

LOCAL AUTHORITIES (ELECTIONS, POLLS, AND VOTING RIGHTS) BILL

EXPLANATORY NOTE

THIS Bill makes a number of major changes to the election and polling systems of local authorities and will apply to the 1986 triennial general elections of local authorities, and subsequent elections, and all polls.

The changes include—

- Abolition of the ratepayer franchise, both in relation to local authority elections and polls, including local authority loan polls.
- Introduction of a franchise for absentee residential electors.
- Introduction of universal candidacy. A candidate for election need not be an elector of the local authority concerned.
- Introduction of uniform disqualification provisions for members and candidates for election.
- Standardisation of identification requirements for signatories to demands for polls.
- Special provision relating to the term of appointed members of licensing trusts.

The changes affect regional and territorial local authorities and many other local authorities such as Electric Power Boards, Harbour Boards, Hospital Boards, Area Health Boards, Catchment Authorities, and various specific local authorities.

PART I

AMENDMENTS TO LOCAL GOVERNMENT ACT 1974

Clause 3 defines various terms used in the following provisions, and repeals definitions that will no longer be required.

Clause 4 makes consequential amendments of a machinery nature to section 28. Since the parliamentary roll is to be used as the basis of local authority electoral rolls, the provisions that at present include on local authority rolls for survey purposes those persons who have recently become parliamentary electors become redundant.

Other consequential changes are made to make section 28 consistent with the changes in this Bill relating to the identification of persons who sign requests for surveys.

Clause 5: At present, a person must be an elector of a region, territorial authority, ward, or community to be eligible to be elected to the regional council, territorial authority, district community council, or community council. The person may be qualified as an elector either by virtue of a residential qualification or a

ratepayer qualification. Under this Bill the ratepayer qualification for electors is removed.

The effect of this clause is that any person who is a parliamentary elector is eligible to be elected to any regional council, territorial authority, district community council, or community council. It is not necessary that the parliamentary elector be an elector for a parliamentary electorate covering the same area as the local authority of which the person wishes to become a member.

Amendments made by this Bill extend this approach to most other local authorities except Land Drainage Boards, River Boards, and Pest Destruction Boards. Education Boards are also excluded. A person may stand for and be elected to more than one regional council, territorial authority, district community council, or community council, but may not be a candidate for more than one constituency of a regional council, or more than one ward of a territorial authority (except in the case of district community councils). This situation arises because section 12 (3) of the Local Elections and Polls Act 1976, to which this provision is subject, provides that where a person is nominated for more than one seat on a local authority, all the nominations are void.

Clause 6 repeals sections 69 to 89 of the principal Act which relate to the qualification of electors and at present provide for both ratepayer and residential qualifications, and substitutes new provisions.

The new provisions remove the ratepayer franchise and provide for a residential franchise based on the parliamentary electoral roll.

Section 69 qualifies as an elector for a district, ward, or community any person on a parliamentary roll whose residential address on that roll is within the district, ward, or community.

Section 70 provides a limited franchise for the occupiers of residential property used by them and not leased to other persons. The details of this form of franchise are—

- The person must be a parliamentary elector but not entitled to be an elector of the territorial authority, ward, or community:
- The person must have been the occupier of a residential property in the appropriate area for at least 1 month:
- The property must be used solely for residential purposes by that person:
- Only 2 occupiers may be enrolled as electors in respect of each property:
- The principal administrative officer can accept only applications in respect of the first 2 occupiers that he receives; and he is not required to check if the occupiers are in agreement as to who should be enrolled:
- It will be necessary to make a fresh application for enrolment for each triennial general election, by-election, or poll:
- No one can have more than one absentee residential elector qualification in respect of the same territorial authority, ward, or community (except in the case of district community councils):
- No one can have an absentee residential elector qualification in respect of any ward if the person is qualified under *section 69* to be an elector of any other ward of the same territorial authority, except where one of the wards is a community under the jurisdiction of a district community council:
- The term “occupier” has the same meaning as in the Rating Act 1967.

The definition of “occupier” in that Act is—

“ ‘Occupier’, in relation to any land,—

“(a) Means the owner thereof, except where a person other than the owner has a right to occupy the land by virtue of a tenancy granted for a term of not less than 12 months certain, in which case the term ‘occupier’ means that other person; and

“(b) Includes any person having a right to occupy the land by virtue of a lease, licence, or other authority to which section 4 of this Act applies.”

Section 4 of the Rating Act is crucial to the definition and the land to which it applies includes land vested in the Crown and occupied on lease or licence or other authority for a term of not less than 12 months certain. The other lands to which it applies are mostly lands used for education or hospital purposes not relevant for present purposes.

Section 71 is similar to the present section 72 and sets out the right of an elector to vote in elections and polls.

This provision does not limit section 37 of the Local Elections and Polls Act 1976 which relates to special voting.

Section 72 provides that electors of territorial authorities within regions are electors of the region.

Subsection (2) continues the provision that a person voting in respect of a region may vote only in respect of the constituency or constituent district for which the person is qualified as an elector.

Subsection (3) provides that where a person is an elector of one territorial authority within a region by virtue of his status as a parliamentary elector and is an elector of another territorial authority within the region by virtue of an absentee residential elector qualification, the person is not to be treated as an elector of the region by virtue of the latter qualification.

Electoral Rolls

Section 73 relates to the preparation of the electoral roll and is significantly different from the present section 74.

The basis of the roll is the parliamentary electoral roll since the principal qualification for the status of elector is that the person is enrolled as an elector for parliamentary purposes. The roll will also include the names and details of those persons on the Absentee Residential Electors List.

Because the roll will consist principally of a transfer of names from the parliamentary rolls and the Absentee Residential Electors List the discretions given at present to the principal administrative officer are not carried forward. The present obligation on principal administrative officers to take steps to obtain the enrolment of persons entitled to vote but not on the roll is also omitted.

Section 74 states the basic proposition that a person's name may appear only once on any electoral roll. The provision is probably not strictly necessary in view of other provisions, but does make it clear that a person cannot obtain dual franchise through being on a parliamentary roll and being on the Absentee Residential Electors List as the occupier of a holiday home in the same district.

Section 75 is similar to the present section 76 and continues the offence of wilfully making a false claim for enrolment but the provision is now confined to claims for enrolment as an absentee residential elector.

Section 76 carries forward the obligation to have the rolls available for public inspection.

There is a slight change in that the council must give public notice of where rolls may be inspected in all cases, and not just in the case of separate ward or community rolls.

Section 77 introduces a new system for amendments to and corrections of the roll. At present, sections 79 to 81 provide a system whereby anyone can object to the entering on or omission from the roll of himself or herself or any other person. There is provision for appeals to a District Court Judge against decisions of the principal administrative officer concerning the roll and amendments to it. Under the new section 77 the procedure will be that a person who is not on the roll or is not correctly entered on the roll will be able to apply to have the parliamentary roll amended and that change should then flow through to the local authority electoral roll.

Section 78 empowers a principal administrative officer to make corrections to the electoral roll where there is a defect or error in the roll that is not the result of a defect or error in the parliamentary roll. Such a change may be made on the application of any person, or by the principal administrative officer acting of his own volition.

No such change may be made after the roll has been completed and authenticated, except where the principal administrative officer is satisfied that the elector is dead.

Section 79 provides for the completion and certification of the roll. The principal changes to the present section 82 are that the roll cannot be amended once completed unless an elector dies, and the rolls are generally to come into force on the 18th day before polling day rather than the 1 September before the triennial general election (which is the 2nd Saturday of October).

Section 80 is similar to the present section 83 and relates to proof of the rolls in Court proceedings.

Section 81 relates to the use of the rolls for by-elections and polls and provides that the roll is to be compiled or updated in the same manner as for a triennial general election.

Section 82 is similar to the present section 86, and relates to the use of rolls for elections and polls for other local authorities and public bodies.

Section 83 is the same as the present section 87 and relates to regional council elections and the determination, where necessary, of principal authorities for the purposes of such elections.

Section 84 is similar to the present section 88 and applies the Local Elections and Polls Act 1976 to all elections under the Local Government Act and all polls under any Act for which a roll prepared under the Local Government Act is used.

The application of the Local Elections and Polls Act is, in the case of loans, made subject to the Local Authorities Loans Act 1956.

Clause 7 relates to the disqualification of members of councils other than united councils.

The principal change is that bankruptcy is no longer a ground for disqualification. A person is disqualified if he or she ceases to be an elector or becomes disqualified for registration as an elector. Section 42 of the Electoral Act 1956 sets out criteria for disqualification for registration as an elector which include—

- (a) Absence from New Zealand for varying periods depending on circumstances and status;
- (b) Detention in a hospital under the Mental Health Act 1969;
- (c) Detention in a penal institution pursuant to a conviction.

A further ground for disqualification is conviction of an offence punishable by death or imprisonment for a term of 2 years or more, which is a ground of disqualification of a Member of Parliament and similar to one of the present grounds of disqualification of a member of the council.

Clause 8 amends provisions relating to demands for polls relating to the constitution of drainage areas and the alteration of boundaries of land drainage areas. There are 2 major changes:

- A poll may be demanded by 15 percent of electors rather than 15 percent of ratepayers:
- The method in which a demand for a poll must be completed is set out in detail.

Clause 9 amends provisions relating to demands for polls in relation to the union of land drainage areas. There are 2 major changes:

- A poll may be demanded by 15 percent of electors rather than 15 percent of ratepayers:
- The method in which a demand for a poll must be completed is set out in detail.

Clause 10 amends provisions relating to demands for polls in relation to uniform fees to fund community centres. There are 2 major changes:

- A poll may be demanded by 15 percent of electors rather than 15 percent of ratepayers:
- The method in which a demand for a poll must be completed is set out in detail.

Clause 11 makes consequential amendments to other Acts.

Clause 12 makes consequential repeals.

PART II

AMENDMENTS TO LOCAL AUTHORITIES LOANS ACT 1956

Clause 14 inserts a definition of the term “elector” and repeals the definition of the term “ratepayer”.

