



Local Electoral Amendment Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 22nd day of March 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 139 of the Local Electoral Act 2001, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations**1 Title**

These regulations are the Local Electoral Amendment Regulations 2010.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

These regulations amend the Local Electoral Regulations 2001.

4 New regulation 3 substituted

Regulation 3 is revoked and the following regulation substituted:

“3 Expiry

Regulations 141 and 142 continue in force until the close of 1 November 2010 and then expire and are deemed to be revoked.”

5 New regulation 4A inserted

The following regulation is inserted after regulation 4:

“4A Interpretation for the purposes of Auckland local electoral matters

“(1) Section 11 of the Local Government (Auckland Council) Act 2009 (the **2009 Act**) requires members of local boards to be elected in accordance with the Local Electoral Act 2001 and applies that Act with any necessary modifications and as if any reference in the Act to a community or a community board were, respectively, a reference to a local board area or a local board within the meaning of the 2009 Act.

- “(2) Accordingly, for the purposes of these regulations, unless the context requires another meaning,—
“**community**, in relation to Auckland, means a local board area
“**community board**, in relation to Auckland, means a local board.
- “(3) In subclause (2), **Auckland, local board, and local board area** have the meanings given in section 4(1) of the Local Government (Auckland Council) Act 2009.”

6 New heading and regulations 141 and 142 inserted

The following heading and regulations are inserted after regulation 140:

“Transitional arrangements for ratepayer electors for Auckland Council

“141 Background

- “(1) The Local Government (Auckland Council) Act 2009 establishes an Auckland Council. The Council is effectively the amalgamation and reorganisation of 8 local authorities and their jurisdictions. Regulation 16 of these regulations requires an electoral officer for a local government area to send an enrolment confirmation form to the person or persons listed on the valuation roll as the ratepayer or ratepayers of certain rating units within the local government area to confirm the enrolment of any person as a ratepayer elector of those rating units. This confirmation process is inappropriate for dealing with the first triennial general elections for Auckland (October 2010) as the boundary changes effected by the reorganisation mean that the elections will be conducted in new local government areas.
- “(2) Accordingly, for the purpose of entering any ratepayer electors on the first electoral roll for Auckland, and only for that purpose, regulation 142 applies.
- “(3) The normal process of confirming the enrolment of ratepayer electors (contained in regulations 16 and 17) will apply in relation to subsequent elections for Auckland.

“142 Enrolment as ratepayer elector for Auckland

- “(1) The electoral officer for Auckland must, before 30 April 2010, send an enrolment form to the person or persons listed as the ratepayer or ratepayers of each rating unit—
- “(a) for which the name of any person is, on 1 March 2010, entered on the electoral roll of an existing local authority as a ratepayer elector:
 - “(b) for which a person has, before the close of 1 March 2010, applied for enrolment on the electoral roll of an existing local authority as a ratepayer elector:
 - “(c) for which a person has, before the close of 1 March 2010, been nominated under regulation 18 to have his or her name entered on the electoral roll of an existing local authority as a ratepayer elector.
- “(2) Each enrolment form must be in the enrolment form set out in Schedule 1.
- “(3) The electoral officer must send with each enrolment form—
- “(a) explanatory material about the changed local government areas for Auckland; and
 - “(b) a statement that a ratepayer elector is entitled to be included on the electoral roll if, before the close of 6 July 2010, he or she is qualified as a ratepayer elector under section 24 of the Act.
- “(4) If 2 or more persons are listed on the relevant valuation roll as the ratepayer of a rating unit of an existing local authority, it is sufficient for the purposes of subclause (1) if the electoral officer sends an enrolment form (and the additional information) to 1 of those persons.
- “(5) In this regulation,—
- “**Auckland** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009
 - “**existing local authority** means the local government areas of the following local authorities as those areas are contained within Auckland:
 - “(a) Auckland Regional Council:
 - “(b) Auckland City Council:
 - “(c) Franklin District Council:
 - “(d) Manukau City Council:
 - “(e) North Shore City Council:

- “(f) Papakura District Council:
- “(g) Rodney District Council:
- “(h) Waitakere City Council.”

Martin Bell,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Local Electoral Regulations 2001 to take into account certain aspects of the reorganisation of local government in Auckland. The regulations come into force 28 days after the date of their notification in the *Gazette*. *New regulations 141 and 142* expire on the close of 1 November 2010 and are deemed to be revoked on that day.

The Local Government (Auckland Council) Act 2009 establishes local boards for local board areas within Auckland. For the purposes of electing members to local boards, the Local Electoral Act 2001 applies in the same way as to community boards. *New regulation 4A* takes account of this new arrangement by providing a further interpretation section for the purposes of the regulations.

New regulations 141 and 142 are transitional provisions in relation to establishing who the ratepayer electors for Auckland are. The provisions in the regulations in relation to ratepayer electors do not contemplate the situation where a new local authority, with new jurisdictional boundaries, is established, as is the case for Auckland. *New regulations 141 and 142* only apply for the purposes of establishing the Auckland electoral roll for the October 2010 triennial general elections. For each subsequent triennial general elections the general provisions in the regulations in relation to ratepayer electors will apply.

**Local Electoral Amendment
Regulations 2010**

2010/69

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Date of notification in *Gazette*: 25 March 2010.

These regulations are administered by the Department of Internal Affairs.
