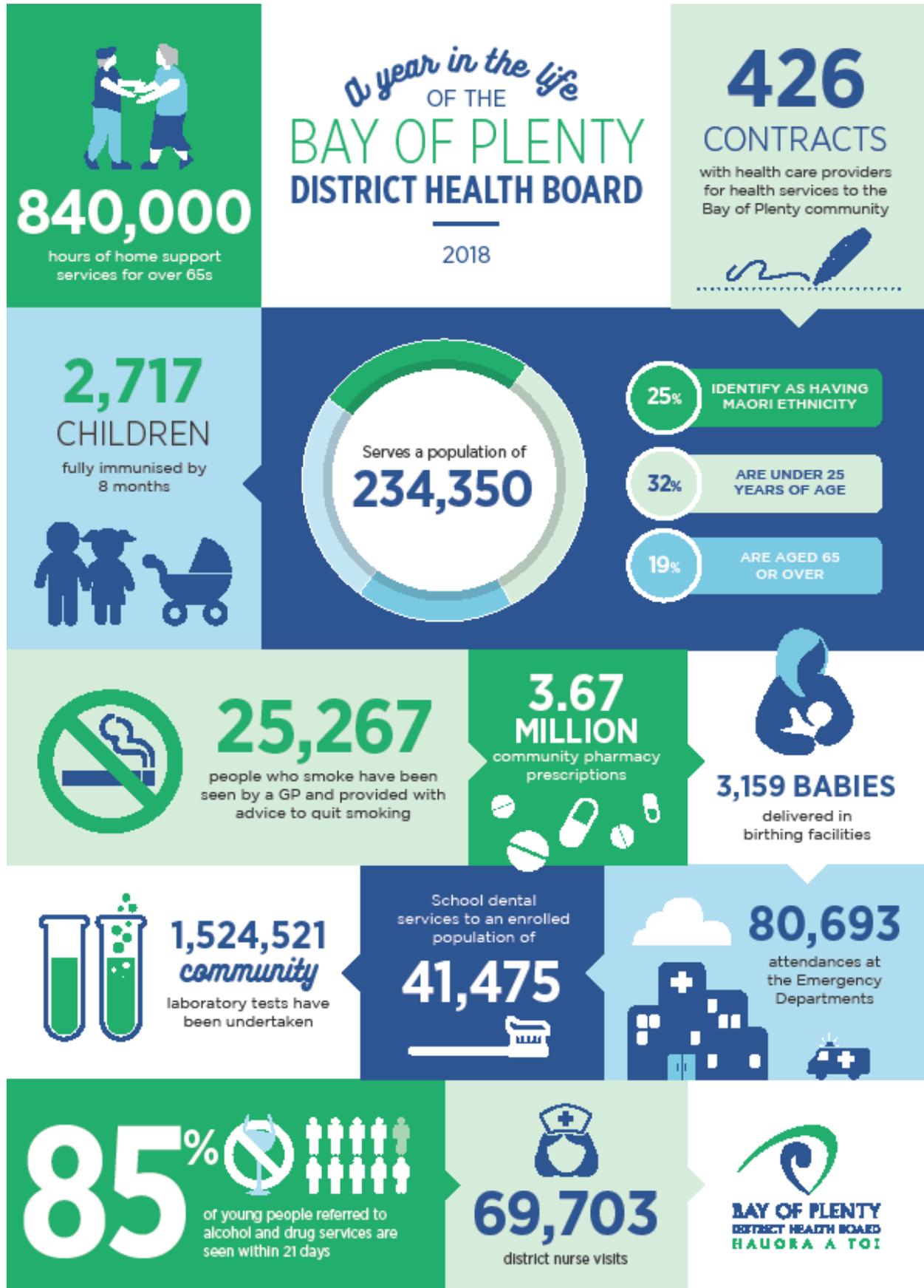
The BOPDHB is responsible for providing and funding health services from the money allocated by Government through Vote: Health. The BOPDHB provides strategic oversight for health and disability services in the Bay of Plenty by identifying needs, setting priorities, and allocating funding.

