



ANALYSIS

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1991, No. 51

An Act to amend the Local Authorities Loans Act 1956
 [28 June 1991]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Local Authorities Loans Amendment Act 1991, and shall be read together with and deemed part of the Local Authorities Loans Act 1956 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of October 1991.

2. New sections substituted—(1) The principal Act is hereby amended by repealing section 34 (as enacted by section 6 of the Local Authorities Loans Amendment Act 1986), and substituting the following sections:

“**34. Raising of special loan pursuant to special order, with poll required in certain cases**—(1) Subject to this section, a special loan may be raised pursuant to a special order made by the local authority.

“(2) In any case where the local authority will, upon being authorised to raise the loan, have power to appropriate and pledge a special rate in respect of the loan, the prior consent of the ratepayers shall also be obtained to the raising of the loan where—

- “(a) The Local Authorities Loans Board requires that consent to be obtained; or
- “(b) The ratepayers of the district or part of the district, as the case may be, demand in the manner specified in section 34A of this Act that a poll be taken; or
- “(c) The local authority so resolves; or
- “(d) The consent of the ratepayers is required to be obtained by any other enactment.

“(3) Notwithstanding that, under subsection (1) of this section, a special order is required to raise a special loan, a special loan may be raised pursuant to an ordinary resolution of the local authority where the prior consent of the ratepayers is to be obtained pursuant to paragraph (a) or paragraph (c) or paragraph (d) of subsection (2) of this section.

“(4) Every public notice required by any enactment to be given of a resolution to make a special order pursuant to subsection (1) of this section shall, in addition to any other required particulars, include a statement to the effect that a poll of ratepayers of the district or part of the district, as the case may be, is required to be taken if the ratepayers so demand in the manner specified in section 34A of this Act and setting out the manner in which the poll may be demanded.

“(5) In any case where the prior consent of the ratepayers is to be obtained pursuant to paragraph (a) or paragraph (c) or paragraph (d) of subsection (2) of this section, the local authority shall, unless it resolves not to raise the loan, take the steps prescribed by sections 35 to 38 of this Act.

“(6) In any case where a sufficient number of demands for a poll, which purport to be made pursuant to subsection (2) (b) of this section is received, the local authority shall, unless it resolves not to raise the loan, confirm the resolution to raise the loan and proceed to take the steps prescribed by sections 35 to 38 of this Act unless it is established, whether before or after the confirmation of the resolution, that a poll has not been demanded in accordance with subsection (2) (b) of this section.

“34A. **Demand for poll**—(1) Subject to this section, any person shall be entitled to sign a demand for a poll of ratepayers under section 34 (2) (b) of this Act if that person—

- “(a) Is enrolled on the ratepayer electoral roll of the local authority as a ratepayer elector in respect of a property within the district or part of the district, as the case may be; or
- “(b) Is a person whose name appears in the occupier’s column of the valuation roll of the local authority in

respect of a property within the district or part of the district, as the case may be.

“(2) No person shall be entitled to sign any demand for a poll of ratepayers more than once, notwithstanding that they may qualify to sign such a demand under subsection (1) of this section in respect of more than one property.

“(3) Where the names of more than one person appear in the occupier’s column of the valuation roll in respect of any property within the district or part of the district, as the case may be, every person whose name so appears shall be entitled to sign a demand for a poll of ratepayers; but not more than one name in respect of any property shall be counted for the purpose of assessing the number of valid signatures to any such demand under subsection (6) of this section.

“(4) Every person who signs a demand for a poll of ratepayers under this section shall state against the signature the person’s name and the address in respect of which that person is entitled to sign the demand under subsection (1) of this section.

“(5) Every demand under section 34 (2) (b) of this Act shall be delivered or sent by post to the local authority and received at the principal office of the local authority not later than 9 a.m. on the day fixed for the confirmation of the resolution to raise the special loan.

“(6) No demand for a poll of ratepayers under section 34 (2) (b) of this Act shall be of any effect unless the number of valid signatures to the demand is equal to or greater than 15 percent of the number of separately rateable properties on the valuation roll that are within the district or part of the district, as the case may be.”

(2) Section 6 of the Local Authorities Loans Amendment Act 1986 is hereby consequentially repealed.

