

[AS REPORTED FROM THE ELECTORAL LAW COMMITTEE]

House of Representatives, 29 May 1986.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Dr Michael Bassett

LOCAL GOVERNMENT AMENDMENT (NO. 3)

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A BILL INTITULED

An Act to amend the Local Government Act 1974 in relation to the election of members of the Auckland Regional Authority

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

No. 11—2

Price \$1.20

1. Short Title and commencement—(1) This Act may be cited as the Local Government Amendment Act (No. 3) **1986**, and shall be read together with and deemed part of the Local Government Act 1974* (hereinafter 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

(2) Except as provided in **section 3 (2)** of this Act, this Act shall come into force on the day after the date on which it receives the Governor-General's assent.

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term "region" the words "; and includes the Auckland Regional District to the extent specified in **section 707A** of this Act".

(2) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term "regional council" the words "; and includes the Auckland Regional Authority to the extent specified in **section 707A** of this Act".

(3) Section 2 of the principal Act is hereby amended by inserting in subsection (5) (as enacted by section 7 (2) of the Local Government Amendment Act (No. 3) 1977), after the word "area", the words "or the electoral population of any general electoral district, Maori electoral district, district, or area".

3. New Part inserted—(1) The principal Act is hereby amended by inserting, after section 707, the following heading and sections:

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"PART XLIVA

"SPECIAL PROVISIONS APPLYING TO AUCKLAND REGIONAL
AUTHORITY

"**707A. Application of provisions to Auckland Regional Authority**—(1) Subject to **subsections (2) and (3)** of this section, in this Act—

"(a) The term 'region' includes the Auckland Regional District constituted under section 3 of the Auckland Regional Authority Act 1963:

"(b) The term 'regional council' includes the Auckland Regional Authority constituted under section 4 of the Auckland Regional Authority Act 1963:

"(c) The term 'constituent district' includes every territorial authority district in the Auckland Regional District:

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“(d) The term ‘constituency’ includes every constituency of the Auckland Regional District constituted under **section 707c** of this Act.

“(2) Nothing in **subsection (1)** of this section shall apply to sections 42 to 44, **83**, 98 (2), 202 to 213, or section 223 of this Act.

“(3) Except as provided in **subsection (4)** of this section, in the event of any inconsistency between any provision of this Act and any provision of—

10 “(a) The Auckland Regional Authority Act 1963; or

“(b) The Auckland Metropolitan Drainage Act 1960; or

“(c) The Auckland Transport Board Act 1928; or

“(d) Any Local Act applying specifically to the Auckland Regional District or the Auckland Regional Authority; or

15 “(e) Any Act or instrument pursuant to or by which the Auckland Regional Authority has been appointed to be an airport authority, (or) a refuse disposal authority, or regional water board,—

20 the provision of the Act or instrument specified in **paragraphs (a) to (e)** of this subsection shall prevail over the inconsistent provision of this Act.

“(4) Nothing in **subsections (1) to (3)** of this section shall derogate from any provision of Part I of this Act in its application to the Auckland Regional District or the Auckland Regional Authority or from any Order in Council under section 36 of this Act applying to that district or that Authority.

“(5) For the purposes of Part XI of this Act—

30 “(a) The Auckland Regional District, as for the time being constituted under the Auckland Regional Authority Act 1963, shall continue to be a tax area, to be called the Auckland Tax Area:

35 “(b) The Auckland Regional Authority and every territorial authority whose district is for the time being within the Auckland Regional District shall be component authorities of the Auckland Tax Area:

“(c) The Auckland Regional Authority shall be the distribution authority for the Auckland Tax Area:

40 Cf. 1974, No. 66, s. 717; 1982, No. 166, s. 27 (1)

“707B. **Interpretation**—In this Part of this Act, unless the context otherwise requires,—

45 “‘Authority’ means the Auckland Regional Authority constituted under section 4 of the Auckland Regional Authority Act 1963:

“ ‘General electoral district’ has the same meaning as in the Electoral Act 1956:

“ ‘Electoral population’—

“(a) In relation to a general electoral district or part of a general electoral district, means the general electoral population of that district or part, as the case may be, determined by the Government Statistician at the census immediately preceding the proclamation of that electoral district under section 19 (2) of the Electoral Act 1956; and

“(b) In relation to a Maori electoral district or part of a Maori electoral district means the Maori electoral population of that district or part, as the case may be, as calculated by the Government Statistician under section 16 (2A) of the Electoral Act 1956 immediately preceding the proclamation of that electoral district under section 19 (2) of that Act:

“ ‘Maori electoral district’ has the same meaning as in the Electoral Act 1956:

“ ‘Region’ means the Auckland Regional District constituted under section 3 of the Auckland Regional Authority Act 1963.

