



New South Wales

Local Government Amendment (Elections) Bill 2003

Explanatory note

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

Overview of Bill

The objects of this Bill are to amend the *Local Government Act 1993*:

- (a) to provide that the ordinary election of councillors for an area is to be held every 4 years on the fourth Saturday in March, rather than on the second Saturday in September, so that the ordinary election that would otherwise have been held on Saturday 13 September 2003 will now be held on Saturday 27 March 2004, and
- (b) to give councils the opportunity, before 31 December 2003, to reduce the number of councillors without having to go through the processes of a constitutional referendum, and
- (c) to make other amendments of a minor or consequential nature.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] amends section 287 to change the date of the quadrennial ordinary election of councillors from the second Saturday in September to the fourth Saturday in March. The ordinary election that was to have been held on Saturday 13 September 2003 will now be held on Saturday 27 March 2004.

Schedule 1 [2]–[4] make consequential amendments with respect to the election of a mayor by the councillors, the period before an ordinary election during which a by-election may be dispensed with (which, in the Bill, is increased from just over 9 months to just under 12 months), and the lodging of returns disclosing pecuniary interests.

Schedule 1 [15] enacts provisions of a transitional nature as a result of these changes. It provides that mayors, deputy mayors who are elected for the mayoral term, councillors, chairpersons of county councils, and deputy chairpersons of county councils, who hold office immediately before the second Saturday in September 2003 are to continue in their offices until the ordinary election to be held on the fourth Saturday in March 2004. **Schedule 1 [5]** enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [6]–[14] make consequential amendments to the timetable set for the phasing-in of the new membership requirements for the registration of local government parties that were introduced by the *Local Government Amendment Act 2000*.

Schedule 1 [15] also enables the Minister for Local Government to approve a reduction in the number of councillors of a council if the council makes such an application before 31 December 2003. Public notice must be given of the application and submissions may be made to the Minister concerning it by interested members of the public. This process will avoid the need for a constitutional referendum to be held to effect the reduction.

First print



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New South Wales

Local Government Amendment (Elections) Bill 2003

No. , 2003

A Bill for

An Act to amend the *Local Government Act 1993* with respect to the ordinary election of councillors and other persons to civic office; to facilitate a decrease in the number of councillors of a council; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Local Government Amendment (Elections) Act 2003</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Local Government Act 1993 No 30	7
The <i>Local Government Act 1993</i> is amended as set out in Schedule 1.	8 9

Schedule 1 Amendments

		1
	(Section 3)	2
[1] Section 287 When is an ordinary election of councillors held?		3
Omit section 287 (1). Insert instead:		4
(1) An ordinary election of the councillors for an area is to be held		5
on the fourth Saturday of March 2004 and on the fourth		6
Saturday of March in every fourth year after 2004.		7
[2] Section 290 When is an election of a mayor by the councillors to be held?		8
Omit “September” from section 290 (1) (b). Insert instead “March”.		9
[3] Section 294 Dispensing with by-elections		10
Omit “1 January” from section 294 (1). Insert instead “1 April”.		11
[4] Section 449 Returns disclosing interests of councillors and designated persons		12
Omit “in the previous year” from section 449 (2).		13
Insert instead “in that year or the previous year”.		14
[5] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts		15
Insert at the end of clause 1 (1):		16
<i>Local Government Amendment (Elections) Act 2003</i>		17
[6] Schedule 8, clause 60		18
Omit “7 September 2003” wherever occurring in clause 60 (2) and (3).		19
Insert instead “21 March 2004”.		20
[7] Schedule 8, clause 60 (8) (a) and (b)		21
Omit “1 August 2003” wherever occurring.		22
Insert instead “1 September 2003”.		23
[8] Schedule 8, clause 60 (8) (b)		24
Omit “8 August 2003”. Insert instead “1 November 2003”.		25
		26
		27
		28

[9] Schedule 8, clause 60 (8)	1
Omit “14 September 2003”. Insert instead “28 March 2004”.	2
[10] Schedule 8, clause 60 (9)	3
Omit “13 September 2003”. Insert instead “27 March 2004”.	4
[11] Schedule 8, clause 60 (9) (b)	5
Omit “1 August 2003”. Insert instead “1 September 2003”.	6
[12] Schedule 8, clause 60 (9) (b)	7
Omit “8 August 2003”. Insert instead “1 November 2003”.	8
[13] Schedule 8, clause 60 (9) (c)	9
Omit “8 August 2003”. Insert instead “1 November 2003”.	10
[14] Schedule 8, clause 61 (a)	11
Omit “6 September 2003”. Insert instead “20 March 2004”.	12
[15] Schedule 8	13
Insert at the end of Schedule 8 with appropriate Part and clause numbers:	14
Part Provisions consequent on the enactment of the Local Government Amendment (Elections) Act 2003	15
	16
	17
Interpretation	18
In this Part, if the ordinary election proposed to be held on Saturday 27 March 2004 is, pursuant to an order under section 288, held on a subsequent Saturday, a reference to Saturday 27 March 2004 is taken to be a reference to the subsequent Saturday.	19
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	21
	22
	23
Term of office—mayors elected by electors and deputy mayors of such mayors	24
	25
(1) This clause applies to:	26
(a) a mayor who is elected to that office by the electors, and	27

-
- (b) a deputy mayor of such a mayor who, under section 231 (2), is elected for the mayoral term, 1
2
who holds office immediately before Saturday 13 September 3
4
2003.
- (2) In relation to a person to whom this clause applies: 5
- (a) the person's term of office is extended to the day on 6
7
which the mayor's successor is declared to be elected to 8
9
the office of mayor following the election to be held on
Saturday 27 March 2004, and
- (b) the person's office does not become vacant until the 10
11
expiration of the term, as extended by paragraph (a), 12
13
unless a casual vacancy occurs in the person's office on 14
or after Saturday 13 September 2003 and before the day
referred to in paragraph (a).
- Term of office—mayors elected by councillors, deputy mayors 15
of such mayors, councillors, chairpersons of county councils 16
and deputy chairpersons of county councils 17**
- (1) This clause applies to: 18
- (a) a mayor who is elected to that office by the councillors, 19
and 20
- (b) a deputy mayor of such a mayor who, under section 231 21
(2), is elected for the mayoral term, and 22
- (c) a councillor, and 23
- (d) the chairperson of a county council, and 24
- (e) a deputy chairperson of a county council, 25
who holds office immediately before Saturday 13 September 26
2003. 27
- (2) In relation to a person to whom this clause applies: 28
- (a) the person's term of office is extended until Saturday 27 29
March 2004, and 30
- (b) the person's office does not become vacant until 31
Saturday 27 March 2004, unless a casual vacancy 32
occurs in the office on or after Saturday 13 September 33
2003 and before Saturday 27 March 2004. 34

Reduction in number of councillors	1
(1) A council may, at any time before 31 December 2003, resolve to make an application to the Minister for approval to decrease the number of councillors in accordance with the limits under section 224.	2 3 4 5
(2) The council must give not less than 21 days public notice of its proposed resolution.	6 7
(3) After passing the resolution, the council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.	8 9 10 11
(4) The Minister may approve the application without amendment or reject the application.	12 13
(5) If the Minister approves the application, the number of councillors of the council is reduced to the number specified in the application with effect on and from the day appointed for the next ordinary election of councillors after the application is approved.	14 15 16 17 18
(6) This clause has effect despite sections 16 and 224.	19