



New South Wales

# Local Government Amendment (De-amalgamations) Bill 2024

## Explanatory note

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

## Overview of Bill

The object of this Bill is to make amendments the *Local Government Act 1993* (the **LG Act**) about 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.

## Schedule 1 Amendment of Local Government Act 1993 No 30

**Schedule 1[4]** repeals the LG Act, section 218CC, being the current provision dealing with de-amalgamation proposals.

**Schedule 1[5]** inserts proposed section 218CD. The proposed section provides that amalgamated councils may lodge a business case containing a de-amalgamation proposal with the Minister for Local Government (the **Minister**) and the Local Government Boundaries Commission (the **Boundaries Commission**) in relation to the proposal.

The proposed section also sets out steps to be taken by the amalgamated council, the Minister and the Boundaries Commission after the submission of the business case, including enabling the Minister to give approval to the holding of a referendum about the proposal.

If a de-amalgamation proposal is supported in the approved referendum by the votes of a majority of the total number of enrolled electors of the amalgamated local government area, the Minister

may recommend to the Governor that proclamations be made to give effect to the de-amalgamation proposal.

**Schedule 1[8]** inserts Schedule 10, which contains further provisions dealing with de-amalgamation business cases, de-amalgamation proposals, de-amalgamation constitutional referendums and the process and effect of de-amalgamations.

**Schedule 1[1]** makes it clear that the requirement to hold a public inquiry before a dissolution of a local government area does not apply to a de-amalgamation under the provisions to be inserted by the proposed Act.

**Schedule 1[2] and [3]** make consequential amendments.

**Schedule 1[6]** enables the Minister to postpone a council election if a council's area is the subject of a de-amalgamation constitutional referendum under proposed section 218CD.

**Schedule 1[7]** inserts savings, transitional and other provisions consequent on the enactment of the proposed Act, including a Henry VIII provision that is a regulation-making power about existing de-amalgamation proposals.