

c2021-078D  
GOVT--Government

## LEGISLATIVE COUNCIL

### Electoral Legislation Amendment (Local Government Elections) Bill 2021

First print

#### Instruction to Committee of the Whole

I move, according to the instructions of the House: That the Bill be divided into 2 Bills, and that Schedule 2 on pages 5 and 6 be incorporated in a separate Bill (the *Local Government Amendment (Elections) Bill 2021*) with the following long title and provisions—

A Bill for an Act to amend the *Local Government Act 1993* to provide for matters in relation to the postponement of local government elections; and for related purposes.

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

##### 1 Name of Act

This Act is the *Local Government Amendment (Elections) Act 2021*.

##### 2 Commencement

This Act commences on 1 July 2021.

### **Schedule 1 Amendment of Local Government Act 1993 No 30**

#### [1] Section 296 How elections are to be administered

Insert after section 296(2)—

##### (2A) To avoid doubt—

- (a) a provision of an election arrangement that is inconsistent with, or would prevent a person from casting a vote in a way provided by, the regulations has no effect, and
- (b) the Electoral Commissioner does not contravene subsection (2) by doing, or omitting to do, something for the purpose of complying with provisions of the regulations concerning the conduct of an election to which the arrangement relates.

(2B) Subsection (2A) extends to regulations made after the election arrangement is entered into with the Electoral Commissioner.

#### [2] Section 296C

Insert after section 296B—



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**296C Conduct of COVID-19 safe elections by Electoral Commissioner**

- (1) This section applies to an election administered by the Electoral Commissioner.
- (2) The Electoral Commissioner may, by a written order published on the NSW Electoral Commission website, specify rules (*COVID-19 safe election rules*) for the safe conduct of elections during the COVID-19 pandemic.
- (3) In determining COVID-19 safe election rules, the Electoral Commissioner must have regard to—
  - (a) applicable public health orders concerning the COVID-19 pandemic, and
  - (b) relevant health recommendations made by NSW Health concerning the holding of public events during the COVID-19 pandemic.
- (4) The Electoral Commissioner does not contravene section 296(2) in relation to an election arrangement mentioned in the subsection for something done, or not done, for the purpose of complying with COVID-19 safe election rules.
- (5) This section is repealed on—
  - (a) 1 January 2022, or
  - (b) a later day, not later than 26 March 2022, prescribed by the regulations.
- (6) In this section—  
*public health order* means an order made under the *Public Health Act 2010*, section 7 or 8.

**[3] Section 318B Postponement of elections**

Insert after section 318B(4)—

- (4A) To avoid doubt, subsection (4)(c) does not affect the validity or operation of resolutions passed, or arrangements entered into, by a council under Part 6, Division 1.

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

Insert after Part 41—

**Part 42 Provision consequent on enactment of Local Government Amendment (Elections) Act 2021**

**134 Postponement of elections**

Section 318B(4A) extends to resolutions passed, and arrangements entered into, before the commencement of that subsection in relation to an election postponed under section 318B before the commencement.