



THE LOCAL GOVERNMENT (SURVEY OF ELECTORS)
REGULATIONS 1978

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 27th day of November 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 29 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) and to section 639 of the Local Government Act 1974 (as renumbered by section 6 (1) of the Local Government Amendment Act (No. 3) 1977), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

1. Title
2. Interpretation
3. Taking of survey
4. Public notice of survey
5. Form of survey papers
6. Issue of survey papers
7. Method of recording opposition to the proposal
8. Return of survey papers to Returning Officer

Special Electors

9. Electors entitled to record opposition as special electors
10. Issue of special survey papers
11. Method of recording opposition as a special elector

Receipt of Survey Papers

12. Survey boxes
13. Survey papers returned after close of the survey

Procedure After Close of the Survey

14. Justices to attend
15. Survey papers to be sorted
16. Checking special survey papers, declarations, and eligibility of special electors
17. Checking of survey papers set aside
18. Scrutiny of survey papers
19. Count of electors and declaration of result of survey
20. Disposal of survey papers

Miscellaneous Provisions

21. Safe custody of returned survey papers
 22. Adjournment of survey
 23. Petition for inquiry
 24. Powers of Magistrate
 25. Offence to infringe secrecy of survey
- Schedule

REGULATIONS

1. Title—These regulations may be cited as the Local Government (Survey of Electors) Regulations 1978.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Local Government Act 1974:

“Close of the survey”, in relation to any survey, means—

(a) In the case of a survey the date of which falls on a Saturday, the hour of 12 noon on survey day:

(b) In the case of a survey the day of which falls on any day other than a Saturday, the hour of 5 p.m. on survey day:

“Returning Officer” means the Returning Officer appointed for the local government area under section 8 of the Local Elections and Polls Act 1976:

“Survey” means a survey of electors taken under section 29 of the Act:

“Survey day”, in relation to any survey, means the day on which the survey closes:

A reference to a numbered form is a reference to a form so numbered in the Schedule to these regulations:

Expressions defined in section 2 of the Act have the meanings so defined.

3. Taking of survey—(1) The following sections of the Local Elections and Polls Act 1976 (so far as they apply to postal voting) shall apply with respect to a survey as if the survey were for the purpose of those sections a poll:

(a) Sections 8 to 10 (relating to the Returning Officer, Deputy Returning Officers, and poll clerks):

Provided that all persons who assist the Returning Officer or a Deputy Returning Officer with the conduct of the survey after the survey papers have been issued shall, unless a contrary intention is expressed in these regulations, be deemed to be poll clerks for the purpose of the survey:

(b) Sections 54 to 64, 105, and 119 (relating to offences at elections and polls):

(c) Sections 110 to 112 (relating to electors and the electoral roll):

(d) Section 118 (relating to the cost of elections and polls):

(e) Sections 120 and 122 (relating to irregularities at an election or poll).

(2) No other provisions of the Local Elections and Polls Act 1976 shall apply, except where a contrary intention is expressed in these regulations.

(3) The provisions relating to special electors in these regulations shall be in substitution for the Local Elections and Polls (Special Voting) Regulations 1977*.

4. Public notice of survey—(1) Where the Returning Officer has under section 28 (5) of the Act received from the principal officer a request for a survey to be taken, he shall fix the survey day in accordance with section 29 (3) of the Act, being a day other than a Sunday or public holiday.

(2) Not less than 42 clear days before the survey day, the Returning Officer shall give public notice thereof in form 1 or to like effect.

(3) The Returning Officer shall include in that notice advice that a survey paper will be forwarded by post to each elector not later than the 8th day before survey day. That notice shall also specify the proposal in respect of which the survey is to be taken.

(4) Where the Returning Officer so decides, the public notice in form 1 shall be deemed to be sufficient compliance with section 29 (2) of the Act.

5. Form of survey papers—(1) Every survey paper issued at any survey shall be in form 2.

(2) Each survey paper shall have a counterfoil in form 3.

(3) Where a survey is conducted together with any election or poll, the survey paper shall be a separate paper not combined with any voting paper, and shall have a separate counterfoil.

(4) The Returning Officer shall place or cause to be printed across the perforations the official mark so that it will appear on both the counterfoil and the survey paper.

