



New South Wales

# Local Government Amendment (Disqualification from Civic Office) Bill 2020

## Explanatory note

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

## Overview of Bill

The object of this Bill is to disqualify real estate agents and property developers from holding a civic office (being the office of councillor or mayor of a council or, in the case of a county council, the office of chairperson or member).

## 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]** amends the *Local Government Act 1993* to give effect to the object set out in the Overview above.

**Schedule 1[2] and [3]** make consequential amendments.



New South Wales

# Local Government Amendment (Disqualification from Civic Office) Bill 2020

## Contents

---

		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Local Government Act 1993 No 30</b>	<b>3</b>



New South Wales

# Local Government Amendment (Disqualification from Civic Office) Bill 2020

No. , 2020

---

## **A Bill for**

An Act to amend the *Local Government Act 1993* to disqualify real estate agents and property developers from holding civic office.

---

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

1

**1 Name of Act**

2

This Act is the *Local Government Amendment (Disqualification from Civic Office) Act 2020*.

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 at the end of section 275(1)(h)—

, or

- (i) if he or she is a real estate agent, or
- (j) if he or she is a property developer.

### [2] Section 275(8) and (9)

Insert after section 275(7) (before the note)—

- (8) If, on the commencement of this subsection, a real estate agent or property developer holds a civic office, the person is not disqualified from holding the civic office because of subsection (1)(i) or (j) for the balance of the person's term of office or for the period of 6 months (whichever is the shorter period).
- (9) Despite anything to the contrary in this Chapter, a real estate agent or property developer is not disqualified because of subsection (1)(i) or (j) 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 real estate agent or property developer before the first meeting of the council or county 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 (8).

### [3] Section 275(10)

Insert at the end of section 275 (after the note)—

- (10) In this section—

***property developer*** has the same meaning as in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

***real estate agent*** has the same meaning as in the *Property, Stock and Business Agents Act 2002*.