

LOCAL GOVERNMENT (REGIONAL COUNCIL VACANCIES) BILL

EXPLANATORY NOTE

THIS Bill empowers regional councils to determine by resolution that any extraordinary vacancy in their membership that occurs within 7 months before 10 October 1992 (being the date fixed for the next triennial general election) shall not be filled.

Sections 101zc and 707E of the Local Government Act 1974 confer a similar power but that power may be exercised only in respect of extraordinary vacancies that occur within the 6 months before the triennial general election.

No. 144—1

Price
incl. GST \$2.30

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**LOCAL GOVERNMENT (REGIONAL COUNCIL
VACANCIES)**

ANALYSIS

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A BILL INTITULED

5 **An Act to empower regional councils to determine by resolution that any extraordinary vacancy in their membership that occurs within 7 months before the 10th day of October 1992 (being the date fixed for the next triennial general election) shall not be filled**

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

1. Short Title—This Act may be cited as the Local Government (Regional Council Vacancies) Act 1992.

10 **2. Expiry**—This Act shall expire with the close of the 10th day of October 1992.

3. Interpretation—In this Act, unless the context otherwise requires, expressions defined in the Local Government Act 1974 have the meanings so defined.

15 **4. Extraordinary vacancies occurring within 7 months before 1992 triennial general election**—(1) Notwithstanding anything in section 101zc or section 707E of the Local Government Act 1974 or in the Local Elections and Polls Act 1976, where, within 7 months before the 10th day of October
20 1992 (being the date fixed for the next triennial general election), an extraordinary vacancy occurs in the office of an

elected member of a regional council, that regional council may, subject to **subsections (2) to (5)** of this section, by resolution determine that the vacancy shall not be filled.

(2) Where any such extraordinary vacancy has occurred before the commencement of this Act, any determination not to fill the vacancy shall be made by the regional council not later than the 28th day of April 1992. 5

(3) Where any such extraordinary vacancy occurs after the commencement of this Act, any determination not to fill the vacancy shall be made by the regional council at its next ordinary meeting, or, if that is not practicable, at its next subsequent ordinary meeting. 10

(4) Where a determination under **subsection (1)** of this section relates to an extraordinary vacancy that has occurred before the commencement of this Act, the resolution by which that determination is made shall revoke any resolution under section 101zc (1) (a) of the Local Government Act 1974 that requires that an election be held to fill that vacancy. 15

(5) Where a regional council has, under section 101zc (1) (b) of the Local Government Act 1974, determined, whether before or after the commencement of this Act, that an extraordinary vacancy shall be filled by the appointment by the regional council of a person qualified to be elected to be a member thereof, no determination shall be made under **subsection (1)** of this section in relation to that extraordinary vacancy. 20 25

5. Consequential effects of determination not to fill extraordinary vacancy—(1) Where a regional council by resolution determines, under **section 4 (1)** of this Act, not to fill an extraordinary vacancy— 30

- (a) That regional council shall—
 - (i) Forthwith give public notice of the determination; and
 - (ii) Forthwith give notice to the Returning Officer of the determination; and 35
- (b) Any public notice given by the Returning Officer under section 101ZE (2) of the Local Government Act 1974 or section 50 (1) of the Local Elections and Polls Act 1976 in relation to that extraordinary vacancy shall cease to have effect; and 40
- (c) Any nominations of candidates in respect of the election to fill that extraordinary vacancy shall cease to have effect; and

- 5 (d) Any deposit made under section 14 of the Local Elections and Polls Act 1976 in respect of the nomination paper of any candidate at the election to fill that extraordinary vacancy shall be returned by the Returning Officer to the person who paid it or, as the case may require, to that person's personal representatives; and
- 10 (e) The principal administrative officer of the regional council shall no longer be required to correct, complete, and certify an electoral roll for the purposes of the election to fill that extraordinary vacancy or to make that electoral roll available for public inspection.

15 **6. Exclusion**—Nothing in section 101zc (1) (c) or in section 707E (2) of the Local Government Act 1974 shall apply in relation to any extraordinary vacancy that, within 6 months before the 10th day of October 1992, occurs in the office of an elective member of a regional council.