“707C. Membership of Auckland Regional Authority—

(1) For electoral purposes, the region shall be divided into constituencies in accordance with this section.

“(2) One member of the Authority shall be elected by the electors of each constituency.

“(3) Subject to **subsections (4) and (5)** of this section, the constituencies of the region shall be—

“(a) Those general electoral districts, or parts of general electoral districts that are within the region; and

“(b) Those Maori electoral districts or parts of Maori electoral districts that are within the region.

“(4) Where fewer than 30 percent of the electoral population of any general electoral district reside within the region, that part of the general electoral district within the region shall, for the purposes of this section, be included in whichever adjoining constituency referred to in **subsection (3) (a)** of this section has the lowest electoral population.

“(5) Where fewer than 30 percent of the electoral population of any Maori electoral district reside within the region, that part of the Maori electoral district within the region shall, for the purposes of this section, be included in whichever adjoining constituency referred to in **subsection (3) (b)** of this section has the lowest electoral population.

“(6) Notwithstanding any subsequent Proclamation under section 19 (2) of the Electoral Act 1956, the constituencies of the region shall, once determined under this section in respect of a triennial general election of members of the Authority, 5 remain unaltered for the purposes of any by-election until the next general election of the Authority under **section 707D** of this Act.

“**707D. Auckland Regional Authority elections**—(1) A general election of members of the Authority shall be held on 10 the 8th day of October 1988, and on the 2nd Saturday in October in every third year thereafter.

“(2) Every election of members of the Authority, shall be conducted by postal vote in accordance with Part III of the Local Elections and Polls Act 1976.

15 “**707E. Extraordinary vacancies**—(1) Except as provided in **subsection (2)** of this section, every extraordinary vacancy that occurs in the membership of the Authority under **section 97** or section 98 of this Act shall be filled by election as provided in section 50 of the Local Elections and Polls Act 1976 and section 20 51 of that Act shall not apply.

“(2) Where any extraordinary vacancy occurs in the membership of the Authority under **section 97** or section 98 of this Act within 6 months before the date fixed for the next triennial general election of the Authority, the Authority may 25 by resolution determine that the vacancy shall not be filled.

“**707F. Compilation of electoral rolls**—(1) In every year in which a triennial general election is to be held as required by **section 707D** of this Act, the principal administrative officer of the Authority shall, before the 1st day of July in that year, 30 compile a roll of electors for the region to be known as the electoral roll.

“(2) The electoral roll shall comprise the names, arranged in alphabetical order of their surnames, of—

35 “(a) Every person whose name appears on the parliamentary electoral roll and whose address on that roll is within the region;

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and

40 “(b) Subject to **section 72 (3)** of this Act, **subsections (5), (6), and (7)** of this section, and **section 707G** of this Act, every person whose name is entered on the Absentee Residential Electors List of any constituent authority pursuant to section 70 of this Act.

“(3) For the purposes of compiling the electoral roll, the principal administrative officer of the Authority shall—

“(a) 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 address (if any), and occupations (if any) of electors appearing to reside within each electoral district or part of an electoral district that is within the region;

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and

“(b) Obtain from the principal administrative officer of each constituent authority, a copy of the Absentee Residential Electors List for that territorial authority compiled under **section 70 (4)** of this Act—

and shall use that computer compiled list or tape (*and the Absentee Residential Electors List*) to compile the electoral roll.

“(4) The electoral roll for the region shall be made up of the separate rolls for each constituency.

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“(5) No person who is enrolled as an elector of a general electoral district or a Maori electoral district in respect of an address within the region shall be enrolled as an absentee residential elector of any constituency under **section 707c (3)** of this Act.

“(6) No person who is enrolled as an elector of any general electoral district in respect of an address outside the region shall be enrolled as an absentee residential elector of any constituency under **section 707c (3) (b)** of this Act.

“(7) No person who is enrolled as an elector of any Maori electoral district in respect of an address outside the region shall be enrolled as an absentee residential elector of any constituency under **section 707c (3) (a)** of this Act.

“**707G. No person to be enrolled more than once**—The name of any person shall not appear more than once on the electoral roll compiled under **section 707F** of this Act.

