

This report covers the main activities undertaken by the group/business unit for the period. It excludes the GE2023 Programme or by-elections which are reported on through separate channels.

## **Progress against the strategic priorities**

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### *Building our capability*

#### Regional Review

The TOM Programme HR team continues to work closely with those impacted by the Regional Review to ensure that we retain experience and mitigate redundancy wherever possible.

Of the 19 staff whose roles were disestablished, seven have been successfully redeployed into new roles and a reconfirmed member of staff has also been appointed into a new position, following completion of the internal recruitment process.

For the Programme HR team, the focus now moves to handing over any remaining recruitment to the P&C team, who will manage this via the BAU external recruitment process.

The Project Team is stood up with Leads from the Programme and ECE, along with SMEs from ECE. This includes the full-time allocation of Pamela Slater as a full-time project SME lead to assist with coordinating ECE resource and providing business expertise to the project.

IT has been provided with requirements to be in place on 22 August (the precise release will be a special production release on 10 August) and include the following:

- Permission and Queue Changes in MIKE for changes in roles
- Office addresses – for correspondence generated in MIKE
- Call Centre application for use by Telnet
- Update API between MIKE and Vote.NZ
- Unpublished Access.

Enrolment processing queues will be redirected from 22 August to ensure the three processing centres have coverage of all electorates currently managed by the regional offices. Regional managers are formulating plans within the three centres to manage the redirection.

A property task list has been developed to support the clearance of offices that are closing. A plan is being prepared to provide assurance that Wellington and Christchurch will have space to house incoming staff.

New budget and cost allocation that represent the new structure is well advanced. This work includes the approach to the splitting of budget and cost allocation and the development of the new budgets. Ahead of uploading this will be signed off by the budget holder (Ross McPherson).

An impact analysis is being performed on enrolment processing tasks and how they may be affected by the changes occurring (the split of CE and EP, and the move to three centralised hubs) due to be complete 29 July. This will be followed by any changes required in ECHO, MIKE and Tupu

being made. A similar analysis will be performed on operations support and community engagement activity.

### Culture

Analysis, design, and drafting of a paper to provide options around the Commission's culture are underway. Engagement survey results, at a rolled-up level, have been provided, and a fresh eyes interview with the CEO has been completed. The human resource profile data is yet to be obtained.

The programme team is working with People and Culture to review the Engagement survey questions to provide actionable and measurable results that provide insight into improvements made and required

### Delegations

The new financial and people leader delegations policy came into effect on 1 July 2022. The focus of the workstream is now on policy implementation and progressing a revision of the policy to bring back to the Board in September. The electoral matters delegations have made good progress. Supported by the Legal and Policy Manager a draft schedule has been completed ahead of the indicated time.

Implementation support is being provided to the lead and the establishment of a Kanban board to assist with progressing key tasks and actions required for full implementation. Planning for staff training being assessed, especially those that are new to having delegations and those new to the Commission. Communications support has been facilitated and is available.

### Property – National Office

A paper was provided to the CE on 21 July 22, who reviewed recommendations to progress with identified short-term options (quick wins) and the engagement of specialist resource to assist with the identification of longer-term options. The paper and presentation will be presented to SMT and DCEs in early August.

### Baseline capability review

The programme has been commissioned to undertake a baseline review, a recommendation in the Capability Uplift review provided to the Investment Committee on the 23 June 22. The programme is participating in the GE and Business planning priority work underway, which provides insight into where investment may be needed to allow the Commission to focus on internal capability balancing the need to deliver GE23. The review will follow the operating model refresh approach and framework to complete this work.

### Implementation of the first tranche of capability uplift

The programme has established an implementation working group to ensure that staff increase, as a result of the "capability uplift" reflects the recent functional changes, eg position descriptions are updated to reflect the realignment of functions and that sufficient lap/desktops, docking stations, headsets and property requirements are known early enough to allow procurement of any goods required and sufficient lead-in time for planning to accommodate the growth in staffing numbers.

### *Preparing for an election*

The latest GE Programme report can be found [here](#)

### *Preparing for the future*

#### Chief Advisor Māori

Māori Strategic Plan 'Ngā Maihi' Draft completed for Board review/approval

Participating in the MEO working group

Participating in the Data Sovereignty working group

Advice and Guidance – Māori Data Sovereignty

Advice and Guidance - relationship building with Te Ati Awa

Recruitment Snr Advisor Māori positions

Advice and Guidance - ECE recruitment

Advice and Guidance – ECE closure and reopening

Advice and Guidance – Comms Access Fund

Advice and Guidance – MEO – LBE

Advice and Guidance – Whakatau new DCE

Assistance to ECE Iwi engagement

Assistance to VS Iwi engagement

### **Issues under management**

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- None to report

### **Risks**

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- Nothing new to raise

### **Other news**

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- The Senior Programme Coordinator for the GE2023 Programme has left for a three-month holiday and is a contractor and needs to be replaced with a permanent role. The PD sizing has come in low and the Programme Director has met with Korn Ferry who have agreed it needs to be sized up, but this has not yet been completed. Advertising for this role will begin on 8 August.
- Two Senior Project Managers have been recruited and will begin on 29 August.
- The GE Programme Director is also working on recruitment documents for a PMO Manager and Senior Project Coordinators.

This report covers the main activities undertaken by the Legal and Policy team for the period. It excludes the GE2023 Programme or by-elections conduct which are reported on through separate channels.

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## **Progress against the strategic priorities**

### *Preparing for an election*

- Continuing to work with Ministry of Justice on legislative and regulatory change this term, including changes to the MEO, regulated period, data sharing with Stats NZ, CIR, donations, special voting and overseas eligibility, reviewing drafting instructions, Cabinet papers, and draft legislation, and assisting with preparations for select committee etc)
- Ongoing work re delegations, procurement and contracts and lease approvals including NZ Post MSA, Catalyst, paper stock, filming, ECE offices
- Assistance with queries re access to roll data for the local election
- Continuing work as part of the project team on the design of the Election Access Fund, and associated consultation, for 2023
- Preparing draft advice for the Prime Minister re potential 2023 election dates
- Reviewing first draft of the candidate handbook for 2023 including amendments relating to disclosure of candidate loans
- Working with VS on the overseas voting animations

### *Preparing for the future*

- Participating in the MEO working group set up by ECE to plan for delivery of the MEO
- Continuing to advise on the unpublished roll processes
- Participating in the TOM steering group, GE steering groups, GE programme board, data stewardship group
- Appearing as a witness in SFO court proceedings and liaising with Ministry of Justice on potential additional legislative changes
- Input into data sovereignty report
- Updates to website content re 1 July financial limit changes
- Liaison with Stats NZ re Data and Statistics Bill

### *Building relationships and understanding*

- Data sharing MOU with Stats NZ re new section 112A due to be enacted in July
- Weekly meetings with the MOJ policy team re electoral legislation
- Continued liaison with secretariat of the independent electoral review panel about working relationship and further information requests regarding the by-election and 2020 work with Māori communities
- Party secretary update provided 1 July 2022
- Response to Office of the Clerk re CIR question
- Responding to questions from Police
- Updates to the portal to action change in party constitutions

- Requests for advice on donations, fundraising, boundaries, etc, digital signatures, occupation
- Coordinating response for EC to Whaikaha Ministry of Disabled People re reporting to UN Convention on the Rights of Persons with Disabilities.

## Other progress

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- Dean continues to lead IRT
- Continuing to assist ECE with the correspondence review
- Assisting ECE with queries about data and enrolment checks for local body elections, and enquiries re enrolment and fraud
- Assisting teams with procurement and agreements

### *Advisory opinions*

No advisory opinion requests received in July.

### *Official Information Act requests*

Requestor	Topic	Response Time
Withheld under s.9(2)(a)	Request for poll book dated prior to 1870	19WD
Withheld under s.9(2)(a)	Request to know process for removing themselves from electoral roll	7WD
Withheld	<ul style="list-style-type: none"> <li>- If an eligible prisoner enrolls to vote for the first time while in prison, what location or address is used to determine the general electorate or local government ward they belong to?</li> <li>- Are prisoners prompted by Electoral Commission communication to update their electoral enrolment details in the lead up to a local or general election?</li> </ul>	6WD
Withheld	Cyber security	16WD
Withheld under s.9(2)(a)	Request for police referral information relating to social media posts on election day for the Tauranga By-Election	18WD

### *Parliamentary questions*

Simeon Brown	What is the current attrition rate/turnover rate for the Core Crown Agencies/Departments the	Responded 1 July
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	Minister is responsible for, if any, and how does the current attrition rate compare to June 2021?	
Melissa Lee	What was the average per hour or day cost, if any, for the provision of interpreting services for organisations, departments and crown entities within the Minister's portfolio in the last financial year?	Responded 1 July
David Seymour	Have any agencies under the minister's responsibility, if any, commissioned Kawai Catalyst Limited for any work; if so, for what work and at what cost, by date?	Responded 1 July
David Seymour	How much money, if any, have any entities, agencies and offices under the Minister's responsibility spent on artwork in the last five years, by item and amount?	Responded 15 July
David Seymour	Which agencies, offices and entities, if any, under the Minister's responsibility have vacated or will have to vacate their premises due to earthquake-prone buildings. With follow up questions for those who have vacated or will have to vacate	Responded 20 July

*Select Committee questions*

MOJ	What are the Electoral Commission's plans to "maintain service levels in a complex environment with increased resilience", and how do these differ to administering the 2020 General Election in a Covid-19 environment?
MOJ	How does the Electoral Commission measure the impact of its public education activities to not only increase enrolment of electors but also to increase participation?

