

LEGISLATIVE ASSEMBLY

Local Government Amendment (Governance and Planning) Bill 2016

First print

Proposed amendments

- No. 1 **Terms of mayors**
Page 7, Schedule 1 [7], lines 11 and 12. Omit all words on those lines.
- No. 2 **The role of a councillor**
Page 7, Schedule 1 [8], lines 26 and 27. Omit all words on those lines.
- No. 3 **Elections conducted by postal voting**
Page 9, Schedule 1 [19], lines 19 and 20. Omit all words on those lines.
- No. 4 **Determination of structure**
Page 9, Schedule 1 [21], lines 24–38. Omit all words on those lines.
- No. 5 **Re-determination of structure**
Page 10, Schedule 1 [23] and [24], lines 8–12. Omit all words on those lines.
- No. 6 **Functions of general manager**
Page 10, Schedule 1 [25], lines 13–41. Omit all words on those lines.
- No. 7 **Powers of Minister in relation to meetings**
Page 12, Schedule 1 [30], lines 1–14. Omit all words on those lines.
- No. 8 **Auditor-General to be council auditor**
Page 16, Schedule 1 [40], proposed section 422 (2), lines 7–9. Omit all words on those lines.
- No. 9 **Auditor-General to be council auditor**
Page 16, Schedule 1 [40], proposed section 423 (1) and (2), lines 26 and 30. Omit “or a person authorised by the Auditor-General”.
- No. 10 **Auditor-General to be council auditor**
Page 16, Schedule 1 [40], proposed section 423 (2) (a), (b) and (e), lines 36, 38 and 47. Omit “or person”.
- No. 11 **Auditor-General to be council auditor**
Page 17, Schedule 1 [40], proposed section 423 (4), line 4. Omit “or a person”.

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- No. 12 **Auditor-General to be council auditor**
Page 17, Schedule 1 [40], proposed section 424 (1), lines 20 and 21. Omit “or a person authorised by the Auditor-General”.
- No. 13 **Auditor-General to be council auditor**
Page 17, Schedule 1 [40], proposed section 424 (1) (a) and (b), lines 22 and 25. Omit “or person”.
- No. 14 **Auditor-General to be council auditor**
Page 17, Schedule 1 [40], proposed section 425 (1), lines 33 and 34. Omit “or any person exercising the functions of the Auditor-General”.
- No. 15 **Auditor-General to be council auditor**
Page 17, Schedule 1 [40], proposed section 425 (1), lines 35 and 36. Omit “or person”.
- No. 16 **State of the environment reports**
Page 18, Schedule 1 [42], lines 13 and 14. Omit all words on those lines.
- No. 17 **Audit, Risk and Improvement Committee**
Page 18, Schedule 1 [43], proposed section 428A, line 19. Insert “At least 1 member of the Committee must be a person who is not a councillor, a staff member of the council or a member of an entity controlled by the council.” after “Committee.”.
- No. 18 **Terms of mayors**
Page 27, Schedule 1 [90], lines 14–17. Omit all words on those lines.
- No. 19 **Election of mayors**
Page 29. Insert after line 32:

Schedule 2 Amendment of Local Government Act 1993 No 30—election of mayors

[1] Section 16 What matters must be dealt with at a constitutional referendum?

Omit section 16 (b).

[2] Chapter 4, Part 3, note

Omit the following:

- Change in the way in which the mayor is chosen

[3] Sections 227–230

Omit the sections. Insert instead:

227 Who elects the mayor?

The mayor of an area is the person elected to the office of mayor by the electors.

228 For what period is the mayor elected?

A mayor holds office until the day appointed for the next ordinary election or, if the election of the councillors is uncontested, until the day on which the election of the councillors would have been held if it had been contested, subject to this Act.

[4] Chapter 10 How are people elected to civic office?

Omit the third paragraph from the introduction to the Chapter.

[5] Section 275 Who is disqualified from holding civic office?

Omit section 275 (7). Insert instead:

- (7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales is not disqualified because of subsection (1) (a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless the person has ceased to be a member of that Parliament before the first meeting of the council concerned after the election.

[6] Section 280 Ward election of councillors—method 1

Omit “if the mayor is to be elected by all the electors for the area” from section 280 (2).

[7] Section 281 Ward election of councillors—method 2

Omit “if the mayor is to be elected by all the electors for the area” from section 281 (2).

[8] Section 282 Election of mayor

Omit “who is to be elected by the electors” from section 282 (1).

[9] Section 282 (2)

Omit the subsection.

[10] Section 283 Double candidature

Omit “by the electors” from section 283 (2).

[11] Section 289 When is an election of a mayor to be held?

Omit “by the electors” from section 289 (1).

[12] Section 289 (2) and (3)

Omit section 289 (2). Insert instead:

- (2) A mayor of an area is to be elected on the day on which a contested election of councillors for the area is to be held.
- (3) If the election of the councillors is delayed for any reason, the election of the mayor is also delayed and must be held on the same day as the delayed election of the councillors.

[13] Section 290 When is an election of a mayor by the councillors to be held?

Omit the section.

[14] Section 291A Countback to be held instead of by-election in certain circumstances

Omit “elected by the electors of an area” from section 291A (2) (a).

[15] Section 292 When is a by-election to be held?

Omit “elected by the electors”.

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- [16] **Section 294 Dispensing with by-elections**
Omit “elected by the electors” wherever occurring in section 294 (1) and (3).
- [17] **Section 294 (2)**
Omit “(but not the office of a mayor elected by the electors)”.
Insert instead “(other than a mayor)”.
- [18] **Section 294A Casual vacancy not to be filled where councillor numbers reduced**
Omit “(but not a mayor elected by the electors)” from section 294A (1).
Insert instead “(other than a mayor)”.
- [19] **Section 294B Casual vacancy not to be filled where councillor numbers reduced—approved by constitutional referendum**
Omit “(but not a mayor elected by the electors)” from section 294B (1).
Insert instead “(other than a mayor)”.
- [20] **Section 295 Casual vacancy in office of mayor elected by the councillors**
Omit the section.
- [21] **Section 296 How elections are to be administered**
Omit “the mayor or a deputy mayor by councillors” from section 296 (8).
Insert instead “a deputy mayor”.
- [22] **Section 306 Nominations**
Omit “by the electors of an area” wherever occurring in section 306 (1) and (2).
- [23] **Section 309 Contested elections**
Omit “by the electors of an area as mayor of the area” from section 309 (2).
Insert instead “as the mayor of an area”.
- [24] **Section 311 Uncontested elections**
Omit “by the electors of the area as the mayor of the area” from section 311 (2).
Insert instead “as the mayor of an area”.
- [25] **Section 312 Offence**
Omit “(other than an election of the mayor by the councillors)”.
- [26] **Section 318B Postponement of elections**
Omit section 318B (7).
- [27] **Section 438S Election of mayor during suspension period**
Omit the section.
- [28] **Section 438ZB Election of mayor during suspension period**
Omit the section.

[29] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert at the end of the Schedule, with appropriate clause numbering:

Existing arrangements to continue for mayors

If, immediately before the commencement of Schedule 2 to the amending Act, the constitution for an area provides that the mayor of the area is to be elected by the councillors, the amendments made by that Schedule do not take effect in that area until the next ordinary election after that commencement.