



New South Wales

City of Sydney Amendment (Elections) Bill 2014

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to require the general manager of the Council of the City of Sydney (the *general manager*) to keep and maintain a register of all persons entitled to be enrolled (including persons who may be taken to be entitled to be enrolled) on the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees (the *non-residential rolls*) under the *City of Sydney Act 1988* (the *CoS Act*), and
- (b) to revise and update provisions relating to entitlement to enrolment on those non-residential rolls, and
- (c) to provide for the general manager to automatically enrol persons onto those non-residential rolls, and
- (d) to provide that if a corporation is the owner, ratepaying lessee or occupier of rateable land in the City of Sydney, the corporation may nominate 2 natural persons to be enrolled as electors instead of the corporation, and
- (e) to provide that if a corporation fails to make such a nomination at least 28 days before the closing date for an election, the first 2 company secretaries or directors of the corporation (taken alphabetically) are to be deemed to have been so nominated and are to be enrolled as electors instead of the corporation, and
- (f) to provide that no more than 2 owners, 2 ratepaying lessees or 2 occupiers are entitled to be enrolled as electors in respect of any one parcel of rateable land, and

- (g) to provide that if it appears to the general manager that there are more than 2 owners, 2 ratepaying lessees or 2 occupiers of any one parcel of rateable land, the general manager is to enrol:
 - (i) 2 of those owners, ratepaying lessees or occupiers in accordance with a written nomination signed by the majority of those owners, ratepaying lessees or occupiers submitted to the general manager at least 28 days before the closing date for an election, or
 - (ii) if no such nomination is made, the first 2 persons from a list of those owners, ratepaying lessees or occupiers (taken alphabetically), and
- (h) to provide that regulations made under the *Local Government Act 1993* may apply one or more of the provisions of Part 3 (Elections) of the CoS Act (with any specified modifications) to elections for such other local government areas as may be specified in those regulations.

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.

Schedule 1 Amendment of City of Sydney Act 1988 No 48

Non-residential roll electoral information register—object (a)

Schedule 1 [10] inserts proposed section 18D into the CoS Act to give effect to object (a) set out in the Overview. The proposed section:

- (a) requires the general manager to keep and maintain a register of all persons entitled to be enrolled (including persons who may be taken to be entitled to be enrolled) on the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees under the CoS Act, and
- (b) sets out what information is to be included on that register, and
- (c) allows the register to be kept in an electronic form, and
- (d) requires the general manager to maintain and regularly revise the register to ensure that it is accurate, and
- (e) requires the general manager to ensure that the register is not available for public inspection, and
- (f) empowers the general manager, or a member of staff of the Council of the City of Sydney who is authorised by the general manager, to require certain persons to answer questions regarding the enrolment of persons under the CoS Act and provides that a refusal or failure to answer such a question (or giving an answer to such a question that the person knows is false or misleading in a material particular) is an offence, and
- (g) enables the general manager to request the assistance of the Electoral Commissioner, and requires the Electoral Commissioner to provide that assistance, in ascertaining certain information concerning a person who the general manager believes is entitled to be enrolled as an elector for the City of Sydney.

Entitlement to enrolment—object (b)

Schedule 1 [2] substitutes the definitions of *ratepaying lessee* and *occupier* in section 14 (1) of the CoS Act to give effect to object (b) set out in the Overview. These provisions define which persons are ratepaying lessees and occupiers for the purposes of enrolment under the CoS Act. The substituted definitions remove the requirement that the person be liable to pay annual rent and

local government rates (in relation to a ratepaying lessee) or annual rent (in relation to an occupier) of at least \$5,000.

Schedule 1 [3] updates a reference in the definition of *rateable land* in section 14 (1) of the CoS Act. The amendment makes it clear that rateable land does not include a utility lot within the meaning of the *Strata Schemes Management Act 1996*, which is a lot designed to be used primarily for storage or accommodation of boats, motor vehicles or goods and not for human occupation as a residence, office, shop or the like.