*Party administration and compliance*

- List vacancy filled 25 July and preparations made for outstanding list vacancy for Trevor Mallard.
- Donations exceeding \$30,000 from various parties continue to be processed
- Board decision re Māori Party party returns at the 2020 General election finalised and matter referred to Police.
- Tauranga By-election social media referrals made to Police
- Party registration application received from DemocracyNZ
- Multiple queries about potential new parties and party names including queries about umbrella and component parties.

## Issues under management

Implications of decision in first SFO case and legislative change.

## Risks

The legislative change and reform programme is busy with tight timeframes. Mitigation is regular liaison with MOJ and panel secretariat and coordination with programme Manager re implementation.

## People management

TOIL or excess annual leave	3 people in the team have leave balances of more than 25 days. Leave plans are under discussion.
Staff engagement	Good progress has been made with action plan implementation during the month. There are no outstanding or overdue tasks remaining.

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## Other news

Natalie is overseas until 4 August.

Recruitment is getting underway for a fixed-term role budgeted for.

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## **Progress against the strategic priorities**

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### *Building our capability*

- Recruiting commenced for a fourth permanent Administration Support Officer to ensure the Administration Team has sufficient capacity and capability
- Procurement identified and assessed procurement operating model options for inclusion in a paper that will come to ELT in August.
- Preliminary work on recruiting an additional procurement resource commenced  
Procurement collateral continued to be updated with user tips and guidance
- On-going development of procurement self-help toolbox
- Demonstrating effective supplier and pre-market engagement process for EC buyers
- Work to consolidate Catalyst contracts into a single Master Service Agreement continues. Two advanced communication workshops have been completed. Specific schedules are being discussed weekly and good progress is being made. Catalyst have presented a pricing model and negotiations continue. We are being assisted in our negotiations by a IT procurement expert from Inland Revenue.
- UAT of the FMIS was largely completed with some minor retesting required once developers have rectified identified changes. This will be followed by penetration testing. IT continues to support the business and Walker Scott with the implementation. The go-live for the FMIS has been reconfirmed for 1 October.
- Standardised sign-off process for payrolls was created and is being embedded as this is a new process.
- Continuing to support the DCE recruitment and now onboarding.
- Embedding of the Business Partnership Model in HR
- Promoted employee retention strategies with the Board.

### *Preparing for an election*

- Contracts for key and critical suppliers to election are under negotiation
- Contract management plans for key and critical suppliers to election are under development
- IT and P&C is working with Voting Services on the September HQ simulation.

### *Preparing for the future*

- The draft data sovereignty report is now being reviewed with stakeholders and is still expected to conclude in August.
- We have worked with ECE and the TOM Programme to agree the decommissioning requirements and timetable
- The property team is working with ECE on the closure of ROE offices in Tauranga, New Plymouth, Palmerston North, Masterton, Greymouth and Invercargill and the handing back to landlords by 30 September.
- Continued support to the Operating Model Refresh SnapHire implementation work

- Supported the Community Engagement Change Implementation.
- Continued work on People and Culture policies and Vaccination policy with IRT.
- Support Delegations Framework Implementation
- Updated the Reporting Wrongdoing and Protected Disclosures Policy to reflect changes in legislation
- Implementing the Remuneration and Performance Round
- Update from Health and Safety project was promoted to SMT and is going to the Board in August.
- Started planning for Engagement Survey Pulse Check.

#### *Building relationships and understanding*

- The procurement team is engaging with the Chief Advisor Māori to improve the Commission's procurement broader outcomes
- Finalised and agreed terms of new contract for criminal history checks during events
- Delivery of interventions and support for ECE staff, this includes guidance to managers and "Navigating Uncertainty and Change Successfully" for ECE employees and transition support for employees who are affected by redundancy.
- Supported recruitment drive for the Local Body Elections
- Tupu LMS – high-level relationship meeting with Learningworks to reconnect and update on changes and sounding out appetite and ability for contract extension. LearningWorks has recently formed a technological and business partnership with Global Digital Solutions (GDS). Further meetings to be set up to build on relationship, share and gather information.

#### **Other progress**

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- 3 Film Production Services contract extensions (National Park Studios, Teacup Productions and Unreal Films) signed and with providers to countersign.
- New Master Services Agreement, six Service Agreements and a Statement of Work along with NZ Post approval memo prepared for Board and CEO approval
- DHL International Couriers contract extension signed
- Pre-market engagement completed for contact centre contract. Memo being prepared to request approval out of contract extension to post GE23 before going back to market
- Procurement plan templates updated and published on ECHO
- Procurement policy under development
- Contract management guidance under development
- Tender for IT Hardware concluded and contract under negotiation
- Exemption memos underway for Learning Works and Telnet to address pending contract renewals
- Monthly meetings with SMT members to discuss their May financial results completed
- The Finance team completed year-end processes and are preparing the financial statements of the year.
- Audit New Zealand commence the interim audit remotely. Information requested by them has been provided.
- Māori Macrons/Diacritics Support – Working with ECE and Voting Services on new go-live dates for this work. Likely to be post September.
- Applicant Recruitment Tracking System (ARTS) – IT continues to support the ARTS project, specifically the integration of SnapHire with EMS and MOJ criminal checks. A proof of

concept for the integration with EMS has been completed and we are working with Voting Services and People and Culture on timelines.

- Local Body Election Project - IT continues to support the LBE project with data extracts for local bodies being tested and provided in July.
- The Catalyst workplan is being reviewed and reprioritised with help from the business.
- Planning for external Totara training for core Learning & Development group across the Commission.

## Issues under management

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- Lack of capacity in the Administration Team due to a combination of staff illness (COVID), planned annual leave, and vacancies required National Office reception to be closed for periods in July. Recruitment to fill vacancies continues.
- Staff illness and a heavy workload remains an issue across all teams. The GE prioritisation work will assist with this. IT is looking into the heavy demand for meetings across the organisation.
- Recruiting quality IT staff remains difficult in current job market.

## Risks

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- **Work exceeds internal capability and capacity to deliver** - *IF* there are not enough internal resources available from a capacity and capability perspective **THEN** the technology assets required for GE2023 will not be delivered to sufficient quality in a timely and cost-effective manner that meets the needs of the general election.
- **Large amount of change occurring** - *IF* the large amount of change that is occurring at the Commission impacts Technology's ability to deliver key services to the organisation, **THEN** this may impact on the Commission's ability and cost to deliver its objectives.

## People management

TOIL or excess annual leave	<ul style="list-style-type: none"> <li>• One person in Finance, Property and Procurement has excess leave and a leave plan has been discussed and agreed.</li> <li>• Two IT staff in the unit have annual leave balances of 25 days or more. Plans are in place to reduce.</li> <li>• TOIL balance for the whole IT team is 131 hours. Staff are aware that this should (where possible) be taken before reward or annual leave.</li> <li>• No staff in the Administration Team have excess annual leave. Two staff have very small TOIL balances as a result of by-election support and this will be reduced when all vacancies in the team have been filled.</li> <li>• Only one employee in the P&amp;C team has more than 22 days of annual leave entitlement. 10 Days of TOIL spread over 2 employees were granted for the Tauranga By-Election – 5 days remain to be taken.</li> </ul>
Staff engagement	<ul style="list-style-type: none"> <li>• The first IT hackathon was held on 12 &amp; 13 July. This activity was driven from IT team members (not management) as way to improve engagement. The approach was to take some real-life business problems, apply some innovate technical thinking and come up with some creative solutions that can be packaged as a proof of concept</li> </ul>

	<p>for presentation back to the business area. The activity was a great success with 3 problems tackled and 3 potential solutions generated. Next step is to demonstrate to interested parties.</p> <ul style="list-style-type: none"> <li>• The IT Team ideas channel continues to provide new areas of innovation. Staff are also taking on training &amp; development opportunities.</li> <li>• The People and Culture Team mostly kept contact electronically through P&amp;C team meetings and TEAMS engagements</li> <li>• Staff in the old Corporate Services team (P&amp;C, FPP and Admin) have continued to meet fortnightly and recently introduced their pets online at a TEAMS meeting.</li> </ul>
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## Other news

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- James Willcocks has returned from leave.
- Brooke Wilton started as Administration Support Officer in the Administration Team
- Angele Tauri's fixed term agreement as Team Leader, Administration has been extended to the end of February 2023.
- People and Culture are currently recruiting the following roles:
  - Principal Advisor, Capability and Organisational Management
  - Advisor, Learning and Development – currently shortlisting candidates
  - Advisor, People and Capability – advertising closes on 22 August 2022
  - Coordinator, People and Capability – advertising closes on 15 August 2022
- People and Culture appointed a new Advisor People and Capability – starting on 15 August 2022

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## **Progress against the strategic priorities**

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### *Building our capability*

The new Strategy, Governance and Development (SG&D) group is currently being established.

The new DCE, Leigh Deuchars starts on 12 September. There are also vacancies and resource gaps that need to be filled. Immediate priorities are:

- roles within the International Team – the International Programme Manager, following Karyl Winter’s appointment to the Manager role as well as two International Support Officers.
- the Accountability Advisor – the role remains vacant – we are going back out to market to seek a permanent staff member (it had previously been advertised as a fixed-term role)
- a SME role to support the Project Manager (Kath Lys) for the Election Access Fund – we are on a second recruitment round and interviews are to be conducted in the first week of August.

