

Hon. Mr. Hall-Jones.

LOCAL BOARDS CONSTITUTION REFORM.

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A BILL INTITULED

AN ACT to reform the Constitution of certain Local Boards and Administrative Bodies by providing that all the Members thereof shall be elected by the People. Title.

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

1. The Short Title of this Act is "The Local Boards Constitution Reform Act, 1896." Short Title.

10 2. In this Act, if not inconsistent with the context,—
"Local Board" means the Boards and Trustees specified in the *Second* Schedule hereto, and includes any other Board or administering or governing body which the Governor from time to time declares to be subject to this Act: Interpretation.

15 "Local authority" means the Council of a county or borough, and includes a Road Board and a Town Board.

3. In every case where by any Act of the General Assembly it is provided— Mode of electing members of a local Board.

20 (1.) That any local authority shall elect or select a member of a local Board; or

(2.) That the Chairman or Mayor of a local authority shall, by virtue of his office, be a member of a local Board,—

it is hereby declared that in each case such member shall henceforth be elected by the persons (hereinafter called "electors") who

25 for the time being are entitled to elect such local authority.

Subdivision for purposes of election.

4. In every case where any such local authority is at present entitled to elect or select more than one member of any local Board, the following provisions shall apply :—

- (1.) The district of such local authority shall be subdivided into as many subdivisions as there are members to be elected pursuant to the provisions of this Act, and the electors within each subdivision shall elect one member : 5
- (2.) The subdivisions shall be defined and named by such person, in such manner, and subject to such provisions for readjustment of boundaries and otherwise, as the Governor from time to time appoints in that behalf : 10
- (3.) The boundaries of each subdivision shall be gazetted, and thereupon it shall be the duty of the local authority to compile a separate roll of the electors within each subdivision. 15

How election to be held.

5. Every election pursuant to this Act shall be held in the same manner as in the case of members of the local authority ; and it shall be the duty of the local authority to do all such things as are necessary, or as the Governor by regulations prescribes, for the due and proper holding of every such election as often as the occasion arises. 20

SPECIAL AS TO EDUCATION BOARDS.

Election of members of Education Boards.

6. The members of the Education Board of each education district constituted under "The Education Act, 1877," shall henceforth be elected by the persons (hereinafter called "electors") who, for the time being, are entitled to elect the School Committees within such district, and for that purpose the following provisions shall apply. 25

Districts to be subdivided.

7. Each education district shall be subdivided into nine subdivisions, and the electors within each subdivision shall elect one member. 30

Mode of subdivision.

8. The subdivisions shall be defined and named by such person in such manner, and subject to such provisions for readjustment of boundaries and otherwise, as the Governor from time to time appoints in that behalf, and when made shall be gazetted : 35

Provided that no school district shall be partly within one subdivision and partly within another ; and also that, as far as practicable, each subdivision in a specified district shall comprise the same number of School Committees.

How election to be held.

9. Subject to the provisions hereinafter contained, and to regulations hereunder, every such election shall be held in the same manner as is prescribed by "The School Committees Election Act, 1891," for the election of School Committees, and for such purpose that Act shall be read with this Act. 40

Election in case of ordinary vacancy.

10. In the case of every ordinary vacancy, the election of a member of the Board shall be held in each subdivision on the fourth Monday in April, simultaneously with the elections of members of all the School Committees within such subdivision, and by the same meetings of electors ; and it shall be the duty of the Board to fix the same hour for all such meetings in the subdivision. 50

