

Mr Anderton

**AUCKLAND METROPOLITAN DRAINAGE
AMENDMENT**

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

**An Act to amend the Auckland Metropolitan Drainage Act
1944**

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Auckland Metropolitan Drainage Amendment Act 1956, and shall be read together with and deemed part of the Auckland Metropolitan Drainage Act 1944 (hereinafter referred to as the principal Act).

2. **Reconstitution of Board as elective Board**—(1) Sub-section one of section six and section seven of the principal Act are hereby repealed; but any person elected pursuant to
15 the provisions thereof shall (unless his office becomes vacant

in accordance with the other provisions of the principal Act) continue to hold office until the first general election of members of the Board pursuant to the provisions of section *four* of this Act.

(2) The Board shall consist of twenty members of whom ten shall be elected by the electors of the City of Auckland, two by the electors of the Boroughs of Mount Eden and Newmarket, two by the electors of the Borough of Mount Albert, two by the electors of the Boroughs of Mount Roskill and Ellerslie, one each by the electors of the Boroughs of One Tree Hill, Onehunga, and Mount Wellington, and one by the electors of the Boroughs of Otahuhu and Papatoetoe. 5 10

(3) Subsection one of section two of the principal Act is hereby amended by repealing the definition of "constituency", and substituting the following definition: 15

"'Constituent district' means the City or borough or group of local districts or portions of local districts, as the case may be, in the Inner Area the electors of which are entitled under the provisions of this Act to elect a member or members of the Board:." 20

3. Repeals—Sections eight and ten of the principal Act shall remain in operation until the date of the first general election of members under section *four* of this Act, and are repealed as from that date.

4. Election of members of Board—(1) Subject as herein provided, the term of office of members of the Board shall be three years. 25

(2) On the third Saturday in November, nineteen hundred and fifty-seven, and on the third Saturday in November of every third year thereafter, a general election of members of the Board shall be held. 30

(3) Each member of the Board shall come into office upon his election and shall, unless his office sooner becomes vacant, hold office until the election of his successor.

(4) Subject to the provisions of subsection *five* of this section, every such election shall be held under and subject to the provisions of the Local Elections and Polls Act 1953, and the provisions of that Act, including the penal provisions thereof and the provisions relating to disputed elections, shall, so far as applicable and so far as consistent with this Act, apply accordingly. 35 40

(5) In the event of an extraordinary vacancy in the office of a member of the Board occurring at any time between two triennial elections of members of the Board, nothing in section six of the Local Elections and Polls Act 1953 shall apply, and
5 the vacancy shall be filled by the appointment by the Board (after consultation with the constituent authority or authorities in the constituency in which the vacancy occurred) of a person qualified to be elected, and any person so appointed shall for all purposes be deemed to have been elected to fill
10 the vacancy:

Provided that, where any such vacancy occurs within six months of the date fixed for the next triennial election, the Board may by resolution determine that the vacancy shall not be filled.

15 **5. Electors' and ratepayers' rolls**—(1) Only the electors or ratepayers, as the case may be, of the districts comprising the Inner Area shall be entitled to vote at any election or poll under this Act. For the purposes of any such election or poll, other than a ratepayers' poll, the rolls of the electors of the
20 constituent district or of the several constituent districts taken together, grouped in manner provided by section *two* of this Act, shall be deemed to be the roll of the electors of the constituency.

(2) It shall be the duty of the Clerk of the local authority
25 of each constituent district, whenever requested so to do by the Board, to supply to the Board a certified roll of electors of such constituent district or any defined portion thereof, together with as many copies thereof as the Board may require.

(3) The Board shall pay for each such copy a fair proportion of the cost of making and printing the roll; and that
30 proportion shall in case of dispute be fixed by the Audit Office.

(4) For the purposes of any ratepayers' poll under this Act the rolls of the ratepayers of the several constituent districts in the district taken together shall be deemed to be the roll of
35 the ratepayers of the Auckland Metropolitan Drainage District, and the provisions of this and the *next succeeding* section relating to electors' rolls and electors respectively shall, with the necessary modifications, apply to ratepayers' rolls and ratepayers respectively.

