



ANNO VICESIMO QUINTO

**ELIZABETHAE II REGINAE**

A.D. 1976

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**No. 77 of 1976**

An Act to amend the Local Government Act, 1934-1976.

[Assented to 9th December, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Local Government Act Amendment Act, 1976". Short titles.

(2) The Local Government Act, 1934-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1976".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 3 of the principal Act is amended—

(a) by striking out the items:

PART VI—Voters' Rolls—

DIVISION I—Preparation of Voters' Rolls:

DIVISION III—General

and inserting in lieu thereof the following item:—

PART VI—Enrolment;

and

(b) by striking out the item:

PART XLIII—Meetings and Polls of Ratepayers.

and inserting in lieu thereof the following item:—

PART XLIII—Meetings and Polls of Electors.

Amendment of principal Act, s. 3—Arrangement of Act.

Amendment of  
principal Act,  
s. 5—  
Interpretation.

4. Section 5 of the principal Act is amended by inserting in subsection (1) after the definition of "district office" the following definitions:—

"elector" means a person enrolled as an elector in pursuance of this Act:

"the Electoral Commissioner" means the person for the time being holding, or acting in, the office of the Electoral Commissioner under the Electoral Act, 1929-1973:.

Amendment of  
principal Act,  
s. 15—  
Mayor, etc.,  
ceasing to  
be elector  
on severance  
of area.

5. Section 15 of the principal Act is amended by striking out the passage "a ratepayer" and inserting in lieu thereof the passage "an elector".

Repeal of  
s. 25 of  
principal Act  
and enactment  
of section in  
its place—

6. Section 25 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Petition for  
new area.

25. (1) A petition for the constitution of a portion of the State as a new area—

(a) must, if the constitution of a municipality is proposed, be signed by at least two-fifths of the persons who would, if a municipality were so constituted, be electors for the municipality;

(b) must, if the constitution of a district is proposed, be signed by at least fifty persons who would, if a district were so constituted, be electors for the district;

and

(c) must state—

(i) the name of the proposed municipality or district;

(ii) the name of any proposed wards thereof;

(iii) the names of the proposed first councillors for the area, or if divided into wards, for each ward;

(iv) the name of the proposed first mayor or chairman.

(2) Where a proposed new area comprises any portion of a previously existing area, a petition under subsection (1) of this section must be signed by a majority of the electors for that portion of the previously existing area.

Amendment of  
principal Act,  
s. 26—  
Petition for  
change of  
status.

7. Section 26 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) Subject to subsection (4) of this section—

(a) the council, or the councils of the respective areas, must cause to be given one month's public notice of the intention to present the petition;

(b) if within one month after public notice is given under paragraph (a) of this subsection fifty or more electors of an area affected by the proposal, demand, by notice under their hands delivered to the mayor, chairman or clerk of the area, that the question of whether the petition should be presented be submitted to a poll of the electors of the area, the council shall conduct such a poll and

unless a majority of the electors voting at the poll constituting at least one-third of the electors on the electoral roll for the area vote against the presentation of the petition, the proposition that the petition should be presented shall be deemed to have been carried at the poll;

and

- (c) a petition must, upon presentation, be accompanied by a certificate under the hand of the mayor or chairman of the area affected, or of each of the areas affected, stating that no such poll was demanded, or that the proposition that the petition should be presented was carried at the poll.

8. Section 27 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 27 of principal Act and enactment of section in its place—  
Petition for severance.

27. A petition to sever any portion of an area so that it is no longer comprised within an area must be signed by a majority of the electors for that portion of the area.

9. Section 27a of the principal Act is amended—

Amendment of principal Act, s. 27a—  
Petition for severance and annexation.

- (a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) A petition to sever a portion of an area and to annex the portion so severed to another area—

(a) must be signed by a majority of the electors for that portion of the area;

or

(b) must be under the common seal either of the council of the area from which the portion is to be severed or of the council of the area to which the portion is to be annexed.;

and

- (b) by striking out from subsection (2) the passage “every owner or occupier of ratable property, whose name and address are known to the council, within the portion to be severed” and inserting in lieu thereof the passage “every elector for the portion to be severed whose name and address is known to the council”.

10. Section 27b of the principal Act is amended—

Amendment of principal Act, s. 27b—  
Severance and annexation of ward.

- (a) by striking out the passage “ratepayers of” and inserting in lieu thereof the passage “electors for”;

and

- (b) by striking out the passage “ratepayers in” and inserting in lieu thereof the passage “electors for”.

11. Section 29 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 29—  
Petition for annexation.

- (1) A petition for the annexation of an outlying district to an area—

(a) must be under the common seal of the council of the area;

or

(b) must be signed by a majority of the persons who would, if the outlying district formed portion of the area, be electors for that portion of the area.

Repeal of s. 30 of principal Act and enactment of section in its place—

Petition to divide.

