

New Zealand.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. No payment for election expenses to be made except by the candidate. 4. Payments to be vouched by bill. 5. Periods for sending in claims and payment of election expenses. 6. Procedure when claim disputed. 7. Court may grant leave to pay claim after time limited. | <ol style="list-style-type: none"> 8. Return and declaration respecting election expenses. 9. Return when candidate out of colony. 10. Penalty for neglect to furnish return, or for transmitting false return. 11. Return and declaration to be open for public inspection for twelve months. 12. Limit of election expenses. Schedule. |
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1895, No. 31.

AN ACT to amend "The Corrupt Practices Prevention Act, 1881," and limit the Cost of Parliamentary Elections. Title.

[18th October, 1895.]

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 Corrupt Practices Prevention Amendment Act, 1895," and it shall be read with "The Corrupt Practices Prevention Act, 1881" (hereinafter called "the principal Act"). Short Title.
2. In this Act, if not inconsistent with the context,—
The terms "payment," "advance," "deposit," "expenses," and "sum," are used in relation to the conduct or management of the election. Interpretation.
3. (1.) Except as permitted by the principal Act, or this Act,—
(a.) No payment and no advance or deposit shall be made by any agent on behalf of the candidate, or by any other person, at any time, whether before, during, or after the election, otherwise than by or through the candidate himself: No payment for election expenses to be made except by the candidate.
(b.) All money provided by any person other than the candidate for any expenses incurred, whether as gift, loan, advance, or deposit, shall be paid to or on the order of the candidate, and not otherwise.
- (2.) Every person who commits a breach of any of the provisions of this section is guilty of an illegal practice:

Provided that this section shall not be deemed to apply to any sum disbursed by any person out of his own moneys for any small expense legally incurred by himself, if such sum is not repaid to him.

Payments to be vouched by bill.

4. Every payment made in respect of any expenses incurred shall, except when less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

Periods for sending in claims and payment of election expenses.

5. Subject to such exceptions as are permitted by this Act, it is hereby declared as follows:—

- (1.) Every claim against a candidate, or against any agent of the candidate, in respect of any expenses incurred, which is not sent in to the candidate within the time limited by this Act shall be barred, and shall not be paid.
- (2.) The time limited by this Act for sending in such claims is thirty days after the day on which the candidate returned is declared elected.
- (3.) All expenses incurred by or on behalf of a candidate shall be paid within the time limited by this Act and not otherwise.
- (4.) The time limited by this Act for the payment of such expenses as aforesaid is sixty days after the day on which the candidate returned is declared elected.
- (5.) Every person who makes any payment in breach of any of the provisions of this section is guilty of an illegal practice.

Procedure when claim disputed.

6. If the candidate, in the case of a claim sent in to him within the time limited in this Act, disputes it, or refuses or fails to pay it within the said period of sixty days, such claim shall be deemed to be a disputed claim, and the following provisions shall apply:—

- (1.) The claimant may, if he thinks fit, within thirty days after the expiration of the said sixty days, bring an action for the disputed claim in any competent Court;
- (2.) Any sum paid by the candidate in pursuance of the judgment or order of such Court shall be deemed to be paid within the time limited by this Act.

Court may grant leave to pay claim after time limited.

7. (1.) On cause shown to the satisfaction of a Magistrate's Court, such Court may, on application by the claimant or by the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any such expenses as aforesaid, although sent in after the time hereinbefore limited for sending in claims.

(2.) Any sum specified in the order granting such leave may be paid by the candidate, and when so paid shall be deemed to be paid within the time limited by this Act.

Return and declaration respecting election expenses.

8. Within seventy days after the day on which the candidate returned at an election is declared elected, every candidate at that election shall transmit to the Returning Officer a true return (in this Act referred to as "the return"), in the form set forth in the First Schedule to this Act, or to the like effect, containing a statement of all payments made by the candidate.

Return when candidate out of colony.

9. Where the candidate is out of the colony on the day when the poll takes place, the aforesaid return shall be transmitted by

him to the Returning Officer within twenty-one days after the candidate's arrival in the colony.

10. Any candidate failing to transmit, within the time prescribed by this Act, to the Returning Officer the return required by section eight of this Act shall be liable to a penalty of not exceeding twenty pounds, and if he is an elected candidate, to a further penalty of not exceeding twenty pounds for every day thereafter on which he sits or votes in the House of Representatives, until such return is transmitted; and every candidate who transmits a return which is false in any material point is guilty of a corrupt practice unless he satisfies the Court that he had no intention to misstate or conceal the facts.

Penalty for neglect to furnish return, or for transmitting false return.

11. The Returning Officer shall keep such return in his office, or at some other convenient place to be appointed by the Colonial Secretary, for a period of twelve months after it is received by the Returning Officer, and during that period such return shall be open to inspection by any person on payment of a fee of one shilling. At the expiration of such period of twelve months the Returning Officer shall cause the said return to be destroyed.

Return and declaration to be open for public inspection for twelve months.

12. (1.) The total expenses of a candidate shall in no case exceed the sum of two hundred pounds.

Limit of election expenses.

(2.) Every candidate or person who directly or indirectly pays, or knowingly aids and abets any person in paying, for or on account of such expenses, sums which in the aggregate exceed the sum of two hundred pounds is guilty of a corrupt practice.

SCHEDULE.

Schedule.

RETURN OF EXPENSES.

I, A.B., a candidate at the election for the Electoral District of _____, held in the month of _____, hereby make the following return respecting election expenses incurred by me, or on my behalf, at the election :—

1. RECEIPTS.

[Here set out the name and description of every person, club, society, or association from whom or which any money, securities, or equivalent of money was received by the candidate or by any other person on his behalf, or for the purpose of being used in the interest of such candidate at such election, each amount received to be stated separately.]

2. EXPENDITURE.

[The name and description of every person to whom any sum was paid, and the reason for which it was paid, must be here set out separately. Sums paid for printing, advertising, postage, telegrams, hire of rooms, &c., must be set out separately, and under separate headings.]

In addition to the above, I am aware of the following disputed and unpaid claims :—

[Here set out particulars of disputed claims, if any.]