Schedule 1 [5] substitutes section 14 (2) of the CoS Act to provide that a person is not an owner, ratepaying lessee or occupier of rateable land, for the purposes of the enrolment provisions of that Act, merely because the person owns, holds or occupies:

- (a) a parcel of land designed, constructed or used solely or principally for the parking of no more than 2 motor vehicles, or
- (b) a self-storage unit used for the storage of boats, motor vehicles or goods.

Schedule 1 [5] also removes the requirement that, in order to be enrolled, a ratepaying lessee or occupier of rateable land must have his or her primary place of residence within New South Wales. It is noted that section 15 (2) of the CoS Act provides that a person is not entitled to be enrolled unless the person is entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives.

Automatic enrolment of persons on non-residential rolls—object (c)

Schedule 1 [10] inserts proposed sections 18A–18C into the CoS Act to give effect to object (c) set out in the Overview.

Proposed section 18A (which is substituted for current section 18A) provides that not later than the closing date for an election, the general manager is to prepare the following rolls for the election:

- (a) the *roll of non-resident owners of rateable land*, being a roll of persons who are entitled to be enrolled as electors as owners of rateable land in the City of Sydney,
- (b) the *roll of occupiers and ratepaying lessees*, being a roll of persons who are entitled to be enrolled as electors as ratepaying lessees or occupiers of rateable land in the City of Sydney.

An owner, ratepaying lessee or occupier is not required to make an application for enrolment to be included on those rolls.

Proposed section 18B provides that, as soon as practicable after the closing date for an election for the City of Sydney, the Electoral Commissioner is to review those rolls and notify the general manager of any necessary corrections.

Proposed section 18C provides that as soon as practicable after correcting the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees (if required), the general manager is to confirm the rolls for the purpose of the election.

Schedule 1 [4] makes a consequential amendment.

Enrolment of nominee electors for corporations—objects (d) and (e)

Schedule 1 [8] inserts proposed sections 16AA–16AC into the CoS Act to give effect to objects (d) and (e) set out in the Overview.

Proposed section 16AA provides that if a corporation is the owner, ratepaying lessee or occupier of any rateable land, the corporation may submit a nomination in writing to the general manager of the names of 2 natural persons to be enrolled as electors instead of the corporation.

The provision also provides that if the joint owners, ratepaying lessees or occupiers of any rateable land consist of corporations or a combination of persons and corporations (of at least one person and one corporation), the joint owners, ratepaying lessees or occupiers may submit a nomination in writing to the general manager of the names of 2 natural persons to be enrolled as electors instead of the joint owners, ratepaying lessees or occupiers.

Proposed section 16AB contains provisions regarding the making and revocation of those nominations. A person may not be nominated under proposed section 16AA unless the person, at the time of the nomination:

- (a) is a director or company secretary of the corporation (or if the joint owners, ratepaying lessees or occupiers of any rateable land consist of a combination of corporations and natural persons, is a director or company secretary of the corporations or one of those natural persons), and
- (b) has reached 18 years of age or will attain the age of 18 years on or before the date of the next ordinary election of councillors, and
- (c) has consented in writing to be nominated, and
- (d) is entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives, and
- (e) is not for any other reason already entitled to be enrolled as an elector for the City of Sydney.

Proposed section 16AC provides that if a corporation is the sole owner, ratepaying lessee or occupier of any rateable land in the City of Sydney and the general manager has not at least 28 days before the closing date for an election received a nomination in writing made by the corporation of 2 natural persons who are to be enrolled as an elector instead of the corporation, the first 2 of the following persons are taken to have been nominated by the corporation:

- (a) the company secretaries (however styled) of the corporation (taken alphabetically),
- (b) the directors (however styled) of the corporation (taken alphabetically).

(Proposed section 16AC (2) deals with the situation where a corporation validly nominates only one person.)