12. Section 30 of the principal Act is repealed and the following section is enacted and inserted in its place:—

30. A petition to divide or re-divide an area, or part of an area, into wards, or to abolish a ward or wards, or to unite any wards, must—

(a) be under the common seal of the council;

or

(b) be signed by at least one-fourth of the electors for the wards, or proposed wards, affected by the proposal.

Repeal of s. 32 of principal Act and enactment of section in its place—

Petition to alter number of councillors.

13. Section 32 of the principal Act is repealed and the following section is enacted and inserted in its place—

32. A petition to alter the number of councillors for a district or ward must—

(a) be under the common seal of the council;

or

(b) be signed by at least one-fourth of the electors for the district or ward.

Repeal of s. 33 of principal Act and enactment of section in its place—

Petition for dissolution.

14. Section 33 of the principal Act is repealed and the following section is enacted and inserted in its place:—

33. A petition to dissolve an area must be signed by a majority of the electors for the area.

Amendment of principal Act, s. 45a—  
Approved proposals.

15. Section 45a of the principal Act is amended—

(a) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) If, within one month after notice of the proposal is given under this section, fifteen per centum of the electors for any area affected by the proposal, or fifty electors, whichever is the greater number, by instrument in writing addressed to the Minister, demand a poll, a poll shall be held of all the electors for the areas affected by the proposal.;

(b) by striking out from subsection (5) the word “ratepayers” where it occurs for the first, second time and third time and inserting in lieu thereof, in each case, the word “electors”;

(c) by striking out from paragraph (b) of subsection (5) the passage “ratepayers on the voters roll” and inserting in lieu thereof the passage “electors on the voters roll”;

and

(d) by striking out from paragraph (b) of subsection (7) the word “ratepayers” and inserting in lieu thereof the word “electors”.

16. Section 51 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 51 of principal Act and enactment of section in its place—

51. Subject to this Act, the mayor, alderman and councillors of a municipality, and the councillors of a district, must be elected by the electors for the municipality or district from among the electors for the municipality or district.

Election of mayor, alderman and councillors.

17. Section 52 of the principal Act is amended—

Amendment of principal Act, s. 52—  
Qualification of aldermen and councillors.

(a) by striking out from subsection (1) the passage “Subject to sections 69, 78 and 105, every ratepayer of an area who is of the age of eighteen years or more and every person nominated by a company pursuant to section 100 who is also a director of that company and is of the age of eighteen years or more” and inserting in lieu thereof the passage “Subject to this Act, an elector for an area”;

and

(b) by striking out from subsection (5) the passage “owner or occupier of ratable property within the area” and inserting in lieu thereof the passage “elector for the area”.

18. Section 54 of the principal Act is amended by striking out paragraph IX.

Amendment of principal Act, s. 54—  
How vacancies occasioned.

19. Section 77 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 77 of principal Act and enactment of section in its place—

77. On the first Saturday in the month of July next ensuing after the publication of any such proclamation, the electors for the municipality shall elect such number of aldermen as is appointed by the proclamation.

Election of aldermen.

20. Section 78 of the principal Act is amended by striking out subsection (2).

Amendment of principal Act, s. 78—  
Qualification of aldermen.

21. Sections 88 to 93 (inclusive) of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 88 to 93 (inclusive) of principal Act and enactment of sections in their place—

88. (1) Subject to this Act, a person is entitled to be enrolled as an elector for an area—

Enrolment.

(a) if he is enrolled as an elector for the House of Assembly in respect of a place of residence within the area;

or

(b) if he is enrolled as an elector for the House of Assembly and—

(i) his name appears on the assessment book as the sole ratepayer in respect of ratable property within the area;

(ii) he is the nominated agent of a body corporate—

(A) whose name appears on the assessment book as a ratepayer in respect of ratable property within the area;

and

(B) which is the sole owner, or sole occupier, or sole owner and occupier, of that ratable property;

or

(iii) he is a nominated agent in respect of ratable property within the area by virtue of the provisions of subsection (3) of this section.

(2) Where an area is divided into wards, a person enrolled as an elector for the area is entitled to be enrolled as an elector for a ward if—

(a) he is resident in that ward;

(b) he is the nominated agent of a body corporate—

(i) whose name appears on the assessment book as a ratepayer in respect of ratable property within the ward;

and

(ii) which is the sole owner, or sole occupier, or sole owner and occupier, of that ratable property;

or

(c) he is a nominated agent in respect of ratable property within the ward by virtue of subsection (3) of this section.

(3) Where—

(a) two or more persons (whether corporate or unincorporate) own ratable property jointly or in common within an area or ward;

or

(b) two or more persons (whether corporate or unincorporate) jointly occupy ratable property within an area or ward,

and none of those persons is entitled to vote by reasons of residence within the area, or the ward, they may nominate a natural person who is enrolled as an elector for the House of Assembly, as an agent to vote on their behalf at any election, meeting or poll.

