

TERMS OF REFERENCE

Election Access Fund: Te Tomokanga — Pūtea Whakatapoko Pōtitanga Applications Panel

Background

The Electoral Commission has been tasked with designing and administering the Election Access Fund under the [Election Access Fund Act 2020](#). The development of the fund has involved consultation with disabled people and other key stakeholders on its criteria and processes.

The fund supports disabled people who are standing as candidates or seeking selection as candidates in parliamentary general elections or by-elections. People can apply to the fund to pay for access needs, to reduce cost barriers that non-disabled people do not face.

Purpose and Role

Purpose

The Election Access Fund Applications Panel provides independent advice to the Electoral Commission by assessing and making recommendations on applications, including whether they should be approved. In this way it assists the Commission to meet its responsibilities under the Act and provides assurance that fund payments are fair, reasonable, and meet eligibility criteria.

Role

The role of the Election Access Fund Applications Panel is to:

- carefully consider applications to the fund and assess them using equity of access as a base principle and informed by a set of criteria.
- determine whether each application is reasonable given:
 - the applicant's support needs relating to their disability
 - the applicant's selection or campaigning activities,
 - the amount of funding being sought, and
 - the provisions and purpose of the Election Access Fund Act 2020.
- apply disability and election campaigning expertise to discussions of individual applications.
- where appropriate, ask the Electoral Commission to seek further information on any application and/or independent/specialist advice on any aspect of an application, to enable the Panel to make a funding recommendation.

- for each application, provide the Electoral Commission with a recommended action or actions and clear justification for the recommendation.

Membership

The Panel is comprised of four community members. The 2022/23 membership is as follows:

- Jade Farrar
- Dianne Glenn
- Huhana Hickey
- Robbie Watene

The group will elect a chairperson, deputy chairperson and temporary deputy chairperson from amongst its members.

Leigh Deuchars, Deputy Chief Executive, Strategy, Governance and Development, will be in attendance at all meetings to represent the Electoral Commission and to ensure the Commission's final decision on each application is informed by the Panel's discussion.

Another member of the Electoral Commission will also be in attendance to perform the secretariat functions.

Member criteria

The group will, as much as possible, reflect diversity in terms of skills and experience, the New Zealand population and the disability community.

Individual members will have most or all of the following:

- Direct, personal experience of disability
- Experience or knowledge of election candidacy
- Strong community relationships
- Knowledge and understanding of the Treaty of Waitangi, human rights concepts and diversity and inclusion principles
- Previous experience as part of a panel or similar group such as a reference or advisory committee.

Political neutrality is essential to all the Electoral Commission's work. For this reason, members must not be actively involved in a political party or movement, or other political activities. This includes not being a current political party member.

Role of members and chairperson

Panel members are expected to:

- be prepared for all meetings, including reading all application documentation prior to the meeting
- participate in a constructive, collaborative manner
- have at least 80% attendance
- attend any training upon appointment to the Panel
- understand and respect the need for strict confidentiality of all applications and of political neutrality in all Panel business
- declare any perceived or real conflicts of interest they may have both prior to appointment and as they may arise.

The chairperson is expected to:

- provide effective leadership and direction to the Panel
- act as a spokesperson and represent the Panel to the Electoral Commission and any other key stakeholders
- chair panel meetings: Facilitate discussions toward a consensus view, ensure sufficient time to cover issues, ensure that all members contribute, and sum up so that all understand what has been agreed
- exercise a casting vote in the event of the Panel not being able to reach a consensus view and having tied in a vote
- work with the secretariat to set meetings and approve meeting agendas
- sign off minutes from the previous meeting
- ensure appropriate policies and procedures are in place to support the panel
- provide motivation, guidance and support to other members to ensure they contribute effectively
- participate in providing induction for new panel members
- participate in identifying and addressing developmental needs of individual panel members and, where necessary, dealing with underperformance
- ensure that appropriate interest management tools are in place, that conflicts of interest (including the chairperson's) are dealt with appropriately and that, where appropriate, permission to act is granted despite being interested.

The deputy chairperson and temporary deputy chairperson are expected to:

- exercise all of the functions and powers of the chairperson in relation to a matter if the chairperson is unavailable or has declared an actual or perceived interest in the matter.

Terms of membership

The initial term of appointment will be October 2022 until December 2023. Members may seek re-appointment for a further term.

A Panel member's membership may cease if that member:

- resigns their membership
- misses two or more meetings per year without due cause
- behaves in a way that is detrimental to the effective operation of the Panel.

The Electoral Commission will seek to appoint a replacement to any vacant position, through an expression of interest process seeking applicants with the skills and experience required.

Following the 2023 General Election, the role, function and membership will be reviewed as part of the overall evaluation of the fund and its administration systems and processes. As a result of the review a decision will be made as to whether the Panel will continue in its current form or changes are made for subsequent elections and by-elections.