(5) The Returning Officer shall cause to be printed on every survey paper and counterfoil attached thereto a number (called a consecutive number) beginning with the number 1 in the case of the first survey paper, and on all succeeding survey papers the numbers shall be consecutive so that no 2 papers for the same survey shall bear the same number:

Provided that in no case shall an elector's consecutive number be the same as his number on the roll used for the survey.

(6) The Returning Officer shall mark on each counterfoil corresponding to a survey paper forwarded to an elector that elector's number on the roll used for the survey.

6. Issue of survey papers—(1) As soon as practicable after the 16th day before the survey day, and in any case not later than the 8th day before that day, the Returning Officer shall forward by post to each elector, being an elector who is entitled to record his opposition to the proposal, at the address shown against the elector's name on that roll, or at his usual postal address in New Zealand if to the knowledge of the Returning Officer that address is different, 1 survey paper in respect of that survey.

(2) The Returning Officer shall include with the survey paper an envelope addressed to the Returning Officer, and may include on the face of the envelope the word "survey" and where he conducts any other elections or polls together with the survey he may include the word "survey" and the names of those other elections or polls:

Provided that where in any case the elector is not entitled to vote at any such election or poll, the name of the election or poll shall be struck out.

(3) The Returning Officer shall include on the envelope the elector's number on the roll only where that elector is entitled to vote at 1 or more of those other elections or polls included on the face of the envelope.

(4) He may also include with the survey paper a translation in whatever language he considers necessary of the "Information to Electors" section of the survey paper.

(5) The Returning Officer shall indicate on a copy of the roll used for the survey by appropriate words, abbreviations, or marks all those electors on the roll to whom survey papers are forwarded, and he shall retain that copy of the roll (hereinafter called the issuing roll) for production when required.

(6) The accidental omission by the Returning Officer to forward a survey paper to any elector whose name appears on the roll shall not be a ground on which a petition for an inquiry into the conduct of the survey may be founded.

7. Method of recording opposition to the proposal—(1) On receipt by him of the survey paper forwarded by the Returning Officer, any elector who wishes to record his opposition to the proposal contained on the survey paper shall alone and secretly mark his survey paper in the manner prescribed on the survey paper and in accordance with any instruction that the Returning Officer may consider it advisable to give to the elector.

(2) Where any elector wishes to record his opposition to the proposal, and—

(a) Is wholly or partially blind; or

(b) Is unable to read or write (whether because of physical handicap or otherwise); or

(c) Is not sufficiently familiar with the English language to record his opposition without assistance, and the Returning Officer has not included with the survey paper a translation of the "Information for Elector" section of the survey paper into any other language with which the elector is sufficiently familiar to enable him to record his opposition to the proposal without assistance—

the survey paper may be marked by the elector with the assistance of a person so requested by the elector or may be marked by any such person in accordance with the instructions of the elector.

(3) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$100, who assists an elector in accordance with subclause (2) of this regulation and attempts to influence or interfere with the will of the elector or communicates to any other person the name of the elector he has assisted.

(4) Except where a person is requested to assist an elector under subclause (2) of this regulation, every person commits an offence, and is liable on summary conviction to a fine not exceeding \$100, who marks any survey paper other than the one issued to the elector by the Returning Officer.

8. Return of survey papers to Returning Officer—(1) An elector who records his opposition to the proposal in accordance with regulation 7 of these regulations shall enclose the survey paper in the envelope

addressed to the Returning Officer, taking care to ensure that only his own survey paper or survey paper and voting papers, as the case may be, are included in that envelope, and shall by hand or post deliver that envelope to the Returning Officer.

(2) For the purposes of subclause (1) of this regulation, delivery into the private receiving box or private mail bag of the Returning Officer at a post office shall be deemed delivery to the Returning Officer, but any other delivery to any office of the post office or delivery to any other person shall not be deemed delivery to the Returning Officer.

(3) On survey day, the Returning Officer shall keep his office open until the close of the survey to enable the envelopes containing survey papers to be handed to him.

(4) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$100, who, before the close of the survey, discloses or publishes by any means whatsoever the number of envelopes or survey papers returned.

Special Electors

9. Electors entitled to record opposition as special electors—

(1) Sections 37 and 73 of the Local Elections and Polls Act 1976 shall apply with respect to a survey as if every reference therein to a poll were a reference to a survey.

(2) Any elector who receives a survey paper but claims to have spoilt or accidentally destroyed or lost it shall also be entitled to receive a special survey paper.