(4) A nomination may be made or altered under this section by a notice in writing, in the prescribed form and containing the prescribed declarations, served personally or by post upon the council.

(5) No nomination, or alteration thereof, shall be effective for the purposes of an election, poll or meeting unless the notice of the nomination or alteration is received by the council at least seven days before the closing date fixed in respect of the election, meeting or poll.

(6) The fact that a person is enrolled as an elector by virtue of being a nominated agent does not prevent his being enrolled as an elector in his own right.

(7) Where a person is enrolled as an elector both as the nominated agent and in his own right, he may vote at an election, meeting or poll both in his own right and in his capacity as nominated agent.

89. (1) The Minister shall, in respect of each election, meeting or poll of electors to be conducted in pursuance of this Act in an area, declare by notice published in the *Gazette* that the voters' roll shall close for the purposes of the election, meeting or poll on a date specified in the notice, and only those persons who were entitled to have their names included in the roll as at that date shall be entitled to vote at that election, meeting or poll.

Compilation  
of electoral  
roll.

(2) The Electoral Commissioner shall, as soon as practicable after a closing date fixed under this section supply the council with a voters' roll comprising the names of those persons who were entitled to have their names included in the voters' roll as at the closing date.

(3) The council shall, at the request of the Electoral Commissioner, forthwith supply him with such information as he may require for the compilation of the voters' roll.

(4) Where an area is divided into wards, the voters' roll must contain against the name of each elector a note of the ward or wards in respect of which he is enrolled.

(5) The Electoral Commissioner shall, at the request of a council, supply it with such further copies of the relevant voters' roll as the council may specify in its request.

(6) The Electoral Commissioner may recover from a council fees, fixed by the Minister, in respect of the supply of a voters' roll and of additional copies of the voters' roll.

90. The council shall make available for public inspection a copy of the voters' roll for the area last supplied to the council by the Electoral Commissioner, and shall on payment of a reasonable fee fixed by the council, furnish any person with a copy of the voters' roll.

Rolls to be  
available for  
inspection.

91. (1) Where a person claims to vote in respect of an election or poll and his name does not appear on the relevant voters' roll for the area of the ward, he shall be permitted to vote if he makes a declaration in the prescribed form before the person presiding at the polling place at which he claims to vote stating—

Vote of persons  
whose names  
do not appear  
on the voters'  
roll.

(a) the grounds upon which he claims to vote;

and

(b) that to the best of his knowledge, opinion and belief his name ought to have been included on the voters' roll.

(2) Where a voter claims to vote under the provisions of this section, he shall mark and fold his voting paper in the manner prescribed and return it so folded to the presiding officer.

(3) The presiding officer shall, in the presence of the voter and such scrutineers as are present, and without unfolding the voting paper, enclose it in an envelope bearing the declaration of the voter, and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

(4) The returning officer shall before opening any such envelope, or allowing any other person to do so, examine the declaration of the voter and, if he is satisfied after making such inquiry as may be necessary, that the name of the voter should have been included in the voters' roll for the area or ward in question, he shall admit the vote to the count accordingly.

22. Sections 100 and 101 of the principal Act are repealed.

Repeal of  
ss. 100 and  
101 of  
principal Act.

Amendment of  
principal Act,  
s. 105—  
Form of  
nomination  
etc.

**23. Section 105 of the principal Act is amended—**

- (a) by striking out from paragraph II of subsection (1) the passage “ratepayers of” and inserting in lieu thereof the passage “electors for”;
- (b) by striking out from paragraph III of subsection (1) the passage “ratepayers of” and inserting in lieu thereof the passage “electors for”;
- (c) by striking out paragraphs VI, VII, and VIIA of subsection (1) and inserting in lieu thereof the following paragraph:—

VI. No person shall be entitled to be nominated for the office of mayor, alderman or councillor in any area unless he is an elector for the area.;

and

- (d) by inserting after subsection (2) the following subsection:—

(3) Any dispute as to the validity of a nomination for the office of mayor, alderman or councillor may be determined summarily by the returning officer whose decision shall be final.

Repeal of  
ss. 115 to  
118 of  
principal Act  
and enactment  
of section in  
their place—  
Voting  
rights.

**24. Sections 115 to 118 (inclusive) of the principal Act are repealed and the following section is enacted and inserted in their place:—**

115. (1) An elector (other than an elector who is acting as the nominated agent) is entitled to exercise the following voting rights at an election (so far as they may be applicable):—

- (a) he may cast one vote for the election of a mayor;
- (b) he may cast one vote for the election of aldermen;
- and
- (c) he may—

(i) where the area is not divided into wards—cast one vote for the election of councillors;

or

(ii) where the area is divided into wards—cast one vote for the election of councillors in each ward in which he is resident, or in which ratable property for which he is a ratepayer is situated.

