

**Version  
as at 20 May 2014**

## **Historic Places Trust Elections Amendment Regulations 2006**

(SR 2006/371)

Historic Places Trust Elections Amendment Regulations 2006: revoked, on 20 May 2014, pursuant to section 106 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

### **Preamble**

At Wellington this 11th day of December 2006

Pursuant to section 113 of the Historic Places Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### **Note**

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

**These regulations are administered by the Ministry for Culture and Heritage.**

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## 1 Title

These regulations are the Historic Places Trust Elections Amendment Regulations 2006.

## 2 Commencement

These regulations come into force on 31 January 2007.

## 3 Principal regulations amended

These regulations amend the Historic Places Trust Elections Regulations 1993.

## 4 Interpretation

- (1) The definition of **chief executive officer** in regulation 2(1) is amended by omitting “appointed under the Act”.
- (2) The definition of **election** in regulation 2(1) is amended by omitting “42(c)” and substituting “42(1)(a)”.
- (3) Regulation 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

**group member** means a group of persons who are covered by a collective membership offered by the Trust, including (but not limited to) a—

- (a) family membership; or
- (b) senior citizen family membership; or
- (c) joint life membership

**individual member** means a person who is covered by an individual membership offered by the Trust

**office holder** means a person who holds the office of chairperson, deputy chairperson, secretary, or treasurer in a branch committee of the Trust

- (4) The definition of **working day** in regulation 2(1) is revoked.
- (5) Regulation 2(2) is amended by omitting “constituted under the Local Government Act 1974” and substituting “listed in Part 2 of Schedule 2 of the Local Government Act 2002”.
- (6) Regulation 2(3) is revoked.

## 5 Returning officer

Regulation 3 is amended by inserting “(1)” before “The”.

## **6 New regulations 4 and 5 substituted**

Regulations 4 and 5 are revoked and the following regulations substituted:

### **4 Eligibility to vote in election**

- (1) An individual member—
  - (a) is eligible to vote in the region that includes the individual member's address as stated on the roll; and
  - (b) may cast 1 vote.
- (2) A group member—
  - (a) is eligible to vote in the region that includes the group member's address as stated on the roll; and
  - (b) may cast 2 votes.
- (3) If the address of an individual member or a group member as stated on the roll is outside New Zealand, the Trust must treat the member as being enrolled to vote in the Central Region.
- (4) When an election is held, the returning officer must send—
  - (a) 1 voting paper to the address of each individual member as stated on the roll; and
  - (b) 2 voting papers to the address of each group member as stated on the roll.
- (5) For the purposes of the roll, a member may not have more than 1 address.

### **5 Roll for elections**

- (1) The Trust must maintain a database of its membership.
- (2) When an election is held, the returning officer must use the database as the roll for the election.
- (3) The roll must be—
  - (a) divided into 3 regions as specified in Schedule 1; and
  - (b) in the form set out in Schedule 2.
- (4) The roll must—
  - (a) close at 5 pm on the 30th day preceding the date of the election; and
  - (b) remain closed until the election is completed.
- (5) Subject to regulations 6(3) and 10, except pursuant to a request for the addition or alteration of an entry in the roll made before the roll is closed, no addition or alteration may be made to the roll while it is closed.

## **7 Returning officer's duties**

Regulation 6(3) is amended by—

- (a) omitting “elector is dead” and substituting “member is dead or no longer exists” ; and
- (b) omitting “elector” in the second place where it appears and substituting “member”.

## **8 Candidates**

- (1) Regulation 9 is amended by revoking subclause (1) and substituting the following subclause:

(1) A branch committee must nominate all eligible candidates who wish to stand for election in its region.

- (2) Regulation 9(2)(b) is amended by omitting “the chairperson or secretary” and substituting “an office holder”.

- (3) Regulation 9 is amended by inserting the following subclause after subclause (2):

(2A) An office holder—

- (a) may sign his or her own nomination in his or her capacity as a candidate; but
- (b) may not sign his or her own nomination in his or her capacity as an office holder.

