



New South Wales

Local Government Amendment (COVID-19— Elections Special Provisions) Bill 2021

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 make special provision for the conduct of the 2021 local government elections.

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.

Clause 3 inserts proposed Chapter 18, Part 1B into the *Local Government Act 1993*.

The proposed Part will enable the making of regulations to modify the application of 1 or more provisions of the *Local Government Act 1993* that apply to the 2021 ordinary elections of councillors for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.

The Minister for Local Government may recommend to the Governor that regulations be made under the proposed Part only if—

- (a) the proposed regulations are in accordance with advice issued by the Electoral Commissioner, and
- (b) the proposed regulations are reasonable to protect the health, safety and welfare of persons from risk of harm caused by the COVID-19 pandemic.

The new provisions also provide that a regulation under this section must not enable an election to be conducted exclusively by means of postal voting or postal voting and iVoting.



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No. _____, 2021

A Bill for

An Act to amend the *Local Government Act 1993* to make further provision about the conduct of the 2021 local government elections.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Local Government Amendment (COVID-19—Elections Special Provisions) Act 2021</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Local Government Act 1993 No 30	7
Chapter 18 Miscellaneous	8
Insert after Part 1A—	9
Part 1B COVID-19 pandemic—2021 local government elections special provisions	10 11
747C COVID-19 pandemic—local government elections regulation-making power	12 13
(1) The regulations may modify the application of 1 or more provisions of this Act that apply to the 2021 ordinary elections of councillors for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.	14 15 16 17
(2) The Minister may recommend to the Governor that regulations be made under this section only if—	18 19
(a) the proposed regulations are in accordance with advice issued by the Electoral Commissioner, and	20 21
(b) the proposed regulations are reasonable to protect the health, safety and welfare of persons from risk of harm caused by the COVID-19 pandemic.	22 23 24
(3) Regulations made under this section—	25
(a) are not limited by the regulation-making power in this Act, and	26
(b) may override the provisions of this Act.	27
(4) A regulation under this section must not enable an election to be conducted exclusively by means of postal voting or postal voting and iVoting.	28 29 30