A project coordinator (Tash Macey) has now been appointed for the Election Access Fund.

As with all other areas, the SG&D budget has been re-worked to align it to a level which supports the Commission fitting inside its funding envelope going forward.

In considering resource and budget needs going forward, challenges for this area of the business include:

- having sufficient resources to meet the expectations of key stakeholders, in particular the Board’s expectation that we continue to mature and improve corporate governance and our corresponding need to build the trust of the Board in us
- supporting the needs and aspirations of the organisation going forward, in particular (i) continuous improvement work which falls outside the electoral cycle (e.g. future services planning); and (ii) work which enables the organisation to ‘look outside’ and connect with the wider public sector and the wider community, such as strategic relationships, risk and security planning, environment scanning, beginning to tackle major strategic issues like reliance on the postal system or local body elections.

Our ability to conduct this work is one of the considerations of the re-prioritisation work being led by Emily Redmond. It will of course be part of the initial thinking and planning of the new DCE.

### *Preparing for an election*

#### *Trust*

A paper setting out a framework for how the Commission will be building trust and protecting against mistrust for GE2023 is scheduled for the September Board meeting.

Following an initial conversation with the Board (involving Kate Hannah from the *Disinformation Project*) the following three main objectives were identified:

- proactively build trust in the Commission and the election event

- actively guard against the causes of mistrust leading to consequences for the Commission and the election event
- be prepared to respond to the consequences of mistrust for the Commission and the election event should they occur.

We have worked with the Communications and Education team to develop an agenda for a workshop on 5 August which Kate Hannah will attend, to help to set out the main areas where communications and education can support the Commission to build trust and guard against mistrust.

### *Preparing for the future*

#### Election Access Fund

The project continues to make good progress despite working to tight timeframes. We are aiming to have the fund ready to receive applications in September 2022.

Kath Lys, the project manager, has set up a project team and steering group (including external experts) to oversee the project and provide quality assurance. The first steering group meeting was held on 7 July.

The project team has undertaken extensive planning work in consultation with disability sector leaders from the Disabled People's Organisations (DPO) Coalition, the Office of Disability Issues and Ministry for Social Development.

We are also meeting with political parties to tell them about the fund and to get an understanding of what seeking selection as a candidate and campaigning looks like in practice.

Consultation with the public is now open (running from 18 July until 14 August).

Apart from consultation the project is focused on development of the processes and tools that will be required to support the Fund going live (e.g. applications process and financial payments approach/mechanisms).

#### Data Platform Project

The data platform project continues to make good progress.

Tableau, the front-end reporting tool, was successfully used for dashboards during the by-election, with data being pulled across from EMS. The data transformation is currently a more manual process than what will occur during the final product.

The back-end data platform capability, in which the data will be 'refined' in ways to support broader use of data across the Commission, is under development. A closer version of the approach that will ultimately be used across the business in future (i.e. including the full back-end platform capability) will be rolled out to a small number of E&CE field staff for testing during local body elections.

We are working with IT and are engaging a provider to undertake a privacy impact assessment. Full certification and accreditation will be completed by the time the Minimum Viable Product goes live in November.

### *Building relationships and understanding*

We worked closely with the wider sector to set in place risk and security support mechanisms during the by-election. This work creates a useful platform for work that we need to commence later in the year to provide support for the general election. There is general acknowledgement across the sector that the nature of our risk environment for a major event has changed since the 2020 General Election.

Work continues on the *2021-22 Annual Report* – a draft of which is to be provided to the Board in early August.

### *Strategic work*

Following Emily's environmental scanning workshops with the SMT, we will be running an environmental scanning exercise with the Board in September. The timeframe horizon for this scanning will be longer (5-10 years) than the timeframe considered by the SMT (i.e. out to the 2023 GE). We will be using information from the SMT environmental scanning exercise to support this Board exercise.

### **International work**

We are aware that there has been limited engagement with the SMT about the International team and the work they undertake. As a starting point, Karyl Winter will be running an "International Team 101" with the SMT - this has been scheduled for August.

### **International Liaison:**

We have continued to support the Tokelau Chief Electoral Officer in the review of the Tokelau electoral laws and associated resources for electoral officials and voters. Work has progressed to draft rules being available for review and we still hope to travel when the border opens.

We are currently in talks with the Commonwealth Elections network to assist in a training week that they will be hosting in NZ in November with attendees from across the Pacific. We will assist with presentations on the theme of the workshop, this is currently under discussion.

### **International Electoral Assistance Programmes (MFAT funded):**

We continue progressing with MFAT:

- Extension of the Fiji programme – CWP has been submitted and we are awaiting the EXTN or signing
- The new Pacific Regional programme in partnership with UNDP, we hope to sign this in September.

### *Fiji*

Deployments continue with advisors recently in country to support training of key roles in the field and provide a gap analysis of election readiness.

Simulations on improving the count process were successfully run and enabled a positive outcome for recommendations to be made and subsequently approved. Simulations is an area we have focussed on in the Pacific recently.

We recently held a workshop in Fiji with the legal team on Peer review and Plain English writing, this was very well received, and the SOE has asked that we run this again with a wider range of FEO staff.

We are currently awaiting the issue of the writ for the 2022 General Election.

#### *Papua New Guinea*

Polling started on 2 July and finished on 20 July with many of the districts going straight into the count. There were a lot of disruptions and media stories but this is not uncommon with elections of this size in remote areas of developing countries. However in other areas polling and counting ran smoothly.

Our advisor for the TEW system we support is on the ground for two weeks to assist during the busy period as they prepare to pay polling and counting staff.

The new data base (THS) which was developed for temporary hires and supplies management has been completed and is in the testing phase at present and QRG are being developed. We hope to deliver later this year all going well.

#### *Tonga*

We await opening of the border to travel to Tonga for commencing talks with the EMB around our support, they are still closed at this stage to visitors. Funding has been received to recommence the programme.

#### *Pacific Regional Programme*

The MFAT lead on this project is now back in place and we have hope to progress this programme soon. We are still working toward an October starting date. Manager International had an opportunity to catch up with the UNDP our partner agency on this whilst in Fiji recently.

### **Issues under management**

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- There are significant gaps in resourcing in the SG&D group which need to be filled to continue to deliver and to support building of the new capability and to meet expectations.

### **Risks**

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- SG&D is unable to meet expectations of key stakeholders (including the Board) due to resource and budget limitations.

### **People management**

TOIL or excess annual leave	<ul style="list-style-type: none"><li>• Nil</li></ul>
Staff engagement	<ul style="list-style-type: none"><li>• We have supported the transition to return to the office and broader flexible working policies.</li></ul>

### **Other news**

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Nil

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## **Progress against the strategic priorities**

### ***Building our capability***

#### *Internal communications*

- Members of the Group continue to be busy supporting internal communications, including preparing information for the CEO's fortnightly all-staff meetings and email updates.
- Communications were prepared for the CEO and Incident Response Team for the recent partial closure of National Office due to high case numbers of COVID-19. The Guide to Working at Orange was also updated in July with new advice on travel and RAT testing.
- The arrival of new DCEs and the next steps in the regional review and TOM projects also continue to require intensive internal communications support.

#### *Enrolment & Community Engagement*

- We are currently shaping up the tools available to test which are incorporated into the community engagement evaluation framework. The timeframes for completion have been adjusted to suit the TOM regional footprint implementation. Therefore, the pilot implementation is scheduled for 5 to 30 September.

#### *Voting Services*

- A new Learning and Design Co-ordinator (Maire Perrott) started on 1 August.
- A candidate identified for the Project Support – Supplies role declined the offer due to personal reasons. A further potential candidate is to be interviewed.
- Overseas Operations Manager role to be advertised in early August.
- Casual staff are being sourced to assist with creating HQ Simulation collateral.
- Some staff who worked on the Tauranga By-election and some Regional Advisors are scheduled to attend a voting place filming simulation in mid-August.

### ***Preparing for an election***

#### *Enrolment update campaign for the 2022 local elections*

- The local elections enrolment update campaign moved to its final phase at the end of July to encourage people to enroll or update their details by 12 August. Work with media partners to deliver targeted messages to Māori, Pasifika, new New Zealanders, and young people is continuing. Niche media's network of ambassadors has distributed information at local events and to community places, such as Marae and churches, in Auckland. Whakaata Māori has broadcast our TV ad featuring Miss Kihi and content with Tik Tok will be published shortly. Work continued with Stuff on personalised messages to members on their Neighbourly platform and distribution of this content has begun. New radio and social media content to help Māori understand how their roll choice may impact who they can vote for in the local elections has been progressed and will go live shortly.

- The Local Body Election (LBE2022) project delivered 3.4 million enrolment update packs and the public information campaign in July. Despite Covid and staff illness, the processing centre's were on track and the LBE-focused Community Engagement teams were working alongside councils, and amongst much other work some great new connections have been established with young adult organisations. PM and Leads have started capturing lessons learnt.

#### *Election Access Fund*

- Consultation on the Election Access Fund opened on 18 July. The survey is available in alternate formats and available at [elections.nz](https://elections.nz). An email was sent to 450 stakeholders to let them know consultation is now open. An organic post has been shared on our social media pages to raise awareness of the consultation and key stakeholders asked to share information about the survey with their own communities. Many did so on their social media pages and published information in their newsletters. Consultation is open until 12 August.