10. Issue of special survey papers—(1) A special elector may apply for a special survey paper in person or by a written application signed by him or on his behalf:

Provided that the Returning Officer may accept an application made in some other manner if he is satisfied that it is not practicable to make it in a manner hereinbefore prescribed.

(2) If the Returning Officer is satisfied that the application is made in good faith, he shall issue—

(a) A declaration form in form 4, which shall be numbered:

Provided that the Returning Officer shall not be required to issue a declaration form to any special elector whose name appears on the issuing roll; and

(b) A survey paper in form 2 on which the Returning Officer shall mark the word "Special", the number of any accompanying declaration form, and a consecutive number commencing with the number next following the last consecutive number on the survey papers that have been issued by him:

Provided that where the Returning Officer has previously forwarded a survey paper to the special elector he shall include that same consecutive number on the special survey paper; and

(c) An envelope on the face of which he shall mark the word "Special" and the particulars specified in subclauses (2) and (3) of regulation 6 of these regulations.

(3) The Returning Officer shall complete the corresponding counterfoil for each special survey paper and mark on that counterfoil the word "Special".

11. Method of recording opposition as a special elector—(1) Where a special elector has received a special survey paper, or a declaration form and a special survey paper, and wishes to record his opposition to the proposal, he shall mark his special survey paper and where required complete the declaration form in the manner prescribed thereon.

(2) Every declaration shall be signed by the person making it and shall be witnessed and signed by some other person who, unless he is the Returning Officer or a Deputy Returning Officer, shall also add his usual residential address. If the witness is the Returning Officer or a Deputy Returning Officer, he shall add to his signature the official mark.

(3) The special elector shall place his completed special survey paper, or his declaration and special survey paper, in the envelope addressed to the Returning Officer.

(4) Subject to this regulation, regulations 7 and 8 of these regulations shall apply to a special elector.

Receipt of Survey Papers

12. Survey boxes—(1) The Returning Officer shall provide in his office 1 or more locked survey boxes, and shall forthwith place unopened in that survey box, or, as the case may be, in 1 of those boxes, all envelopes purporting to contain survey papers, including those envelopes purporting to contain special survey papers, delivered to him before the close of the survey.

(2) Any survey box containing envelopes delivered to the Returning Officer before the close of the survey shall, except during ordinary office hours, be kept by him in a locked and fireproof room or in a fireproof container in a locked room.

(3) No envelope shall be removed from any survey box before the close of the survey:

Provided that where a survey and an election or poll or 2 or more elections or polls are held simultaneously, the Returning Officer may deal with those returned envelopes in accordance with section 74 of the Local Elections and Polls Act 1976, and section 75 (3) of that Act shall apply for that purpose.

13. Survey papers returned after close of the survey—(1) All survey papers, including special survey papers, delivered after the close of the survey shall be invalid.

(2) Every envelope delivered after the close of the survey and purporting to contain a survey paper or special survey paper shall be marked "Delivered after the close of the survey", and shall be signed by the Returning Officer or a Deputy Returning Officer and marked with the Returning Officer's official mark.

Procedure After Close of the Survey

14. Justices to attend—(1) The Returning Officer shall request 1 or more Justices, not being members of the territorial authority of the district in which the survey is taken, to attend and observe the procedure prescribed in regulations 15 to 19 of these regulations, and the Returning Officer shall not undertake any of the duties prescribed in those regulations without 1 or more Justices being present.

(2) It shall not be necessary for the same Justice to attend and observe throughout the whole procedure, but different Justices may attend at different times.

15. Survey papers to be sorted—(1) After the close of the survey, the Returning Officer and such assistants as are authorised by him shall open the survey boxes and extract all the envelopes.

(2) Each envelope shall then be opened and the survey paper or special survey paper and declaration (if any), as the case may be, extracted therefrom and the envelope shall be discarded:

Provided that where 2 or more survey papers or special survey papers are contained in the one envelope, those survey papers or special survey papers shall be placed to one side:

Provided also that where a survey is conducted together with any election or poll and a voting paper or papers are enclosed in the envelope, the envelope shall be placed to one side with the other envelopes containing a voting paper or voting papers.

(3) The Returning Officer may disclose the total number of survey papers (including special survey papers) returned before the close of the survey and the number of electors on the issuing roll.