Services provided by the BOPDHB consist of:

- the hospitals in Tauranga and Whakatāne, and;
- community, dental and public health services which provide primary care, health promotion and health protection services.

In 2017/18 the BOPDHB's total revenue was \$833m. This funding is allocated across all health services in the Bay of Plenty with Tauranga and Whakatāne hospitals receiving approximately half, with the balance funding those services provided in the community by non-governmental organisations (NGOs) providing a range of mental health and personal health services, general practice, community pharmacy, aged residential care, home based support services and community laboratory services.

The following image provides a snapshot of the services that the BOPDHB provided in 2018:



Bay of Plenty Strategic Services Plan 2017-27 and Te Toi Ahorangi 2030

The BOPDHB, together with its PHO and NGO partners, will give effect to its national, regional and local directives more specifically through the Bay of Plenty Strategic Health Services Plan and the newly drafted Te Toi Ahorangi.

The Bay of Plenty Strategic Health Services

Plan 2017-27 sets out a fresh approach that builds on current strengths to meet the changing health needs of the Bay of Plenty community. This plan sets the scene for what the BOPDHB needs to focus on to support its communities to be healthy and thriving, and to live well, stay well and get well. The plan's focus is on providing integrated health services, intervening as early as possible, bringing health services closer to the patient, and providing the right mix of health supports in the right place. The diagram on the previous page is taken from this plan and defines our overarching strategy, the key outcomes we want to achieve, and our key priorities. This framework is supported by the Triple Aim which ensures population health, patient experience of care, and value for money perspectives are considered together in planning and decision making.

The BOPDHB and the Māori Health Rūnanga (the eighteen iwi governance representatives of Te Moana ā Toi), are affirming their Te Tiriti o Waitangi partnership by advancing a new māori health strategy that aims to transform the Bay of Plenty health system and realise its collective aspirations for Toi Ora. Toi Ora is the localised vision determined by the eighteen iwi in 2007. This vision directly aligns with He Korowai Oranga, the Government's national māori health strategy and vision of Pae Ora - healthy, māori futures.

Over the next ten years, the BOPDHB and the Māori Health Rūnanga are committed to working together, partnering for outcomes across sectors and ensuring that tangata whenua determinants of wellbeing are addressed and invested here in Te Moana ā Toi. Ultimately when finalised, Te Toi Ahorangi 2030 aims to provide a strategic framework that describes a unified vision, voice and intention to successfully influence health and wellbeing outcomes for tangata whenua and all people living in Te Moana ā Toi, from preconception throughout the life course.

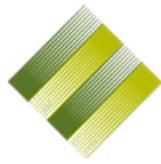
Priority populations

In delivering on its strategic direction, the BOPDHB will prioritise the needs and aspirations of populations with the greatest need. Five population groups have been identified as priorities based on the findings of the Health and Service Profile 2016, and stakeholder engagement:

- Māori;
- Young children (First 1000 days);
- Vulnerable children and youth;
- Vulnerable older people;
- People with severe long-term mental health needs and/or addiction issues.

Annual Plan and Annual Report

The BOPDHB has an annual plan for each financial year that sets out its intentions for delivering national, regional and local priorities for health services. The BOPDHB reports to its community and the Government on progress towards delivering on those priorities in its annual report. Both the annual plan and annual report can be viewed on the BOPDHB's website: www.bopdhb.govt.nz/media-publications/a-z-publications/



**Western Bay of Plenty
District Council**

TRIENNIAL ELECTION

12 October 2019

APPOINTMENT OF SCRUTINEER

The Electoral Officer
Western Bay of Plenty District Council
C/- Independent Election Services Ltd
PO Box 5135
Wellesley Street
Auckland 1141

Email: info@electionservices.co.nz

I _____, a candidate for the office of
_____, for the election being on
Saturday 12 October 2019, hereby appoint _____
as my scrutineer.

Signature of candidate

Date

NOTE: This letter must be returned to the electoral officer or deputy electoral officer no later than 24 hours before the close of voting (i.e. by noon Friday 11 October 2019).