Proposed section 16AC (4) provides that if a person is:

- (a) otherwise entitled to be enrolled, or
- (b) not entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives,

that person is to be disregarded for the purposes of deeming a nomination under this proposed section.

The general manager must advise the corporation in writing of any person who has been enrolled as a nominee of the corporation under this proposed section.

Schedule 1 [6] and [7] make consequential amendments.

Multiple owners, ratepaying lessees or occupiers—objects (f) and (g)

Schedule 1 [9] inserts proposed section 16B into the CoS Act to give effect to objects (f) and (g) set out in the Overview.

Proposed section 16B provides that no more than 2 owners, 2 ratepaying lessees and 2 occupiers are entitled to be enrolled as electors in respect of any one parcel of rateable land.

The proposed section provides that if there are more than 2 owners, ratepaying lessees or occupiers of any one parcel of rateable land, the general manager is to enrol:

- (a) 2 of those owners, ratepaying lessees or occupiers in accordance with a written nomination made by the majority of those owners, ratepaying lessees or occupiers, or
- (b) if no such nomination is made—the first 2 persons from an alphabetical list of the names of the owners, ratepaying lessees or occupiers.

The proposed section also contains provisions dealing with the making and revocation of nominations.

Schedule 1 [5] also makes a consequential amendment by omitting current section 14 (1A)–(3) of the CoS Act which dealt with multiple ratepaying lessees and occupiers by determining an elector

entitlement based on the amount of annual rent and local government rates (in relation to a ratepaying lessees) or annual rent (in relation to occupiers) divided by \$5,000.

Extension of provisions to other councils—object (h)

Schedule 1 [11] inserts proposed section 25 into the CoS Act to give effect to object (h) set out in the Overview. The proposed section provides that regulations may be made under the *Local Government Act 1993* to apply one or more of the provisions of Part 3 (Elections) of the CoS Act, and any regulations made under that Part, (with any specified modifications) to elections for such other local government areas as may be specified in those regulations.

Miscellaneous

Schedule 1 [1], [12] and [14] provide a definition of *general manager* for the purposes of the CoS Act and make consequential amendments.

Schedule 1 [10] also inserts proposed section 18E into the CoS Act to provide that the general manager must, at least 90 days before the closing date for an election for the City of Sydney, send enrolment letters to each person who the general manager believes is entitled to be enrolled (and each corporation that the general manager believes, if it were a natural person, would be entitled to be enrolled) under the CoS Act. The letters are required to contain information about the election and the enrolment of the person (or nominees for the corporation) for the purposes of the election.

Schedule 1 [13] inserts provisions into section 58 (Regulations) of the CoS Act to enable regulations to be made for or with respect to elections for the City of Sydney generally and, more specifically, postal voting by electors enrolled on the non-residential rolls at those elections.



New South Wales

City of Sydney Amendment (Elections) Bill 2014

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of City of Sydney Act 1988 No 48	3



New South Wales

City of Sydney Amendment (Elections) Bill 2014

No. , 2014

A Bill for

An Act to amend the *City of Sydney Act 1988* to make further provision in relation to elections for the Council of the City of Sydney; and for other purposes.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *City of Sydney Amendment (Elections) Act 2014*.