(2) An elector who is acting as the nominated agent is entitled to exercise the following voting rights (so far as they may be applicable):—

- (a) he may cast one vote for the election of a mayor;
- (b) he may cast one vote for the election of aldermen;
- and
- (c) he may—

(i) where the area is not divided into wards—cast one vote for the election of councillors;

or

(ii) where the area is divided into wards—cast one vote for the election of councillors in each ward in which ratable property in respect of which he is a nominated agent is situated.



- 25.** Section 120 of the principal Act is amended by striking out paragraph iv and inserting in lieu thereof the following paragraph:—
- Amendment of principal Act, s. 120—  
Proceedings on day of election.
- iv. An elector shall present himself to an authorized officer at the polling place and shall state his full name, place of residence, and occupation:.
- 26.** Section 122 of the principal Act is amended—
- Amendment of principal Act, s. 122—  
Inquiries that may be made of voter.
- (a) by striking out paragraph i of subsection (1) and inserting in lieu thereof the following paragraph:—
- i. Are you the person whose name appears as [*here state the name under which the person claims to vote*] in the voters' roll for this area?;
- (b) by striking out paragraph ii of subsection (1);
- and
- (c) by striking out paragraphs iii and v of subsection (1).
- 27.** Section 124 of the principal Act is repealed and the following section is enacted and inserted in its place:—
- Repeal of s. 124 of principal Act and enactment of section in its place—  
Adjournment of election.
124. (1) If for any reason it becomes impracticable to proceed with the conduct of an election on the day appointed in accordance with this Act, the returning officer may adjourn the election to a day as soon as practicable after the appointed day.
- (2) Subject to subsection (3) of this section, any votes cast prior to the adjournment shall be disregarded and the election shall be recommenced.
- (3) The returning officer may, in his discretion, retain for the purposes of the election any postal votes cast prior to the adjournment.
- 28.** Section 131 of the principal Act is amended by striking out from paragraph ii the word "ratepayers" and inserting in lieu thereof the word "electors".
- Amendment of principal Act, s. 131—  
Illegal practices.
- 29.** Section 137 of the principal Act is amended by striking out from subsection (4) the passage "six nor more than twenty-three" and inserting in lieu thereof the passage "twenty-eight nor more than forty-two".
- Amendment of principal Act, s. 137—  
Proceedings on supplementary election.
- 30.** Section 141 of the principal Act is amended by striking out the word "ratepayers" and inserting in lieu thereof the word "electors".
- Amendment of principal Act, s. 141—  
Procedure on failure to hold election.
- 31.** Section 155 of the principal Act is amended by striking out from subsection (1) the passage "or ratepayer of the area" and inserting in lieu thereof the passage "or any elector or ratepayer of the area".
- Amendment of principal Act, s. 155—  
Inspection of minute books.
- 32.** Section 171 of the principal Act is amended by striking out subsection (3).
- Amendment of principal Act, s. 171—  
Insertion of name in assessment book.
- 33.** Section 172a of the principal Act is repealed.
- Repeal of s. 172a of principal Act.

Amendment of  
principal Act,  
s. 190—  
Poll of  
electors.

**34. Section 190 of the principal Act is amended—**

- (a) by striking out from subsection (2) the word “ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the word “electors”;
- (b) by striking out from subsection (3) the passage “ratepayers in respect of ratable property in that part of the area” and inserting in lieu thereof the passage “electors who are resident of, or ratepayers in respect of ratable property in, that part of the area”;
- and
- (c) by striking out from subsection (3) the passage “of those ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the passage “of those electors”.

Amendment of  
principal Act,  
s. 193—  
Proposition to  
be considered  
at poll.

**35. Section 193 of the principal Act is amended—**

- (a) by striking out from subsection (1) the word “ratepayers” and inserting in lieu thereof the word “electors”;
- and
- (b) by striking out subsection (2).

Amendment of  
principal Act,  
s. 197—  
Poll of  
electors.

**36. Section 197 of the principal Act is amended—**

- (a) by striking out from subsection (2) the word “ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the word “electors”;
- (b) by striking out from subsection (3) the passage “ratepayers in respect of ratable property in” and inserting in lieu thereof the passage “electors for”;
- and
- (c) by striking out from subsection (3) the passage “ratepayers, or more than one-quarter in number of those ratepayers” and inserting in lieu thereof the passage “electors, or more than one-quarter of those electors”.

Amendment of  
principal Act,  
s. 198—  
Proposition to  
be submitted  
at poll.

**37. Section 198 of the principal Act is amended—**

- (a) by striking out from subsection (1) the word “ratepayers” and inserting in lieu thereof the word “electors”;
- and
- (b) by striking out subsection (2).

Repeal of  
s. 200 of  
principal Act.

**38. Section 200 of the principal Act is repealed.**

Amendment of  
principal Act,  
s. 215—  
Watering  
rate.