- (4) Regulation 9 is amended by revoking subclause (3) and substituting the following subclause:

(3) To be eligible to stand for election, a member must—

- (a) be a natural person; and
- (b) be eligible to vote in the region for which the candidate is nominated (either as an individual member or as a part of a group member); and
- (c) not be disqualified under section 30 of the Crown Entities Act 2004 (qualifications of members); and
- (d) not be a member solely by virtue of a membership that is extended to a corporation sole, a body corporate, or an unincorporated body.

## **9 Voting papers**

Regulation 10(1) is amended by omitting “18” and substituting “25”.

## **10 Return of voting papers to returning officer**

- (1) Regulation 11 is amended by revoking subclause (1) and substituting the following subclause:

(1) After voting, the member must, by hand or by post, deliver the voting paper to the returning officer sealed in—

- (a) the return envelope that came with the voting paper; or

- (b) any other envelope that the member has addressed to the returning officer as specified in the voting paper.
- (2) Regulation 11(2)(a) is amended by omitting “during the extended business hours of the Trust” and substituting “not later than 5 pm”.
- (3) Regulation 11(2)(a) is amended by omitting “shall be deemed to be” and substituting “is to be treated as”.
- (4) Regulation 11(2) is amended by revoking paragraph (b) and substituting the following paragraph:
  - (b) delivery to the address specified in the voting paper by a postal operator registered in accordance with the Postal Services Act 1998 is to be treated as delivery to the returning officer.

#### **11 Invalid votes**

- (1) Regulation 12(1) is amended by revoking paragraph (a) and substituting the following paragraph:
  - (a) a member,—
    - (i) being an individual member, votes more than once in the election; or
    - (ii) being a group member, votes more than twice in the election; or
  - (2) Regulation 12(1)(b) is amended by omitting “voter” and substituting “member”.
  - (3) Regulation 12(1)(c) is amended by omitting “voter” and substituting “member”.
  - (4) Regulation 12(1)(d) is amended by omitting “voter” and substituting “member”.
  - (5) Regulation 12(1) is amended by revoking paragraph (e) and substituting the following paragraph:
    - (e) the vote is not sealed in an envelope in accordance with regulation 11(1).

#### **12 Counting of votes**

Regulation 15(2) is amended by omitting “elector” and substituting “member”.

#### **13 Recounts**

Regulation 18(3)(a) is amended by omitting “application is received” and substituting “expiry of the period specified in subclause (1)”.

#### **14 Schedule 1 heading amended**

The Schedule 1 heading is amended by omitting “r 5(2)” and substituting “r 5(3)(a)”.

**15 Schedule 1 amended**

- (1) Schedule 1 is amended by omitting “Tauranga District” and substituting “Tauranga City”.
- (2) Schedule 1 is amended by omitting “Matamata Piako” and substituting “Mata-mata-Piako”.

**16 Schedule 3 amended**

- (1) Schedule 3 is amended by omitting “19” in each place where it appears and substituting in each case “20”.
- (2) Schedule 3 is amended by omitting “Chairperson or Secretary” and substituting “Office Holder”.
- (3) Schedule 3 is amended by omitting “entered on the roll for” and substituting “and eligible to vote in”.
- (4) Schedule 3 is amended by inserting “I also declare that I am not disqualified under section 30 of the Crown Entities Act 2004.” after “nomination.”

**17 Schedule 4 amended**

- (1) Schedule 4 is amended by revoking paragraph 4 and substituting the following paragraph:

4 Your vote will not be counted unless this voting paper is hand delivered or posted to the returning officer sealed in the envelope supplied or sealed in an envelope that you have marked for the attention of the returning officer.

- (2) Paragraph 5 of Schedule 4 is amended by omitting “on or before” and substituting “not later than”.

Rebecca Kitteridge,  
for 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, which come into force on 31 January 2007, amend the Historic Places Trust Elections Regulations 1993. The amendments align the regulations with recent amendments made to the Historic Places Act 1993 and refine various provisions regarding the election of certain members of the New Zealand Historic Places Board of Trustees.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 14 December 2006.

## **Consolidation notes**

### ***1 General***

This is a consolidation of the Historic Places Trust Elections Amendment Regulations 2006 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### ***2 About this consolidation***

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

### ***3 Amendments incorporated in this consolidation***

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 106