3

2 Commencement

4

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

5

Schedule 1	Amendment of City of Sydney Act 1988 No 48	1
[1] Section 4 Definitions		2
	Insert in alphabetical order in section 4 (1):	3
	<i>general manager</i> means the general manager of the City Council.	4
[2] Section 14 Definitions		5
	Omit section 14 (1) (b) and (c). Insert instead:	6
	(b) <i>ratepaying lessee</i> means a person who has been continuously, during the period of 3 months preceding the relevant date, the lessee (whether jointly or severally) of rateable land and who is liable, under a lease in writing or other document of title relating to the land, to pay to any person the whole or any part of any local government rates which may be made or levied in respect of the land,	7 8 9 10 11 12
	(c) <i>occupier</i> means a person who has a legally enforceable right (jointly or severally, but not as owner or ratepaying lessee) to continuous occupation of rateable land, during the period of 3 months preceding the relevant date,	13 14 15 16
[3] Section 14 (1) (e)		17
	Omit the paragraph. Insert instead:	18
	(e) <i>rateable land</i> includes all land in the City of Sydney on which any rate is leviable or levied under the Principal Act, but does not include a utility lot within the meaning of the <i>Strata Schemes Management Act 1996</i> ,	19 20 21 22
	Note. <i>Utility lot</i> is defined in the <i>Strata Schemes Management Act 1996</i> to be a lot designed to be used primarily for storage or accommodation of boats, motor vehicles or goods and not for human occupation as a residence, office, shop or the like.	23 24 25 26
[4] Section 14 (1) (f) (i)		27
	Omit “the claim for enrolment”. Insert instead “that determination”.	28
[5] Section 14 (2)		29
	Omit section 14 (1A)–(4). Insert instead:	30
	(2) Despite subsection (1), a person is not an owner, ratepaying lessee or occupier of rateable land for the purposes of this Division merely because the person owns, holds or occupies:	31 32 33
	(a) a parcel of land designed, constructed or used solely or principally for the parking of no more than 2 motor vehicles, or	34 35
	(b) a self-storage unit used for the storage of boats, motor vehicles or goods.	36
[6] Section 15 Right to be enrolled as an elector		37
	Omit “the person nominated” from section 15 (2).	38
	Insert instead “a person nominated or taken to have been nominated”.	39
[7] Section 16 Provisions relating to right to be enrolled as an elector		40
	Omit section 16 (1), (3) and (5).	41

[8] Sections 16AA–16AC	1
Insert after section 16:	2
16AA Corporations	3
(1) If a corporation is the sole owner, ratepaying lessee or occupier of any rateable land, the corporation may submit a nomination in writing to the general manager of the names of 2 natural persons to be enrolled as electors instead of the corporation.	4 5 6 7
(2) If the joint owners, ratepaying lessees or occupiers of any rateable land consist of corporations or a combination of natural persons and corporations (of at least one natural person and one corporation), the majority of the joint owners, ratepaying lessees or occupiers may submit a nomination in writing to the general manager of the names of 2 natural persons to be enrolled as electors instead of the joint owners, ratepaying lessees or occupiers.	8 9 10 11 12 13
(3) A corporation may make a nomination or be part of a majority of joint owners, ratepaying lessees or occupiers making a nomination under this section only once, regardless of how many parcels of rateable land it owns, leases or occupies or jointly owns, leases or occupies.	14 15 16 17
(4) A natural person nominated under this section is entitled to be enrolled as an elector on the relevant roll.	18 19
16AB Nominations of electors by corporations	20
(1) A person may not be nominated under section 16AA unless the person, at the time of the nomination:	21 22
(a) in relation to a nomination under section 16AA (1)—is a director or company secretary (however styled) of the corporation, and	23 24
(b) in relation to a nomination under section 16AA (2)—is a director or company secretary (however styled) of the corporation (or any of the corporations concerned) or is a joint owner, ratepaying lessee or occupier of the rateable land (as relevant), and	25 26 27 28
(c) has reached 18 years of age or will attain the age of 18 years on or before the date of the next ordinary election of councillors, and	29 30
(d) has consented in writing to be nominated, and	31
(e) is entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives, and	32 33 34
(f) is not, for any other reason, already entitled to be enrolled as an elector for the City of Sydney.	35 36
(2) A nomination under section 16AA is revoked if:	37
(a) the person nominated:	38
(i) in relation to a nomination under section 16AA (1)—ceases to be a director or company secretary of the corporation, or	39 40
(ii) in relation to a nomination under section 16AA (2)—ceases to be a director or company secretary of the corporation (or any of the corporations concerned) or a joint owner, ratepaying lessee or occupier of the rateable land (as relevant), or	41 42 43 44
(iii) dies, or	45