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11. In the case of every extraordinary vacancy the election of a member of the Board shall be held at such time and place in each school district within the subdivision as the Board thinks fit to appoint.
- 5 12. (1.) No person shall be eligible for election in any subdivision unless he has been nominated in writing by an elector therein, and the nomination-paper (bearing the written consent of the candidate) has been delivered to the Board or its Secretary at least fourteen days before the date on which the election is to be held.
- 10 (2.) The nomination-paper shall be in the form in the *First* Schedule hereto.
13. At least seven days before the date on which the election is to be held, the Board or its Secretary shall publish in some newspaper circulating in the subdivision a list of all persons duly nominated as
- 15 aforesaid, and shall also forward a copy of such list to each Chairman of a School Committee in the subdivision.
14. The Board shall provide for each meeting of electors at which the election is held a ballot-box and ballot-papers, separate from those used for the purpose of electing the School Committees.
- 20 15. The Governor shall appoint in each subdivision a Returning Officer for every such election, and the Chairman of each meeting of electors at which the election is held shall be a Deputy Returning Officer.
16. The Deputy Returning Officer at each such meeting shall, after counting all the votes and rejecting the informal votes in the presence of the scrutineers (if any), forthwith seal up all the voting-papers in a packet, and deliver such packet to the Returning Officer, together with a statement of the total number of formal votes recorded for each candidate, and also of the total number of informal votes.
- 30 17. The Returning Officer, without opening any of the packets, shall, within forty-eight hours after receiving all the statements, tabulate the same and ascertain therefrom the total number of formal votes recorded for each candidate, and shall by public notice declare the candidate receiving the highest number to be elected.
- 35 18. If any dispute arises as to the validity of any vote, or of any of the proceedings at any election, and written notice thereof is given to the Returning Officer not later than three days after the day on which he declared the result of the election as aforesaid, then such dispute shall be investigated by him in such manner as he thinks fit, and his decision shall be final.
- 40 19. Save as aforesaid the validity of the election shall not be impeached on any ground whatever.
20. In no case shall the Returning Officer open any sealed packet of voting-papers except for the purpose of deciding such
- 45 dispute as aforesaid, and as soon as he has decided such dispute, or if no such notice as aforesaid has been given, then, on the expiration of the said period of *three* days, he shall destroy all the voting-papers.
21. In order to determine the respective subdivisions whose electors shall fill up the vacancies on the Board as they occur, the following provisions shall apply:—
- 50 (1.) As soon as the subdivisions of an education district have been made and gazetted, the Board shall assign a separate subdivision to each separate member ;

Extraordinary
vacancy.Candidates to be
nominated in
writing.List of candidates
to be published.Separate ballot-box
and ballot-papers.

Returning Officer.

Disposal of
voting-papers.Notice of candidates
elected.Investigation of
disputes.

Validity of election.

Voting-papers to
be destroyed.Procedure for
determining
vacancies in
subdivisions.

(2.) If the members cannot otherwise agree, the assignment shall be effected by drawing lots ;

(3.) The assignment when made shall be gazetted, and thereafter each member shall be deemed to represent the subdivision which is assigned to him, and his seat whenever it becomes vacant shall be filled up by the electors of that subdivision accordingly.

Term of office.

22. All existing and future members of the Board shall continue in office until the fifteenth day of May, and shall in ordinary course retire on that day in lieu of the thirty-first day of March, as provided by section fifteen of "The Education Act, 1877"; and on their retirement their successors shall take office.

GENERAL.

Secretary to preside at election of Chairman.

23. At every meeting of any local Board or Education Board at which the Chairman is to be elected, the Secretary or other principal officer of the Board shall preside for the purposes of such election, and shall have a casting vote in the event of equality of voting, but shall not have a deliberative vote.

Regulations.

24. The Governor may from time to time make such regulations as he thinks fit in order to give full effect to the purposes of this Act.

Acts modified.

25. The Acts mentioned in the *Second* Schedule hereto, "The Education Act, 1877," and all other Acts which are in any way in conflict with this Act, are hereby modified or repealed in so far as such conflict exists, but not further or otherwise.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

To the Board of the [Name] Education District.
I, THE undersigned, hereby nominate C.D. [Full name, occupation, and address] for election as a Member of the Board for the [Name] subdivision of the district at the ensuing ordinary [or extraordinary] election.

A.B., Elector.

I consent hereto.

C.D.

SECOND SCHEDULE.

(1.) HOSPITAL Boards, Charitable Aid Boards, Hospital and Charitable Aid Boards, and Trustees of incorporated institutions, constituted under "The Hospitals and Charitable Institutions Act, 1885."

(2.) River Boards, constituted under "The River Boards Act, 1884."

(3.) Harbour Boards, constituted under "The Harbours Act, 1878," or any other general, special, or local Act.

LOCAL GOVERNMENT BILL.

P R E F A C E .

THE chief purpose aimed at by the Bill is to prune and simplify the present overgrown and unwieldy system of local government.

The number of local bodies of all sorts now in existence exceeds five hundred and fifty. The cost of management alone (that is to say, office salaries, advertising, and other purely management expenses, altogether exclusive of engineers, and works) is more than £107,000 a year. In some instances it amounts to 60 per cent. of the total revenue—that is to say, it costs £60 to collect £100. Under the Bill it is anticipated that the number of local bodies will be reduced by more than three-fourths, and the cost of administration by more than one-half. The bodies that remain will have larger powers, with assured finance, and direct responsibility for all local expenditure—conditions under which it is reasonable to expect that efficiency of government will be combined with economy of administration.