#### *Māori Electoral Option*

- The Māori Electoral Option (MEO) project team was set up to commence the planning phase. This was pivoted from the working group as a response function since February. The high-level approach and milestones for a continuous MEO were presented to the Programme Board on 27 July. The outcome of the parliamentary process is now expected to be known in mid-November.
- Members from across the Group continue to participate in the Māori Electoral Option Project Group. Early planning for a campaign to move to a continuous option from March 2023 is underway and budgets have been confirmed.

#### *Always On*

- Online enrolment continues to be supported with *always on* advertising to reach people whose circumstances have changed and who either need to enrol or update their details. It targets people who have moved house or recently become eligible to enrol to vote. Targeted messages are delivered through social media, online ads and Search and drive people to [vote.nz](https://vote.nz) to enrol or update their details online.

#### *Voting Services*

- Focus continues to be on preparing for and delivering GE2023, which is covered in the GE2023 programme reporting.

#### ***Preparing for the future***

##### *Enrolment & Community Engagement*

- MIKE readiness for regional footprint review implementation – requirements have been confirmed and are on track to complete by 10 August.
- 0800 Telnet relationships – the EC relationship lead was transferred from Comms to ECE in July, followed by an in-person meeting on 28 July to discuss key challenges and upcoming activities. As the current contract term with Telnet expires on 31 October 2022 and there are no further rights of renewal available under the contract, a memo will be prepared to seek approval from the CEO to extend the current contract as well as a two-step RFP approach for the outsourced call centre services.

- Gaps in unpublished processing - requirements for accessing the unpublished records in MIKE have been updated. Reconciliation to MIKE backlog will be undertaken.
- Data Integrity Measures - this aims to articulate critical measures for the assurance of data integrity and clarify current activities contributing to these measures. A deep dive into each of the dimensions is in good progress, with recommendations due in late August.
- Roll Cleanse Reporting – in good progress of exploring options to combine reports and identifying opportunities for TSR reporting.
- Correspondence Review - Feedback has been received from Comms and Legal on most of remaining correspondence batches. The review is due for completion in August.

### ***Building relationships and understanding***

#### *Media*

- The rules for donations to political parties have been under scrutiny this month, with two trials in the Auckland High Court and a new Electoral Amendment Bill introduced to Parliament.
- Two defendants were acquitted in the trial relating to donations to the New Zealand First Foundation. Legal and political commentators said the verdict exposed a loophole in the law that enabled people to avoid disclosing donations meant for party activities. The Justice Minister has moved to close that loophole. The main stories on RNZ and the Herald are in Appendix A.
- A trial has also got underway in Auckland relating to donations to National and Labour that were allegedly split into smaller amounts to avoid public disclosure. Stories from Newsroom and Stuff who have been following the trial closely are included in Appendix A.
- Coverage of the debate on the introduction of the Election Amendment Bill, which would lower the threshold for the disclosure of donations, is also included in this month's story selection.
- We issued a media release on 19 July to mark the start of consultation on the Election Access Fund. Stuff, NZME/the Whanganui Chronicle, and the Gisborne Herald talked to disability advocates and their stories provide valuable information to the public about the barriers faced by disabled candidates and the sorts of expenses the Fund could cover.
- Coverage of the local body elections in national and regional media continues to increase as more candidates put their hats in the ring for the October elections. We continue to see consistent and accurate messaging around enrolment and the Electoral Commission's role in local elections.
- Mona-Pauline Mangakāhia-Bajwa has given 3 te reo Māori interviews in the past week to iwi radio stations, helping to raise awareness about the implications of being on the Māori roll in areas where there are Māori wards.
- Media training was delivered to our team of Pasifika language speakers in Auckland and Dunedin who are providing interviews on enrolling for the local elections to Tongan and Samoan radio programmes on the Pacific Media Network and Access Radio.

A selection of stories is attached in Appendix A.

#### *Social media*

- The Group has been moderating comments and responding to public enquiries generated by social media advertising for the enrolment update campaign. We have had some questions

about the rules for local elections and in these cases, have explained our role and referred them to the relevant local council.

- Comments are mostly positive, and many stakeholders have shared our posts with their own communities. Some people have raised concerns and the themes of these include the environmental impact of a large-scale mailout, receiving letters for residents who previously lived at an address, and Tauranga residents commenting that there will be no City Council election in their area this year.

#### *Enrolment & Community Engagement*

- Māori Macrons - The release of Naming macrons has been delayed from April and again from September due to the postponement of ERSA system development. This has impacted on the change management and training capacity for the new centralised processing teams. The new timeframe will need to be discussed with IT and Voting Services.
- Currently identifying the community engagement vacancies within the new structure and reaching out to our community network to encourage suitable candidates to apply. We are doing this alongside Hone Matthews, Peter Potaka and Mona Pauline Mangakāhia-Bajwa who are doing the same with their networks.
- The Memorandum of Understanding with English Language Partners is currently under review, there is an appetite to continue working together.

#### *Voting Services*

- While this is largely covered in the GE2023 programme work, the team is continuing to:
  - Liaise with potential voting place partners (The Warehouse, Foodstuffs and Westfield shopping malls). Meetings are scheduled for Monday 8 August
  - Visit Māori communities to help shape opportunities to build on GE2020 outcomes to improve voting services for Māori voters.

#### **VS Field appointments, induction and recruitment**

- People and Culture provided induction training for the Regional Managers (RMs) and Regional Advisors (RAs) on recruitment, workplace staff policies and health and safety.
- Electorate Manager (EM) recruitment is scheduled to commence on Monday 8 August. Recruitment plan developed by the Communications Team will be launched to access multiple channels.

#### **Other progress**

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- 'In the News' – a weekly round-up of media stories prepared during events – continues to be provided to SMT and the Board on Fridays and be posted on ECHO for all staff.
- Regional Footprint implementation - significant ECE efforts in working with the project team to ensure all aspects of people, processes, systems, and logistics have been planned out, and a smooth transition into the new regional structure.
- Staff have ongoing involvement in organisation-wide initiatives:
  - Membership on the Incident Response Team
  - Membership on the Health & Safety Working Group
  - Membership on the Laptop Working Group
  - Membership on the Sustainability Working Group
  - Membership on the Digital Governance Group.

- Staff continue to liaise closely with Census staff to identify areas of collaboration across logistics (property, supplies, staffing), communications and community engagement. A recent meeting was held with Census on 26 July. Key points to note are that they:
  - Are continuing with their bulk printing requirements (28% complete)
  - Continue to place more data stories, which are aimed at priority response groups (with local themes, e.g. housing).

## Issues under management

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- Capacity, recruitment, and a heavy work programme is still a challenge across the Group. All business units are reviewing their work programmes in preparation for a planning day to consider current priorities.

## Risks

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- Covid planning for ECE is being strengthened due to the increase in cases nationwide and our update campaign requirements.

## People management

TOIL or excess annual leave	<ul style="list-style-type: none"> <li>• Three Communications and Education team members have annual leave in excess of 25 days and have leave plans in place.</li> <li>• ECE no toil balances.</li> <li>• ECE have 2 staff members who are exiting the business on 19 August 2022 with excess of 25 days leave.</li> <li>• VS has a small number of staff with limited TOIL hours resulting from the by-election (support over voting weekends). Some has already been taken and remainder will be used at earliest opportunity</li> <li>• Three VS staff have slightly in excess of 25 days annual leave. One has three weeks scheduled for late August. Remaining two are planning leave later in the year.</li> </ul>
Staff engagement	<ul style="list-style-type: none"> <li>• Communications and Education has limited progress on the team's action plan in the last month because of our focus on delivering to its work programme.</li> <li>• ECE have had slower progress with action plans in the regions due to LBE workloads and the impact of the regional footprint changes.</li> <li>• Workshop for VS team on presentations and running meetings to be rescheduled</li> <li>• Team layout being reviewed as several new staff have been appointed and will be joining the VS team.</li> </ul>
Recruitment	<ul style="list-style-type: none"> <li>• ECE: GE2023 Senior Project Manager was onboard on 1 August but later that day resigned to take on a permanent role in a large Ministry. The recruitment will re-start.</li> <li>• Advisor Learning and Development: Elyse Harpur has been appointed to the role, starting on 15 August.</li> </ul>

## Other news

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- ECE presented 5 improvement ideas in IT Hackathon. A solution prototype will be developed for the MOJ Jury Roll transfer.
- LBE community engagement continues throughout the country with focus on supporting the councils and working with them on their enrolment messaging.
- Staff have attended several presentations for ethnic communities, and we also had the opportunity to present our messages in an online disability forum.
- We have attended several O week activities nationwide.

## Enrolment Stats for July 2022

- 3,488,288 people (92.01%) of the estimated eligible voting population were enrolled.
- 283,869 people (66.70 %) in the 18 to 24-year-old population were enrolled. There are an estimated 141,731 eligible 18- to 24-year-olds not on the Roll and this number increased from 141,360 in June.
- 526,809 electors who have identified themselves as Māori were enrolled on either the Māori or the General Rolls (down from 529,835 on 30th June 2022)
- 3,040 people, being 17 years of age, were provisionally enrolled (up from 2,390 on 30<sup>th</sup> June 2022).
- The Dormant roll totalled 111,969 previously enrolled electors (up from 94,494 on 30<sup>th</sup> June 2022)
- Electors enrolled with an activated RealMe logon account
- 452,881 people are enrolled with an activated RealMe logon account up from 443,682 on 30<sup>th</sup> June 2022.
- 82,403 people used the Digital Enrolment channel to check their Identity, enrol or update. Drivers Licence 66,392 (80.57%), Passports 9699 (11.77%) and Real Me 6312 (7.66%).