(iv)	submits a notice of resignation to the general manager containing the details required by the regulations (if any), or	1 2
(v)	for any other reason becomes entitled to be enrolled as an elector for the City of Sydney, or	3 4
(b)	a notice of revocation is submitted by the corporation (or the majority of the joint owners, ratepaying lessees or occupiers concerned) to the general manager containing the details required by the regulations (if any), or	5 6 7 8
(c)	the entitlement to be enrolled under section 16AA ceases to exist.	9
(3)	If the general manager receives a nomination under section 16AA in respect of any rateable land in respect of which 2 persons have already been nominated and the corporation (or the joint owners, ratepaying lessees or occupiers concerned):	10 11 12 13
(a)	nominates one natural person but does not revoke the nomination of either of the 2 people previously nominated—the general manager must refuse to accept the nomination, or	14 15 16
(b)	nominates 2 natural persons—the nomination is taken to revoke all previous nominations.	17 18
(4)	If the general manager refuses to accept a nomination under subsection (3) (a), he or she must advise the corporation (or the joint owners, ratepaying lessees or occupiers concerned) that submitted the nomination of that refusal and give reasons for the refusal.	19 20 21 22
16AC	Deeming of nomination of electors on behalf of corporations	23
(1)	This section applies if a corporation is the sole owner, ratepaying lessee or occupier of any rateable land in the City of Sydney and the general manager has not received by the nomination cut-off date for an election a nomination in writing under section 16AA made by the corporation of 2 natural persons who are to be taken to be entitled to be enrolled as an elector instead of the corporation.	24 25 26 27 28 29
(2)	If the corporation has validly nominated one natural person by that nomination cut-off date, the following person is taken to have been nominated by the corporation under section 16AA as the second natural person who is to be entitled to be enrolled as an elector instead of the corporation:	30 31 32 33
(a)	the company secretary (however styled) of the corporation or, if there is more than one company secretary, the company secretary whose name appears first in an alphabetical list of the names of the company secretaries (however styled) of the corporation,	34 35 36 37
(b)	if the corporation's sole eligible company secretary is the validly nominated person or no company secretary is entitled to be enrolled as an elector—the director (however styled) of the corporation whose name appears first in an alphabetical list of the names of the directors (however styled) of the corporation.	38 39 40 41 42
(3)	If the corporation has not validly nominated any natural persons by that nomination cut-off date, the first 2 persons from a list comprised in the following manner are taken to have been nominated by the corporation under section 16AA:	43 44 45 46
(a)	first, the name of the company secretary or the names of the company secretaries (however styled) of the corporation listed in alphabetical order,	47 48 49

(b)	then, the names of the directors (however styled) of the corporation listed in alphabetical order.	1 2
(4)	Despite subsections (2) and (3), if a person who is taken to have been nominated by the corporation under one of those subsections is:	3 4
(a)	otherwise entitled to be enrolled under this Act, or	5
(b)	not entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives,	6 7 8
	that person is to be disregarded for the purposes of the subsection.	9
(5)	Information that is available from the Australian Securities and Investments Commission concerning the name, address and age of the persons specified in subsections (2) and (3) may be collected and used for the purposes of this section.	10 11 12 13
(6)	The general manager must advise the corporation in writing of any person who has been enrolled as a nominee of the corporation under this section.	14 15
(7)	In any alphabetical list of names for the purposes of this section, surnames are to be considered before given names.	16 17
(8)	In this section, <i>nomination cut-off date</i> , for an election, means the date that is 28 days before the closing date for the election.	18 19
[9]	Section 16B	20
	Insert after section 16A:	21
16B	Entitlement to enrolment where more than 2 owners, ratepaying lessees or occupiers—other than corporations	22 23
(1)	No more than 2 owners, 2 ratepaying lessees and 2 occupiers are entitled to be enrolled as electors in respect of any one parcel of rateable land.	24 25
(2)	If it appears to the general manager that there are more than 2 owners, 2 ratepaying lessees or 2 occupiers of any one parcel of rateable land, the general manager is to enrol:	26 27 28
(a)	2 of those owners, ratepaying lessees or occupiers in accordance with a written nomination made by the majority of those owners, ratepaying lessees or occupiers submitted to the general manager before the nomination cut-off date for an election, or	29 30 31 32
(b)	if no such nomination is made before that date—the first 2 persons from an alphabetical list of the names of the owners, ratepaying lessees or occupiers (considering surname first, then given names).	33 34 35
(3)	A person may not be nominated under subsection (2) (a) unless the person:	36
(a)	has reached 18 years of age or will attain the age of 18 years on or before the date of the next ordinary election of councillors, and	37 38
(b)	has consented in writing to be nominated, and	39
(c)	is entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives, and	40 41 42
(d)	is not, for any other reason, already entitled to be enrolled as an elector for the City of Sydney.	43 44