Meetings

A regular meeting schedule will be agreed and where there are no applications received within five working days of any meeting and no other business, the meeting will be cancelled.

The chairperson or deputy chairperson may call a special meeting by giving at least five working days' notice (or any shorter notice period if all members agree) of the special meeting and the business to be transacted at the meeting. Only the business stated in the notice may be transacted at the special meeting. Special meetings may be called for applications received in between scheduled meetings, to service any by-elections that are called, or for any other business that arises and is within the panel's scope.

The quorum for a meeting is three members including the chairperson or deputy chairperson. No business may be transacted at a meeting if a quorum is not present. A member who is interested in a matter is to be disregarded for the purpose of forming a quorum for that part of a meeting (i.e. where their absence results in only two members then the quorum becomes two).

Meetings will be held online via MS Teams or Zoom video conferencing, unless otherwise agreed. The duration of any meeting will depend on the number of applications to be considered.

Appropriate access assistance will be made available at meetings and other reasonable costs associated with attending will be met by the Electoral Commission on a case-by-case basis.

Election Access Fund Project team members or others may attend or report to meetings as required.

Presiding at meetings

At a meeting of the panel, the following person presides:

- The chairperson, if he or she is present and not interested in the matter
- The deputy chairperson, if there is no chairperson or he or she is not present or is interested in the matter, or
- The temporary deputy chairperson, in any other case.

The deputy chairperson or temporary deputy chairperson may exercise all the powers and functions of the chairperson for the purposes of the meeting.

Voting

Each member has one vote and, in the case of an equality of votes, the chairperson also has a casting vote. A resolution is passed if it is agreed to by all members present without dissent or if a majority of the votes cast are in favour of it.

A member present at a meeting is presumed to have agreed to and voted in favour of a resolution unless he or she expressly dissents from or votes against it.

A resolution signed or assented to in writing by all members entitled to vote on the matter is as valid and effectual as if it had been passed at a meeting.

In order to preserve the independence of the panel, voting does not apply to the Electoral Commission representative

Attendance at meetings

Members will use their best endeavours to attend meetings and will prepare thoroughly. Members unable to attend will inform the chairperson and secretariat as early as possible.

Administration

Meeting agenda items will be agreed with the chairperson and circulated at least five business days prior to the meeting.

The Electoral Commission will provide the secretariat function and be responsible for documentation, preparing agendas and taking minutes.

Payment

Community members will be paid \$50.40 per hour for meetings and time spent on panel business (meeting preparation, reading, etc.), in accordance with the rates laid out in the Cabinet Fees Framework.

The Chairperson will be paid \$71.75 per hour for meetings and time spent on panel business, in accordance with the rates laid out in the Cabinet Fees Framework.

Time claimed on Election Access Fund business should be actual and reasonable.

Members will submit invoices for time spent and expenses incurred to electionaccessfund@elections.govt.nz and upon approval payment will be made into their nominated account.

Declarations of interest

Members are responsible for declaring any perceived or real conflicts of interest, whether financial or non-financial, relating to any individual application or more generally.

Declarations should be made to the chairperson as soon as the interest becomes apparent, either prior to or during meetings.

In all cases where a conflict exists or may be reasonably perceived to exist, the chairperson shall rule on whether the member, having disclosed the interest:

- may participate in the discussion
- may remain in the meeting room but not participate in the discussion
- shall leave the room and be excluded from any considerations.

Declarations of interest will be recorded in the meeting minutes.

Conflict of interest risk will further be reduced by using clear criteria and anonymising applications.

Privacy and Confidentiality

Much of the information to which panel members have access is confidential and sensitive. Members are expected to:

- take proper care with the use, exchange, storage, disclosure and disposal of all information (whether in electronic or written form) to ensure it remains secure at all times and is used only for panel business
- return to the Electoral Commission their comments and analysis of each application
- take all reasonable steps to prevent the information they have access to being accessed by unauthorised people
- ensure they have no communication with any fund applicant, or potential applicant, about the fund
- ensure they do not use, comment on or reveal any information gained in their capacity on the Applications Panel unless they are specifically authorised to do so
- ensure they do not make statements to the media or comments about Election Access Fund matters unless they are authorised to do so.

These obligations of confidentiality continue after engagement with the Electoral Commission ends.

The Electoral Commission is required to release certain information if requested. Where a request is received, information will only be released in accordance with the requirements of the Official Information Act 1982, the Privacy Act 2020 or other applicable statutes; and by personnel specifically authorised to disclose requested information on behalf of the Commission.

Where an individual requests information about the assessment of their application to the Election Access Fund, the Electoral Commission may release documentation from each panel member related to that application.

Review of Terms of Reference

The Terms of Reference will be reviewed as required. Members will be involved in any review. The final decision on any changes will be made by the Electoral Commission.