Clause 15 provides a full definition of the term “elector”. In most cases the qualification for each local authority is the same as that for the election of members of the territorial authorities of the same area.

There are some exceptions arising from the difference between the boundaries of territorial authorities and other local authorities, and the system of absentee residential electors.

Where a person has a qualification as an absentee residential elector, that qualification does not apply if the person also has a qualification within the district of the local authority as a parliamentary elector. Where a person has more than one absentee residential elector qualification that person is qualified as an elector only in respect of one of those enrolments as chosen by him.

The present system of ratepayer franchise is maintained for River Boards, Land Drainage Boards, and Pest Destruction Boards.

Clause 16 substitutes new sections relating to the requirement of the sanction of the Board before a poll may be taken. The sections also relate to the notification of poll results, or the sanction of the Board where there is no poll, to the Minister for consent to the raising of the loan.

The principal change is that all references to ratepayers are omitted, and references to electors are substituted.

Clause 17 amends provisions relating to the compilation of a special roll where the part of a district affected is not a legal subdivision (e.g., a ward or riding) of a district. The amendment substitutes references to electors for the present references to ratepayers.

Clause 18: This amendment is of a consequential nature following the change of emphasis from ratepayers to electors.

Clause 19 substitutes a new section 34 in the principal Act. There are 2 major changes:

- A poll may be demanded by 15 percent of electors rather than 15 percent of ratepayers:
- The method in which a demand for a poll must be completed is set out in detail.

Clause 20 is of a consequential nature.

Clause 21 substitutes references to electors for the present references to ratepayers in a provision relating to disputed polls and the persons who may require an inquiry to be held.

Clause 22: These amendments are consequential upon the other changes in the Bill.

Clause 23 permits the raising of a special loan where no more than 100 electors are involved and a majority of electors give their consent in writing. At present this provision applies to ratepayers rather than electors.

Clause 24 amends the Local Government Act 1974 consequential upon the new section 34 in the Local Authorities Loans Act 1956.

Clause 25 makes consequential repeals.

PART III

AMENDMENTS TO LOCAL ELECTIONS AND POLLS ACT 1976

Clause 27 changes the date for the giving of notice of triennial general elections for local authorities and the calling for nominations from not less than 43 clear days before the election to not less than 56 days before the election.

It also changes the closing date for nominations from 36 days before the polling day to 43 days before the polling day.

Clause 28 provides that where an elector signs a demand that an election be held to fill an extraordinary vacancy the elector must state his or her name with sufficient particularity to enable identification as an elector, and of the local authority of which the person is an elector.

Clause 29 makes changes in respect of the filling of extraordinary vacancies similar to those made by *clause 27* in respect of triennial general elections.

Clause 30 amends an offence provision and a related note setting out the offence. The amendment is necessary because while a candidate need no longer be an elector of the local authority for which he or she is a candidate, the candidate must be nominated by persons who are electors of that local authority.

Clause 31 provides that electors nominating scrutineers must give details of their name and address and the local authority of which they are an elector.

Clause 32 makes it clear that section 110 of the Act applies only where elections or polls are conducted on the basis of a ratepayer list.

Clause 33 changes the date on which rolls are to be closed from the 29th day before polling day to the 43rd day before polling day.

The *First Schedule* amends the following Acts:

The River Boards Act 1908

The Electric Power Boards Act 1925

The Auckland Transport Board Act 1928

The Soil Conservation and Rivers Control Act 1941

The Masterton Licensing Trust Act 1947

The Licensing Trusts Act 1949

The Invercargill Licensing Trust Act 1950

The Harbours Act 1950

The Hospitals Act 1957

The Waimakariri Ashley Water Supply Act 1961

The Rating Act 1967

The Agricultural Pests Destruction Act 1967

The Area Health Boards Act 1983.

The amendments are to give effect to the changes described in this note so far as the authorities affected by these Acts are concerned.

There is a further change in the case of licensing trusts (including Masterton and Invercargill). That change is that where an extraordinary vacancy is filled by appointment more than 12 months before the next triennial general election the appointed member holds office only until that election, even if the vacant office to which the member was appointed was not due for determination at that election.

Hon. Dr Michael Bassett

LOCAL AUTHORITIES (ELECTIONS, POLLS, AND VOTING RIGHTS)

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A BILL INTITULED

An Act to amend the Local Government Act 1974, the Local Authorities Loans Act 1956, and the Local Elections and Polls Act 1976 and to make provision incidental thereto

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BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Local Authorities (Elections, Polls, and Voting Rights) Act 1986.

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PART I

AMENDMENTS TO LOCAL GOVERNMENT ACT 1974

2. This Part to be read with Local Government Act 1974—This Part of, and the **First and Second Schedules** to, this Act shall be read together with and deemed part of the Local Government Act 1974* (in this Part and those Schedules referred to as the principal Act).

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*R.S. Vol. 5, p. 77
Amendments: 1980, No. 82; 1981, Nos. 13, 111; 1982, Nos. 3, 166; 1983, No. 132; 1984, No. 18; 1985, No. 60

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3. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “elector”, and substituting the following definition:
“ ‘Elector’ means a person qualified to be an elector by virtue of **section 69 or section 70** of this Act.”

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(2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “owner” (as enacted by section 7 (2) of the Local Government Amendment Act (No. 3) 1977), the following definition:

5 “‘Parliamentary elector’ means any person lawfully registered as an elector under the Electoral Act 1956:”.

(3) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Planning Tribunal”
10 (as enacted by section 3 (2) of the Local Government Amendment Act 1978), the following definition:

“‘Polling day’ means the day appointed for holding an election or poll:”.

(4) Section 2 (1) of the principal Act is hereby amended by
15 repealing the definitions of the terms “rating qualification” and “residential qualification”.

4. Electors who may request survey to ascertain public opposition to proposed provisional reorganisation scheme—

20 (1) Section 28 (2) of the principal Act (as enacted by section 8 of the Local Government Amendment Act 1985) is hereby amended by inserting in paragraphs (a), (b), (c), and (d), after the word “electors”, in each case, the words “on the roll”.

(2) Section 28 of the principal Act (as so enacted) is hereby
25 amended by repealing subsection (3), and substituting the following subsection:

30 “(3) Every person who signs the request shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector and to enable the district of which the person is an elector to be identified.”

(3) Section 28 of the principal Act (as so enacted) is hereby
35 amended by omitting from subsection (11) the words “, and shall include any person who is deemed to be an elector by virtue of subsection (12) of this section”.

(4) Section 28 of the principal Act (as so enacted) is hereby amended by repealing subsection (12).

5. Parliamentary electors qualified for election to any regional council, territorial authority, district community

40 **council, or community council—**(1) The principal Act is hereby amended by repealing sections 63 and 64 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

“63. Subject to section 12 (3) of the Local Elections and Polls Act 1976, every person who is a parliamentary elector shall be qualified to be elected—

“(a) As a member of one or more regional councils:

“(b) As a member of one or more territorial authorities: 5

“(c) As a member of one or more district community councils or community councils.”

(2) For the avoidance of doubt it is hereby declared that any person qualified under **subsection (1)** of this section is so qualified in respect of every regional council, territorial authority, district community council, and community council in New Zealand, and may be elected to any number or combination of such councils and authorities. 10

Cf. 1974, No. 66, s. 63; 1977, No. 122, s. 2

6. New sections substituted relating to qualification of electors and electoral rolls—The principal Act is hereby amended by repealing sections 69 to 89 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977 and section 7 (1) of the Local Government Amendment Act 1979 and amended by various Acts), and substituting the following sections: 15 20

“69. **Parliamentary electors with appropriate residential qualification qualified as electors of territorial authority, ward, or community**—Every parliamentary elector shall be qualified to be an elector of— 25

“(a) A district of a territorial authority:

“(b) A ward or a community—

if the address in respect of which that person is registered as a parliamentary elector is within the district, ward, or community. 30

Cf. 1974, No. 66, s. 69; 1977, No. 122, s. 2; 1982, No. 33, s. 33; 1982, No. 166, s. 3

“70. **Qualification of absentee residential property occupier in limited circumstances**—(1) Any parliamentary elector may make an application under this section not later than 4 o'clock in the afternoon of the 43rd day preceding polling day to the principal administrative officer of the appropriate territorial authority in the prescribed form and, 35

subject to this section, shall be entitled to be enrolled as an elector of—

“(a) A district of a territorial authority:

“(b) A ward or a community—

5 notwithstanding that the person is not qualified under **section 69** of this Act to be an elector of the territorial authority, ward, or community if the person has been the occupier of a residential property in the district, ward, or community for not less than 1 month immediately preceding the application,
10 and the property—

“(c) Is used solely for residential purposes by that person; and

“(d) Has not been leased by that person to any other person in the preceding 12 months.

15 “(2) Where any residential property referred to in **subsection (1)** of this section is occupied by more than 2 persons, no more than 2 occupiers may be enrolled as electors.

“(3) For the purposes of determining the persons to be entered on the roll as electors under **subsection (2)** of this section,
20 the principal administrative officer—

“(a) Shall accept only applications in respect of the first 2 applicants for enrolment; and

“(b) Shall not be required to determine whether or not all
25 or any occupiers have agreed that those persons should be the persons qualified to vote in respect of that property.

“(4) The principal administrative officer shall enter in an Absentee Residential Electors List the name and other details of every person whom the principal administrative officer has
30 enrolled under **subsection (1)** of this section, and that list shall form part of the electoral roll compiled under **section 73** of this Act.

“(5) No person shall be entitled to be enrolled as an absentee residential elector more than once at any one time in the same
35 territorial authority, ward, or community; but a person may be enrolled as an absentee residential elector in respect of more than one district community council within the jurisdiction of the same territorial authority.

“(6) No person shall be entitled to be enrolled as an absentee
40 residential elector in respect of any ward if that person is entitled under **section 69** of this Act to be enrolled as an elector of any other ward of the same territorial authority.