**39. Section 215 of the principal Act is amended by striking out from subsection (1) the word “ratepayers” and inserting in lieu thereof the word “electors”.**

Amendment of  
principal Act,  
s. 216—  
Special rate.

**40. Section 216 of the principal Act is amended by striking out from subsection (1) the word “ratepayers” and inserting in lieu thereof the word “electors”.**

**41.** Section 218 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 218 of principal Act and enactment of section in its place—

218. An elector or electors for any portion of an area may address a memorial to the council requesting that any works specified in the memorial be carried out for the benefit of that portion of the area.

Memorial for specific works.

**42.** Section 226 of the principal Act is amended by striking out the word “ratepayers” wherever it occurs in subsection (1) and inserting in lieu thereof, in each case, the word “electors”.

Amendment of principal Act, s. 226—  
Consent to special rate.

**43.** Section 227 of the principal Act is amended—

Amendment of principal Act, s. 227—  
Right to demand poll.

(a) by striking out from subsection (1) the word “ratepayers” and inserting in lieu thereof the word “electors”;

(b) by striking out from subsection (2) the word “ratepayers” and inserting in lieu thereof the word “electors”;

(c) by striking out subsection (2a) and inserting in lieu thereof the following subsection:—

(2a) For the purposes of subsection (2) of this section, the requisite number of electors is, in the case of a municipality, one hundred electors and, in the case of a district, twenty-one electors.;

and

(d) by striking out from subsection (3) the word “ratepayers” and inserting in lieu thereof the word “electors”.

**44.** Section 229 of the principal Act is amended—

Amendment of principal Act s. 229—  
Memorial for provision of lighting.

(a) by striking out the word “ratepayers” first occurring and inserting in lieu thereof the word “electors”;

and

(b) by striking out the passage “adjacent to the ratable property of the said ratepayers”.

**45.** Section 236 of the principal Act is repealed.

Repeal of s. 236 of principal Act.

**46.** Section 242 of the principal Act is repealed.

Repeal of s. 242 of principal Act.

**47.** Section 292 of the principal Act is amended—

Amendment of principal Act, s. 292—  
Accounts.

(a) by striking out from subsection (4) the passage “ratepayer of” and inserting in lieu thereof the passage “elector for”;

and

(b) by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) The council shall, upon request by an elector for the area, furnish him free of charge with a copy of the statements and balance-sheets referred to in sections 296 and 297 of this Act.

Amendment of principal Act, s. 312—  
Register of public streets.

48. Section 312 of the principal Act is amended by striking out from subsection (3) the passage “ratepayer or any person authorized by him” and inserting in lieu thereof the passage “person who desires to inspect the register”.

Amendment of principal Act, s. 313—  
Entries in register.

49. Section 313 of the principal Act is amended by striking out from subsection (2) the word “ratepayer” and inserting in lieu thereof the word “person”.

Amendment of principal Act, s. 424—  
Additional borrowing powers.

50. Section 424 of the principal Act is amended—

(a) by striking out from subsection (1) the word “ratepayers” and inserting in lieu thereof the word “electors”;  
and

(b) by striking out from subsection (4) the word “ratepayers” and inserting in lieu thereof the word “electors”.

Amendment of principal Act, s. 425—  
Plans, estimates, etc.

51. Section 425 of the principal Act is amended by striking out from subsection (2) the passage “the inspection of the ratepayers” and inserting in lieu thereof the passage “public inspection”.

Amendment of principal Act, s. 427—  
Power to demand poll.

52. Section 427 of the principal Act is amended—

(a) by striking out the word “ratepayers” wherever it occurs in subsections (1) and (2) and inserting in lieu thereof, in each case, the word “electors”;

and

(b) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) For the purposes of subsection (1) of this section, the requisite number of electors is, in the case of a municipality, one hundred electors and, in the case of a district, twenty-one electors.

Repeal of s. 428 of principal Act.

53. Section 428 of the principal Act is repealed.

Amendment of principal Act, s. 429—  
Consent to special or separate rate.

54. Section 429 of the principal Act is amended by striking out from subsections (2) and (3) the word “ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the word “electors”.