(4) The Returning Officer shall mark with the word "Informal" and subsequently disallow any survey paper or special survey paper, if—

(a) It is returned unmarked or does not clearly indicate the elector's opposition to the proposal:

Provided that a survey paper or a special survey paper shall not be deemed informal merely on the ground of some informality in the manner in which it has been dealt with by the elector if it is otherwise regular and if in the opinion of the Returning Officer it clearly indicates the elector's opposition to the proposal, whether that indication is made in accordance with the instructions on the survey paper or otherwise; or

(b) By reason of the absence of the official mark or otherwise, there is reasonable cause to believe that it was not issued to the elector by the Returning Officer or a Deputy Returning Officer:

Provided that no survey paper or special survey paper shall be rejected as informal by reason only of some error or omission on the part of an official if the Returning Officer is satisfied that the elector wished and was qualified to record his opposition to the proposal at the survey.

16. Checking special survey papers, declarations, and eligibility of special electors—(1) The Returning Officer shall determine the eligibility of each of the special electors to record opposition to the proposal in the following manner.

(2) Where a special survey paper is not accompanied by the elector's declaration, the Returning Officer shall check from the issuing roll whether the elector's name appears on that roll, and—

(a) If the elector's name appears on that roll, the Returning Officer shall endorse on the special survey paper the word "Qualified", and shall allow the record of opposition:

(b) If the elector's name does not appear on that roll, the Returning Officer shall endorse on the special survey paper the words "Not Qualified", and shall disallow the record of opposition.

(3) Where a special survey paper is accompanied by the elector's declaration, the Returning Officer shall disallow the elector's record of opposition, unless the declaration is, in the opinion of the Returning Officer, completed in such a manner that it clearly identifies the elector and is signed by both the declarant and the witness, and the witness, not being the Returning Officer or a Deputy Returning Officer, has added his usual residential address.

(4) Where the Returning Officer disallows the record of opposition under subclause (3) of this regulation, he shall endorse on that declaration form and the special survey paper the words "Disallowed, declaration not in order".

(5) Where the record of opposition is allowed under subclause (3) of this regulation, the Returning Officer shall then ascertain whether the elector was qualified to record his opposition by virtue of the fact that—

(a) His name appears on the issuing role; or

(b) His name does not appear on the issuing role but is included on the most recently published parliamentary electoral roll and the address shown thereon is within the district of the territorial authority over which the survey was taken.

(6) If the Returning Officer is satisfied that the elector was so qualified, he shall endorse on the declaration and the special survey paper the word "Qualified", and shall allow the record of opposition.

(7) If the Returning Officer is not so satisfied, he shall request the assistance of the principal officer to determine the eligibility of any special elector.

(8) Where the assistance of the principal officer is so requested, he shall ascertain whether the special elector was qualified to record his opposition to the proposal by reason of the fact that—

(a) The elector's name appeared on the roll prepared for the previous triennial general election, he still possesses a qualification as an elector, and his name was not removed from the roll pursuant to any enactment; or

(b) The elector was qualified for enrolment as an elector of the territorial authority district and had made application for enrolment before the closing of the roll; or

(c) The elector had qualified as an elector after the roll was closed but before survey day, and had applied before survey day to have his name entered on the roll; or

(d) At the time of the closing of the roll the elector possessed a rating qualification in respect of property in the territorial authority district,—

and, if he is satisfied that the elector was so qualified, he shall endorse on the declaration and the special survey paper the word "Qualified".

(9) If he is not so satisfied, he shall endorse on the declaration and the special survey paper the words "Not Qualified":

Provided that where, in the case of an elector claiming a residential qualification, the elector's present residential address is within the local authority district, the Returning Officer shall not so endorse the declaration but shall request the assistance of the electorate officer under the Electoral Act 1956 for the electoral district appropriate to the elector's present residential address in order to determine the eligibility of the special elector:

Provided also that the principal officer may take the action prescribed in this subclause as if he were the Returning Officer.

(10) Where the assistance of the electorate officer is requested, he shall ascertain whether the elector was qualified to record his opposition to the proposal by reason of the fact that his name is included on the most recently published electoral roll for the parliamentary election, or that he has enrolled on that roll since it was published, and the address shown thereon is his present residential address. If the electorate officer is satisfied that the elector was so qualified, he shall endorse on the declaration and the special survey paper the word "Qualified" and the name of the electoral district. If the electorate officer is not so satisfied, he shall endorse on the declaration and special survey paper the words "Not Qualified" and the name of the electoral district.