“**707H. Rolls to be available for public inspection**—(1) A copy of all the separate portions of the electoral roll shall be kept at the office of the Authority, and a copy of the roll of electors of each constituency shall be kept at the office of each

constituent authority whose district includes part or all of that constituency, and at each post office within the constituency that is controlled by a departmental officer of the Post Office.

5 “(2) The principal administrative officer of the Authority shall give public notice of the places where the roll of electors of each constituency is kept.

“(3) The rolls shall be open *(to)* 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.

10 “707I. **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 the region, or where any
15 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
20 Act 1956 or by regulations made under that Act.

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“707J. **Application for enrolment as Absentee Residential Elector**—(1) Any person whose name does not appear on the electoral roll prepared under **section 707F** of this
25 Act because it does not appear on the Absentee Residential Electors List for the appropriate constituent authority may, not later than 4 o’clock in the afternoon of the 43rd day before polling day, make application to the principal administrative officer of the appropriate territorial authority for enrolment as
30 an elector under **section 70** of this Act.

“(2) As soon as is practicable after that day, but in any case not later than the 25th day before polling day, the principal administrative officer of each constituent authority shall forward an updated copy of the Absentee Residential Electors
35 List for the district to the principal administrative officer of the Authority who shall amend the electoral roll accordingly.

New

“707J. **Completion of roll**—The principal administrative officer of the Authority shall, as soon as practicable after the
40 closing of the roll under section 111 (1) of the Local Elections and Polls Act 1976, obtain from the Chief Registrar of Electors

New

under section 64A of the Electoral Act 1956 a further computer compiled list or computer tape and shall use that list or tape to complete the compilation of the roll.

“707K. **Amendments to roll**—(1) Subject to **subsection (2)** of this section and **section 707L** of this Act, the principal administrative officer of the Authority 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.

“(2) The principal administrative officer of the Authority shall not amend any information received under (**section 707F (3) (a) of this Act**) section 64A of the Electoral Act 1956, except where the principal administrative officer is satisfied that the elector is dead, in which case the principal administrative officer shall remove the name of the elector from the electoral roll.

“707L. **When roll in force**—(1) The principal administrative officer of the Authority shall ensure that the roll is completed and shall, before the 18th day before polling day, attach to the roll a certificate signed by the principal administrative officer to the effect that the roll (*is correct before the 18th day before polling day*) has been duly compiled.

“(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 707K (2)** of this Act, once a roll has been completed and certified it shall not be amended for any reason before the conduct of the election or poll for which it has been compiled.

“707M. **Proof of rolls**—(1) Any copy of the electoral roll certified by the principal administrative officer or an authorised officer of the Authority to be a correct copy of the electoral roll, or of any roll compiled under this Part of 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 to be a correct copy by any person purporting to be an authorised officer of the Authority shall, in the absence of evidence to the contrary, be sufficient evidence that the person is duly authorised to do so.

“707N. **Rolls for by-elections**—(1) For the purpose of conducting an election to fill an extraordinary vacancy in any constituency of the region, the principal administrative officer of the Authority shall compile a new part of the electoral roll comprising the names of all the electors entitled to vote at the election.

“(2) For the purpose of compiling any such electoral roll, the principal administrative officer of the Authority shall—

10 “(a) 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 address (if any), and occupations (if any) of electors appearing to reside within the electoral district or districts, as the case may be, that
15 comprise the constituency or constituencies over which the election will be taken;

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20 and
“(b) Obtain from the principal administrative officer of each constituent authority that includes part of the constituency or constituencies over which the election will be taken, a copy of the Absentee Residential Electors List for that territorial authority
25 compiled under **section 70 (4)** of this Act—

and shall use that computer compiled list or tape (*and the Absentee Residential Electors List*) to compile the new part of the electoral roll.

30 “(3) The roll required to be compiled under this section shall, with the necessary modifications, 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 were the date of a triennial general election.

New

35 except that—
“(a) **Section 707F** of this Act shall apply only in relation to the form of the roll to be compiled under subsection (1) of this section; and
40 “(b) **Section 707H (3)** of this Act shall not apply, and the rolls shall be open for public inspection at all reasonable hours during a 14-day period before the closing of the roll.”

(2) This section shall come into force on the 9th day of November 1986.