- 55.** Section 430 of the principal Act is amended by striking out from subsection (1) the word "ratepayers" and inserting in lieu thereof the word "electors".  
Amendment of principal Act, s. 430—  
Order for loan.
- 56.** Section 434 of the principal Act is amended by striking out from subsection (1) the word "ratepayers" and inserting in lieu thereof the word "electors".  
Amendment of principal Act, s. 434—  
Power to borrow to repay previous loan.
- 57.** Section 436 of the principal Act is amended by striking out from subsection (4) the word "ratepayers" and inserting in lieu thereof the word "electors".  
Amendment of principal Act, s. 436—  
Debentures.
- 58.** Section 457 of the principal Act is amended by striking out from subsection (4) the word "ratepayers" and inserting in lieu thereof the word "electors".  
Amendment of principal Act, s. 457—  
Powers to let grounds vested in the council.
- 59.** Section 459 of the principal Act is amended by striking out from subsection (3) the word "ratepayers" and inserting in lieu thereof the word "electors".  
Amendment of principal Act, s. 459—  
Cultivation of park lands.
- 60.** Section 485 of the principal Act is amended by striking out from subsection (1) the passage "ratepayers of" and inserting in lieu thereof the passage "persons who are ratepayers of, or electors resident in property abutting upon".  
Amendment of principal Act, s. 485—  
Power to light streets.
- 61.** Section 487 of the principal Act is amended by striking out from subsection (1) the passage "ratepayers of" and inserting in lieu thereof the passage "persons who are ratepayers of, or electors resident in".  
Amendment of principal Act, s. 487—  
Power to light streets in district.
- 62.** Section 710 of the principal Act is amended by striking out from subsection (1) the passage "ratepayer of" and inserting in lieu thereof the passage "elector for".  
Amendment of principal Act, s. 710—  
Proceedings to try title to office.
- 62a.** Section 725 of the principal Act is amended by striking out from subsection (1) the word "ratepayers" wherever it occurs and inserting in lieu thereof, in each case, the word "electors".  
Amendment of principal Act, s. 725—  
Evidence of resolution.
- 63.** Section 763 of the principal Act is amended by striking out the passage "or voter" wherever it occurs in paragraphs (a), (b), (c) and (d).  
Amendment of principal Act, s. 763—  
Penalty for soliciting votes.
- 64.** Section 767 of the principal Act is repealed.  
Repeal of s. 767 of principal Act.
- 65.** Section 768 of the principal Act is amended by striking out the word "ratepayers" and inserting in lieu thereof the word "electors".  
Amendment of principal Act, s. 768—  
Obstructing meetings.
- 66.** The heading immediately preceding section 795 of the principal Act is amended by striking out the word "RATEPAYERS" and inserting in lieu thereof the word "ELECTORS".  
Amendment of heading.
- 67.** Section 795 of the principal Act is amended by striking out the word "ratepayers" wherever it occurs in subsections (1) and (3) and inserting in lieu thereof, in each case, the word "electors".  
Amendment of principal Act s. 795—  
Chairman of meeting of electors.

Repeal of  
s. 796 of  
principal Act  
and enactment  
of section in  
its place—

Procedure  
at meeting.

**68.** Section 796 of the principal Act is repealed and the following section is enacted and inserted in its place:—

796. (1) Subject to this Act, the following provisions shall apply in respect of any meeting of electors:—

(a) the chairman of the meeting shall in the usual way take a show of hands in respect of every proposition or amendment submitted for the decision of the meeting, and shall declare a proposition or amendment carried for which in his opinion the largest show of hands appears;

(b) in any case where it is provided that a poll may be demanded, the chairman shall, immediately after he has declared the result of the voting, publicly inquire whether a poll is demanded, and the requisite number of electors may demand a poll by giving notice in writing of the demand to the chairman or the clerk within one day after the day of the meeting;

(c) for the purpose of paragraph (b) of this section, the requisite number of electors shall, in the case of a municipality, be one hundred electors, and, in the case of a district, twenty-one electors;

and

(d) in the event of a demand for a poll being duly made, the clerk shall appoint a day not later than sixty days after the day of the meeting to take a poll of the electors.

Repeal of  
ss. 808 to 810  
of principal  
Act.

**69.** Sections 808 to 810 (inclusive) of the principal Act are repealed.

Amendment of  
principal Act,  
s. 813—  
Voting.

**70.** Section 813 of the principal Act is amended by striking out from subsection (4) the passage “or papers” and the passage “or votes”.

Amendment of  
principal Act,  
s. 814—  
Voting at  
poll.

**71.** Section 814 of the principal Act is amended—

(a) by striking out from subsection (1) the passage, “or on each of his voting papers, as the case may be”;

and

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The voter shall then fold the voting paper so as to render it impossible for any person to see whether the vote is given for or against the proposition, and shall deposit it in a ballot box provided for the purpose.

72. Sections 816 to 818 (inclusive) of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of  
ss. 816 to 818  
of principal  
Act and  
enactment of  
section in  
their place—

816. An elector shall be entitled to one vote at a poll.

Elector to  
have one  
vote.

73. Section 819 of the principal Act is repealed.

Repeal of  
s. 819 of  
principal Act.

74. Section 820 of the principal Act is amended—

Amendment of  
principal Act,  
s. 820—  
Questions that  
may be asked.

(a) by striking out the passage “or at the time of his exhibiting his voting paper or papers as mentioned in subsection (2) of section 814 but not after the depositing of his voting papers or any of them in the ballot box,”;

(b) by striking out paragraphs I and II of subsection (1) and inserting in lieu thereof the following paragraph:—

I. Are you the person whose name appears as [*here state the name under which the person claims to vote*] in the roll of electors for this area?;

(c) by striking out paragraphs III and V of subsection (1);

and

(d) by striking out subsections (2) and (3) and inserting in lieu thereof the following subsection:—

(2) No person who has been required to answer a question referred to in subsection (1) of this section shall be permitted or qualified to vote if he fails truthfully to answer the question or he answers it in a manner showing that he is not qualified to vote.