(11) The Returning Officer shall include in the count of electors those special survey papers marked "Qualified" under any of the provisions of this regulation.

(12) The principal officer or the electorate officer, as the case may be, shall not communicate to any unauthorised person information as to the names or identity of persons who return special survey papers.

(13) Notwithstanding the foregoing provisions of this regulation, where a survey is held over a part of a district only, an elector shall be eligible to record his opposition to the proposal as a special elector only if he is so qualified in respect of an address or property in that part of the district.

17. Checking of survey papers set aside—(1) The Returning Officer shall deal with the survey papers and special survey papers placed to one side under the first proviso to regulation 15 (2) of these regulations in the manner prescribed in this regulation.

(2) After ascertaining from the issuing roll the names and addresses of the electors to whom those survey papers or special survey papers were forwarded, the Returning Officer shall determine whether 1 or more or all of those survey papers shall be allowed.

(3) Where the Returning Officer is satisfied that 1 or more or all of those survey papers or special survey papers should be allowed, he shall include them in the count of electors. Where the Returning Officer is not so satisfied, he shall take such steps as he considers necessary to determine whether a breach of these regulations has been committed.

18. Scrutiny of survey papers—(1) The Returning Officer and his assistants shall place all the survey papers, including special survey papers, in order of their consecutive numbers.

(2) Where there are 2 or more survey papers or special survey papers with the same consecutive number, or where a consecutive number is outside the range of numbers issued, the Returning Officer shall take such steps as he considers necessary to determine whether any elector has recorded or attempted to record his opposition to the proposal more than once.

(3) Where it appears to the Returning Officer that any elector has recorded or attempted to record his opposition to the proposal more than once, the Returning Officer shall disallow every survey paper or special survey paper completed by that elector:

Provided that if the Returning Officer is satisfied that the elector lawfully received and returned a survey paper or special survey paper and that he was not in any way concerned in the issue or return of any other survey paper or special survey paper, the Returning Officer shall treat the elector as having recorded his opposition to the proposal given by means of that survey paper or special survey paper lawfully received and returned by the elector and shall disallow the other survey paper or special survey paper or papers.

19. Count of electors and declaration of result of survey—(1) The Returning Officer shall count the number of electors recording their opposition to the proposal from the survey papers allowed, including those special survey papers allowed.

(2) When the Returning Officer has completed the count of electors, he shall—

(a) Prepare and sign a certificate in form 5, and shall retain that certificate for production when required; and

(b) Declare the result of the survey by giving public notice thereof in form 6.

(3) From time to time before taking action pursuant to regulation 20 of these regulations, the Returning Officer and his assistants shall cause to be made up into separate packets all the counterfoils of survey papers (including special survey papers) that have been used at the survey, and all unused survey papers (including special survey papers) with their counterfoils attached.

20. Disposal of survey papers—(1) As soon as practicable after the completion of the count of electors, the Returning Officer and his assistants shall—

(a) Enclose in 1 or more separate packets all the envelopes marked "Delivered after the close of the survey" and all envelopes returned unclaimed:

(b) Enclose together, but in separate enclosures in another packet, all the spoilt survey papers or special survey papers, all those survey papers disallowed under regulation 18 (3) of these regulations, all the special survey papers disallowed, and all the survey papers and special survey papers rejected as informal:

- (c) Enclose in another packet all those survey papers and special survey papers which were included in the count of electors:
- (d) Enclose in 1 or more other separate packets all parcels containing survey paper accounts, the issuing roll, all books or other papers used in connection with the survey, and all telegrams, letters, declarations, and other papers received in respect of the special survey papers:
- (e) Properly secure the several packets made up under paragraphs (a) to (d) of this subclause, and shall endorse each with a description of the contents thereof respectively, the name of the district or part thereof, and the date of the survey, and shall sign the endorsement, and shall forthwith forward the packets to the Registrar of a Magistrate's Court in the territorial authority district in which the survey is held:

Provided that where there is no such Magistrate's Court the Returning Officer shall forward the packets to the Registrar of the Magistrate's Court that in his opinion is nearest to that territorial authority district.