Enrolment form types and number of forms (updates and new enrolments) processed in July 2022.

Form Types	Total	%
Digital	93,733	96.60%
ROE1	3,299	3.40%
<b>Grand Total</b>	<b>97,032</b>	



23 JUL, 2022

## Duo not guilty in NZ First donations case



Dominion Post Weekend, Wellington

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# Duo not guilty in NZ First donations case



### High Court

**Catrin Owen**

catrin.owen@stuff.co.nz

Two men have been found not guilty of fraudulently depositing money into a New Zealand First Foundation account, in breach of the Electoral Act.

The duo faced a judge-alone trial at the High Court at Auckland after being charged by the Serious Fraud Office with two charges of obtaining by deception.

They were accused of transferring just under \$750,000, which went on party expenses.

Justice Pheroze Jagose issued his decision yesterday, finding the pair not guilty.

Despite media organisations' bids to reveal the pair's identities both before and after the most recent general election, they were granted permanent name suppression by Justice Jagose on Wednesday. Neither man charged is a minister or sitting MP or was a candidate prior to the 2020 election.

After the verdict was released, New Zealand First leader Winston Peters issued a statement titled "innocent again".

"I maintained that there had been no wrongdoing," Peters said. "Today the High Court confirmed that no crime had been committed and New Zealand First has again been cleared of all charges." At trial, the Crown said that between 2015 and 2020, about 40 donors to the New Zealand First Party believed their donations were going to the party – but they didn't because of a

fraudulent device, trick or stratagem by the defendants. Instead of the party's bank account number, five donors were given an account for a business owned by one of the defendants and 35 donors were given the account number of a trust – the New Zealand First Foundation.

Justice Jagose heard the money was spent on a video of Winston Peters' bus touring New Zealand, an appearance fee for boxer Joseph Parker, leasing and furnishing office space in Wellington for the NZ First Party HQ and a tent at a racing event.

More money was spent on computer software that helped develop a fundraising database.

Numerous rich listers and donors said they thought they were donating directly to Peters and the party, not the foundation, the

court heard.

Tudor Clee, acting for one of the defendants, said the Serious Fraud Office had no evidence of a crime under the Electoral Act. None of the donors complained or were deceived, he said.

Former senior whip of the party and former Tauranga list MP Clayton Mitchell said he was "gobsmacked" when he found out what some donations were being used for, including the computer software. He was also concerned the software was being run by a company owned by one of the defendants. "I was gobsmacked, to be fair ... it showed how costly it was to operate a system that we thought was going to help the party and grow it ... and it clearly wasn't."

Mitchell travelled to England on invitation from Nigel Farage during the European Union elections, using foundation money on instruction from Peters.

In Justice Jagose's judgment, he said he was not satisfied beyond reasonable doubt the duo "retained control" of the money against a better claim to it.

However, he was not satisfied the money donated could be classed as party donations.

But, Justice Jagose said there was a casual relationship between the dishonest scheme and the retention of the money.

Justice Jagose said there was nothing inherently dishonest about one of the defendant's accounts or the New Zealand First Foundation obtaining the money.

"It expressly was sought to support the party and, as the Serious Fraud Office investigation concluded, applied, for that purpose.

"I do not accept the defendants' contentions the party essentially delegated all fundraising to Mr Peters, who inferentially is to be regarded as having approved their scheme.

"To the contrary, the evidence includes handwriting attributed to Mr Peters annotating a draft of the fundraising letter to redirect payment to the party's bank account."

The SFO said they would not comment if they would be appealing.

"The Government recently announced changes to our electoral law including increasing transparency around political donations. An independent review of New Zealand's electoral law is ongoing and we will provide input into this as appropriate," SFO Director Karen Chang said.



23 JUL, 2022

## Duo not guilty in NZ First donations case

Dominion Post Weekend, Wellington



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The Crown said some money was spent on a video of Winston Peters' bus touring New Zealand.

IAIN MCGREGOR/STUFF

26 Jul NewstalkZB Heather Du Plessis-Allan interviews one of the defendants from the NZFF trial

Full interview available to listen to here: [NZ First donations: Defendant reacts to the not-guilty verdict \(newstalkzb.co.nz\)](https://www.newstalkzb.co.nz/news/nzff-trial/2019/07/26/nz-first-donations-defendant-reacts-to-the-not-guilty-verdict)

Heather Du Plessis-Allan:

There is concern that the New Zealand First Foundation case has exposed a loophole in the political donation rules. Now on Friday, you will recall the High Court acquitted two men accused of fraud over \$750,000 given to the New Zealand First Foundation. And it essentially comes down to this. If you gave money straight to the New Zealand First Party, they would need to declare who was signing the cheques. If you gave money though to the foundation, they don't need to reveal the identities of the donors.

Now, one of the defendants in this New Zealand First Foundation case has talked to us about this. We're disguising his voice because he has a permanent name suppression. And we started by asking, why don't you want to be named?

Interviewee: Well, I think people would have to be protected, and it's nothing to do with me personally. And that is a serious responsibility which I have to undertake.

HDPa: Are you cross about this?

X: Well, totally Because we've done nothing wrong. What we did was lawful, always been lawful, and now I hear people saying, oh there's a loophole. The definition has been there since 2009 when the National Party changed it. Everybody can read it, except apparently the Commissioner (from) the Electoral Commission and the SFO.

HDPa: Okay so what you're saying is there's no loophole in the law, the law is written in a certain way and you just used it appropriately.

X: Party donations are defined and we apply the definition and we have always said there was no donation that was required to be reported. We actually provided all the files to the New Zealand First auditor who gave evidence at the trial and said they would not disclose (them all). The only question asked by the SFO of relevance to me was, Oh, did you go and talk to the donors? It's got nothing to do with the donors. It's got to do with where the money is deposited. And Justice Jagose read the definition and applied it, and anybody who understands electoral law could have done the same. I'll take my hat off and say Justice Jagose is in fact a very competent, capable lawyer.

HDPa: Let's just get this right, though. Right. You guys have deliberately, as arguably have the Nats, you guys have deliberately used the law in such a way so you don't have to disclose who the donors to the foundation are. Is that right?

X: No. What we did is we applied the law, and having set it up, we then looked to see if we were required to disclose, and we were not required by law to disclose. (unclear..) the wrong way round. We set this up to do certain business purposes. And when you've got it set up, you then have to look and say, Right, what is our obligation to disclose? We investigated that and we were not required to disclose the way it was set up. We didn't go and say, gee how do we get around this and hide it. What we did is we set it up. Then we said, what are our obligations?

HDPa: From the outside it looks like these foundations are set up in order to avoid having to say who the donors are.

X: No. What you're talking about are foundations set up to do things other than run the political party and elections. (unclear... classic example ) educating politicians so you have decent quality people standing inside politics and some other sort of objectives these things can do.

...You're not trying to set up a party specific thing. What you're trying to do is build up a base where you can have a party functioning properly, raising its money properly, disclosing its donations properly. The donations that are relevant are the donations to the operation of the party and the (unclear).

To the fund to support a political party which has got nothing to do with the politics is something New Zealand we should be encouraging.

HDPa: But you can't argue that it's got nothing to do with the politics because of course it does. It is a foundation that is supporting a political party.

X: They're supporting a political philosophy and yes, it does work generally with one party.

HDPa: Exclusively with one.

X: It doesn't change the fact that the body politic in New Zealand needs institutions like this who are (cogently?) addressing, for example, (having educated people as) members of Parliament going forward. And if they think that these things have to all be disclosed, then fine, change the law. The law as it's (sat) since 2009 is that you have to disclose as a political party money that the political party's using for the body politic.

HDPa: Here's the problem here, right? The SFO has come after you guys. This has backfired on the SFO now because now what's going to happen is every single political party out there now knows because you've tested this in court, because the SFO has tested this in court, they now know they only need to set up a foundation and they don't have to disclose their donors. Am I wrong?

X: You're wrong

HDPa: Why am I wrong?

X: The political parties all know because we've all read the definition, (unclear) so don't think this is something secret because it's not, but you're not actually taking donations to operate the party.

HDPa: Let's say you wanted to. Let's say another political party out there doesn't want to have to say who their donors are. They can copy you now. They can set up a foundation, run it in a very similar way, and they don't have to say who their donors are. Am I right?

X: They have to say who their donors are if they pass the money through (unclear).

HDPa: If the foundation uses the money, they do not have to say who their donors are. Am I right?

X: (Unclear) Why should they if they're doing something that is lawful and proper? (Unclear - and it's part of how we get politics to run and operate.) There's nothing underhand in this.

HDPa: Well, the thing is it looks underhand.

X: Not at all.

HDPA: Have you seen the law that Kiri Allen as justice minister is planning? The changes she's planning to make.

X: I've had a little bit of a look at it.

HDPA: They will not change the situation, will they?

X: Ah I don't know (unclear) except to say this – if the experts who are going round saying this is a loophole are the experts giving advice, they don't understand the law. So the answer is probably (unclear). My thinking is that they actually do not understand the law (and that they are) trying to reform a law that isn't broken and hasn't been breached as far as I'm concerned.

HDPA: Is New Zealand First is going to run at the next election?

X: I don't know. I'm not a part of New Zealand First, I'm not a member.

