

Appendix A

Document 1

From: [Councillor Ray Chung](#)
To: [Hon Simeon Brown](#)
Subject: 2001 Local Government Election Act
Date: Monday, 8 April 2024 1:13:07 pm

Dear Simeon

How are you?

I'd like to ask you if you're going to rescind the exemption given by previous Minister Mahuta to Maori wards saying they have an exemption from complying with the requirement to comply with this section of the ACT:

[Home](#) | [Policy](#) | [Local Government Legislation](#) | [Local Electoral Act 2001](#)

Local Electoral Act 2001

The Local Electoral Act 2001 (LEA) sets out the rights of local voters, procedures for the conduct of local electors and options for local electoral systems.

- [Purpose and Principles of Local Electoral Act 2001 \(LEA\)](#)
- [Choice of Electoral System](#)
- [Representation Arrangements](#)
- [Choice of Voting Method](#)

Purpose and Principles of Local Electoral Act 2001 (LEA)

Reflecting the desire for local discretion where appropriate, the purpose of the LEA (section 3) includes to -

- *allow diversity (through local decision-making) in relation to –*
 - *the particular electoral system to be used for local elections and polls; and*
 - *the regular review of representation arrangements for councils; and*
 - *the particular voting method to be used for local elections and polls; and*
- *implement the principles set out (in the Act).*

The principles of the LEA (section 4) are:

- *fair and effective representation for individuals and communities:*
 - *all qualified persons have a reasonable and equal opportunity to*
 - *cast an informed vote;*
 - *nominate 1 or more candidates;*
 - *accept nomination as a candidate;*
- *public confidence in, and public understanding of, local electoral processes through –*
 - *the provision of a regular election cycle;*
 - *the provision of elections that are managed independently from the elected body;*
 - *protection of the freedom of choice of voters and the secrecy of the vote;*
 - *the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes;*
 - *the provision of impartial mechanisms for resolving disputed elections and polls.”*

Choice of Electoral System

The LEA provides a choice of electoral system for the conduct of local elections and polls. Councils and their communities have the choice of either using the [First Past the Post \(FPP\)](#) electoral system or the [Single-Transferable Vote \(STV\)](#) system. For the purposes of the LEA, councils include councils, licensing trusts and district health boards (DHBs).

District health board elections, which are required to be conducted in association with local authority elections, are required by the New Zealand Public Health and Disability Act 2000 to be conducted using STV.

The process for councils (ie councils and licensing trusts) to change electoral system is either as a result of a resolution (which is subject to the right for 5% of electors to demand a poll to countermand that resolution) or a poll (either demanded by 5% of electors or as a result of a resolution).

If there is a change in electoral system as a result of a poll, or a poll rejects a change, that decision will apply for a minimum of two triennial general elections and will continue until a further council resolution or a poll demand. If there is a change as a result of a resolution, that decision will apply for the next triennial general election and continues in effect until a further resolution or poll.

The number of councils that have adopted STV historically are as follows:

- In 2004, 10 councils
- In 2007, 8 councils
- In 2010, 6 councils

The system of STV to be used is based on Meek's method of counting votes. This identifies a "keep value" for all votes for each candidate who achieves the quota of votes required to be elected. The remainder is transferred to the voter's second and subsequent preferences. This method of transferring votes (subsequently developed as Algorithm 123) avoids the arbitrary nature of transferring whole votes, once the quota has been achieved, associated with traditional methods of STV. It does, however, require a computer program for the counting of votes. This has been developed by the Department of Internal Affairs and is licensed free of charge to councils.

Representation Arrangements

The provisions for representation arrangements include the option for councils and their communities to decide to introduce designated Māori representation by establishing Māori wards or constituencies. The process for establishing and retaining Māori wards/constituencies mirrors that for changing the electoral system. It is also based on the precedent set by the Bay of Plenty Regional Council, which promoted its own local legislation requiring designated Māori representation for that region given the low Māori representation on the council in relation to the Māori population.

The reviewed legislation requires councils to conduct representation reviews (of membership and basis of election) at least every 6 years. These reviews are undertaken once decisions have been made on the electoral system and any decision on designated Māori representation. As part of this review -

- Territorial authorities decide whether the basis of election will be wards, at large, or a combination of both (constituencies are mandatory for regional councils).
- Territorial authorities and regional councils decide the number of wards/constituencies and members to ensure fair and effective representation within legislative limits (between 6 and 30 members for

territorial authorities, and 6 and 14 members for regional councils).

- Territorial authorities consider whether there should be separately elected [community boards](#) in their district and, if so, the number, location and size.

Once councils have completed their initial review they are required to consult their communities on their proposals and to invite submissions. Following consideration of submissions and determination of a final proposal, there is a right of appeal or objection (on amended proposals) to the Local Government Commission which will then make a final determination.

In carrying out their review, councils are required to ensure, in accordance with the principle of fair and effective representation, that their proposals will -

- In relation to wards/constituencies, provide effective representation of communities of interest in the district/region.
- In relation to the number of members, provide fair representation having regard to the population of the district/region as a whole and of every ward/constituency (for this purpose, the ratio of population of each ward/constituency to members, is generally to be not greater or less than +/-10% of the ratio of population of the whole district/region to the total number of members).