(2) The Registrar of the Magistrate's Court shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets, and shall keep them for 6 months thereafter, and shall not open them or permit them to be opened except on the order of some Court of competent jurisdiction. At the end of that period the Registrar shall effectively destroy the packets.

Miscellaneous Provisions

21. Safe custody of returned survey papers—The Returning Officer shall be personally responsible for the safe custody of all returned survey papers and special survey papers used during the survey until they have been sent to the Registrar of a Magistrate's Court as required by regulation 20 (1) (e) of these regulations.

22. Adjournment of survey—(1) Where because of natural disaster, any industrial matter, or other cause,—

- (a) The distribution of the survey papers cannot start or, if started, cannot be completed; or
- (b) The return of the survey papers is interrupted and it would, in the opinion of the Returning Officer, be unreasonable to expect the electors to return the survey papers before the close of the survey,—

the Returning Officer shall adjourn the close of the survey.

(2) In any such case the Returning Officer shall fix another survey day, being as soon as is reasonably practicable after the original survey day, and shall give public notice of that other survey day in such manner as he sees fit.

23. Petition for inquiry—(1) Where any 10 electors are dissatisfied with the result of any survey, they may, within 21 days after the giving of public notice under regulation 19 (2) (b) of these regulations declaring the result, by petition in the Court as hereinafter mentioned, demand an inquiry as to the conduct of the survey or any person thereat.

(2) Every such petition shall be accompanied by a deposit of \$20.

(3) The petition shall be in form 7, and shall be filed in the Magistrate's Court at which the survey papers were deposited pursuant to regulation 20 (1) (e) of these regulations, and shall be heard and determined before a Magistrate exercising jurisdiction at that Court.

(4) Sections 100 to 102 and 106 to 108 of the Local Elections and Polls Act 1976 shall apply to any inquiry under subclause (1) of this regulation as if the survey was for the purpose of those sections a poll.

24. Powers of Magistrate—(1) For the purposes of the inquiry the Magistrate shall have and may exercise all the powers of citing parties, compelling evidence, and maintaining order that he would have in his ordinary jurisdiction, and, in addition, may at any time during the inquiry direct a recount of the survey papers (including special survey papers) returned at the survey, and shall disallow the paper of every person who,—

(a) Not being entitled to, has recorded his opposition to the proposal; or

(b) Has recorded his opposition to the proposal more than once.

(2) Where the Magistrate orders a recount pursuant to subclause (1) of this regulation,—

(a) He shall give notice in writing to the Returning Officer and to the Justice or Justices who attended under regulation 14 of these regulations of the time and place at which the recount will be made; and

(b) The Magistrate shall instruct the Registrar of the Magistrate's Court at which the survey papers were deposited to make available for the recount all the returned survey papers (including special survey papers); and

(c) The recount shall be made in the presence of the Magistrate, or of an officer appointed by him for the purpose, and shall, as far as practicable, be made in the manner provided in the case of the original count; and

(d) The Magistrate may make such order as to the costs of and incidental to the recount as he thinks just.

(3) If on the recount or as a result of the inquiry the Magistrate finds that the public declaration was incorrect, he shall order the Returning Officer to prepare, sign, and retain an amended certificate in form 5 pursuant to subclause (2) (a) of regulation 19 of these regulations, and give an amended declaration under subclause (2) (b) of that regulation of the result of the survey, and send to the Secretary an amended certificate under section 30 of the Act:

Provided that where the Magistrate, by reason of some irregularity that in his opinion materially affected the result of the survey, declares the survey void, a new survey shall be held, and thereupon section 107 of the Local Elections and Polls Act 1976 shall, with the necessary modifications, apply as if the survey were a poll that had been declared void.

25. **Offence to infringe secrecy of survey**—Every person commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$100, who, being the Returning Officer, a Deputy Returning Officer, or a person assisting the Returning Officer or a Deputy Returning Officer with the conduct of the survey, discloses the name or identity of any elector who has recorded his opposition to the proposal.

SCHEDULE

FORMS

Form 1

Reg. 4

[Name of Territorial Authority]

**NOTICE OF SURVEY
TO ASCERTAIN EXTENT OF OPPOSITION TO LOCAL GOVERNMENT
REORGANISATION**

A survey of electors under section 29 of the Local Government Act 1974 will be conducted by post in the [*State name of district of the territorial authority or, as the case may be, give a general description of that part of the district, affected by the proposal*] to ascertain the extent of public opposition to the proposal set out below for local government reorganisation.

