

Passed by both Houses



New South Wales

# Local Government Amendment (Elections) Bill 2003

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2003*



New South Wales

## **Local Government Amendment (Elections) Bill 2003**

Act No , 2003

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

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Local Government Amendment (Elections) Act 2003*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Local Government Act 1993 No 30**

The *Local Government Act 1993* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 287 When is an ordinary election of councillors held?**

Omit section 287 (1). Insert instead:

- (1) An ordinary election of the councillors for an area is to be held on the fourth Saturday of March 2004 and on the fourth Saturday of September in every fourth year after 2004.

**[2] Section 294 Dispensing with by-elections**

Omit “1 January” from section 294 (1). Insert instead “1 April”.

**[3] Section 449 Returns disclosing interests of councillors and designated persons**

Omit “in the previous year” from section 449 (2).

Insert instead “in that year or the previous year”.

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

Insert at the end of clause 1 (1):

*Local Government Amendment (Elections) Act 2003*

**[5] Schedule 8, clause 60**

Omit “7 September 2003” wherever occurring in clause 60 (2) and (3).

Insert instead “21 March 2004”.

**[6] Schedule 8, clause 60 (8) (a) and (b)**

Omit “1 August 2003” wherever occurring.

Insert instead “1 September 2003”.

**[7] Schedule 8, clause 60 (8) (b)**

Omit “8 August 2003”. Insert instead “1 November 2003”.

**[8] Schedule 8, clause 60 (8)**

Omit “14 September 2003”. Insert instead “28 March 2004”.

**[9] Schedule 8, clause 60 (9)**

Omit “13 September 2003”. Insert instead “27 March 2004”.

**[10] Schedule 8, clause 60 (9) (b)**

Omit “1 August 2003”. Insert instead “1 September 2003”.

**[11] Schedule 8, clause 60 (9) (b)**

Omit “8 August 2003”. Insert instead “1 November 2003”.

**[12] Schedule 8, clause 60 (9) (c)**

Omit “8 August 2003”. Insert instead “1 November 2003”.

**[13] Schedule 8, clause 61 (a)**

Omit “6 September 2003”. Insert instead “20 March 2004”.

**[14] Schedule 8**

Insert at the end of Schedule 8 with appropriate Part and clause numbers:

**Part Provisions consequent on the  
enactment of the Local Government  
Amendment (Elections) Act 2003**

**Interpretation**

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.

**Term of office—mayors and deputy mayors**

- (1) This clause applies to:
- (a) a mayor, and
  - (b) a deputy mayor who, under section 231 (2), is elected for the mayoral term,
- who holds office immediately before Saturday 13 September 2003.

- (2) In relation to a person to whom this clause applies:
  - (a) the person's term of office is extended to the day on which the mayor's successor is declared to be elected to 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 expiration of the term, as extended by paragraph (a), unless a casual vacancy occurs in the person's office on or after Saturday 13 September 2003 and before the day referred to in paragraph (a).

**Term of office—councillors, chairpersons of county councils and deputy chairpersons of county councils**

- (1) This clause applies to:
  - (a) a councillor, and
  - (b) the chairperson of a county council, and
  - (c) a deputy chairperson of a county council,who holds office immediately before Saturday 13 September 2003.
- (2) In relation to a person to whom this clause applies:
  - (a) the person's term of office is extended until Saturday 27 March 2004, and
  - (b) the person's office does not become vacant until Saturday 27 March 2004, unless a casual vacancy occurs in the office on or after Saturday 13 September 2003 and before Saturday 27 March 2004.

**Reduction in number of councillors—Hornsby Shire Council**

- (1) Hornsby Shire 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 who would otherwise be required to be elected at the next ordinary election from 11 to 10.
- (2) Hornsby Shire Council must give not less than 21 days public notice of its proposed resolution.

- (3) After passing the resolution, Hornsby Shire 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.
- (4) The Minister may approve the application without amendment or reject the application.
- (5) If the Minister approves the application, the number of councillors of the Hornsby Shire Council is reduced to 10 with effect on and from the day appointed for the next ordinary election of councillors after the application is approved.
- (6) This clause has effect despite sections 16 and 224.

**Amalgamation of areas**

Nothing in this Part affects Division 2C of Part 1 of Chapter 9.