



New South Wales

City of Sydney Amendment (Business Voting and Council Elections) Bill 2014

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 *City of Sydney Act 1988* as follows:

- (a) to require the Electoral Commissioner to keep voluntary registers of non-resident owners and occupiers and ratepaying lessees who are entitled to vote in City of Sydney elections,
- (b) to require the electoral rolls for those categories of electors to be prepared on the basis of the registers, subject to confirmation of details,
- (c) to provide for non-resident owners, occupiers and ratepaying lessees to be treated as postal voters, subject to the right to elect to vote instead in person,
- (d) to make the Electoral Commissioner responsible for the administration of elections, council polls and constitutional referendums for the City of Sydney.

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 City of Sydney Act 1988 No 48

Schedule 1 [2] inserts a note explaining that the owners of businesses are, if all requirements are met, entitled to vote as non-resident owners, occupiers or ratepaying lessees.

Schedule 1 [3] requires the Electoral Commissioner to keep a non-resident owners register comprising persons who are entitled to be enrolled as electors as owners of rateable land in the City of Sydney and an occupiers and ratepaying lessees register comprising persons who are entitled to be enrolled as electors as occupiers of rateable land or ratepaying lessees in the City of Sydney. The registers are to contain the names of persons who are so entitled who make a claim to the Commissioner for listing on the registers. The registers are to be used as the basis for the roll for elections of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees. The registers are also to be made publicly available by both the Commissioner and the general manager of the Council of the City of Sydney. **Schedule 1 [1], [4] and [5]** make consequential amendments.

Schedule 1 [7] replaces the current requirement for an enrolment letter to be sent out by the Electoral Commissioner 90 days before the closing date of an election with a requirement for the Commissioner to contact persons on the non-resident owners register or the occupiers and ratepaying lessees register to confirm particulars for inclusion on the roll. When contacted for this purpose, a person may also elect not to be included on a roll for an election or to vote in person rather than by postal vote. The Electoral Commissioner is prohibited from including a person on a roll of non-resident owners or occupiers and ratepaying lessees if the person has elected not to be included, has otherwise indicated that the person does not wish to be so included or fails to respond to a request to confirm particulars. **Schedule 1 [6]** makes a consequential amendment.

Schedule 1 [8] provides for persons who are on the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees to be treated as postal voters, subject to an election to vote in person.

Schedule 1 [9] provides for the Electoral Commissioner to administer elections, council polls and constitutional referendums for the City of Sydney.