75. Section 821 of the principal Act is amended by striking out the passage “or papers”.

Amendment of  
principal Act,  
s. 821—  
Voting by  
infirm persons.

76. Section 828 of the principal Act is amended by striking out subsection (2).

Amendment of  
principal Act,  
s. 828—  
Bribery and  
corruption.

77. Section 830 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of  
s. 830 of  
principal Act  
and enactment  
of section in  
its place—

830. (1) If for any reason it becomes impracticable to proceed with the conduct of a poll on the day appointed in accordance with this Act, the returning officer may adjourn the poll to a day as soon as practicable after the appointed day.

Adjournment  
of poll.

(2) Subject to subsection (3) of this section, any votes cast prior to the adjournment shall be disregarded and the poll shall be recommenced.

(3) The returning officer may, in his discretion, retain for the purposes of the poll any postal votes cast prior to the adjournment.

Amendment of  
principal Act,  
s. 832a—  
Form of  
demand for  
poll.

**78.** Section 832a of the principal Act is amended—

- (a) by striking out from subsection (1) the word “ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the word “electors”;
  - (b) by striking out from paragraph (a) of subsection (1) the passage “and the address or addresses of the property or properties in respect of which he or they is or are entitled to vote”;
- and
- (c) by striking out from subsection (2) the word “ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the word “electors”.

Repeal of  
s. 832b of  
principal Act.

**79.** Section 832b of the principal Act is repealed.

Amendment of  
principal Act,  
s. 833—  
Application for  
postal vote.

**80.** Section 833 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “A ratepayer” and inserting in lieu thereof the passage “An elector”;
  - (b) by striking out from subsection (1) the passage “or papers”;
- and
- (c) by striking out from subsection (3) the passage “Any ratepayer who makes, and any person who induces a ratepayer to make” and inserting in lieu thereof the passage “Any person who makes, or induces another to make”.

Amendment of  
principal Act,  
s. 834—  
Duty of  
witness.

**81.** Section 834 of the principal Act is amended by striking out from subsection (1) the word “ratepayer” and inserting in lieu thereof the word “elector”.

Amendment of  
principal Act,  
s. 835—  
Issue of  
certificate  
and voting  
papers.

**82.** Section 835 of the principal Act is amended—

- (a) by striking out from subsection (1) the word “ratepayer” wherever it occurs and inserting in lieu thereof, in each case, the word “elector”;
  - (b) by striking out from subsection (1) the passage “or voting papers”;
- and
- (c) by striking out from subsection (3) the word “ratepayer” wherever it occurs and inserting in lieu thereof, in each case, the word “elector”;

Amendment of  
principal Act,  
s. 837—  
Notification  
on electoral  
roll.

**83.** Section 837 of the principal Act is amended by striking out the passage “voters’ roll the names of all ratepayers” and inserting in lieu thereof the passage “voters’ roll the names of all electors”.

Amendment of  
principal Act,  
s. 838—  
Surrender of  
postal voting  
paper.

**84.** Section 838 of the principal Act is amended by striking out the passage “A ratepayer to whom a postal vote certificate has been issued, or whose name is noted on the voters’ roll as a ratepayer” and inserting in lieu thereof the passage “An elector to whom a postal vote certificate has been issued, or whose name is noted on the voters’ roll as an elector”.



- 85.** Section 839 of the principal Act is amended by striking out the passage "voters' roll as a ratepayer" and inserting in lieu thereof the passage "voters' roll as an elector".
- Amendment of principal Act, s. 839—  
Voting at polling booth instead of by post.
- 86.** Section 840 of the principal Act is amended—
- (a) by striking out from paragraph XI of subsection (1) the word "ratepayer" and inserting in lieu thereof the word "elector";
- (b) by striking out paragraph XIII of subsection (1) and inserting in lieu thereof the following paragraph:—
- XIII. An elector.;
- (c) by striking out subsection (2);
- and
- (d) by inserting in subsection (3) after the word "been" the passage "a candidate in an election or".
- Amendment of principal Act, s. 840—  
Authorized witnesses.
- 87.** Section 841 of the principal Act is amended—
- (a) by striking out the word "ratepayer" wherever it occurs and inserting in lieu thereof, in each case, the word "elector";
- and
- (b) by striking out the word "ratepayer's" wherever it occurs and inserting in lieu thereof, in each case, the word "elector's".
- Amendment of principal Act, s. 841—  
Directions for postal voting.
- 88.** Section 842 of the principal Act is amended by striking out the word "ratepayer" wherever it occurs and inserting in lieu thereof, in each case, the word "elector".
- Amendment of principal Act, s. 842—  
Duty of witness.
- 89.** Section 843 of the principal Act is amended—
- (a) by striking out the passage "the ratepayer" wherever it occurs in paragraphs (a) and (b) and inserting in lieu thereof, in each case, the passage "the elector";
- and
- (b) by striking out from paragraph (b) the passage "a ratepayer" and inserting in lieu thereof the passage "an elector".
- Amendment of principal Act, s. 843—  
Penalty for unlawfully marking ballot paper.
- 90.** Section 845 of the principal Act is amended—
- (a) by striking out from subsection (1) the passage "a ratepayer" and inserting in lieu thereof the passage "an elector";
- (b) by striking out from subparagraphs (i) and (ii) of paragraph (b) of subsection (1) the passage "the ratepayer" wherever it occurs and inserting in lieu thereof, in each case, the passage "the elector";
- and
- (c) by striking out from subparagraph (iii) of paragraph (b) of subsection (1) the passage "the ratepayer's" wherever it occurs and inserting in lieu thereof, in each case, the passage "the elector's".
- Amendment of principal Act, s. 845—  
Duty of persons present when elector votes by post.