4. Transitional provisions applying to the 1986 general elections—(1) This section shall apply to the general election of members of the Auckland Regional Authority held on the 11th day of October 1986. 5

(2) Every member of the Auckland Regional Authority elected at that triennial general election and any member elected after that date and before the 8th day of October 1988 shall, unless the member sooner vacates office for any reason, vacate office when the members elected at the triennial general election to be held on the 8th day of October 1988 come into office. 10

(3) Notwithstanding anything in—

(a) Sections 42, 43, or 44 of the principal Act; or 15

(b) Any resolution of the Auckland Regional Authority under section 43 of the principal Act; or

(c) Any determination of the Commission under section 44 of the principal Act(—) ; or

New

(d) The Auckland Regional Authority (Review of Constituencies and Membership Validation) Order 1986, published in the *Gazette* of 1986 at page 1292— 20

the constituencies of the Auckland Regional Authority shall be as described in **subsection (4)** of this section; and one member of the Auckland Regional Authority shall be elected by the electors of each constituency. 25

(4) The constituencies of the Auckland Regional District shall be those electoral districts declared by the Governor-General by a Proclamation published in the *Gazette* of 1983 at page 1423 that are wholly within the Auckland Regional District, namely Birkenhead, East Coast Bays, Eden, Franklin, Glenfield, Mangere, Manurewa, Mt Albert, New Lynn, North Shore, Onehunga, Otara, Pakuranga, Panmure, Papakura, Papatoetoe, Remuera, Rodney, Roskill, Tamaki, Te Atatu, Waitakere, and West Auckland and, in addition,— 30

(a) That part of the Northern Maori Electoral District (as so declared) that is within the Auckland Regional District; and 40

(b) That part of the Western Maori Electoral District (as so declared) that is within the Auckland Regional District; and

(c) That part of the Auckland Central Electoral District (as so declared) that is within the Auckland Regional District.

(5) For the purposes of this section, that part of Rodney County that is within the Kaipara Electoral District is hereby deemed to be within the Rodney Electoral District.

(6) Notwithstanding anything to the contrary in **section 83** of the principal Act—

10 (a) Where a constituency is wholly within a constituent district, the Returning Officer of the constituent authority shall be the Returning Officer for the purpose of the election of the member of the Auckland Regional Authority to be elected by the electors of that constituency:

15 (b) Where a constituency comprises part or all of 2 or more constituent districts, the Commission shall, before the 30th day of June 1986, appoint the Returning Officer of one of the constituent authorities whose district includes part of the constituency to be the Returning Officer for the purposes of the election of the member of the Auckland Regional Authority to be elected by the electors of that constituency, and
20 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.
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(7) For the purposes of this section the Chief Registrar of Electors shall include on any computer list compiled or computer tape recorded under section 64A of the Electoral Act 1956 for any officer of a territorial authority that is a
30 constituent authority of the Auckland Regional District the electoral district for which every elector is enrolled, as well as the other information specified in that section.

(8) Notwithstanding anything in section 118 of the Local Elections and Polls Act 1976, the Auckland Regional Authority
35 shall not be liable to pay or contribute towards the costs of the election of any member of the Auckland Regional Authority at the election to be held on the 11th day of October 1986, or any costs (including costs of making or printing any electors list or roll) associated with that election.

40 **5. Declaration by member**—The principal Act is hereby amended by inserting in the Fourth Schedule (as enacted by section 7 (1)(b) of the Local Government Amendment Act (No. 3) 1977), after the word “execute”, the words “in the interests of the [*State name of region, district, or community*]”.

6. Consequential amendment—Section 64A of the Electoral Act 1956 (as inserted by section 15 of the Electoral Amendment Act 1985) is hereby amended by adding the following subsection:

“(3) Where under any enactment any officer of a local authority that is not a territorial authority is required to prepare an electoral roll (other than a ratepayers list) for the election of members of that local authority, this section shall apply as if that local authority was a territorial authority as defined in section 2 of the Local Government Act 1974.”

7. Consequential repeals—The enactments specified in the Schedule to this Act are hereby consequentially repealed with effect on and from the dates referred to in that Schedule.

SCHEDULE

Section 7

Part I

CONSEQUENTIAL REPEALS WITH EFFECT ON AND FROM THE COMING INTO FORCE OF THIS ACT

- 1963, No. 18 (Local)—The Auckland Regional Authority Act 1963: Section 7. (Reprinted 1970, Vol. 3, p. 1779.)
 1976, No. 144—The Local Elections and Polls Act 1976: Section 124 (3). (R.S. Vol. 5, p. 77.)

Part II

CONSEQUENTIAL REPEALS WITH EFFECT ON AND FROM 9 NOVEMBER 1986

- 1974, No. 66—The Local Government Act 1974: Section 717. (R.S. Vol. 5, p. 77.)
 1982, No. 166—The Local Government Amendment Act (No. 3) 1982: Section 27 (1).