I consider this exemption to be undemocratic and all representatives should respect and abide by the same laws in New Zealand. It was this exemption that permitted Wellington City Council to have a Maori Ward because the Maori Electoral Roll only had 7,700 votes whereas the average number of voters in all other Wellington Wards was just under 15,000.

Cheers, Ray

Rayward R Chung

Wellington City Councillor

Onslow Western ward

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Document 2

From: [Councillor Ray Chung](#)
To: [Simeon Brown](#)
Subject: LTP amendments for reducing staff
Date: 28 May 2024 18:26:50
Attachments: [image001.jpg](#)

Hi Simeon

I was just told today by council officers when I wanted to move an amendment to freeze recruiting more staff with a possible sinking lid that we can't do this because of the Local Government Act and that any authority to do this has to come from central government?

This is very hard to believe? We're continuing to employ more and more staff despite reaching record expenditure and debt! Is this correct as why aren't we cutting back on staffing levels that have grown 27% in the past four years!

Cheers, Ray

Rayward R Chung

Wellington City Councillor
Onslow Western ward
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From: [Sophie Farrell](#)
To: ray.chung@wcc.govt.nz
Subject: MoLG to Councillor Ray Chung
Attachments: [image001.png](#)
[Ministerial response to Councillor Ray Chung.pdf](#)

Dear Ray,

Please find attached recent correspondence from Hon Simeon Brown

Kind regards,



Office of Hon Simeon Brown
Minister of Transport, Minister of Local Government, Minister for Energy, Minister for Auckland

Email: @. Website: www.Beehive.govt.nz

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

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From: Councillor Ray Chung <ray.chung@wcc.govt.nz>

Sent: Tuesday, May 28, 2024 10:17 AM

To: Simeon Brown (MIN) <S.Brown@ministers.govt.nz>

Subject: RE: MoLG to Councillor Ray Chung

Hi Sophie

Many thanks for this and to Simeon Brown for his comprehensive reply

I understand his comments on the +/-10% rule and acknowledge that this will not be covered in this upcoming bill, that I absolutely support. **Are there any future plans to address this inequity between the qualifying ward numbers between general wards and the Maori ward?** The same with the inequity of having unelected members being afforded voting rights on council?

Many thanks

Cheers, Ray

From: Sophie Farrell <Sophie.Farrell@parliament.govt.nz> **On Behalf Of** Simeon Brown (MIN)

Sent: Wednesday, May 22, 2024 2:52 PM

To: Councillor Ray Chung <ray.chung@wcc.govt.nz>

Subject: MoLG to Councillor Ray Chung

Dear Ray,

Please find attached recent correspondence from Hon Simeon Brown

Kind regards,



Office of Hon Simeon Brown
Minister of Transport, Minister of Local Government, Minister for Energy, Minister for Auckland

Email: @. Website: www.Beehive.govt.nz

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

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Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House

COR797

Ray Chung
By email: ray.chung@wcc.govt.nz

Dear Ray,

Thank you for your two emails of 28 May 2024 regarding Māori wards and Long-Term Plan (LTP) amendments for staffing levels at Wellington City Council (the Council).

Regarding Māori wards, there are currently no plans to work on the +/- 10% rule. As noted in my response to your 31 March 2024 email, the current +/- 10% rule only applies to different wards of the same type.

If a council has multiple Māori wards, then the +/- 10% rule would apply between these wards as it does for general wards. There are no plans for this policy to be changed in the upcoming Bill. This Bill is also not intended to abolish or amend iwi voting rights on council committees and subcommittees. Currently, this matter is not on the work programme.

I acknowledge your concerns regarding the staffing levels at the Council. However, as the Minister of Local Government, I am primarily responsible for the legislative framework within which local authorities operate. Central government cannot dictate staffing levels, which is a matter for councils. Councils are accountable to their communities for their actions and decisions.

The Local Government Act 2002 sets out the process for councils to develop, consult, and decide on their LTPs. I encourage you to seek advice from council officers or your fellow elected members on the best way to put forward ideas for consideration by both the Council and the community ahead of adopting your next LTP.

Thank you again for writing.

Yours sincerely,

Hon Simeon Brown
Minister of Local Government

Document 3

From: [Councillor Ray Chung](#)
To: [Hon Simeon Brown](#)
Subject: Wellington
Date: Thursday, 17 October 2024 7:54:29 am

Hi Simeon

Just wanted to throw in my opinion on the issues that Wellington is facing now and through a plethora of media items, I appreciate that you're receiving a lot of advice from staff on your options under the Local Government Act.

I'm very strong on having a democratic system for Wellington so would much prefer to have an early election rather than have a commissioner for the city. I've looked at the example of Tauranga with Anne Tolley as commissioner there and there are still wide-ranging viewpoints from residents there on how effective it was.

Best regards

Ray

Rayward R Chung

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