“(7) Notwithstanding **subsection (6)** of this section, a person
45 may be enrolled as an absentee residential elector of a ward or wards of a territorial authority, being a territorial authority

in respect of which the person is entitled under **section 69** of this Act to be enrolled as an elector, if no more than one of those enrolments is not in respect of a ward that is a community under the jurisdiction of a district community council, and there is not more than one enrolment in any ward. 5

“(8) For the purposes of this section the term ‘occupier’ has the same meaning as in section 2 (1) of the Rating Act 1967.

“71. **Electors and voting rights**—Without limiting section 37 of the Local Elections and Polls Act 1976, every person whose name appears on the roll of electors for the time being in force for any district, ward, or community shall, unless the person has ceased to possess a qualification as an elector, be an elector under this Act and shall be entitled to exercise one vote— 10 15

“(a) At every election taken under this Act for which that roll is used:

“(b) At every poll taken on a proposal which is submitted to electors, pursuant to this Act or any other Act, for which that roll is used if the elector possesses a qualification as an elector in the area over which the poll is taken. 20

Cf. 1974, No. 66, s. 72; 1977, No. 166, s. 2

“72. **Electors of regions**—(1) Subject to this section, every person who is an elector of any territorial authority that is a constituent authority of a region shall be an elector of that region. 25

“(2) In the case of an election for the member or members to represent a constituency of a region, or in the case of a poll in any such region, an elector shall be entitled to vote, whether as an ordinary voter or a special voter, only in respect of the constituency, or, where the constituency comprises part or all of 2 or more constituent districts, only in respect of the constituent district for which the elector possesses a qualification as an elector. 30 35

“(3) Where any person who is enrolled as an elector in respect of any territorial authority district under **section 69** of this Act is enrolled under **section 70** of this Act as an elector of any other territorial authority district within the same region, that person shall not for any purpose be an elector in respect of the region by virtue of any enrolment under **section 70** of this Act. 40

“(4) Where any person is qualified as an elector in respect of more than one territorial authority district within the same

region by virtue of **section 70** of this Act, and the case is not one to which **subsection (3)** of this section applies, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”

5 Cf. 1974, No. 66, s. 73; 1977, No. 166, s. 2

“Electoral Rolls

“**73. Compilation of electoral rolls**—(1) In every year in which a triennial general election is to be held, the principal administrative officer of every territorial authority shall, before
10 the 1st day of July in that year, compile a roll of electors for the district to be known as the electoral roll.

“(2) The electoral roll shall comprise the names and addresses, arranged in alphabetical order of their surnames, of every person whose name appears on the parliamentary
15 electoral roll and whose address on that roll is within the district.

“(3) The electoral roll may also contain the occupations and postal addresses of electors and the statistical meshblock areas of their residences.

20 “(4) Where the names of 2 or more electors are the same, the principal administrative officer shall distinguish those electors by such appropriate words, abbreviations, or marks on the roll as the principal administrative officer thinks fit.

“(5) For the purposes of compiling the electoral roll, the
25 principal administrative officer shall obtain from the Chief Registrar of Electors a computer compiled list or computer tape containing the names, residences (including the statistical meshblock areas in which the residences are situated), postal addresses (if any), and occupations (if any) of electors appearing
30 to reside within the district of the territorial authority, and shall use that list or tape to compile the electoral roll.

“(6) In the case of a divided district, the electoral roll shall be comprised of—

“(a) Separate rolls for each ward in the district; or

35 “(b) A single roll in which the ward in which each elector is qualified shall be appropriately identified.

“(7) Where a district contains a community which is not co-extensive with a ward, a separate electoral roll may be compiled for that community.

40 Cf. 1974, No. 66, s. 74; 1977, No. 166, s. 2

“**74. No person to be enrolled more than once**—(1) The name of any person shall not appear more than once on any electoral roll compiled under this Part of this Act.

“(2) Notwithstanding **subsection (1)** of this section, the name of a person may appear more than once on any roll so long as not more than one such appearance is not in respect of a district community council.

Cf. 1974, No. 66, s. 75; 1977, No. 166, s. 2; 1980, No. 82, s. 12 5

“**75. Offence of wilfully making false claim for enrolment as absentee residential elector**—Every person commits an offence against this Act who wilfully makes a false application to be enrolled on any Absentee Residential Electors List prepared under **section 70** of this Act. 10

Cf. 1974, No. 66, s. 76; 1977, No. 166, s. 2

“**76. Rolls to be available for public inspection**—(1) A copy of the electoral roll shall be kept at the office of the territorial authority; and, where separate ward rolls or a separate community roll are prepared, a copy of the roll of electors of each ward or community, as the case may require, shall be kept at some place in the ward or community. 15

“(2) The council shall give public notice of the place or places where the roll or rolls are kept. 20

“(3) The council shall ensure that the roll or rolls are open for public inspection at all reasonable hours between the 8th and 22nd day of July (both days inclusive) in the year in which the roll is compiled.

Cf. 1974, No. 66, s. 78; 1977, No. 166, s. 2 25

“**77. Application for registration as a parliamentary elector**—Where any person whose name does not appear on the electoral roll because it does not appear on the appropriate parliamentary roll claims to possess the necessary qualification as a parliamentary elector for that district, or where any person’s name, address, or occupation are incorrectly recorded on the electoral roll because they are incorrectly recorded on the parliamentary roll, that person may make application for registration or correction of registration as a parliamentary elector in the form prescribed by the Electoral Act 1956 or by regulations made under that Act. 30 35

“**78. Amendments to roll**—(1) Subject to **subsection (2)** of this section, the principal administrative officer may, on application of any person who is or claims to be entitled to be enrolled or any other person or otherwise, make any necessary corrections to the names, addresses, occupations, abbreviations, or marks, appearing in the electoral roll. 40

“(2) The principal administrative officer shall not amend any information received under **section 73 (5)** of this Act except where the principal administrative officer is satisfied that the elector is dead, in which case the principal administrative officer
5 shall remove the name of the elector from the electoral roll.

“**79. When roll in force**—(1) The principal administrative officer shall ensure that the roll is completed and shall attach to the roll a certificate signed by him to the effect that the roll is correct before the 18th day before polling day.

10 “(2) The electoral roll shall come into force on the 18th day before polling day, and shall remain in force until another electoral roll comes into force.

“(3) Except as provided in **section 78 (2)** of this Act, once a roll has been completed and certified it shall not be amended
15 for any reason before the conduct of the election or poll for which it has been compiled.

Cf. 1974, No. 66, s. 82; 1977, No. 166, s. 2

“**80. Proof of rolls**—(1) Any copy of the electoral roll certified by the principal administrative officer or an authorised
20 officer of the council to be a correct copy of the electoral roll, or of any roll compiled under this Act, shall, in the absence of evidence to the contrary, be sufficient evidence that the roll has been duly made.

“(2) The fact that a copy of any such roll has been certified
25 to be a correct copy by any person purporting to be an authorised officer of the council shall, in the absence of evidence to the contrary, be sufficient evidence that the person is duly authorised to do so.

Cf. 1974, No. 66, s. 83; 1977, No. 166, s. 2

30 “**81. Rolls for by-elections and polls**—(1) For the purpose of conducting an election to fill an extraordinary vacancy, or for the taking of a poll of the electors of all or part of a district, the principal administrative officer shall compile a new electoral roll comprising the names of all the electors entitled to vote
35 at the election or poll.

“(2) For the purpose of compiling any such electoral roll, the principal administrative officer shall obtain from the Chief Registrar of Electors a computer compiled list or computer
40 tape containing the names, residences (including the statistical meshblock areas in which the residences are situated), postal addresses (if any), and occupations (if any) of electors appearing to reside within the district of the territorial authority, and shall use that list or tape to compile the electoral roll.

“(3) It shall not be necessary to take any action under this section where a poll is being conducted together with and over the same area as a triennial general election.

“(4) The roll shall be corrected, completed, and certified in the time, manner, and form prescribed by this Part of this Act for the preparation of the electoral roll as if the date of the by-election or poll were the date of a triennial general election. 5

Cf. 1974, No. 66, s. 85; 1977, No. 166, s. 2

“82. Use of rolls for other local authority elections and polls—(1) Where the electoral roll of any district, ward, or community is to be used for the purposes of any election of members of any other local authority or public body or for any poll of electors of any other local authority or public body, the principal administrative officer of the territorial authority may— 10 15

“(a) Prepare a new roll for the purpose; or

“(b) Add to or omit from an official copy of the electoral roll of the district or the appropriate roll or rolls of any one or more wards or communities the name of every person who is entitled to vote, or, as the case may be, not entitled to vote, at the election or poll; or 20

“(c) Indicate by appropriate words, abbreviations, or marks on an official copy of the electoral roll of the district or of the appropriate roll or rolls of electors of any one or more wards or communities the name of every person whose name appears on any such roll and who is entitled to vote at the election or poll. 25

“(2) The roll shall with the necessary modifications be corrected, completed, and certified in the appropriate time, manner, and form prescribed with respect to the electoral roll of the district. 30

“(3) The cost, or a fair proportion of the cost, of preparing, amending, and printing the roll, as agreed between the territorial authority for the district and the other local authority or public body concerned, shall be paid by that other local authority or other public body concerned, and in the case of dispute the amount shall be fixed by the Audit Office. 35

“(4) This section is subject to section 110 of the Local Elections and Polls Act 1976 in the case of any local authority or public body that has electors who have that status by virtue of a ratepayer qualification. 40

Cf. 1974, No. 66, s. 86; 1977, No. 166, s. 2

“83. **Special provisions relating to regional council elections**—(1) Subject to **subsection (2)** of this section, where a constituent district comprises the whole of a constituency, the Returning Officer of the constituent authority shall be the
5 Returning Officer for the purposes of elections of members of the regional council by the electors of that constituent district.

“(2) Where a constituency comprises part or all of 2 or more constituent districts—

10 “(a) The regional council, when it reviews the membership of the council under section 43 of this Act, or the Commission if it varies the determination of the council under section 44 of this Act, shall appoint one of the constituent authorities whose district comprises part of the constituency to be the
15 principal authority for the purposes of elections of members of the regional council by the electors of that constituency; and

20 “(b) Section 49 of the Local Elections and Polls Act 1976 shall apply to that constituency as if it were a combined local government area under that Act.