All right. Now, Justice Jagose's final judgement is that the two men had not received the payments directly, but rather as trustees of the foundation and previous fundraising entities. Therefore, he didn't see that their actions as satisfying the charge of, quote, retention, of control of the money. He said there was quote nothing inherently dishonest about the fundraising organisations obtaining the money and as they quote expressly sought to support the party, meaning the defendants could not be found guilty of the deception part of the charge.

27 Jul RNZ Cabinet seeks urgent advice on donations law change

[Govt seeks advice on changing party donation laws | RNZ News](#)

## Govt seeks advice on changing party donation laws

The government is seeking urgent advice on immediate changes to the electoral law on donations to political parties.

It follows the New Zealand First Foundation case, which ended in an acquittal that shows shadow entities can bankroll parties without having to identify donors.

One legal expert has [called on the government to fix the loophole](#) before next year's general election, but the prime minister doubted there would be enough time.

Justice Minister Kiri Allan is now expediting official advice on the electoral law to see if it can be tightened up in time for Election 2023.

"I'm definitely taking a very close look at this because transparency is key," Allan said.

"What we do know though is that whatever reforms we make in this area we don't want to make a brash job of it. It needs to be done right so that's essentially the guts of the advice that I'm seeking right now."

The government already has a bill before the House, the Electoral Amendment Act 2022, to strengthen electoral law, like lowering the dollar threshold at which donations have to be declared.

Critics have argued this is a prime vehicle to redefine what constitutes a 'party donation' to ensure political parties can't be bankrolled by secret donors.

Last month, the High Court [heard evidence money was flowing into the New Zealand First Foundation](#) at a time the New Zealand First Party was broke. Some of the money was used to pay for campaign expenses for the 2017 Election, which saw Winston Peters emerge as kingmaker and [pick Labour to form a government](#).

Prime Minister Jacinda Ardern grimaced yesterday, when asked if she's reflected on whether the opposition to a capital gains tax may have been bought.

"It reinforces for me the importance of transparency in our system, which we are working very hard to ensure we improve," she said.

"There's lots of things that I reflect on in politics and will continue to do so but for me I've got to take the lessons and make sure that we do our bit to improve the system."

ACT Party leader David Seymour said if Winston Peters didn't know about \$750,000 worth of money flowing into the foundation he owes everyone an explanation.

"I can tell you, if someone wants to give \$750,000 to the ACT Party I would be aware of it. It beggars belief that Winston Peters wasn't and I think he should front and explain what went on."

It wasn't clear from last month's trial exactly how much Peters knew about the foundation's activities.

He was never called to answer questions but now says he was aware money was flowing into the foundation.

"Of course, I was and at no point did I not say that. What I said though was that what we have done has been strictly to abide by the law and there's no loophole in the law."

Legal experts disagree with Peters' assessment and it's now up to officials advising the Justice Minister to report back on any quick fixes on electoral law.

It may be some weeks before the Serious Fraud Office decides if it will appeal the decision in the New Zealand First Foundation case

28 Jul Spinoff Graeme Edgeler on how the donations law could be changed

## [How to close the donation loopholes exposed by the NZ First Foundation judgment | The Spinoff](#) **How to close the donation loopholes exposed by the NZ First Foundation judgment**

By [Graeme Edgeler](#) Guest writer

**Last week's High Court acquittals of two people connected to the NZ First Foundation have rendered the political donation disclosure regime near pointless, writes Graeme Edgeler. Will a new bill fix the many issues the judgment raises?**

Last Friday in the Auckland High Court, Justice Jagose entered acquittals of two individuals charged over the New Zealand First Foundation donations case.

Prosecuting cases is always hard – the requirement to prove all elements of the offence (and negate all possible defences) beyond reasonable doubt sees to that. Thanks to some excellent work from journalists such as Matt Shand of the Sunday Star-Times and investigators at the Serious Fraud Office, we do know a lot about what the foundation was doing, some of it summarised in the public judgment of the court.

The [judgment](#) records that the board of New Zealand First agreed to establish a “strategic fundraising and management vehicle for New Zealand First”, to be known as the “New Zealand First Foundation”.

NZ First MP Clayton Mitchell prepared a draft letter for the party to use in raising funds. The letter, on NZ First party letterhead, which included “outlining Electoral Act disclosure obligations and inviting payment to NZFF’s bank account”, was used in various fundraising activities, modified where necessary. The letter “drew no distinction between the party and NZFF and expressly sought funds to support the party”. It directed funds to either NZFF’s or the party’s bank account depending on “whoever was asking and needing it the most”.

The judge records: “Payments into the account typically were annotated by the payer ‘NZ First’ and ‘donation’, sometimes including messages of support for the party such as ‘Good luck Winston’. A cheque expressly made out to the party was banked into NZFF’s account. The money was obtained from fundraising efforts initially to support the party’s 2017 election campaign. Funds continued to be raised under iterations of the letter after the 2017 election, totalling some \$678,000 by February 2020.”

The foundation “paid some \$140,000 in connection with the 2017 election, including rental and other expenses of commercial premises in Wellington’s Lambton Quay used as the party’s ‘campaign headquarters’, and on expenses associated with the party’s 2017 annual general meeting and convention, including production of a video of the party’s ‘bus tour’ of electorates. Some \$280,000 was paid for NationBuilder and associated costs for the party’s website development. Nearly \$250,000 was paid in relation to consultants’ services to the party.”

Party MPs were sending the letters seeking funds for the foundation, with the judge accepting that “all money was applied for the party’s benefit”.

Neither of the trustees gave evidence at the trial, but an explanation they gave to NZ First’s auditors was used. This included denials of being involved in fundraisers, such as “No payments have been

received by the foundation for transmitting to the New Zealand First party”, “The New Zealand First Foundation has NO agreement with the New Zealand First political party” and “The foundation was never to transmit funds from donors to any political party, for example when it became apparent that NZF ... invoices had been paid by mistake at the same time as NZFF invoices the trustees recovered the same as a debt from the party”.

Factually, the principle reason for the acquittals appears to turn on this explanation. To have to be declared as a party donation, the judge said “the Electoral Act depends on it being ‘a donation ... of money ... that is made to a party, or to any person or body of persons on behalf of the party who are involved in the administration of the affairs of the party’.” The judge noted the evidence provided by the prosecution “citing comprehensive evidence of its payers’ intentions” that their donations were “made to a party”.

The judge said that under the Electoral Act, the definition of party donation does not “capture gifts made without the party or on its behalf to people not involved in the administration of its affairs, irrespective if the gift is intended to benefit the party. ‘Party donation’ is not defined by the party’s benefit, but by the party’s receipt of the actual gift.”

The prosecution argued that the two men were in fact involved in the administration of the affairs of the New Zealand First party, with one having a fundraising role for the party, and the other having “multi-faceted involvement including as [Redacted] managing party positions and appointments to them, and attending internal executive meetings”.

The judge said this didn’t matter. Even if the two men were involved in the administration of the party, “the payments determinedly were not made to [them] in those capacities ...” but were made to the foundation. He concluded “the payments are to [them] only as trustees, in which capacity they were not “involved in the administration of the affairs of the party”.

If this is the law – and a High Court judge has said it is – then it undermines the donation disclosure regime to the point that it may be pointless unless fixed.

The reason we have donation disclosure is so that, when a party benefits from the money provided to it by donors of large donations, we get to know too.

The finding that money paid to people who were involved in the administration of a political party – that money being intended to be a donation to the party, that was actually used for the benefit of the party – does not have to be declared because those people were wearing different hats at the time it was received completely undercuts this.

Last Thursday, the government introduced a [bill](#) to increase transparency around political donations ahead of the next election. The headline change is a drop in the disclosure threshold for party donations from \$15,000 to \$5,000. But that’s only for party donations, which means that any party with a foundation like the New Zealand First Foundation – donations to which the High Court says are not party donations – can simply avoid this change for donations it or its donors want to keep from the public. And more importantly, the determination that these donations were not party donations at all means that none of the other rules that apply to party donations (such as the ban on overseas donations) would apply to them either (there was no suggestion that the donations made to the New Zealand First Foundation were foreign donations, but rules around foreign donations would not apply to similar foundations).

It might be too late to use this bill to fix every issue this decision raises (what should we do about foundations generally; whether there should be rules around how donations are made, eg that they have to be electronic to a nominated bank account; whether there should be more obligations on donors; and whether there should be greater obligations on parliamentary parties), but some half measures are possible. And there are two relatively simple ones that would at least narrow the loophole, if not eliminate it completely. First, amend the definition of party donation (and candidate donation) so it includes donations intended for a party, and donations intended to benefit a party, and to cover off donations received by anyone involved in the party in whatever capacity. Second, amend the requirement that a donation must be transmitted to a party secretary to create an offence of failing to do so.

Other loopholes will remain, with the biggest probably (hopefully?) the lack of disclosure obligations in respect of parties that are yet to register, and donations made by New Zealand-based companies that primarily operate as foreign-owned. These and other issues can hopefully be considered by the broader election law review, but parliament has the opportunity to fix the most glaring issues Justice Jagose has pointed out in the coming months, and it should.



29 JUL, 2022

## Nats, Act slam donation changes



New Zealand Herald, Auckland

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# Nats, Act slam donation changes

**Claire Trevett**

**N**ational and Act have criticised the Government's move to change election donation rules, saying it was ramming a law through without consensus and trying to "screw the scrum" against parties on the right.

