



New South Wales

# City of Sydney Amendment (Electoral Rolls) Bill 2003

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to clarify that the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees prepared for an election for the City of Sydney lapse after the election for which they are prepared, and
- (b) to provide that information on the lapsed rolls is to be used to prepare a mailout by the Electoral Commissioner to electors, and to corporations and firms that nominated electors, notifying them of the next election and that an application may be needed for inclusion of an elector on the relevant rolls for the next election, and
- (c) to require the Electoral Commissioner to send the mailout at least 60 days before the closing date for enrolment for the election.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *City of Sydney Act 1988* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendment to the *Local Government Act 1993* set out in Schedule 2.

## Schedule 1 Amendment of City of Sydney Act 1988

**Schedule 1 [2]** gives effect to the objects stated in the Overview by omitting existing section 18A of the *City of Sydney Act 1988* and by inserting instead:

- (a) section 18A, which provides for the preparation of the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees before an election and the lapsing of those rolls after the election, and
- (b) section 18B, which provides for the Electoral Commissioner to send, at least 60 days before the closing date for an election, a letter to electors, and to corporations and firms that nominated electors, notifying them of the election and that an application may be needed for inclusion of an elector on those rolls for the election, and
- (c) section 18C, which provides for the Council of the City of Sydney to meet the costs of the Electoral Commissioner with respect to the preparation of those rolls.

**Schedule 1 [3]** inserts a transitional provision in relation to electoral rolls prepared before the commencement of proposed section 18B of the *City of Sydney Act 1988*.

**Schedule 1 [1] and [4]** make amendments in the nature of statute law revision.

## Schedule 2 Consequential amendment of Local Government Act 1993

**Schedule 2** makes a consequential amendment to the *Local Government Act 1993*.



New South Wales

# City of Sydney Amendment (Electoral Rolls) Bill 2003

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New South Wales

# City of Sydney Amendment (Electoral Rolls) Bill 2003

No. , 2003

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## A Bill for

An Act to amend the *City of Sydney Act 1988* and the *Local Government Act 1993* to make further provision for electoral rolls in connection with elections for the Council of the City of Sydney; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *City of Sydney Amendment (Electoral Rolls) Act 2003*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of City of Sydney Act 1988 No 48**

The *City of Sydney Act 1988* is amended as set out in Schedule 1.

**4 Consequential amendment of Local Government Act 1993 No 30**

The *Local Government Act 1993* is amended as set out in Schedule 2.

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## Schedule 1 Amendment of City of Sydney Act 1988

(Section 3)

### [1] Section 14 Definitions

Insert “in the City of Sydney” after “all land” in section 14 (1) (e).

### [2] Sections 18A–18C

Omit section 18A. Insert instead:

#### **18A Electoral Commissioner to prepare roll of non-resident owners and roll of occupiers and ratepaying lessees**

- (1) Not later than the closing date for an election, the Electoral Commissioner is to prepare and confirm the following rolls for the election:
  - (a) *the roll of non-resident owners of rateable land*, being a roll of persons who are entitled to be enrolled as electors as owners of rateable land in the City of Sydney and have applied for the inclusion of their names on the roll for the election,
  - (b) *the roll of occupiers and ratepaying lessees*, being a roll of persons who are entitled to be enrolled as electors as ratepaying lessees or occupiers of rateable land in the City of Sydney and have applied for the inclusion of their names on the roll for the election.
- (2) A roll prepared under this section lapses after the election for which it is prepared.
- (3) Sections 299 and 300 of the Principal Act do not apply to any election for the City of Sydney.
- (4) References in section 301 of the Principal Act to the non-residential roll prepared and confirmed under section 299 for the area and the roll of occupiers and ratepaying lessees prepared and confirmed under section 300 for the area are in the operation of that section in respect of the City of Sydney to be read as references to, respectively, the roll of non-resident owners of rateable land prepared and confirmed under this section and the roll of occupiers and ratepaying lessees prepared and confirmed under this section.

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- (5) References in Division 2 of Part 6 of Chapter 10 of the Principal Act to the general manager are in the operation of that Division in respect of the City of Sydney to be read as references to the Electoral Commissioner.

**18B    Enrolment letter**

- (1) The Electoral Commissioner must, at least 60 days before the closing date for an election (the *proposed election*) for the City of Sydney, send an enrolment letter addressed:
- (a) to each person whose name appeared on a non-residential roll prepared and confirmed for the previous election, at the address of the person appearing on the roll, and
  - (b) to each corporation or firm that nominated a person as an elector for the previous election, at the address of the corporation or firm appearing on the form of nomination.
- (2) *An enrolment letter* is a letter stating the following:
- (a) that an election for the City of Sydney is to be held,
  - (b) the date the election is to be held,
  - (c) that the person the enrolment letter is addressed to may be entitled to be enrolled as an elector on the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees, or to nominate a person to be so enrolled, for the election,
  - (d) that a person will not be enrolled on such a roll unless inclusion on the roll is applied for before the date prescribed for the closing of the roll of electors for the election,
  - (e) the date prescribed for the closing of the roll of electors for the election.
- (3) The lapsing of a non-residential roll after the election for which it was prepared does not prevent or otherwise affect use of the roll for the purposes of this section.



(4)	In this section and clause 31 of Schedule 3:	1
	<i>closing date</i> for an election has the same meaning as it has in the Principal Act.	2
	<i>non-residential roll</i> means the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees.	3
	<i>previous election</i> in relation to a proposed election means the last election for the City of Sydney held before the proposed election, whether the last election was an ordinary election, a by-election or other kind of election.	4
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<b>18C</b>	<b>Costs in relation to electoral rolls</b>	10
	The costs of the Electoral Commissioner with respect to the preparation of rolls under section 18A, including the costs with respect to the sending of enrolment letters under section 18B, are to be met by the City Council and are recoverable from the Council as a debt. Any dispute as to the amount of those costs is to be determined by the Electoral Commissioner.	11
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<b>[3]</b>	<b>Schedule 3 Savings, transitional and other provisions</b>	18
	Insert after clause 30:	19
<b>Part 9</b>	<b>Provision consequent on enactment of City of Sydney Amendment (Electoral Rolls) Act 2003</b>	20
		21
		22
<b>31</b>	<b>Electoral rolls prepared before commencement of City of Sydney Amendment (Electoral Rolls) Act 2003</b>	23
	A reference in section 18B to a non-residential roll prepared and confirmed for a previous election extends to a roll prepared and confirmed for an election for the City of Sydney under section 299 or 300 of the Principal Act before the commencement of section 18B.	24
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<b>[4]</b>	<b>The whole Act</b>	30
	Omit “ratable” wherever occurring. Insert instead “rateable”.	31

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**Schedule 2 Consequential amendment of Local  
Government Act 1993**

(Section 4)

**Section 301 Roll of electors**

Omit “non-residential roll kept” from section 301 (1).

Insert instead “non-residential roll prepared”.

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