

**1961/45**



**THE WESTERN SAMOA PLEBISCITE ORDER 1961,  
AMENDMENT NO. 2**

**COBHAM, Governor-General**

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 24th day of April 1961

Present:

**THE RIGHT HON. KEITH HOLYOAKE, PRESIDING IN COUNCIL**

PURSUANT to the Samoa Act 1921, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**ORDER**

1. This order may be cited as the Western Samoa Plebiscite Order 1961, Amendment No. 2, and shall be read together with and deemed part of the Western Samoa Plebiscite Order 1961\* (hereinafter referred to as the principal order).

2. The Plebiscite Administrator shall make all arrangements necessary for the recording in Wellington and in Auckland of the votes of those persons registered as voters at the plebiscite who on the day fixed for the holding of the plebiscite are temporarily resident in New Zealand.

3. (1) For the purposes of this order, the Plebiscite Administrator may delegate any of his powers under the principal order to the Secretary of Island Territories, and the Chief Returning Officer may delegate any of his powers under that order to the Assistant Secretary of Island Territories.

(2) Any person purporting to act pursuant to any such delegation shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

4. Suitable rooms provided for the purpose by the Secretary of Island Territories in the office of the Department of Island Territories at Wellington and in the office of the Department at Auckland are hereby appointed to be polling places for the purposes of the principal order.

5. The votes of persons entitled to vote at those polling places shall be recorded between the hours of 9 a.m. and 5 p.m. on the 9th day of May 1961.

\*S.R. 1961/6  
Amendment No. 1: S.R. 1961/28

6. Only persons whose names are registered in the Register of Voters may vote at the polling places appointed by this order.

7. Subject to the provisions of this order, the principal order, as far as it is applicable and with the necessary modifications, shall apply with respect to the polling places appointed by this order and to the voting thereat, subject to the following modifications:

- (a) New Zealand shall be deemed to be a district for the purposes of the plebiscite:
- (b) Clause 28 shall apply as if for the words "on or before the twenty-eighth day" there were substituted the words "as soon as possible after the making of this order and":
- (c) Clause 36 (2) shall apply as if the words "not later than 14 days" were omitted:
- (d) Any declaration referred to in clause 37 may be made before the Secretary of Island Territories, the officer in charge of the office of the Department of Island Territories at Auckland, a Solicitor of the Supreme Court, or a Justice of the Peace:
- (e) Clause 40A (as inserted by clause 2 (1) of the Western Samoa Plebiscite Order 1961, Amendment No. 1) shall not apply:
- (f) Clause 48 shall apply as if for subclause (4) there were substituted the following subclause:  
" (4) Immediately after ascertaining the number of votes recorded for each proposal and the number of votes recorded against each proposal, the presiding officer shall by telegram report the result of the voting to the Chief Returning Officer.":
- (g) Clause 49 (1) shall not apply:
- (h) Clause 50 (2) shall apply as if for the words "Returning Officer for the district" there were substituted the words "Chief Returning Officer", and as if the words "and the Returning Officer shall forward the same to the Chief Returning Officer" were omitted:
- (i) Clause 94 shall apply as if there were added the words "or if committed in New Zealand shall be punishable on summary conviction".

T. J. SHERRARD,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order makes provision for the voting at polling places in Wellington and in Auckland by those persons enrolled on the Register of Voters who will be temporarily resident in New Zealand on the date of the plebiscite.

Only persons on the Register will be entitled to vote at those polling places.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 April 1961.

These regulations are administered in the Department of Island Territories.