Cf. 1974, No. 66, s. 87; 1977, No. 166, s. 2

“84. **Local Elections and Polls Act 1976 applied**—(1) All elections under this Act, and all polls taken on any proposals under this Act or under any other Act for which any roll
25 prepared under this Act is used shall, subject to this Act, be held and conducted under the Local Elections and Polls Act 1976.

30 “(2) Except where otherwise expressly provided in any case, the majority required to determine any election or carry any proposal shall be a majority of the valid votes cast at the election or poll.”

Cf. 1974, No. 66, s. 88; 1977, No. 166, s. 2

7. Disqualification of members of councils other than united councils—(1) The principal Act is hereby amended by
35 repealing section 97 (as substituted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

“97. (1) Subject to **subsection (2)** of this section, if any person while holding office as a member of a regional council or a
40 territorial authority or a district community council or a community council—

“(a) Ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1956; or

“(b) Is convicted of any offence punishable by death or a term of imprisonment of 2 years or more— that person’s office shall thereby be vacated, and the vacancy created shall be an extraordinary vacancy.

“(2) In any case to which **subsection (1) (b)** of this section applies— 5

“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against the conviction, until the appeal is determined; and 10

“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.

“(3) If any person to whom this section applies does any act as a member, while incapacitated under **subsection (1)** of this section (except by reason of the person’s detention in a hospital under the Mental Health Act 1969), or while on leave of absence pursuant to **subsection (2)** of this section, the person commits an offence against this Act.” 15 20

(2) Section 99 (3) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting the words “under section 97 (1) (b) of this Act”, and substituting the words “by reason of the person’s detention in a hospital under the Mental Health Act 1969”. 25

Cf. 1974, No. 66, s. 97; 1977, No. 166, s. 2

8. Council may constitute areas for land drainage—

Section 504 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing subsection (1), and substituting the following subsections: 30

“(1) The council may from time to time, by special order, declare the whole district or any defined part of the district to be a drainage area for the purpose of land drainage works for the drainage of land in the area; and by any subsequent special order may alter the boundaries of any area (including any united area constituted under section 505 of this Act). 35

“(1A) Except where the special order in **subsection (1)** of this section is made pursuant to a petition signed by a majority of the electors in the proposed drainage area or, as the case may be, in the part of the district proposed to be added to or excluded from a drainage area, a poll of the electors of the district or, as the case may be, of the particular part of the 40

district proposed to be declared a drainage area or to be added to or excluded from a drainage area shall be taken on the proposal to declare the district or part of the district a drainage area under this section, or to add any part of the district to
5 or exclude any area from any drainage area, where—

“(a) Not less than 15 percent of the electors within the district or the particular portion of the district proposed to be constituted a drainage area or to be added to or excluded from any drainage area, as the case may be,
10 demand in the manner specified in **subsection (1B)** of this section that a poll of the electors of the district or portion of the district, as the case may be, be taken on the proposal; or

“(b) The council so resolves,—
15 and the drainage area shall not be constituted or, as the case may be, the boundaries shall not be altered, unless a majority of the valid votes recorded at the poll are in favour of the proposal.

“(1B) Where a demand for a poll of electors may be made
20 under this section, every person who signs the demand shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector and to enable the district or portion of the district of which the person is an elector to be identified.

“(1C) No demand under this section for a poll of electors
25 shall be of any effect unless it is delivered or sent by post to the council and received at the office of the council not later than the day before the date fixed for the confirmation of the resolution to constitute the drainage area or alter the
30 boundaries of the drainage area, as the case may require.”

9. Union of land drainage areas—Section 505 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing subsection (1), and substituting the following subsections:

35 “(1) The council may from time to time, by special order, declare that any 2 or more contiguous drainage areas in the district constituted under section 504 of this Act shall be united so as to form a new area.

“(1A) Except where the special order under **subsection (1)** of
40 this section is made pursuant to a petition signed by a majority of the electors in each of the drainage areas proposed to be united, where—

“(a) Not less than 15 percent of the electors within any of the drainage areas proposed to be united with any

one or more other drainage areas demand in the manner specified in **subsection (1B)** of this section that a poll of the electors of the first-mentioned drainage area be taken on the proposal; or

“(b) The council so resolves,—

a poll of the electors within the first-mentioned area, or, in any case to which **paragraph (b)** of this subsection applies, within such of the drainage areas as the council decides, shall be taken on the proposal to unite the drainage areas; and the drainage areas shall not be united unless a majority of the valid votes recorded at the poll are in favour of the proposal.

“(1B) Where a demand for a poll of electors may be made under this section, every person who signs the demand shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector and to enable the land drainage area within which the person is an elector to be identified.

“(1C) No demand under this section for a poll of electors shall be of any effect unless it is delivered or sent by post to the council and received at the office of the council not later than the day before the date fixed for the confirmation of the resolution to unite the drainage areas.”

10. Electors may petition for and participate in poll relating to uniform fee for community centre—(1) Section 604 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979 and amended by section 46 of the Local Government Amendment Act 1980) is hereby amended by repealing the definition of the term “residential elector”.

(2) Section 610 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979 and as amended by section 47 of the Local Government Amendment Act 1980) is hereby amended by repealing subsections (5) and (6), and substituting the following subsections:

“(5) The power conferred by this section to make and levy the first such uniform fee may be exercised by the council upon a petition signed by a majority of the electors whose residential addresses are within the community centre area in which the fee is to be levied, or, subject to **subsection (6)** of this section, may be exercised by the council without any such petition.

“(6) Where the council proposes to exercise the power conferred by **subsection (5)** of this section without any petition,

a poll of electors whose residential addresses are within the community centre area shall be taken on the proposal to make and levy a fee where—

5 “(a) Not less than 15 percent of those electors demand in the manner specified in **subsection (7)** of this section that a poll of the electors whose addresses are within the community centre area be taken on the proposal; or

10 “(b) The council so resolves;— and the fee shall not be made and levied unless a majority of the valid votes recorded at the poll are in favour of the proposal.

15 “(7) Where a demand for a poll of electors may be made under this section, every signatory to the demand shall state against his signature his name and address with sufficient particularity to enable him to be identified as an elector whose residential address is within the community centre area.

20 “(8) No demand under this section for a poll of electors shall be of any effect unless it is delivered or sent by post to the council and received at the office of the council not later than the day before the date fixed for the confirmation of the resolution to make the special order.

25 “(9) Notice of the right to demand a poll pursuant to **subsection (6)** of this section shall be included in the public notice required to be given in relation to the special order by section 113 (1) (d) of this Act.

30 “(10) For the purposes of this section every person who is an elector by virtue of an entry in the Absentee Residential Electors List in respect of a property within a community centre area is hereby deemed to have a residential address within that community centre area.”

11. Amendments to other Acts—The Acts specified in the first column of the **First Schedule** to this Act are hereby amended in the manner indicated in the second column of that Schedule.

12. Consequential repeals—The enactments specified in the **Second Schedule** to this Act are hereby consequentially repealed.

PART II

AMENDMENTS TO LOCAL AUTHORITIES LOANS ACT 1956

13. This Part to be read with Local Authorities Loans Act 1956—This Part of, and the **Third** Schedule to, this Act shall be read together with and deemed part of the Local Authorities Loans Act 1956* (in this Part referred to as the principal Act). 5

*Reprinted 1974, Vol. 3, p. 2301
Amendments: 1976, No. 29; 1977, No. 122; 1982, No. 121

14. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “Chairman”, the following definition: 10

“Elector”, in relation to any local authority or any district or part of a district of a local authority means a person who at the material time is qualified as an elector of that authority or that district or part of a district for the purposes of this Act as provided in **section 2A** of this Act.” 15

(2) Section 2 of the principal Act is hereby amended by repealing the definition of the term “ratepayer”.

15. Qualification of electors—The principal Act is hereby amended by inserting, after section 2, the following section: 20

“2A. (1) Subject to **subsections (2) and (3)** of this section, every person who is qualified as an elector of a local authority shall be an elector of that local authority for the purposes of this Act.

“(2) Where any person is qualified as an elector of a local authority by reason of his enrolment on an Absentee Residential Electors List compiled under **section 70** of the Local Government Act 1974 that person shall only be an elector for the purposes of this Act by virtue of that enrolment if the person is not registered as a parliamentary elector in the district of the local authority. 25 30

“(3) Where any person is qualified as an elector of any local authority by virtue of **subsection (2)** of this section and that person is enrolled on more than one Absentee Residential Electors List within the district of the local authority, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.” 35

16. New sections relating to sanction of Board and consent of Minister substituted—The principal Act is hereby amended by repealing sections 12 and 13, and substituting the following sections:

5 **“12. No poll of electors to be taken or consent of electors to be obtained before Board’s sanction given**—(1) In any case where the authority of a local authority to borrow money is dependent upon a proposal to borrow being carried at a poll of electors or upon the consent of the electors to the
10 raising of a loan being obtained under section 43 of this Act, the poll shall not be taken or, as the case may be, the consent of the electors shall not be obtained, unless and until the Board notifies the local authority of its sanction.

15 “(2) The Board may require the local authority to give public notice in the prescribed manner of such of the Board’s statements with respect to the proposal as it thinks fit, and also to print any such statements on the face of the ballot paper to be used at the poll or, as the case may be, on the form of consent.

20 Cf. 1956, No. 63, s. 12

25 **“13. Result of poll or consent of electors to be notified to Minister for consent to raising of loan**—(1) Where the local authority, having obtained the sanction of the Board to the proposal, takes a poll of electors on a proposal to borrow money, the local authority shall notify the Board of the result of the poll.

30 (2) If the proposal is carried, the Board, on receipt of a notification in the form prescribed by regulations and signed by the Chairman or the principal administrative officer of the local authority to that effect, shall forthwith notify the result of the poll to the Minister and request the Minister’s consent to the raising of the loan.

35 “(3) Except where pursuant to any enactment the loan may be raised without the prior consent of the electors, the Board shall, in any case where the consent of the electors is not required or demanded or resolved to be obtained in accordance with section 34 (2) of this Act, on receipt of a notification in the prescribed form signed by the Chairman or the principal administrative officer of the local authority and stating that
40 the special order to raise the loan has been duly made, forthwith notify the Minister accordingly and request the Minister’s consent to the raising of the loan.