The Government's bill to lower the levels at which donations must be publicly disclosed from \$15,000 to \$5000 went before Parliament for the start of its first reading yesterday and is expected to pass next week with National and Act opposing it.

The bill will also require donations of more than \$20,000 to be disclosed within 10 working days in an election

year (down from \$30,000 at present), and require parties to disclose their financial statements.

Justice Minister Kiri Allan said the \$5000 threshold was a "careful balance" which would still allow people who did not want to be named to donate something, without letting larger donations be made without transparency.

But Act leader David Seymour said lowering the threshold was unnecessary and would result in donations to political parties drying up.

He claimed it was a bid by Labour to "screw the scrum" to penalise Act and National. He said if the 225 donors who gave \$5000-\$15,000 in 2020 dropped their donations to less than

\$5000 to avoid being named, it would knock \$1.2 million off the amount that had gone to political parties. Act would be down about \$300,000 and

National almost \$600,000 while Labour, which got far fewer donations, would lose \$170,000.

Seymour disputed donations of less than \$15,000 would buy influence, saying it amounted to less than 1 per cent of the funding needed to pay for a campaign.

Act and National have this year done major fundraising drives among rich-listers, which have so far secured National about \$2m and Act about \$1m – amounts which do not include any donations of less than \$30,000.

Allan said the law had to go before Parliament now to ensure time for public submissions and so it passed before the end of the year, in time to take effect before the 2023 election.

But National's justice spokesman, Paul Goldsmith, said changes to electoral laws should be done with cross-party consensus and broad public consultation, not rammed through.

Green Party electoral reform spokeswoman Golriz Ghahraman called for the reforms to go further, and for the bill to be used for an urgent fix to the "loophole" exposed by the recent court case on the NZ First Foundation.

The High Court acquitted two people on charges initiated by the Serious Fraud Office over donations to the foundation which had not been disclosed, saying they did not fall foul

of electoral laws because they were not considered party donations.





02 AUG, 2022

## Govt to close donations loophole

New Zealand Herald, Auckland



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# Govt to close donations loophole

Plans to have law in place before 2023 general election

**Claire Trevett**

**T**he Government will close an electoral donations law loophole exposed by the court case on the NZ First Foundation, which allowed an entity at arms-length from the NZ First party to take donations without disclosing the donors.

Justice Minister Kiri Allan confirmed the Government will introduce measures to prevent a similar situation happening again and have it made law by the 2023 election year.

The High Court acquitted two people charged over donations received by the NZ First Foundation that were not disclosed as party donations. The court ruling said that was because the donations were never passed on to the party, so did not meet the definition of being a "party donation" under electoral law.

Allan said she was advised it could be closed by changing the definition of "party donation" to ensure it covered such a scenario, and making it an offence for someone who collects a donation for a party or candidate not to pass it on to the party secretary.

There is currently a legal obligation to do that but no offence attached to it under the Electoral Act.

Allan asked for urgent advice on it last week and said the Justice Cabinet Committee had now agreed to push urgent changes through to try to fix it before 2023.

Once agreed by Cabinet, the changes will be put in as an amendment to a bill already before a select committee, which changes other aspects of election donations rules, including lowering the donations disclosure thresholds.

Allan expected that to happen in the next four weeks, leaving time for public submissions on the proposed amendment before the committee reports back in early December and it is passed by the end of the year.

She was confident it would have cross-party support – the Greens have called for it and both National

and Act have agreed the loophole needs to be closed although both have said they will not support the whole bill because they disagree with moves to lower the donation disclosure threshold from \$15,000 to \$5000.

Electoral law expert Graeme Edgeler said the proposed changes should ensure that donations to an entity such as the NZ First Foundation would have to be disclosed in future.

He said most people had assumed that donations given in such a fashion were already covered by the existing law – and if it was not rectified it would render the current donation disclosure regime useless.

There would be nothing to stop other parties setting up similar models to avoid disclosure.

"We kind of need to know who is giving money to political parties. If people can give money and not disclose them, there is little point having

donations disclosure rules."

In press releases since the ruling, NZ First leader Winston Peters has claimed the court decision vindicated NZ First and the Foundation, and showed it had done nothing wrong.

He took aim at those claiming it was a loophole, saying: "If following strictly the disclosure requirements for donations to both New Zealand First, or the Foundation, is a loophole could they please lend their expertise and tell us exactly what that is."

He ended his statement with an old quote by the late Sir Michael Cullen after an election: "We won, you lost, eat that."

Asked for her response to that, Allan said, "I'm glad to hear the former deputy prime minister is well engaged in the political landscape of New Zealand and look forward to any further comment that he has to make in due course."



Kiri Allan



Winston Peters



30 JUL, 2022

## A web of deception alleged and why the Labour and National donations trial matters

Dominion Post Weekend, Wellington



Page 1 of 1

## A web of deception alleged and why the Labour and National donations trial matters

### Catrin Owen

A 10-week High Court trial involving party donations from both sides of the political divide began this week.

The Serious Fraud Office alleges donations made to both the National Party and the Labour Party were fraudulent. Six defendants have been charged in relation to the Labour Party donations and four people are charged over the National Party donations.

### Why it matters

The Crown alleges the defendants intended to deceive the secretaries of the Labour and National parties, the Electoral Commission and the public. It is alleged some people were named as donors who did not actually donate

to the parties, hiding the true identities of the donors.

The Crown alleges the true donor is Yikun Zhang. He received a royal honour in 2018 for services to New Zealand-China relations and the Chinese community and was seeking that honour during the time some of the donations were made. The Crown says this is possible justification or motive for the donations.

Among other things, Zhang is alleged to have made an illegal \$100,000 donation to the National Party. Former National MP Jami-Lee Ross is also on trial, with the Crown

alleging he was the "inside man" for Zhang.

### Key players

Zhang, an Auckland businessman, is at the centre of the donations case. He has powerful political connections in China and with local politicians.

He is also the founding president of Chao Shan General Association of New Zealand. Twin brothers Hengjia Zheng, also known as Joe, and Shija

Zheng, also known as Colin, are also facing charges. Joe is alleged to have been Zhang's right-hand man.

Ross was the person who first

aired the allegations about the \$100,000 donation from Zhang.

At a press conference in October 2018, he alleged then-National Party leader Simon Bridges had violated electoral law by accepting the donation. Two men and a woman with name suppression are also on trial.

### What's been said

In late May 2017, Ross sent Colin Zheng the Botany National Party bank account and the rules regarding donations. "We'll all follow the law," Zheng is alleged to have said to Ross.

Gaoyun (Ivy) Yan, a former Labour

Party volunteer, told the court she was asked to open a bank account by two of the defendants, to be used for events and fundraising.

The account was used to buy five paintings sold in an alleged "sham" auction. Yan told the court she did not know where the money coming into the account was from.

"There have been some Eurocentric, cringe-inducing cultural assumptions made by the [Serious Fraud Office] which will be revealed," defence lawyer Marc Corlett QC told the court this week.

All of the accused have denied the

charges against them.

### What's next

Bridges, Labour MPs and Cabinet minister Andrew Little and Michael Wood, the prime minister's chief press secretary, former Labour president Nigel Haworth and National's general manager, Greg Hamilton, are among the 51 witnesses the Crown will call to give evidence over the coming weeks.

Jami-Lee Ross' wife, Lucy Schwaner, and his assistant, Katja Kershaw, are also set to give evidence.

The judge-alone trial before Justice Ian Gault is set down for another nine weeks.



Former National Party leader Simon Bridges, left, and current Cabinet Minister Andrew Little are among those giving evidence for the Crown.



20 JUL, 2022

## Fund gets mixed response

The Dominion Post, Wellington



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# Fund gets mixed response

## Disability

**Olivia Shivas**

A \$1 million fund to support disabled people participating in parliamentary elections is open for feedback. However, it's already had a mixed response from disabled people.

The Electoral Commission wants input from the disability community to help design and develop the fund.

"Costs could include things like paying for sign language interpreters or accessible transport to events or meetings. They are costs that non-disabled candidates do not face," chief electoral officer Karl Le Quesne said.

At this stage, the proposed fund can only be accessed by disabled people seeking selection or standing as a candidate in a parliamentary general election or by-election, not local body elections.

The select committee has considered the possibility of extending it to local elections in the first review of the Election Access Fund Act 2020.

Timothy Young, a wheelchair-user who ran in the Hamilton East ward in the 2019 local body elections, said it was a good initiative but would like to see wider funding. "Disabled people are disproportionately in a lower socio-economic group so that's one of the major barriers in my opinion."

Young said disabled people have been discriminated against their entire life which means they can't build enough wealth to participate beyond their extra costs of having a disability.

"There needs to be general grants just for people running, not even to do with the extra costs of having a disability," he said. "There needs to be a grant that helps put disabled people on an even playing field. That's the main systemic barrier that's

perpetuated – disabled people don't have the time or resources to even contemplate [running as a candidate], they're just trying to keep up with general life."

As a wheelchair-user, some of the accessibility barriers he faces includes footpaths with lips, steep footpath gradients, bus stops without shelters and inaccessible public toilets.

"There's probably 15 to 20 barriers I could go through.

"Every day, when you're trying to get place to place, you are encountering these barriers. Without the actual lived experience, the intricacies and importance of these issues are never brought out ... they are hardly ever made a priority." When running for council, he also faced further accessibility barriers, with candidate-speaking opportunities held in venues that weren't accessible. He was invited on a bus tour for candidates to learn about projects in Hamilton, but couldn't get on the bus.