A survey paper will be forwarded by post to each elector at the address against the elector's name on the roll not later than the 8th day before the day of 19....., being the day on which the survey will close.

The proposal is:

[*State proposal as follows:*

For the union of the [*Name of district of territorial authority*] with [*Name(s) of district or districts of territorial authority or authorities*]

Or

For the abolition of the [*Name of district of territorial authority*]

Or

For the exclusion of [*Give general description of area*] from the [*Name of district of territorial authority*] by constituting that area as a new district of a territorial authority

Or

For the exclusion of [*Give general description of area*] from [*Name(s) of district(s) of territorial authority from which the area is to be excluded*] by altering the boundaries and including that area in the [*Name(s) of district(s) in which that area is to be included*].

Delete provisions that do not apply.

The only purpose of this survey is to ascertain the extent of public opposition to the proposal described above.

.....
A. B., Returning Officer

SCHEDULE—continued

Form 2

Reg. 5

[Name of District of Territorial Authority]

SURVEY PAPER FOR SURVEY ON PROPOSAL FOR LOCAL GOVERNMENT
REORGANISATION*Information for Elector*

1. The only purpose of this survey is to ascertain the extent of public opposition to the proposal described on this survey paper.
2. **IF YOU WISH TO OPPOSE THE PROPOSAL, MARK "X" IN THE SQUARE AT THE END OF THE LINE "I WISH TO RECORD MY OPPOSITION TO THE PROPOSAL."**
3. **IF YOU DO NOT WISH TO OPPOSE THE PROPOSAL, DO NOT RETURN THE SURVEY PAPER TO THE RETURNING OFFICER BUT DESTROY IT.**
4. Return of a blank survey paper will not be sufficient indication of a wish to record opposition to the proposal.
5. If you have recorded opposition to the proposal, fold the survey paper, enclose it in and seal the envelope addressed to the Returning Officer, and post the envelope or deliver it by hand to the Returning Officer in sufficient time for it to be delivered to him before [*Insert "12 noon" or "5 p.m." as the case may require*] on [*Survey day*].
6. If you spoil, lose or accidentally destroy this survey paper, you may apply to the Returning Officer for a special survey paper.
7. It is an offence to mark any other elector's survey paper, unless authorised to assist an elector under the Local Government (Survey of Electors) Regulations 1978.

SURVEY PAPER

[Name of District of Territorial Authority]

Consecutive No.:.....

Proposal to—

[*Insert particulars as in Form 1*]

I WISH TO RECORD MY OPPOSITION TO THE PROPOSAL	
---	--

SCHEDULE—*continued*

Form 3

Reg. 5

MATTER TO BE PRINTED ON COUNTERFOIL OF SURVEY PAPER

Consecutive No.:

To be entered here and also on survey
paper.

.....

No. on Roll

To be entered here only.

.....

Place or cause to printed across the perforations the official mark so that it shall appear on both the counter- foil and the survey paper	}	Official Mark
---	---	------------------

SCHEDULE—continued

Form 4

Reg. 10

DECLARATION FOR SPECIAL ELECTOR

- 1. IF YOU WISH TO OPPOSE THE PROPOSAL COMPLETE THE DECLARATION AND FOLLOW THE INFORMATION ON THE SPECIAL SURVEY PAPER.
- 2. IF YOU DO NOT WISH TO OPPOSE THE PROPOSAL DO NOT RETURN THE SPECIAL SURVEY PAPER OR THE DECLARATION FORM TO THE RETURNING OFFICER BUT DESTROY THEM.

DECLARATION

Number

I hereby declare that to the best of my knowledge and belief the following statements are true:

- 1. I am an elector (or qualified to be an elector) of [State territorial authority district and if applicable, ward, or riding as the case may require].
- 2. My surname (or family name) and full Christian (or first name(s)) are:
Surname (or family name):
Full Christian (or first) name(s):
- 3. My occupation is [Female elector to show occupation or marital status].
- 4. My residential address is:
- 5. The address of the property in respect of which I hold my qualification is [Complete if different from 4 above]:
- 6. I have not already received a survey paper for this survey. (Or I have spoilt (or accidentally destroyed) the survey paper received by me.)
- 7. I am entitled to receive a special survey paper in accordance with one or more of the qualifications printed on the back of this form.

