



New South Wales

Local Government Amendment (Amalgamation Referendums) Bill 2017

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* to provide that:

- (a) plebiscites are to be conducted to ascertain whether the electors of the local government areas amalgamated during 2016 wish the amalgamations to be reversed, and
- (b) certain proposed amalgamations of local government areas are not to proceed unless approval to the amalgamation has been given by the electors of each of the areas concerned at a referendum.

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 amends the *Local Government Act 1993* to give effect to the object of the proposed Act as set out in the Overview above.



New South Wales

Local Government Amendment (Amalgamation Referendums) Bill 2017

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Local Government Act 1993 No 30	3



New South Wales

Local Government Amendment (Amalgamation Referendums) Bill 2017

No. , 2017

A Bill for

An Act to amend the *Local Government Act 1993* to require referendums to be held in relation to the amalgamation or proposed amalgamation of local councils.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Local Government Amendment (Amalgamation Referendums) Act 2017*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

Schedule 1	Amendment of Local Government Act 1993 No 30	1
Schedule 10		2
Insert after Schedule 9:		3
Schedule 10	Special provisions relating to certain council amalgamations and proposed council amalgamations	4
		5
		6
1	Plebiscite to be undertaken regarding council amalgamations that occurred in 2016	7
		8
(1)	This clause applies to an amalgamation of areas by a proclamation made under Division 2A of Part 1 of Chapter 9 in 2016.	9
		10
(2)	A plebiscite is to be conducted to ascertain whether the electors of the amalgamated area wish the amalgamation to be reversed.	11
		12
(3)	The plebiscite is to be conducted within 3 months of the commencement of this Schedule.	13
		14
(4)	The results of the plebiscite are to be given in a form that shows the votes cast by the electors of each former area within the amalgamated area.	15
		16
(5)	It is the duty of the Minister to use his or her best endeavours to give effect to the wishes of the majority of the electors of each former area as expressed by the votes cast at a plebiscite conducted under this clause.	17
		18
		19
	Note. For example, if, in the plebiscite for the newly amalgamated Northern Beaches area, the majority of the electors of the former Pittwater area vote for the amalgamation to be reversed, it is the duty of the Minister for Local Government to use his or her best endeavours to give effect to that vote. This is the case even if the majority of the electors of the Northern Beaches area as a whole did not vote for the amalgamation to be reversed.	20
		21
		22
		23
		24
		25
(6)	In this clause:	26
	<i>elector of a former area</i> means an elector enrolled in respect of an address within the boundaries of the former area.	27
	<i>former area</i> means an area that has been amalgamated.	28
		29
2	Referendum required before certain proposed council amalgamations	30
(1)	This clause applies to the proposed amalgamations of the following areas:	31
(a)	Burwood, Canada Bay and Strathfield,	32
(b)	Hornsby and Ku-ring-gai,	33
(c)	Hunter's Hill, Lane Cove and City of Ryde,	34
(d)	Mosman, North Sydney and City of Willoughby,	35
(e)	City of Randwick, Waverley and Woollahra.	36
(2)	A proclamation under Division 2A of Part 1 of Chapter 9 to give effect to a proposed amalgamation of areas to which this clause applies must not be made unless approval to do so has been given by the electors of each of the areas concerned at a referendum conducted under this Schedule.	37
		38
		39
		40
(3)	The question at a referendum is carried if it is supported by a majority of the votes cast by the electors of the area.	41
		42

3 Provisions relating to the conduct of a plebiscite or referendum	1
(1) Application of certain provisions to plebiscites and referendums	2
Part 1 and Part 6 (except sections 296AA–296B and Divisions 3 and 5) of Chapter 10 apply to a plebiscite or referendum conducted under this Schedule, with such modifications as may be necessary, in the same way as they apply to an election.	3 4 5 6
Note. Part 1 of Chapter 10 identifies the people who are entitled to vote in council elections and Part 6 governs the conduct of those elections.	7 8
Sections 296AA–296B relate to the administration of council elections.	9
Division 3 of Part 6 of that Chapter deals with nominations for election and Division 5 with miscellaneous matters such as irregularities of form or procedure in elections, overdue elections and those declared void.	10 11 12
(2) Administration of plebiscites and referendums	13
The Electoral Commissioner is to administer plebiscites and referendums conducted under this Schedule.	14 15
(3) Day for taking plebiscite or referendum	16
A plebiscite or referendum may be taken on any Saturday, including the Saturday of an ordinary election.	17 18
(4) Informal votes not be counted to determine majority	19
For the purposes of determining the result of a plebiscite or referendum, a reference to a vote in clauses 1 (5) and 2 (3) does not include a reference to any vote that, pursuant to the regulations, is found to be informal.	20 21 22