"It's just non-stop all the time. I'm always trying to play catchup."

Young said it's important for

people with lived experience of disability to run in general and local body elections because they have a different lens to many issues, and the grant would still benefit disabled people. "It's a good start, and it's bringing awareness to the issue that disabled people have more barriers than the general population."

Young said he didn't plan to run as a candidate for the next local body election because he was busy with work and his PhD.

Former Green Party MP and Aotearoa's first Deaf MP Mojo Mathers said she was delighted the fund was being set up and thinks \$1m is enough to cover support for disabled people. "I think it will be sufficient given that historically very few disabled people have stood as candidates," she said.

"My hope is the existence of this fund will help encourage more disabled people to put themselves forward as candidates and for political parties to support them through the process."

*"My hope is the existence of this fund will help encourage more disabled people to put themselves forward."*

**Mojo Mathers**

NZ's first deaf MP



Tim Young has spoken about his experience as a candidate for Hamilton City Council's east ward in 2019.

DOMINICO ZAPATA/STUFF



23 JUL, 2022

## Help for disabled to stand in elections hailed



Whanganui Chronicle, Whanganui

Page 1 of 2

# Help for disabled to stand in elections hailed Whanganui advocate welcomes new fund

Liz Wylie  
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**W**hanganui disability advocate Sir Robert Martin said he was pleased the Electoral Commission Te Kaitiaki Take Kōwhiri was attempting to make it easier for candidates with disabilities to run for office.

The purpose of the \$1 million Election Access Fund is to reduce cost barriers faced by political candidates with disabilities that non-disabled candidates do not face.

Martin received a knighthood for services to people with disabilities in the 2020 New Year Honours and is a member of the United Nations Committee on the Rights of Persons with Disabilities.

"I'm a bit too busy to think about standing for election myself but I fully support the Election

Access Fund and I do have some ideas about what candidates with disabilities need.

"The language used in politics is very different and for someone with a learning disability, it requires the right kind of assistance to make sense of it. I'm really glad they are asking people what assistance they need."

The fund is the result of a bill introduced to Parliament by Green Party MP Chloe Swarbrick and passed in 2020.

Martin said he would like to see the fund expanded to include local body candidates as well as those wanting to stand for central government.

Russell Lowry who runs a career counselling service in Whanganui has been visually impaired all his life and stood for local body election in the 1990s.

"I was a candidate in the Bulls ward for the Rangitikei [District] Council," he said.

"There were some access issues as I recall and although I under-

stand that most council buildings have better access now, there are likely to be campaign venues that won't be accessible."

Blind or visually impaired people would need help with things like transport and paperwork, Lowry said.

"I was lucky to have my wife to help with those things but the fund could help candidates to hire a driver or campaign assistant."

Lowry said it was good to hear the Electoral Commission was taking the trouble to consult on the needs of people with disabilities because the criteria should be wide and inclusive.

"Some disabilities are not obvious and it is important to be inclusive when looking at eligibility."

Former Green Party MP Mojo

Mathers highlighted the need for inclusiveness when she became New Zealand's first deaf Member of Parliament in 2011 and it was her suggestion that NZ Sign Language be used in Parliament to "enable the wider deaf community to access political debate".

Chief Electoral Officer Karl Le Quesne said costs such as sign language interpreters and accessible transport were some examples of expenses that could be covered.

"We are asking interested groups and individuals to take part in a survey on the fund. We want feedback on the practical aspects of how we will operate the fund, including eligibility for funding and the sorts of expenses it should cover," he said.

"Having the input of the disability community throughout the process to design and develop the fund is critical to ensure that it works well in practice."

The survey can be filled in online at the elections.nz website under the tab called 'Have your say on the Election Access Fund'.



23 JUL, 2022

## Help for disabled to stand in elections hailed

Whanganui Chronicle, Whanganui



Whanganui disability advocate Sir Robert Martin said he would like to see the Election Access Fund made available for local body candidates.

PHOTO / BEVAN CONLEY



07 JUL, 2022  
**Election countdown**

Gisborne Herald, Gisborne



# Election countdown

‘It’s important that you’re enrolled and ready to have your say’

GET ready for the local elections. The Electoral Commission began an enrolment drive this week to make sure people are enrolled for this year’s local body elections.

More than 3000 people here are still not registered to vote.

“You need to check you’re enrolled and listed at the right address so you’re ready to vote in October’s local elections,” enrolment and community engagement acting national manager Ross McPherson said.

More than 3.5 million enrolment update packs have been sent to everyone on the electoral roll.

“Check your details when you receive your pack. If they’re correct, you’re all set to vote. If anything needs changing, go to [vote.nz](http://vote.nz) to update your details online or make the changes on the form and send it back. If you don’t get a pack by July 7 (today), it means you’re not enrolled or you need to update your address.

“And if you get a pack that’s not addressed to anyone at your house,

please send it back.”

People can enrol or update their details online at [vote.nz](http://vote.nz) using their New Zealand driver’s licence, New Zealand passport or RealMe verified identity.

The local elections will be held in October for city, district, and regional councils. The elections are run by local councils and are held by postal vote.

Voters need to be enrolled at the correct address to receive their voting papers in the mail.

“Councils make decisions that affect

our daily lives on things like rates, rubbish collection and public transport, so it’s important that you’re enrolled and ready to have your say this October,” Mr McPherson said.

Candidate nominations to stand for election open from Friday, July 15, and close Friday, August 12, at 12 noon.

Local councils will send voting documents to all enrolled voters from September 16 to 21.

CONTINUED ON PAGE 3



07 JUL, 2022

Election countdown



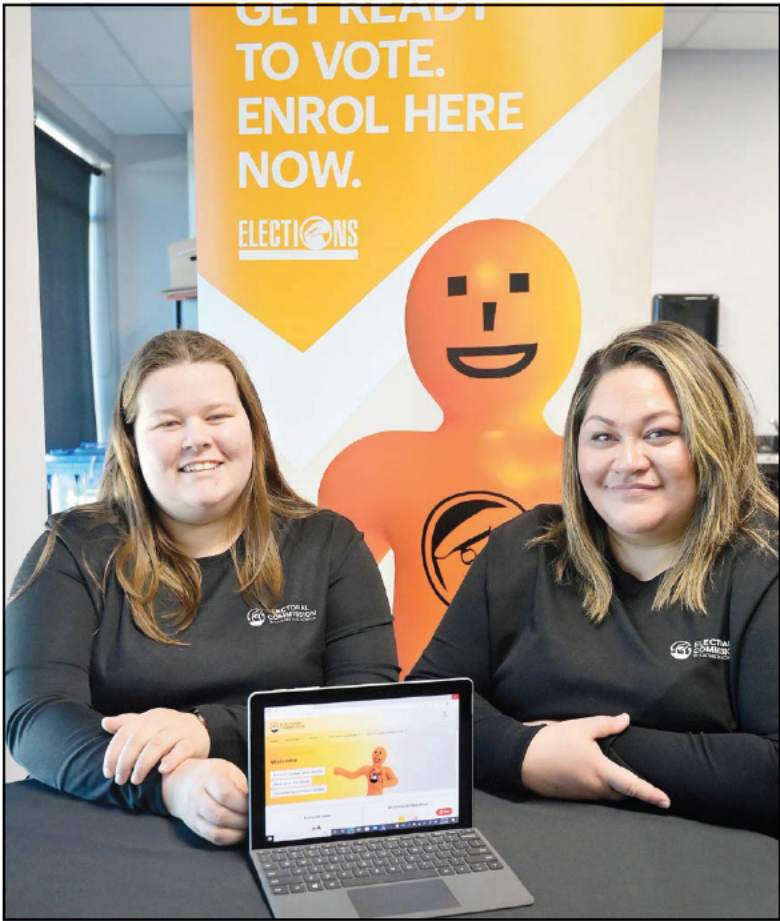
Gisborne Herald, Gisborne

New voting method: STV

FROM PAGE 1

Gisborne voters this year will be using the Single Transferable Vote method.  
In STV, voters rank candidates in their order of preference using numbers.  
A voter writes “1” next to the name of their favourite candidate, “2” next to their second favourite candidate and so on.  
Voters can rank as few or many candidates as they wish.  
Candidates who reach the quota (calculated by the number of valid votes divided by one more than the number of vacancies) are declared elected.  
The system will be used in the general ward and Māori ward seats.  
Voters wanting to vote in the Māori ward will

have to be registered on the Māori roll, although a candidate does not need to be so.  
Electoral Commission figures show 3790 people are still unregistered to vote in either ward so far. The commission estimates 90.1 percent of the region’s 38,298 eligible voters are registered, with 23,454 on the general roll and 11,054 on the Māori roll.  
In the lead-up to the elections, Local Government NZ is running its The Vote 2022 campaign to make New Zealand the most inclusive and active local democracy in the world.  
“The turnout for national elections was 82 percent in 2020 but in the 2019 local election voter turnout was just 41.7 percent,” Local Government New Zealand chief executive Susan Freeman-Greene said.



**HAVE YOUR SAY:**  
The Electoral Commission community engagement team of youth advocate Alice Kibble and community engagement co-ordinator Grace Turner. Alice has a focus on high school students enrolling through social media platforms. Local Government NZ is running The Vote 2022 campaign aimed at lifting the percentage of local election voter turnout, which was just 41.7 percent in 2019.

Picture by  
Liam Clayton