The following is a very general outline of the provisions of the Bill :—

COMMISSIONS.

The division of the colony into districts will be effected by Commissions, to be elected by the existing local authorities.

DISTRICTS.

The Acts relating to Counties, Municipal Corporations, Town Districts, River Boards, Land Drainage, Water-supply, and Hospital and Charitable Aid are to be repealed. With the exception of the cities and boroughs enumerated in the First Schedule, and such road districts as the Commission may retain, all the local bodies constituted by these Acts are to be dissolved. The Commissions are to redivide the colony into counties, in the Councils of which will be vested all the functions of the dissolved local bodies. Existing boroughs not included in the First Schedule may be declared "Borough districts." A borough district will be a riding of its county; but all the powers of the Bill applicable to boroughs may be exercised by the County Council.

Power is given to the Commissions, in including within a borough any contiguous area, to reduce the general rate leviable by the Borough Council within such area.

ROAD DISTRICTS.

Existing road districts may be retained, either separately or by amalgamation, but no new ones are to be created after the first division of the colony is effected. The Road Boards Acts are kept alive solely for such road districts as may be retained.

SPECIAL DISTRICTS.

At present the powers exercisable in river districts and drainage districts overlap. Moreover, the existing powers of the County Council overlap those of each of such districts. The Bill directs the Commissions to lay out special districts, to be called "River and Drainage districts." The special

district is under the control of the Council of the county in which it is situate. If situate within several counties or boroughs, the Councils thereof exercise a joint control by means of a standing Joint Committee.

No difference is made in the powers as to river protection and drainage exercisable by the Council within or without the special districts. The special districts are created for the following purposes only—viz. : (1) For striking the special district rate; and (2) for imposing upon the Council certain specified duties, repeated from existing legislation : See Part XXVI., heading “Liability of Council in Special Districts.”

REPRESENTATION.

The franchise is extended to occupiers by virtue of a tenancy of three months, and to householders who have paid rent in the district for twelve months under any tenancy. The tenure of members of the Council is altered so as to insure that all the members shall come periodically before the electors. In view of this improved representation, the powers given by the Bill to the Council are wider and less restricted or qualified than has been the case in the past.

CHAIRMAN.

The practice now in force in boroughs has been adopted; though in boroughs the Chairman will be styled “Mayor.”

The Chairman is elected annually by the electors of the district on the same day as the general election of Councillors, and receives a salary.

COUNCIL.

The Council holds office for two years, and all Councillors go out together. Their number is not less than six nor more than fifteen (exclusive of Chairman), and, in boroughs, as regulated by the population. Councillors receive the same travelling-expenses and allowances as members of Land Boards.

FINANCE.

The Councils receive the same land and goldfields revenue as at present, but subsidies on rates, &c., are abolished, and in lieu thereof provision is made for an annual capitation grant to each county of four shillings and sixpence and to each borough of four shillings per head of its population.

In addition to this, the Bill provides that certain main arterial roads shall be maintained by the General Government.

The total contributions from Government will be larger than at present, and thus local finance will be both strengthened and simplified.

Hospitals and charitable aid are maintained by the districts.

After payment of general expenses, and cost of necessary works benefiting the whole district, the rates levied in each riding or ward are to be spent exclusively therein.

A special ratepayers roll is to be prepared for voting on special loans. Provision is made for the erasure from such roll of the names of deceased persons and absentees. The voting-power is reduced. A special loan may be raised, and exclusively spent, in any portion of a district.

Special loans under “The Government Loans to Local Bodies Act, 1886,” may be raised to pay off overdrafts existing on the 1st July, 1895.

Existing liabilities for special loans remain charged on the properties that formed the original security.

PARTICULAR POWERS OF THE COUNCILS.

In Division VI. will be found a consolidation and adaptation to the scheme of the Bill of the vast body of existing legislation, giving powers in connection with roads, streets, river works, drainage, water-supply, prevention of fires, lighting, telegraphs and telephones, public health, public recreation and instruction, planting, agricultural schools, rifle-ranges, buildings for public meetings, markets and weighing-machines, noxious plants, mining, fire insurance, and harbour-works and navigation.

The following observations may be made under this head :—

Roads and Streets.—Power is given to the Governor to proclaim any of the arterial roads of colonial importance as Government roads; also to transfer a Government road to a County Council and hand over to the County Council whatever moneys have been appropriated for the repair of the road but remain unspent.