3. Publication of proposal to take poll—Section 35 of the principal Act is hereby amended by adding, after paragraph (e), the following paragraphs:

“(f) The provisions of section 35A (1) of this Act relating to entitlement to vote in the poll:

“(g) The places and times that the roll will be available for public inspection:

“(h) The right of objection under section 35c of this Act and the time and date that the roll will close.”

4. New sections substituted—The principal Act is hereby amended by inserting, after section 35, the following sections:

“35A. **Entitlement to vote in loan poll**—(1) Subject to this section, any person shall be entitled to vote in a poll of ratepayers under this Part of this Act if that person—

“(a) Is enrolled on the electoral roll of the local authority as a ratepayer or the nominee of a ratepayer in respect of a property within the district or part of the district, as the case may be; or

“(b) Is a person whose name appears in the occupier’s column of the valuation roll of the local authority in respect of a property within the district or part of the district, as the case may be.

“(2) No person shall be entitled to vote more than once in any poll of ratepayers under this section.

“(3) Where the names of more than one person appear in the occupier’s column of the valuation roll in respect of any property within the district or any part of the district, as the case may be, any person whose name so appears shall be entitled to vote in a poll of ratepayers, but not more than one person shall be entitled to vote in respect of that property in any poll.

“35B. **Compilation of roll**—(1) Where, under section 34 (2) of this Act, the prior consent of the ratepayers to the raising of a loan is required, the principal administrative officer shall compile a roll of persons entitled to vote in the poll.

“(2) In any case to which section 35A (3) of this Act applies, the principal administrative officer shall include on the roll—

“(a) The name of any person entitled to vote in the poll under that subsection who has been nominated to be enrolled in respect of that property by a majority of the number of persons so entitled in writing in a form acceptable to the principal administrative officer; or

“(b) If no such nomination has been made, the name of the person so entitled whose name appears last in the occupier’s column of the valuation roll.

“(3) The roll compiled under this section shall also contain, in respect of each name on the roll,—

“(a) The address of the property in respect of which that person is entitled to vote; and

“(b) The postal address of that person; and

“(c) Such other information as the principal administrative officer considers necessary or desirable to facilitate the conduct of the poll.

“(4) A copy of the roll shall be kept—

“(a) At the principal office of the local authority; and

“(b) At all offices and libraries of the local authority within the district or part of the district to which the loan proposal relates; and

“(c) At such other places as the principal administrative officer considers necessary to allow reasonable access by persons entitled to vote at the poll.

“(5) The principal administrative officer shall ensure that the copies of the rolls are available for public inspection at all reasonable hours during a period of 28 days before the closing of the roll.

“35c. **Objections to roll**—The provisions of sections 7GA and 7GB of the Local Elections and Polls Act 1976 shall, with the necessary modifications, apply in respect of any objection to the inclusion of any person’s name on, or the omission of any person’s name from, the roll.

“35d. **Amendment and completion of roll**—(1) As soon as practicable after the closure of the roll, the principal administrative officer shall make such amendments to the roll as are required by any decisions made under the sections applied by section 35c of this Act.

“(2) The principal administrative officer may also make any necessary corrections to the names, addresses, or other information in respect of persons on the roll.

“(3) The principal administrative officer shall ensure that the roll is completed and shall, before the 18th day before the day appointed for the poll, attach to the roll a signed certificate that the roll has been duly compiled.

“(4) The roll certified pursuant to subsection (3) of this section shall be used for the conduct of the poll.”

5. When and how poll to be taken—(1) The principal Act is hereby amended by repealing section 36 (as amended by section 7 of the Local Authorities Loans Amendment Act 1986), and substituting the following section:

“36. (1) The day on which the poll shall be taken shall be the day specified in that behalf in the notice required by section 35 of this Act, which day shall be not less than 50 days, nor more than 57 days, after the last publication of that notice.

“(2) Subject to this Act, the poll shall be conducted under the provisions of the Local Elections and Polls Act 1976.”

(2) Section 7 of the Local Authorities Loans Amendment Act 1986 is hereby consequentially repealed.

6. Disputed polls—(1) Section 39 (1) of the principal Act (as substituted by section 8 of the Local Authorities Loans Amendment Act 1986) is hereby amended by omitting the word “electors”, and substituting the words “persons on the roll compiled for the purposes of the poll”.

(2) Section 39 (2) of the principal Act (as so substituted) is hereby amended by omitting the words “of any district or any special roll”.

This Act is administered in the Department of Internal Affairs.