(4)	A nomination under subsection (2) (a) is revoked if:	1
(a)	a person nominated:	2
(i)	dies, or	3
(ii)	submits a notice of resignation to the general manager containing the details required by the regulations (if any), or	4
(iii)	for any other reason becomes entitled to be enrolled as an elector for the City of Sydney, or	6
(b)	a notice of revocation made by the majority of the joint owners, ratepaying lessees or occupiers is submitted to the general manager containing the details required by the regulations (if any), or	8
(c)	the entitlement under section 15 ceases to exist.	10
(5)	If the general manager receives a nomination under subsection (2) (a) in respect of any rateable land in respect of which 2 persons have already been nominated and the nomination:	12
(a)	nominates one person but does not revoke the nomination of either of the 2 people previously nominated—the general manager must refuse to accept the nomination, or	13
(b)	nominates 2 persons—the nomination is taken to revoke all previous nominations.	14
(6)	If the general manager refuses to accept a nomination under subsection (5) (a), he or she must advise the owners, ratepaying lessees or occupiers concerned of that refusal and give reasons for the refusal.	15
(7)	Despite subsection (2) (b), if a person referred to in that paragraph is:	16
(a)	otherwise entitled to be enrolled under this Act, or	17
(b)	not entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives,	18
	that person is to be disregarded for the purposes of that paragraph.	19
(8)	In this section, <i>nomination cut-off date</i> , for an election, means the date that is 28 days before the closing date for the election.	20
(9)	For the avoidance of doubt, subsections (2)–(8) do not apply in relation to cases where the joint owners, ratepaying lessees or occupiers of rateable land consist of corporations or a combination of natural persons and corporations (of at least one natural person and one corporation).	21
	Note. See section 16AA (2) in relation to those cases.	22
[10]	Sections 18A–18E	23
	Omit sections 18A–18C. Insert instead:	24
18A	General manager to prepare roll of non-resident owners and roll of occupiers and ratepaying lessees	25
(1)	Not later than the closing date for an election, the general manager is to prepare the following rolls for the election:	26
(a)	<i>the roll of non-resident owners of rateable land</i> , being a roll of persons who are entitled to be enrolled as electors as owners of rateable land in the City of Sydney,	27