Amendment of  
principal Act,  
s. 846—  
Preliminary  
scrutiny  
of postal  
voting  
papers.

**91. Section 846 of the principal Act is amended—**

(a) by striking out from subsection (1) the word “ratepayer” wherever it occurs and inserting in lieu thereof, in each case, the word “elector”;

and

(b) by inserting in subsection (2) after the passage “received by him by post” the passage “up to the close of poll”.

Amendment of  
principal Act,  
s. 858—  
Regulation of  
borrowing.

**92. Section 858 of the principal Act is amended by striking out from paragraphs II and III the word “ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the word “electors”.**

Amendment of  
principal Act,  
s. 871j—  
Power to  
borrow  
money.

**93. Section 871j of the principal Act is amended by striking out from subsection (1) the word “ratepayers” and inserting in lieu thereof the word “electors”.**

Amendment of  
principal Act,  
s. 871n—  
Repayment of  
debentures.

**94. Section 871n of the principal Act is amended by striking out the word “ratepayers” and inserting in lieu thereof the word “electors”.**

Amendment of  
principal Act,  
s. 889—  
Drive-in  
theatres.

**95. Section 889 of the principal Act is amended—**

(a) by striking out from subsection (2) the word “ratepayers” and inserting in lieu thereof the word “electors”;

(b) by striking out paragraph (a) of subsection (5) and inserting in lieu thereof the following paragraph:—

(a) Within one month after the notice is last published under this section, twenty-one or more electors who are ratepayers in respect of property situated, or who are resident, within a radius of 400 metres from the site of the proposed theatre may, by instrument in writing delivered to the clerk, demand that the question of whether or not the permission should be granted be submitted to a poll of electors in accordance with this section.;

(c) by striking out from paragraph (b) of subsection (5) the word “ratepayers” and inserting in lieu thereof the word “electors”;

(d) by striking out from paragraph (c) of subsection (5) the passage “ratepayers in respect of property situated” and inserting in lieu thereof the passage “electors who are ratepayers in respect of property situated, or who are resident.”;

(e) by striking out paragraph (d) of subsection (5);

and

(f) by striking out from subsection (6) the word “ratepayers” wherever it occurs and inserting in lieu thereof, in each case, the word “electors”.

96. The second schedule to the principal Act is amended by striking out the word "ratepayers" and inserting in lieu thereof the word "electors".

Amendment of second schedule of principal Act.

97. The fifth schedule to the principal Act is amended—

Amendment of fifth schedule of principal Act.

(a) by striking out form No. 2 and inserting in lieu thereof the following form:—

FORM NO. 2

*Nomination of Mayor, Alderman, or Councillor*

{ Municipal Corporation of .....

{ District Council of .....

(1).....Ward

We, the undersigned, do hereby nominate (2)..... who is an elector for the Municipality (or District) as a candidate for the office of mayor (or alderman or councillor) (if as councillor for ward for ..... ward) .....(3)

I, the abovenamed candidate, hereby consent to the nomination and I declare that I am a natural born (or naturalized) British subject and that I am an elector for the municipality (or district).

.....

(1) If district is not divided into wards, or if the nomination is for mayor or alderman, this line may be left blank.

(2) Insert full name, place of residence and occupation of nominee.

(3) Signature, place of residence and occupation.;

and

(b) by striking out form No. 2a.

98. The nineteenth schedule to the principal Act is amended—

Amendment of nineteenth schedule of principal Act.

(a) by striking out from form No. 1 the passage "or papers", wherever it occurs;

(b) by striking out from form No. 1 the passage "or voting papers (as the case requires)";

and

(c) by striking out from form No. 2 the word "ratepayer" and inserting in lieu thereof the word "elector".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. NICHOLLS, Governor