“(4) In the event of the consent of the electors being obtained under section 43 of this Act, the Board, on receipt of a notification to that effect in the prescribed form made by the Chairman or the principal administrative officer of the local authority, shall forthwith notify the Minister accordingly and request the Minister’s consent to the raising of the loan. 5

“(5) If the Chairman or the principal administrative officer knowingly inserts, or causes or allows to be inserted,—

“(a) In any notification under **subsection (2)** of this section, any false statement as to the number of votes recorded for and against the proposal to which the notification relates; or 10

“(b) In any notification under **subsection (3)** of this section, any false statement as to any matter specified in that subsection; or 15

“(c) In any notification under **subsection (4)** of this section, any false statement as to the number of the electors of the district or of the part of the district affected, or as to the proportion of those electors who have consented to the raising of the loan,— 20

the Chairman or principal administrative officer commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.

Cf. 1956, No. 63, s. 13; 1959, No. 17, s. 2; 1967, No. 20, s. 3 (3) (a); 1976, No. 29, s. 3 25

“14. **Where consent of electors not required Board’s sanction to be notified to Minister for consent**—In every case where the Board has given its sanction to the loan application of a local authority that is not required to obtain the consent of the electors of its district or any part of the district to the borrowing of the money, the Board shall notify the Minister of its sanction and seek the Minister’s consent to the raising of the loan.” 30

Cf. 1956, No. 63, s. 14; 1967, No. 20, s. 3 (3) (b)

17. Loan for benefit of part of district—Section 27 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections: 35

“(2) Subject, in the case of a loan raised by a Catchment Board, to the use of a classification list in accordance with section 102 of the Soil Conservation and Rivers Control Act 1941, where the part of a district affected is not a legal subdivision of the district, a special roll shall be prepared of 40

electors in that part of the district together with the legal descriptions and rateable values of the lands included in that part of the district.

5 “(2A) Nothing in **subsection (2)** of this section shall apply where a Catchment Board is authorised pursuant to section 101 (3) of the Soil Conservation and Rivers Control Act 1941 to levy a special rate in accordance with the consent of the electors instead of in accordance with a graduated scale based on a classification of lands.”

10 **18. Loan may be raised for several purposes**—Section 26 of the principal Act is hereby amended by omitting the word “ratepayers”, and substituting the word “electors”.

19. Raising of special loan pursuant to special order, with poll required in certain cases—The principal Act is
15 hereby amended by repealing section 34, and substituting the following section:

“34. (1) Subject to this section, a special loan may be raised pursuant to a special order made by the local authority.

20 “(2) In any case where the local authority will, upon being authorised to raise the loan, have power to appropriate and pledge a special rate in respect of the loan, the prior consent of the electors concerned shall be obtained to the raising of the loan where—

25 “(a) The Local Authorities Loans Board requires that consent to be obtained; or

“(b) Not less than 15 percent of the electors of the district or part of the district, as the case may be, demand in the manner specified in **subsection (7)** of this section that a poll be taken on the proposal; or

30 “(c) The local authority so resolves; or

“(d) The consent of the electors is required to be obtained by any other enactment.

35 “(3) Notwithstanding the requirements of **subsection (1)** of this section that a special order is required in order to raise a special loan, a special loan may be raised pursuant to an ordinary resolution of the local authority where the prior consent of the electors is to be obtained pursuant to **paragraph (a), paragraph (c), or paragraph (d) of subsection (2)** of this section.

40 “(4) Every public notice required by any enactment to be given of a resolution to make a special order pursuant to **subsection (1)** of this section shall, in addition to any other required particulars, include a statement to the effect that a poll of electors of the district or part of the district, as the case

may be, is required to be taken if not less than 15 percent of the electors so demand in the manner specified in **subsection (7)** of this section and setting out the manner in which the poll may be demanded.

“(5) In any case where the prior consent of the electors is to be obtained pursuant to **paragraph (a) or paragraph (c) or paragraph (d) of subsection (2)** of this section, the local authority shall, unless it resolves not to raise the loan, take the steps prescribed by sections 35 to 38 of this Act. 5

“(6) In any case where a sufficient number of demands for a poll, which purport to be made pursuant to **subsection (2) (b)** of this section, is received, the local authority shall, unless it resolves not to raise the loan, confirm the resolution to raise the loan and proceed to take the steps prescribed by sections 35 to 38 of this Act unless it is established, whether before or after the confirmation of the resolution, that a poll has not been demanded in accordance with **subsection (2) (b)** of this section. 10 15

“(7) Where a demand for a poll of electors may be made under this section, every person who signs the demand shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector, and to enable the territorial authority district of which the person is an elector to be identified. 20

“(8) No demand under this section for a poll of electors shall be of any effect unless it is delivered or sent by post to the local authority and received at the principal office of the local authority not later than 9 a.m. on the day fixed for the confirmation of the resolution to raise the special loan.” 25

20. When and how poll to be taken—Section 36 (2) of the principal Act is hereby amended by omitting the word “ratepayer”, and substituting the word “elector”. 30

21. Disputed polls—The principal Act is hereby amended by repealing section 39, and substituting the following section:

“39. (1) If the result of any poll is disputed, any 6 electors may, in the manner and within the time prescribed by the Local Elections and Polls Act 1976, require an inquiry to be held, and the matter in dispute shall be determined in the manner prescribed by that Act in the case of disputed polls. 35

“(2) Notwithstanding **subsection (1)** of this section, where the number of electors on the roll of any district or any special roll does not exceed 20, the inquiry may be required by not less than 25 percent of the electors on the roll. 40

“(3) For the purposes of this section the period of 21 days after the declaration of the result of a poll prescribed by section 99 of the Local Elections and Polls Act 1976 shall be deemed to be the period of 21 days after the date of the *Gazette* in which is published the notice of the result of the poll.”

22. Special order and polls not necessary in certain cases—(1) Section 42 (1) of the principal Act (as substituted by section 9 of the Local Authorities Loans Amendment Act 1971) is hereby amended by omitting the word “ratepayers”, and substituting the word “electors”.

(2) Section 42 (2) of the principal Act (as added by section 7 (3) of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from paragraph (a) and from paragraph (b) the word “ratepayers”, and substituting in each case the word “electors”.

23. Raising special loan with written consent of electors—Section 43 of the principal Act is hereby amended by omitting from paragraph (a) and paragraph (b) the word “ratepayers”, and substituting in each case the word “electors”.

24. Consequential amendments to Local Government Act 1974—(1) Section 596 (7) of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the word “ratepayers”, and substituting the word “electors”.

(2) Section 601 (7) of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the word “ratepayers”, and substituting the word “electors”.

25. Consequential repeals—The enactments specified in the Third Schedule to this Act are hereby consequentially repealed.

PART III

AMENDMENTS TO LOCAL ELECTIONS AND POLLS ACT 1976

26. Part to be read with Local Elections and Polls Act 1976—This Part of this Act shall be read together with and deemed part of the Local Elections and Polls Act 1976 (in this Part referred to as the principal Act).

27. Notice of election, nomination of candidates, and closing date for nominations—Section 11 of the principal Act is hereby amended—

- (a) By omitting the expression “43”, and substituting the expression “56”: 5
- (b) By omitting the expression “36th”, and substituting the expression “43rd”.

28. Election to fill extraordinary vacancy in local authority—Section 51 of the principal Act (as substituted by section 20 (1) of the Local Elections and Polls Amendment Act 1982) is hereby amended by repealing subsection (6), and substituting the following subsection: 10

“(6) Every person who signs a demand that an election be held to fill a vacancy shall clearly state, against the signature, the person’s name and address with sufficient particularity to enable the person to be identified as an elector of the local authority.” 15

29. Election to fill extraordinary vacancy—Section 50 of the principal Act is hereby amended—

- (a) By omitting from subsection (1), and from the proviso to paragraph (a) of that subsection, the expression “49”, and substituting, in each case, the expression “56”: 20
- (b) By omitting from subsection (1) the expression “36th”, and substituting the expression “43rd”.

30. Offences relating to nominations—(1) Section 53 (c) of the principal Act is hereby amended by inserting, before the word “Signs”, the words “Not being the candidate,”. 25

(2) Paragraph (c) of note 3 to Form 3 in the First Schedule to the principal Act is hereby amended by inserting, before the word “Signs”, the words “Not being the candidate,”. 30

31. Appointment of scrutineers—(1) Section 97 (1) of the principal Act is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:

- “(a) Any 20 of the electors who are in favour of the proposal may, in the manner specified in **subsection (1A)** of this section, nominate one or more scrutineers for each or any polling booth: 35
- “(b) Any 20 of the electors who are opposed to the proposal may, in the manner specified in **subsection (1A)** of this section, nominate one or more scrutineers for each or any polling booth.”. 40

(2) Section 97 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Every person who makes a nomination under subsection (1) of this section shall clearly state, against the
5 signature, the person’s name and address with sufficient particularity to enable the person making the nomination to be identified as an elector of the local authority.”

32. Voting by companies, associations, partnerships, etc., where ratepayer qualification available—Section 110 (1) of
10 the principal Act is hereby amended by inserting, after the words “any other Act”, the words “where any local authority is required to conduct any election or poll on the basis of a ratepayer list”.

33. Closing of rolls of electors—Section 111 (1) of the
15 principal Act is hereby amended by omitting the expression “29th day”, and substituting the expression “43rd day”.