I, a candidate for

at the election held on 12 October 2019, make the following declaration:

PART A: RETURN OF ELECTORAL DONATIONS (inclusive of GST)

I, make the following return of all electoral donations received by me that exceed \$1,500:

Set out the following details in respect of every **electoral donation** received (other than an anonymous electoral donation) that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value:

- the name of the donor;
- the address of the donor;
- the amount of the donation or, in the case of aggregated donations, the total amount of the donations;
- the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

NB: Section 103A Local Electoral Act 2001 defines "donation" as money or the equivalent of money or of goods or services or of a combination of those things used in the candidate's election campaign over \$300 in value. It excludes labour and goods and services that are provided free of charge reasonably valued at \$300 or less.

NAME and ADDRESS of DONOR	DESCRIPTION (include goods or services)*	DONATION	
		<i>Date received</i>	<i>Amount</i>
* set out here if the donation is funded from contributions			Total

Set out the following details in respect of every **anonymous electoral donation** received that exceeds \$1,500:

- the date the donation was received;
- the amount of the donation;
- the specific election campaign to which the donation was designated (see top of page);
- the amount paid to the electoral officer and the date the payment was made.

NB: Section 103A Local Electoral Act 2001 defines "anonymous" as a donation made in such a way that the candidate who receives the donation does not know the identity of the donor, and could not, in the circumstances, reasonably be expected to know the identity of the donor.

ANONYMOUS DONATION		DESCRIPTION (include goods or services)	PAID TO ELECTORAL OFFICER	
<i>Date received</i>	<i>Amount</i>		<i>Date paid</i>	<i>Amount</i>
<i>Please turn page for more Electoral donations, Electoral Expenses and Declaration</i>			Total	

In the case of any **electoral donation funded from contributions**, set out the following details in respect of each contribution that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds \$1,500 in sum or value:

- the name of the contributor;
- the address of the contributor;
- the total amount of the contributor's contributions made in relation to the donation.

NB: Section 103A Local Electoral Act 2001 defines "contributions" as money or goods or services that have been given to a donor to fund, be applied to, or included in an electoral donation (for example, contributions to trust funds or a fundraising collection).

NAME and ADDRESS of CONTRIBUTOR	DESCRIPTION (include goods or services)*	DONATION <i>Date received</i>	CONTRIBUTION <i>Amount</i>
* set out here the electoral donation this contribution applies to.		Total	

PART B: RETURN OF ELECTORAL EXPENSES (inclusive of GST)

I make the following return of all electoral expenses incurred by me:

Set out the following details in respect of every electoral expense incurred by or on behalf of the candidate at the election in respect of any electoral activity:

- the name and description of every person or body of persons to whom any sum was paid;
- the reason that sum was paid.

Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets etc must be set out separately and under separate headings.

NAME and DESCRIPTION	REASON for EXPENSES	EXPENSES PAID
Total		

Dated at this day of 2019.

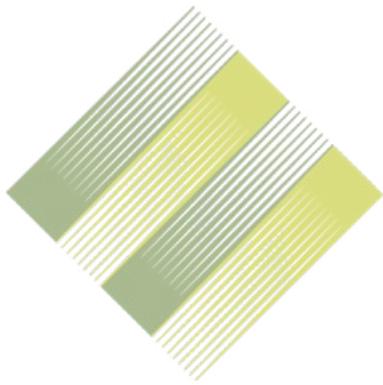
Signature

THIS FORM IS REQUIRED TO BE COMPLETED (**EVEN IF IT IS A NIL RETURN**) AND PROVIDED TO THE ELECTORAL OFFICE, PO BOX 5135, WELLESLEY STREET, AUCKLAND 1141, **BY 13 DECEMBER 2019.**

NOTE: RECEIPTS ARE NOT REQUIRED TO BE RETURNED WITH THIS FORM. PLEASE RETAIN THESE FOR YOUR RECORDS.

Notes





***Western Bay of Plenty
District Council***

