

Passed by both Houses



New South Wales

City of Sydney Amendment (Electoral Rolls) Bill 2003

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2003

Clerk of the Parliaments



New South Wales

City of Sydney Amendment (Electoral Rolls) Bill 2003

Act No , 2003

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.

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.

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.

- (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 90 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.

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- (4) In this section and clause 31 of Schedule 3:

closing date for an election has the same meaning as it has in the Principal Act.

non-residential roll means the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees.

previous election 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.

18C Costs in relation to electoral rolls

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 Director-General of the Department of Local Government.

[3] Schedule 3 Savings, transitional and other provisions

Insert after clause 30:

Part 9 Provision consequent on enactment of City of Sydney Amendment (Electoral Rolls) Act 2003

31 Electoral rolls prepared before commencement of City of Sydney Amendment (Electoral Rolls) Act 2003

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.

[4] The whole Act

Omit “ratable” wherever occurring. Insert instead “rateable”.

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”.