SCHEDULES

Section 11

FIRST SCHEDULE

AMENDMENTS TO OTHER ACTS

Act	Amendment
<p>1908, No. 165—The River Boards Act 1908 (R.S. Vol. 10, p. 765)</p>	<p>By repealing section 29, and substituting the following section:</p> <p>“29. Disqualification of members—</p> <p>(1) No person who—</p> <p>“(a) Is convicted of any offence punishable by death or a term of imprisonment of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p> <p>“ (b) Is detained in a hospital under the Mental Health Act 1969—</p> <p>shall be capable of being elected to be a member of a Board or of remaining as a member of a Board.</p> <p>“(2) In any case to which subsection (1) (a) of this section applies—</p> <p>“ (a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against the conviction, until the appeal is determined; and</p> <p>“ (b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting, after section 30, the following sections:</p> <p>“30A. Ratepayers list—The Secretary shall cause to be compiled, not later than 21 days before the day on which each triennial general election, by-election, or poll is to be held, a list to be called the ‘ratepayers list’ containing the name of every person entitled to vote at the election, by-election, or poll.</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1908, No. 165—The River Boards Act 1908 (R.S. Vol. 10, p. 765)—<i>continued</i></p>	<p>“30B. Public notice of ratepayers list and objection rights—(1) The Secretary shall ensure that the ratepayers list is accessible in a public place within the district not later than 21 days before the day on which the election, by-election, or poll is to be held.</p> <p>“(2) The Secretary shall give public notice of the place where the ratepayers list is available and the rights of persons under section 30c of this Act to object to the list.</p> <p>“30C. Objections to ratepayers list—</p> <p>(1) Any person may object to the inclusion in or the removal from the ratepayers list of the names or other details relating to that person or any other person, by notice in writing to the Returning Officer not later than 7 days before the day on which the election, by-election, or poll is to be held.</p> <p>“(2) Where the Returning Officer does not allow any objection, it shall be referred to a District Court Judge for determination, and the Returning Officer shall make such alterations to the list as may be necessary to give effect to the decision of the District Court Judge.</p> <p>“(3) The ratepayers list shall come into force—</p> <p>“(a) Immediately after all objections have been determined and any necessary alterations made; or</p> <p>“(b) Where there are no objections, on the day after the last day for objections—</p> <p>and shall remain in force until another ratepayers list comes into force.”</p>
<p>1925, No. 35—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)</p>	<p>By omitting from section 2 (1) the definition of the term “ratepayer”.</p> <p>By inserting, after section 2, the following section:</p> <p>“2A. Qualification as elector—(1) Every person who is registered as a parliamentary elector under the Electoral Act 1956 shall be qualified to be an elector of a district, constituent district, or area if the address in respect of which that person is registered as a parliamentary elector is within the district, constituent district, or area.</p> <p>“(2) Every person who is enrolled on the Absentee Residential Electors List of any territorial authority in respect of an address within a district or constituent district shall be qualified to be an elector of that district or constituent district by virtue of that</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
1925, No. 35—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)— <i>continued</i>	<p>enrolment only if that person is not qualified under subsection (1) of this section to be an elector of that district or any other constituent district of the same Board.</p> <p>“(3) Every person who is enrolled on the Absentee Residential Electors List of any territorial authority in respect of an address within any area shall be qualified to be an elector in respect of that area by virtue of that enrolment only if that person is not qualified under subsection (1) of this section to be an elector of that area.</p> <p>“(4) Every person who is enrolled on more than one Absentee Residential Electors List within a district, constituent district, or area shall be entitled to vote only in respect of one of those enrolments as chosen by the person.”</p> <p>By omitting from subsection (1)(a) of section 3 the word “ratepayers”, and substituting the word “electors”.</p> <p>By repealing subparagraph (iv) of section 3 (1)(b), and substituting the following subparagraph: “(iv) The number of electors within the proposed constituent district.”</p> <p>By inserting in section 3, after subsection (3), the following subsection: “(3A) Every person who signs a petition under this section shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector, and to enable the proposed constituent area or defined area, as the case may be, of which the person is an elector to be identified.”</p> <p>By omitting from section 4 the word “ratepayers” from both places where it occurs, and substituting in each place the word “electors”.</p> <p>By omitting from section 5A (5) (as enacted by section 3 (1) of the Electric Power Boards Amendment Act 1963) the word “ratepayers”, and substituting the word “electors”.</p> <p>By inserting in section 5A (as so inserted), after subsection (5), the following subsection: “(5A) Every person who signs a request under subsection (5) of this section shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector,</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1925, No. 35—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)—<i>continued</i></p>	<p>and to enable the area in which the person is an elector to be identified.”</p> <p>By repealing section 19, and substituting the following section:</p> <p>“19. Qualification of members—Subject to section 12 (3) of the Local Elections and Polls Act 1976 and section 21 of this Act, every person who is a parliamentary elector shall be qualified to be elected or appointed as a member of any one or more Boards.”</p> <p>By repealing sections 21 and 22, and substituting the following sections:</p> <p>“21. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of any Board:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969.</p> <p>“22. Vacation of office by member—</p> <p>(1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—</p> <p>“(a) Dies; or</p> <p>“(b) Resigns the office by writing under the member’s hand delivered to the Clerk or Chairman of the Board, or is ousted from office; or</p> <p>“(c) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(e) Is absent without leave from 4 consecutive meetings of the Board.</p>

FIRST SCHEDULE—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
1925, No. 35—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)— <i>continued</i>	<p>“(2) In any case to which subsection (1) (d) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p> <p>By omitting from section 50 the word “rate-payers” from each of the 5 places where it occurs, and substituting in each place the word “electors”.</p> <p>By repealing section 51, and substituting the following section:</p> <p>“51. Voting on proposal to borrow money—(1) At any poll taken on a proposal of an Electric Power Board to borrow money, only those persons whose names appear on the roll of electors shall be entitled to vote, and every such elector shall have one vote only.</p> <p>“(2) At any such poll the vote of any elector may be recorded at any polling place within the constituent district in respect of which the person is an elector, or at any other polling place that is specially appointed as a polling place at which may be recorded the votes of electors irrespective of the constituent district in respect of which the person is an elector.”</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
1928, No. 44—The Auckland Transport Board Act 1928	<p>By repealing sections 10 and 11, and substituting the following sections:</p> <p>“10. Qualification of members—Subject to section 12 (3) of the Local Elections and Polls Act 1976 and section 11 of this Act, every person who is a parliamentary elector in respect of any electorate (whether within or outside the district) shall be qualified for election to the Board.</p> <p>“11. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of the Board:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969.</p> <p>“11A. Vacation of office by member—</p> <p>(1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—</p> <p>“(a) Dies; or</p> <p>“(b) Resigns the office by writing under the member’s hand delivered to the Secretary or Chairman of the Board, or is ousted from office; or</p> <p>“(c) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(e) Is absent without leave from 4 consecutive meetings of the Board.</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1928, No. 44—The Auckland Transport Board Act 1928—<i>continued</i></p>	<p>“(2) In any case to which subsection (1) (d) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p>
<p>1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)</p>	<p>By inserting, after section 46, the following section:</p> <p>“46A. Disqualification of electors on Absentee Residential Electors List—</p> <p>(1) Where any person is qualified as an elector of a constituent district or combined district by reason of his enrolment on an Absentee Residential Electors List that person shall only be an elector by virtue of that enrolment if the person is not registered as a parliamentary elector in that or any other constituent district or combined district.</p> <p>“(2) Where any person is qualified as an elector of any Catchment Board by virtue of subsection (1) of this section and that person is enrolled on more than one Absentee Residential Electors List within the constituent districts and combined districts of any Board, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)—<i>continued</i></p>	<p>By repealing sections 53, 54, and 55, and substituting the following sections:</p> <p>“53. Qualification of members—Subject to section 12 (3) of the Local Elections and Polls Act 1976 and section 54 of this Act, every person who is a parliamentary elector shall be capable of being elected or appointed as a member of any Board.</p> <p>“54. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of any Catchment Board:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969.</p> <p>“55. Vacation of office by member—</p> <p>(1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—</p> <p>“(a) Dies; or</p> <p>“(b) Resigns the office by writing under the member’s hand delivered to the Secretary or Chairman of the Board, or is ousted from office; or</p> <p>“(c) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(e) Is absent without leave from 4 consecutive meetings of the Board.</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)— <i>continued</i>	<p>“(2) In any case to which subsection (1) (d) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p> <p>By omitting from section 101 (3) the word “ratepayers” from both places where it occurs, and substituting in both places the word “electors”.</p> <p>By repealing section 102 (5).</p> <p>By omitting from section 109 the word “ratepayers”, and substituting the word “electors”.</p> <p>By repealing section 110.</p>
1947, No. 35—The Masterton Licensing Trust Act 1947 (R.S. Vol. 3, p. 445)	<p>By repealing section 10, and substituting the following section:</p> <p>“10. Qualification of electors—</p> <p>(1) Subject to this section, every person who is qualified as an elector of any territorial authority in respect of an address within the Trust district shall be qualified as an elector of the Trust.</p> <p>“(2) Where any person is qualified as an elector by reason of his enrolment on an Absentee Residential Electors List that person shall only be an elector by virtue of that enrolment if the person is not registered as a parliamentary elector in any other territorial authority within the Trust district.</p>