Where a main road passes through a borough having a population of less than 10,000, the Governor may place it under the control of the Council of the county in which the borough is situated, when the county will maintain it, the borough contributing towards the expense.

This Part of the Act consists mainly of a consolidation of Part VI. of "The Public Works Act, 1894;" sections 245 to 259 of "The Counties Act, 1886;" sections 138, 139, and 156 of "The Road Boards Act, 1882;" and sections 231 to 269 of "The Municipal Corporations Act, 1886." In consolidating these provisions they have for the most part been adapted so as to make them applicable to both counties and boroughs. Certain portions of them, however, such as those relating to the fixing of levels of streets and the control over rights-of-way, which are inapplicable to country districts, have been made to apply to boroughs and borough districts only.

Drainage and River Works in Counties.—This is a consolidation of the provisions giving powers and duties in regard to drainage and river works now contained in Part X. of "The Public Works Act, 1894," in "The Land Drainage Act, 1893," and "The Land Drainage Amendment Act, 1894," and in "The River Boards Act, 1884," and its various Amending Acts.

Drainage and Sanitation in Boroughs.—The greater part of the provisions of the existing Municipal Corporation Acts have here been adopted; and some of the more detailed provisions found to be necessary for the carrying out of the drainage scheme of the City of Wellington, embodied in "The Wellington City Drainage Empowering Act, 1894," have been added, and applied to boroughs and borough districts generally.

Public Health and Convenience.—Under this head a large portion of "The Public Health Act, 1876," and its amendments, relating solely to the duties of local Boards of Health, have been incorporated, and consolidated with the provisions of "The Municipal Corporations Act, 1886," relating to nuisances, and the whole, with certain few exceptions, made applicable in both counties and boroughs.

Public Recreation and Instruction.—Clauses giving the effect of "The Public Libraries Act, 1869," and "The Public Libraries Subsidies Act, 1877," which the Bill repeals, have been added under this head to the general clauses on the subject contained in the existing Municipal Corporations Act and Counties Act.

Agricultural and Technical Schools.—Power to establish technical schools is here given to Borough Councils, and the existing power to establish agricultural schools continued.

Overcrowding in Boroughs.—The Bill contains stringent provisions to prevent overcrowding. A minimum open space is prescribed for new buildings.

Workers' Dwellings.—Power is given to acquire dwellings and plots of ground in or near the district for occupation by workmen. For the same purpose workmen's lodging-houses may be equipped and managed by the Council.

Fire Insurance.—This Part of the Act can only be adopted by special order, and with the consent of the ratepayers, to be ascertained as in the case of a special loan. It applies only to boroughs.

The large number of existing Acts giving powers to local bodies in regard to particular works, contain many more or less similar provisions, which it has been found possible to generalise and throw into sections applicable to all kinds of works. Such general provisions will be found under the heads "General Powers," "General Provisions as to Private Works," and "Offences," and in other parts of the Bill.

RATES.

The existing limit of rating-powers is retained, but provision is made for rating on the unimproved value in the event of that system being enacted.

BY-LAWS.

Wide powers and discretions are given to the Council as regards the making of by-laws on matters of municipal concern generally, including the conservation of the public health, and the prevention and abatement of nuisances. The effect of the judgment of the Privy Council in the Australian appeal case of *Slattery v. Naylor*, reported in the "Law Reports," 13 Appeal Cases, page 452, has been sought to be expressed in subsection 8 of section 543.

In view of this extended by-law-making power, numerous existing statutory enactments, creating and punishing minor offences, have been omitted from the Bill. By section 558, the more important of these omitted enactments are temporarily retained in force, pending the making by the Councils of by-laws on the subject-matters thereof.

As many of these omitted enactments imposed penalties up to £20, the maximum penalty has, in accordance with the Victorian practice, been raised to that sum.

REPEALS.

A list of the eighty-one Acts superseded in whole or in part by the Bill will be found in the Eleventh Schedule.

LOCAL ENACTMENTS.

The various repealed Acts are studded with clauses of a purely local character, and such as should more properly have been made the subjects of local Acts. Some of these local enactments are necessarily superseded by the scheme of the Bill; whilst, as regards all others, the Bill provides that they shall remain in force, though contained in an Act expressed to be repealed as a whole, and shall be carried out subject to the provisions of the Bill. Local Acts are similarly dealt with.

ARRANGEMENT OF PROVISIONS.

