



New South Wales

Local Government Amendment (De-amalgamation Plebiscites) Bill 2023

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* (the *LG Act*) to provide for a process for plebiscites to be held to vote on the de-amalgamation of amalgamated local government areas.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Local Government Act 1993 No 30

Schedule 1[1] provides that a new area constituted after certain de-amalgamations must have boundaries that reflect the former pre-amalgamation areas.

Schedule 1[2] provides that the requirement that the Minister must not recommend the making of proclamation to dissolve an area without a public inquiry does not apply in relation to certain de-amalgamations.

Schedule 1[5] makes an amendment to ensure facilitating provisions for proclamations may be made in relation to de-amalgamations.

Schedule 1[6] and [9] insert proposed sections 218CD and 218CE and Schedules 10 and 11, respectively, into the LG Act to further deal with de-amalgamations.

Proposed section 218CD and proposed Schedule 10 set out a process for initiating and conducting plebiscites for de-amalgamation of amalgamated areas and for related matters. Proposed Schedule 11 contain provisions about giving effect to de-amalgamation plebiscites.

Proposed section 218CE sets out a process for de-amalgamation of an amalgamated area if more than 50% of the electors in a former area have voted for de-amalgamation in a plebiscite conducted under proposed Schedule 10. **Schedule 1[3] and [4]** make consequential amendments.

Schedule 1[7] provides for the postponement of council elections by the Minister of areas the subject of a plebiscite under proposed Schedule 10, to allow sufficient time to conduct the plebiscite and give effect to a de-amalgamation after the plebiscite, if the plebiscite is carried.

Schedule 1[8] contains savings and transitional provisions to provide that the amendments to the LG Act, section 218CC made by the proposed Act extend to a de-amalgamation proposal submitted to the Minister before the commencement of the amendments. In particular, the provisions make clear that the amendments extend to the de-amalgamation proposal relating to Cootamundra-Gundagai Regional local government area.