Signature of elector:

Date:

Signature of witness:

Address of witness (if not Returning Officer or a Deputy Returning Officer):
.....

<p>Official mark if witness is the Returning Officer or a Deputy Returning Officer</p>
--

IMPORTANT—READ THE INFORMATION PRINTED ON THE BACK OF THIS FORM

SCHEDULE—*continued*

(Back)

PERSONS ENTITLED TO RECEIVE SPECIAL SURVEY PAPER

Any elector may apply for a special survey paper if—

- (1) He does not receive a survey paper, and—
 - (a) His name appears on the copy of the electoral roll used at the survey; or
 - (b) His name does not appear on a copy of the electoral roll used for the survey; and
 - (i) He has reasonable cause to believe that his name should appear on the roll whether his name was previously on the roll or not; or
 - (ii) His name is included on the most recently published electoral roll for the parliamentary elections or he has enrolled on that roll since it was published and the address shown thereon is within the district of the territorial authority over which the survey is to be taken; or
 - (iii) He has qualified as an elector not earlier than the day preceding the day on which the roll was closed before survey day and has applied before survey day to have his name so entered; or
 - (2) He will throughout the period of the survey be absent from the territorial authority district; or
 - (3) He has received a survey paper but has spoiled, lost, or accidentally destroyed the survey paper; or
 - (4) He satisfies the Returning Officer that on any other ground he is unable to return a survey paper before the close of the survey without incurring hardship or undue inconvenience.
-

SCHEDULE—continued
Form 5

Reg. 19

CERTIFICATE OF RETURNED SURVEY PAPERS

[Name of territorial authority district or part thereof over which the
survey was taken]I hereby certify that at the survey of electors that closed on the
..... day of 19.....

1. Total number of survey papers issued (including special survey papers)
2. Number of survey envelopes returned as unclaimed
3. Number of survey papers (and special survey papers) delivered after the close of the survey
4. Number of special survey papers issued
5. Number of special survey papers allowed
6. Number of special survey papers disallowed
7. Number of survey papers rejected as informal
8. Number of survey papers disallowed under regulation 18

Dated at this day of 19.....

.....
A. B., Returning Officer.

Form 6

Reg. 19

DECLARATION OF RESULT OF SURVEY

[Name of District of Territorial Authority]

I hereby declare the result of the survey of electors conducted in the [Name of district of territorial authority or, as the case may be, part thereof] that closed on the day of 19..... to ascertain the extent of public opposition to the [State particulars of the proposal as in form 1].

Number of electors on roll used for the purpose of the survey

Number of electors who have validly recorded their opposition to the proposal

The proposal has accordingly been rejected (or not rejected).

Dated at this day of 19.....

.....
A. B., Returning Officer

SCHEDULE—continued
Form 7

Reg. 23

PETITION FOR INQUIRY ON A SURVEY OF ELECTORS

In the matter of a survey of electors under section 29 of the Local Government Act 1974 held in the [*State territorial authority district or part thereof*] that closed on the day of 19.....

To the Stipendiary Magistrate exercising jurisdiction at the Magistrate's Court at, being the Courthouse at which the survey papers have been deposited.

The petition of the undersigned electors [*State territorial authority district or part thereof*], namely A. B., of C. D., of, etc.

1. Your petitioners state that the survey that closed on the day of 19..... to ascertain the extent of opposition to the proposal [*Set out proposal as in form 1*] and that the Returning Officer has declared the proposal to have been rejected (*or not rejected*).

2. And your petitioners say that [*State the facts and grounds on which the petitioners rely*].

Wherefore your petitioners pray that it may be determined that the said proposal was rejected (*or not rejected, as the case may be*) and ought to have been so declared (*or the said survey was void*).

Dated at this day of 19.....

A. B.,
C. D., etc.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the procedure for the taking of surveys of electors under section 29 of the Local Government Act 1974 in order to ascertain the extent of public opposition to a proposed reorganisation providing for the union of 2 or more territorial districts, or the abolition of a territorial district, or the exclusion of an area from a territorial district and constituting it a new district or adding it to another district.

The regulations apply certain provisions of the Local Elections and Polls Act 1976, and include other provisions based on that Act or on provisions in the Local Elections and Polls (Special Voting) Regulations 1977.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 November 1978.

These regulations are administered in the Department of Internal Affairs.