FIRST SCHEDULE—continued

AMENDMENTS TO OTHER ACTS—continued

Act	Amendment
<p>1947, No. 35—The Masterton Licensing Trust Act 1947 (R.S. Vol. 3, p. 445)—continued</p>	<p>“(3) Where any person is qualified as an elector of the Trust by virtue of subsection (2) of this section and that person is enrolled on more than one Absentee Residential Electors List within the Trust district, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”</p> <p>By repealing sections 14 and 15, and substituting the following sections:</p> <p>“14. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of the Trust:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969:</p> <p>“(d) A person who carries on the business of a brewer, wine or spirit merchant, maltster, or distiller, or of an importer for sale of or a dealer in fermented or spirituous liquors, or who is in partnership with any person carrying on any such business, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which carries on any such business as a substantial part of its undertaking:</p> <p>“(e) Any person who is the owner of an estate in fee simple or any less estate in any licensed premises within the meaning of the Sale</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1947, No. 35—The Masterton Licensing Trust Act 1947 (R.S. Vol. 3, p. 445)—<i>continued</i></p>	<p>of Liquor Act 1962, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which owns any such estate.</p> <p>“15. Vacation of office by member—</p> <p>(1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—</p> <p>“(a) Dies; or</p> <p>“(b) Resigns the office by writing under the member’s hand delivered to the Secretary or Chairman of the Trust, or is ousted from office; or</p> <p>“(c) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(e) Becomes incapable of being elected or appointed as a member by virtue of paragraph (d) or paragraph (e) of section 14 of this Act; or</p> <p>“(f) Is absent without leave from 4 consecutive meetings of the Board.</p> <p>“(2) In any case to which subsection (1) (d) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1947, No. 35—The Masterton Licensing Trust Act 1947 (R.S. Vol. 3, p. 445)—<i>continued</i></p>	<p>section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p> <p>By adding to section 16 the following subsection:</p> <p>“(5) Notwithstanding subsections (3) to (4) of this section, where a person is appointed to the office of a member of a Trust under section 51 of the Local Elections and Polls Act 1976 as applied by subsection (3A) of this section, the appointed member shall hold office until the next triennial election and the vacancy shall then be filled as if it were an ordinary vacancy. For the purposes of that election the number of vacancies to be filled shall be increased accordingly and paragraphs (a) to (d) of subsection (1A) of this section shall apply.”</p>
<p>1949, No. 43—The Licensing Trusts Act 1949 (R.S. Vol. 3, p. 289)</p>	<p>By repealing section 9, and substituting the following section:</p> <p>“9. Qualification of electors—(1) Subject to this section, every person who is qualified as an elector of any territorial authority in respect of an address within a Trust district shall be qualified as an elector of the Trust.</p> <p>“(2) Where any Trust district is divided into wards only those electors who are qualified in respect of addresses within a ward shall be qualified as electors of that ward.</p> <p>“(3) Where any person is qualified as an elector by reason of that person’s enrolment on an Absentee Residential Electors List that person shall only be an elector by virtue of that enrolment if the person is not registered as a parliamentary elector in any other ward or territorial authority within the Trust district.</p> <p>“(4) Where any person is qualified as an elector of a Trust by virtue of subsection (3) of this section and that person is enrolled on more than one Absentee Residential Electors List within the Trust district, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1949, No. 43—The Licensing Trusts Act 1949 (R.S. Vol. 3, p. 289)—<i>continued</i></p>	<p>By repealing sections 14 and 15, and substituting the following sections:</p> <p>“14. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of the Trust:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969:</p> <p>“(d) A person who carries on the business of a brewer, wine or spirit merchant, maltster, or distiller, or of an importer for sale of or a dealer in fermented or spirituous liquors, or who is in partnership with any person carrying on any such business, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which carries on any such business as a substantial part of its undertaking:</p> <p>“(e) Any person who is the owner of an estate in fee simple or any less estate in any licensed premises within the meaning of the Sale of Liquor Act 1962, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which owns any such estate.</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1949, No. 43—The Licensing Trusts Act 1949 (R.S. Vol. 3, p. 289)—<i>continued</i></p>	<p>“15. Vacation of office by member— (1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member— “(a) Dies; or “(b) Resigns the office by writing under the member’s hand delivered to the Secretary or Chairman of the Trust, or is ousted from office; or “(c) Is detained in a hospital under the Mental Health Act 1969; or “(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or “(e) Becomes incapable of being elected or appointed as a member by virtue of paragraph (d) or paragraph (e) of subsection (1) of section 14 of this Act; or “(f) Is absent without leave from 4 consecutive meetings of the Board. “(2) In any case to which subsection (1) (d) of this section applies— “(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and “(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence. “(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1949, No. 43—The Licensing Trusts Act 1949 (R.S. Vol. 3, p. 289)—<i>continued</i></p>	<p>By adding to section 16 the following subsection:</p> <p>“(6) Notwithstanding subsections (3) to (5) of this section, where a person is appointed to the office of a member of a Trust under section 51 of the Local Elections and Polls Act 1976 as applied by subsection (4) of this section, the appointed member shall hold office until the next triennial election and the vacancy shall then be filled as if it were an ordinary vacancy. For the purposes of that election the number of vacancies to be filled shall be increased accordingly and paragraphs (a) to (d) of subsection (1A) of this section shall apply.”</p> <p>By inserting in section 33B (as inserted by section 15 (2) of the Licensing Trusts Amendment Act 1975), after subsection (3), the following subsection:</p> <p>“(3A) Every person who signs an application for the taking of a poll shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector, and to enable the local authority district of which the person is an elector to be identified.”</p> <p>By omitting from subsections (4) and (5) of section 37A (as inserted by section 3 of the Licensing Trusts Amendment Act 1951) and subsection 10 of that section the word “rate-payers”, and substituting in each case the word “electors”.</p> <p>By adding to section 58 (as inserted by section 9 of the Licensing Trusts Amendment Act 1976) as subsection (2) the following subsection:</p> <p>“(2) Every elector who makes an application under this section shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector, and to enable the local authority district of which the person is an elector to be identified.”</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1950, No. 33—The Invercargill Licensing Trust Act 1950 (R.S. Vol. 3, p. 19)</p>	<p>By repealing section 10, and substituting the following section:</p> <p>“10. Qualification of electors—</p> <p>(1) Subject to this section, every person who is qualified as an elector of any territorial authority in respect of an address within the Trust district shall be qualified as an elector of the Trust.</p> <p>“(2) Where any person is qualified as an elector by reason of his enrolment on an Absentee Residential Electors List that person shall only be an elector by virtue of that enrolment if the person is not registered as a parliamentary elector in any other territorial authority within the Trust district.</p> <p>“(3) Where any person is qualified as an elector of the Trust by virtue of subsection (2) of this section and that person is enrolled on more than one Absentee Residential Electors List within the Trust district, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”</p> <p>By repealing sections 15 and 16, and substituting the following sections:</p> <p>“15. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of the Trust:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969:</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
1950, No. 33—The Invercargill Licensing Trust Act 1950 (R.S. Vol. 3, p. 19)— <i>continued</i>	<p>“(d) A person who carries on the business of a brewer, wine or spirit merchant, maltster, or distiller, or of an importer for sale of or a dealer in fermented or spirituous liquors, or who is in partnership with any person carrying on any such business, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which carries on any such business as a substantial part of its undertaking;</p> <p>“(e) Any person who is the owner of an estate in fee simple or any less estate in any licensed premises within the meaning of the Sale of Liquor Act 1962, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which owns any such estate.</p> <p>“16. Vacation of office by member— (1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—</p> <p>“(a) Dies; or</p> <p>“(b) Resigns the office by writing under the member’s hand delivered to the Secretary or Chairman of the Trust, or is ousted from office; or</p> <p>“(c) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(e) Becomes incapable of being elected or appointed as a member by virtue of paragraph (d) or paragraph (e) of section 15 of this Act; or</p> <p>“(f) Is absent without leave from 4 consecutive meetings of the Board.</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1950, No. 33—The Invercargill Licensing Trust Act 1950 (R.S. Vol. 3, p. 19)—<i>continued</i></p>	<p>“(2) In any case to which subsection (1) (d) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p> <p>By adding to section 17 the following subsection—</p> <p>“(6) Notwithstanding subsections (3) to (5) of this section, where a person is appointed to the office of a member of the Trust under section 51 of the Local Elections and Polls Act 1976 as applied by subsection (4) of this section, the appointed member shall hold office until the next triennial election and the vacancy shall then be filled as if it were an ordinary vacancy. For the purposes of that election the number of vacancies to be filled shall be increased accordingly and paragraphs (a) to (d) of subsection (1A) of this section shall apply.”</p>
<p>1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)</p>	<p>By repealing section 20, and substituting the following section:</p> <p>“20. Disqualification of electors on Absentee Residential Electors List—</p> <p>(1) Where any person is qualified as an elector of a constituent district or combined district by reason of his enrolment on an Absentee Residential Electors List that person shall only be an elector by virtue of</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)—<i>continued</i></p>	<p>that enrolment if the person is not registered as a parliamentary elector in that or any other constituent district or combined district.</p> <p>“(2) Where any person is qualified as an elector of any Board by virtue of subsection (1) of this section and that person is enrolled on more than one Absentee Residential Electors List within the constituent districts and combined districts of any Board, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”</p> <p>By repealing section 31, and substituting the following sections:</p> <p>“31. Qualification of members—Subject to section 12 (3) of the Local Elections and Polls Act 1976 and section 31A of this Act, every person who is a parliamentary elector shall be qualified to be elected or appointed as a member of any one or more Harbour Boards.</p> <p>“31A. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of any Board:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969.”</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)— <i>continued</i>	<p>By repealing subsection (2) of section 32, and substituting the following subsections:</p> <p>“(2) In any case to which section 31A (b) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(2A) If any person does any act as a member after the person’s office has become vacant (other than by reason of the detention of the member in a hospital under the Mental Health Act 1969) or while on leave of absence under subsection (2) of this section the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p>
1956, No. 107—The Electoral Act 1956 (R.S. Vol. 14, p. 57)	<p>By inserting in section 64A (1) (as inserted by section 15 of the Electoral Amendment Act 1985), after the words “a roll of electors of the territorial authority”, the words “to be used in the conduct of any election or any poll of electors required by law”.</p> <p>By repealing paragraphs (a) and (b) of section 64A (1) (as so inserted), and substituting the following paragraphs:</p> <p>“(a) Give that officer such a computer compiled list free of charge; or</p> <p>“(b) On being supplied with a computer tape by that officer, record those names, residences, and occupations on that tape free of charge and return it to that officer.”</p>
1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 2, p. 757)	<p>By inserting in section 29, after subsection (2), the following subsections:</p> <p>“(2A) Where any person is qualified as an elector of a constituent district by reason of his enrolment on an Absentee Residential Electors List, that person shall only be an elector by virtue of that enrolment if the person is not registered as a parliamentary elector in any other constituent district or combined district of the Board.</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 2, p. 757)— <i>continued</i></p>	<p>“(2B) Where any person is qualified as an elector of any Board by virtue of subsection (1) of this section and that person is enrolled on more than one Absentee Residential Electors List within the constituent districts and combined districts of any Board, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”</p> <p>By inserting in section 30, after subsection (2), the following subsection:</p> <p>“(2A) Every person who is enrolled on the Absentee Residential Electors List of any territorial authority in respect of an address within a combined district shall be qualified to be an elector of that district by virtue of that enrolment only if the person is not registered as a parliamentary elector in that or any other combined district or constituent district of the Board.”</p> <p>By repealing sections 33 and 34, and substituting the following sections:</p> <p>“33. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of any Board:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969.</p> <p>“34. Vacation of office by member—</p> <p>(1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—</p> <p>“(a) Dies; or</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 2, p. 757)— <i>continued</i></p>	<p>“(b) Resigns the office by writing under the member’s hand delivered to the Clerk or Chairman of the Board, or is ousted from office; or</p> <p>“(c) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(e) Is absent without leave from 4 consecutive meetings of the Board.</p> <p>“(2) In any case to which subsection (1) (d) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p>
<p>1961, No. 131—The Wai-makariri-Ashley Water Supply Act 1961 (R.S. Vol. 5, p. 925)</p>	<p>By omitting from section 78 (3) (as substituted by section 8 (2) of the Local Government Amendment Act 1979) the expression “64”.</p> <p>By omitting from section 79 (as so substituted) the expression “sections 74 to 83, 85, and 86 of that Act (relating to the preparation of rolls of electors), and section 88”, and substituting the expression “sections 73 to 82 (relating to the preparation of rolls of electors) and section 84”.</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1967, No. 123—The Rating Act 1967</p>	<p>By repealing section 10, and substituting the following section:</p> <p>“10. Interpretation—(1) For the purposes of this section and sections 11 to 21 of this Act, unless the context otherwise requires,—</p> <p>“‘Ratepayer’, in relation to any local authority, means any person whose name appears for the time being in the ‘Occupiers’ column of the rate records for a property within the district:</p> <p>“‘Ratepayers list’ is a list of the ratepayers of the district of the local authority, or a defined part of the district, to be used for the purpose of any poll.</p> <p>“(2) For the purpose of sections 13 and 20 of this Act, the terms ‘five percent’ and ‘15 percent’, in relation to the ratepayers of the district of a local authority or any defined part of such a district, mean five percent or 15 percent, as the case may be, of the number of the ratepayers of the district or part of the district.</p> <p>“(3) Nothing in sections 11 to 20 of this Act shall derogate from the provisions of any other Act authorising a system of rating based on area or livestock.”</p> <p>By inserting in section 13 (as substituted by section 5 of the Rating Amendment Act 1976) after subsection (4), the following subsection:</p> <p>“(4A) Where a valid demand for a poll is received by a Returning Officer, the Returning Officer shall cause a ratepayers list to be made not less than 21 days before the day on which the poll is to be held.”</p>
<p>1967, No. 147—The Agricultural Pests Destruction Act 1967</p>	<p>By repealing paragraphs (b) to (e) of section 47 (1), and substituting the following paragraphs:</p> <p>“(b) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1967, No. 147—The Agricultural Pests Destruction Act 1967—<i>continued</i></p>	<p>“(c) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p> <p>“(d) Any person who is detained in a hospital under the Mental Health Act 1969.”</p> <p>By repealing paragraphs (e) to (g) of section 48 (1), and substituting the following paragraphs:</p> <p>“(e) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(f) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(g) Is absent without leave from 4 consecutive meetings of the Board.”</p> <p>By repealing subsections (1A) to (1C) of section 48 (as inserted by section 23 of the Criminal Justice Amendment Act 1975), and substituting the following subsections:</p> <p>“(1A) In any case to which subsection (1) (f) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (e) of this section) or while on leave of absence under subsection (1A) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
1983, No. 134—The Area Health Boards Act 1983	<p>By inserting in section 11, after subsection (2), the following subsections:</p> <p>“(2A) Where any person is qualified as an elector of a constituent district by reason of the person’s enrolment on an Absentee Residential Electors List, that person shall only be an elector by virtue of that enrolment if the person is not registered as a parliamentary elector in any other constituent district or combined district of the Board.</p> <p>“(2B) Where any person is qualified as an elector of any Board by virtue of subsection (1) of this section and that person is enrolled on more than one Absentee Residential Electors List within the constituent districts and combined districts of any Board, that person shall be qualified as an elector only in respect of one of those enrolments as chosen by the person.”</p> <p>By inserting in section 12, after subsection (2), the following subsection:</p> <p>“(2A) Every person who is enrolled on the Absentee Residential Electors List of any territorial authority in respect of an address within a combined district shall be qualified to be an elector of that district by virtue of that enrolment only if the person is not registered as a parliamentary elector in that or any other combined district or constituent district of the Board.”</p> <p>By repealing section 19, and substituting the following section:</p> <p>“19. Disqualification from election or appointment—The following persons shall not be capable of being elected or appointed as a member of any Board:</p> <p>“(a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:</p> <p>“(b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:</p>

