



New South Wales

Local Government Amendment (Members of Parliament) Bill 2012

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 prohibit a person holding the dual roles of a member of the Parliament of New South Wales and a councillor or mayor of a council. Despite that prohibition, the Bill:

- (a) allows a current member of Parliament who is also a councillor or mayor, or a councillor or mayor who is elected as a member of Parliament in future, to continue to hold the office of councillor or mayor until the next ordinary election of councillors or for the period of 2 years (whichever is the shorter period), and
- (b) allows a member of Parliament to nominate for and be elected as a councillor or mayor without first resigning from Parliament. If elected, the person will need to resign from Parliament before the first meeting of the council after the election.

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] and [2] give effect to the object of this Bill as set out in the Overview.

Schedule 1 [3] authorises the making of regulations of a savings or transitional nature consequent on the enactment of this Bill.

First print



New South Wales

Local Government Amendment (Members of Parliament) Bill 2012

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 (Members of Parliament) Bill 2012

No. , 2012

A Bill for

An Act to amend the *Local Government Act 1993* to prevent a member of Parliament from also holding office as a councillor or mayor.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Local Government Amendment (Members of Parliament) Act 2012</i> .	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] Section 275 Who is disqualified from holding civic office?

Insert after section 275 (1) (a):

- (a1) while a member of the Parliament of New South Wales,
 except as provided by subsections (5) and (7), or

[2] Section 275 (5)–(7)

Insert after section 275 (4):

(5) If:

(a) on the commencement of this subsection, a member of the
 Parliament of New South Wales is a councillor or mayor,
 or

(b) after the commencement of this subsection, a councillor or
 mayor becomes a member of the Parliament of New South
 Wales,

the person is not disqualified from holding civic office because of
subsection (1) (a1) for the balance of the person’s term of office
as a councillor or for the period of 2 years (whichever is the
shorter period).

(6) Subsection (5) does not apply where a councillor or mayor
becomes a member of the Parliament of New South Wales after
the commencement of that subsection and within 12 months after
last ceasing to be a member of that Parliament.

(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:

(a) the person has ceased to be a member of that Parliament
before the first meeting of the council concerned after the
election, or

(b) it is an election as mayor by the councillors during the
period that the person is not disqualified by the operation
of subsection (5).

Local Government Amendment (Members of Parliament) Bill 2012

Schedule 1 Amendment of Local Government Act 1993 No 30

[3] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts	1 2
Insert at the end of clause 1 (1):	3
<i>Local Government Amendment (Members of Parliament) Act 2012</i>	4 5