6. Conduct of elections and polls—(1) At any election or poll under this Act the vote of any elector may be recorded at any polling place within any constituent district in which such elector is entitled to vote, or at any polling place within or without the district which may be specially appointed as a polling place at which may be recorded the votes of electors irrespective of the constituent district in which they are entitled to vote. 5

(2) For the purposes of any such election or poll the Secretary of the Board or such other officer or person as the Board may from time to time appoint shall be the Returning Officer. 10

(3) For the purposes of any such election or poll any Returning Officer appointed by the local authority of a constituent district or any Clerk or Assistant Clerk to such authority may be appointed, and if appointed shall act, as a Deputy Returning Officer of the Board for any constituency which comprises or includes such constituent district. 15

7. Disqualification for election or appointment—(1) No person other than an elector shall be capable of being elected or appointed as or of being a member of the Board. 20

(2) The following persons shall be incapable of being elected to be members of the Board, that is to say:

- (a) A minor:
- (b) An alien:
- (c) A person of unsound mind: 25
- (d) A Bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:
- (e) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence or otherwise suffered the penalty imposed on him: 30
- (f) A person who holds any office or place of profit under or in the gift of the Board. 35

8. Vacancies—(1) The office of a member shall become vacant if he—

- (a) Dies; or
- (b) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or is ousted of office; or 40

- (c) Becomes a bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors; or
- 5 (d) Becomes of unsound mind; or
- (e) Is convicted of any offence punishable by imprisonment; or
- (f) Is absent without leave from four consecutive ordinary meetings of the Board; or
- 10 (g) Holds any office or place of profit under or in the gift of the Board; or
- (h) Becomes disqualified or incapable of holding office by virtue of the provisions of the Local Authorities (Members' Contracts) Act 1954.
- 15 (2) If any person does an act as a member after his office has become vacant under this section he shall be liable on summary conviction to a fine not exceeding fifty pounds, or in the case of an offence under the last-mentioned Act to a fine not exceeding one hundred pounds.
- 20 (3) It shall be the duty of the Audit Office to institute proceedings for the recovery of any fine under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.
- (4) Any vacancy occurring under this section or under
- 25 section eleven of the principal Act shall be deemed an extraordinary vacancy.
- (5) All fines recovered under this section by the Audit Office shall be paid into the Public Account and form part of the Consolidated Fund.
- 30 (6) Section nine of the principal Act is hereby repealed.

9. Section 4 of principal Act amended—Section four of the principal Act is hereby amended by adding to subsection five the following words:

35 “If the number of members is thereby increased the additional members shall be appointed or elected in the same manner as though an extraordinary vacancy had occurred, but after the first general election of members under section *four* of the Auckland Metropolitan Drainage Amendment Act 1956 the provisions of subsection five of that section shall

40 apply.”

10. Representation of local districts—(1) Section six of the principal Act, as amended by section eight of the Auckland Metropolitan Drainage Amendment Act 1951, is hereby amended by omitting from subsection two the words “the respective interests of the local authorities whose districts or parts of whose districts are for the time being included within the drainage district”, and substituting the words “electors in those local districts or portions of local districts for the time being included in the Inner Area of the drainage district”.

(2) The said section six is hereby further amended by repealing subsection three, and substituting the following subsections:

“(3) At least six months prior to each general election of the Board the Local Government Commission or other body or person from time to time appointed by the Minister shall after making such investigations as it may deem necessary for the purpose submit to the Minister its recommendations regarding such changes (if any) as it may deem advisable in the grouping of constituent districts or the representation of electors of such districts on the Board, and the Governor-General may without the necessity for any such petition being presented as aforesaid by Order in Council make such changes in grouping or representation as he may consider desirable.

“(4) Any changes in grouping of local districts or portions of local districts, as the case may be, into constituent districts or in representation of electors in constituent districts shall be based upon the relative mean percentage of the rateable capital value and population of the various local districts (or portions thereof as the case may be) for the time being forming the Inner Area of the drainage district.”