In dealing with the vast mass of matter presented by the various Acts proposed to be repealed, special attention had to be given, with a view to clearness, to the division of the measure into appropriate Parts, and it has been

found necessary with the like view to most rigidly adhere to the rule of excluding from any Part matter more properly appertaining to another. The continued observance in Committee of this rule would, it is believed, materially assist in the administration of the Act.

This applies more particularly to the subject of finance. The collection by the new Councils of all arrears of rates, and of future levies of existing special and separate annually-recurring rates, is dealt with under Part III., which effects the transfer to the new districts of the assets of the absorbed local bodies. Part XIII., headed "Rates," deals exclusively with the making and levying of future rates for whole districts, or subdivisions thereof; whilst all questions of adjustment of rates consequent upon the future alteration of the boundaries of any district are dealt with in Division IV. The subject of by-laws is dealt with only in Part LII., but power to the Governor to make regulations is given wherever the subject-matter arises.

REFERENCES.

References to existing legislation are given where sections have been adapted from any existing Acts; where no reference is given the section is new. References to New Zealand Acts are indicated by their year and number; to Imperial Acts by their regnal years and chapter. The reference, "L.G. Act, 1890, Vict.," alludes to "The Local Government Act, 1890," in force in Victoria, and "N.S.W.," refers to the Local Government Bill of 1892 introduced in New South Wales. "The Local Government Act, 1888," in force in England, is referred to as "51 and 52 Vict., c. 41." References to decided cases mean that the section has been framed to coincide with the law as therein laid down.

INTERPRETATION.

In the interpretation clauses, and other parts of the Bill, explanatory matter has been introduced, in view of the fact that the measure will be largely administered by non-professional readers; and, with the like view, the use of Latin and Norman-French expressions has been entirely avoided.

APPENDED TABLE.

A list, in tabular form, of the various descriptions of existing local bodies affected by the Bill, with particulars as to subdivisions, representation, &c., is appended.

TABLE of SUBDIVISIONS and REPRESENTATION of EXISTING DISTRICTS.

Local Body.	Number of Wards, Ridings, or Subdivisions.	Section.	Number of Whole Council.	Section.	Number for each Ward, Riding, or Subdivision.	Section.	Remarks.
I. BOROUGHS— (a.) Undivided (b.) Divided	Maximum, 6; but where population only 6,000, Maximum, 8	27	Maximum, 9; minimum, 6	26, 85	3 for each ward	85	Apparently the Governor may allot more councillors to one ward than another, section 49; Governor may alter ridings, section 48.
c.) United (always divided)	Maximum, 6; minimum, 3	49	Maximum, 18; minimum, 9	50	Governor fixes	49	
II. COUNTIES— (a.) Counties (always divided)	Maximum, 9; minimum, 6	11, 44, 82	Maximum, 9; minimum, 6	82	Governor fixes in proportion to rateable values of ridings: one councillor at least for each riding	26, 82	The Council may within these limits alter the number of ridings, number of the Council, and number of councillors for any riding, sections 44, 83, 47.
(b.) United Counties (always divided)	Governor fixes; minimum, 6	25, 82	Maximum, 9, or equal to number of ridings if more than 9; minimum, 6	82	Governor fixes: one councillor at least for each riding	25, 82	Board may fix and alter number of members for road district or any subdivision within the said limits, sections 26, 4, 11; and may abolish or alter subdivisions, section 11.
III. ROAD BOARDS— (a.) Undivided (b.) Divided	Maximum, 9	4, 11, 24	Maximum, 9; minimum, 4	24, 24	Maximum, 3; minimum, 1	24	
IV. TOWN DISTRICTS	Maximum, 9	16	Maximum, 7; minimum, 5	16	Maximum, 3; minimum, 1	15	Boroughs and town districts to form separate subdivisions, section 7; Governor may enlarge, divide, or re-divide district, section 14; Board may alter subdivisions and number thereof, and numbers of members, section 21.
V. RIVER BOARDS— (a.) Undivided (b.) Divided (c.) United	Subdivision discretionary	9	Maximum, 9; minimum, 5	58	Maximum, 3; minimum, 1	15	
VI. WATER-SUPPLY BOARDS (where Counties Act not in operation)	Discretionary	18	Maximum, 7; minimum, 5	9	Maximum, 3; minimum, 1	15	Members are elected by rate payers of road districts.
VII. LAND DRAINAGE BOARDS	Discretionary	18	Maximum, 7; minimum, 5	9	Maximum, 3; minimum, 1	15	

NOTE.—The sections referred to are those in the principal Acts constituting the above local bodies respectively.