FIRST SCHEDULE—*continued*

AMENDMENTS TO OTHER ACTS—*continued*

Act	Amendment
<p>1983, No. 134—The Area Health Boards Act 1983—<i>continued</i></p>	<p>“(c) Any person who is detained in a hospital under the Mental Health Act 1969.</p> <p>By repealing section 20, and substituting the following section:</p> <p>“20. Vacation of office by member—</p> <p>(1) The office of a member shall become vacant if the member—</p> <p>“(a) Dies; or</p> <p>“(b) Resigns the office by writing under the member’s hand delivered to the Clerk or Chairman of the Board, or is ousted from office: or</p> <p>“(c) Is detained in a hospital under the Mental Health Act 1969; or</p> <p>“(d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or</p> <p>“(e) Is absent without leave from 4 consecutive meetings of the Board.</p> <p>“(2) In any case to which subsection (1) (d) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(3) If any person does any act as a member after the person’s office has become vacant under this section (other than under subsection (1) (c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”</p>

Section 12

SECOND SCHEDULE

Part I

CONSEQUENTIAL REPEALS IN ACTS AMENDING LOCAL GOVERNMENT ACT 1974

- 1977, No. 122—The Local Government Amendment Act (No. 3): So much of Part I of the Third Schedule as relates to the definitions of the terms “electors”, “rating qualification”, and “residential qualification” in section 2 (1) of the principal Act. (R.S. Vol. 5, p. 644.)
- 1979, No. 59—The Local Government Amendment Act 1979: So much of the Second Schedule as relates to sections 70 and 71 of the principal Act. (R.S. Vol. 5, p. 683.)
- 1980, No. 82—The Local Government Amendment Act 1980: Sections 12, 46, and 47.
- 1982, No. 33—The Local Elections and Polls Amendment Act 1982: So much of the Schedule as relates to the Local Government Act 1974. (R.S. Vol. 13, p. 396.)
- 1982, No. 166—The Local Government Amendment Act (No. 2) 1982: Section 3.

Part II

OTHER CONSEQUENTIAL REPEALS

- 1952, No. 38—The Soil Conservation and Rivers Control Amendment Act 1952: Section 19. (Reprinted 1969, Vol. 4, p. 3214.)
- 1962, No. 141—The Licensing Trusts Amendment Act 1962: So much of Part I of the Fourth Schedule as relates to section 14 of the Licensing Trusts Act 1949: So much of Part II of the Fourth Schedule as relates to section 14 of the Masterton Licensing Trust Act 1947: So much of Part III of the Fourth Schedule as relates to section 15 of the Invercargill Licensing Trust Act 1950. (R.S. Vol. 3, p. 366.)
- 1955, No. 48—The Licensing Trusts Amendment Act 1955: Section 4 (5). (R.S. Vol. 3, p. 363.)
- 1974, No. 12—The Licensing Trusts Amendment Act 1974: Sections 3, 9, and 16. (R.S. Vol. 3, p. 374.)
- 1974, No. 117—The Rating Amendment Act 1974: So much of the Schedule as relates to section 10 (3) of the Rating Act 1967.
- 1975, No. 73—The Electric Power Boards Amendment Act 1975: Section 2.
- 1976, No. 138—The Rating Amendment Act 1976: Section 2.
- 1976, No. 144—The Local Elections and Polls Act 1976: Subsections (4) and (5) of section 112. (R.S. Vol. 13, p. 293.)
- 1977, No. 80—The Harbours Amendment Act 1977: Sections 8 and 9. (R.S. Vol. 2, p. 746.)
- 1979, No. 59—The Local Government Amendment Act 1979: So much of Part III of the Third Schedule as relates to section 9 of the Licensing Trusts Act 1949. (R.S. Vol. 5, p. 683.)

SECOND SCHEDULE—*continued*

- 1982, No. 33—The Local Elections and Polls Amendment Act 1982: Section 19 (2) and so much of the Schedule as relates to—
The Soil Conservation and Rivers Control Act 1941
The Masterton Licensing Trust Act 1947
The Licensing Trusts Act 1949
The Invercargill Licensing Trust Act 1950
The Harbours Act 1950
The Hospitals Act 1957
The Agricultural Pests Destruction Act 1967.
(R.S. Vol. 13, p. 396.)
- 1983, No. 104—The Electoral Amendment Act 1983: Section 12 (3).
(R.S. Vol. 14, p. 209.)

Section 25

THIRD SCHEDULE

CONSEQUENTIAL REPEALS IN ACTS AMENDING LOCAL AUTHORITIES
LOANS ACT 1956

- 1959, No. 17—The Local Authorities Loans Amendment Act 1959: Sections 2 and 4. (Reprinted 1974, Vol. 3, p. 2392.)
- 1967, No. 20—The Local Authorities Loans Amendment Act 1967: Section 3 (3) (a) and (b). (Reprinted 1974, Vol. 3, p. 2394)
- 1971, No. 27—The Local Authorities Loans Amendment Act 1971: Section 8. (Reprinted 1974, Vol. 3, p. 2395)
- 1976, No. 29—The Local Authorities Loans Amendment Act 1976: Sections 3 and 4.
- 1977, No. 5—The Local Elections and Polls Amendment Act 1977: Section 5. (R.S. Vol. 13, p. 395)
- 1982, No. 121—The Local Authorities Loans Amendment Act 1982: Sections 2, 4, and 7 (2).