- (b) *the roll of occupiers and ratepaying lessees*, being a roll of persons who are entitled to be enrolled as electors as ratepaying lessees or occupiers of rateable land in the City of Sydney. 1
2
3
- (2) Sections 299 and 300 of the Principal Act do not apply to any election for the City of Sydney. 4
5
- (3) The general manager must ensure that the address of a person who is a silent elector under a law of the State or of the Commonwealth is not entered on any roll prepared under this section. 6
7
8
- 18B Electoral Commissioner to verify non-residential rolls of electors** 9
- (1) As soon as practicable after the closing date for an election for the City of Sydney, the general manager must provide the Electoral Commissioner with the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees. 10
11
12
13
- (2) The Electoral Commissioner is to review those rolls and is to notify the general manager if any person on either of those rolls: 14
15
- (a) will not be of or above the age of 18 years on the polling day of the election, or 16
17
- (b) is not entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives, or 18
19
20
- (c) is a silent elector under a law of the State or of the Commonwealth, or 21
- (d) does not reside at the address shown for the person on the roll concerned, but resides at another address, or 22
23
- (e) without limiting paragraph (d), does not reside at the address shown for the person on the roll concerned, but resides at an address in the City of Sydney and, for that reason, is entitled to be enrolled as a resident of the City of Sydney. 24
25
26
27
- (3) If the general manager receives such a notification from the Electoral Commissioner, the general manager is to correct the roll: 28
29
- (a) in the case of a person who will not be of or above the age of 18 years on the polling day of the election or who is not entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives—by removing the name of the person, and 30
31
32
33
34
- (b) in the case of a person who is a resident of the City of Sydney—by removing the name of the person, and 35
36
- (c) in the case of a person who is a silent elector—by removing the residential address of the silent elector, and 37
38
- (d) in the case of a person who does not reside at the address shown for the person on the roll concerned, but resides at another address—by replacing the incorrect residential address with the correct residential address of the person. 39
40
41
42
- (4) For the avoidance of doubt, if the general manager removes the name of a person under subsection (3) (a) or (b) that was recorded on a roll by operation of section 16AC or 16B (2) (b), the general manager is not to insert the name of any other person on that roll in that person's place. 43
44
45
46
- (5) The costs of the Electoral Commissioner with respect to the carrying out of any function under this section are to be met by the City Council and are 47
48

recoverable from the City Council as a debt. Any dispute as to the amount of those costs is to be determined by the Chief Executive of the Office of Local Government.	1 2 3
18C Confirmation of non-residential rolls of electors	4
(1) As soon as practicable after correcting the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees under section 18B (3) (if required), the general manager is to confirm the rolls.	5 6 7
(2) References in section 301 of the Principal Act to the non-residential roll prepared and confirmed under section 299 for the area and the roll of occupiers and ratepaying lessees prepared and confirmed under section 300 for the area are, in the operation of that section in respect of the City of Sydney, to be read as references to, respectively, the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees prepared and confirmed under this Act.	8 9 10 11 12 13 14
(3) A roll prepared and confirmed under this Act lapses after the election for which it is prepared and confirmed.	15 16
18D Non-residential roll electoral information register	17
(1) The general manager is to keep and maintain records of the following in a non-residential roll electoral information register (the <i>Register</i>):	18 19
(a) persons entitled to be enrolled under section 15 (1) (a) and (b),	20
(b) persons nominated to be enrolled under section 16AA,	21
(c) persons who may be taken to be entitled to be enrolled under section 16AC,	22 23
(d) persons entitled to be enrolled under section 16B.	24
(2) The Register is to include:	25
(a) the surname, given name or names, date of birth and sex of each such person, and	26 27
(b) the residential address of the person, and	28
(c) whether the person is a silent elector under a law of the State or of the Commonwealth, and	29 30
(d) any other particulars that the general manager considers necessary to carry out his or her functions under this Act, and	31 32
(e) any other particulars of a kind as are prescribed by the regulations.	33
(3) The Register is to be kept in an electronic form.	34
(4) The general manager must maintain and regularly revise the Register to ensure that it is accurate.	35 36
(5) The general manager must ensure that the Register is not available for public inspection.	37 38
(6) The general manager, or a member of staff of the City Council who is authorised by the general manager, may require any of the following persons to answer questions regarding the enrolment of persons under this Act:	39 40 41
(a) an owner of rateable land in the City of Sydney,	42
(b) a ratepaying lessee or an occupier of rateable land in the City of Sydney,	43
(c) a person in charge of, or who is the agent for the owner of, rateable land in the City of Sydney,	44 45

(d)	a resident of the City of Sydney.	1
(7)	A person must not:	2
(a)	without reasonable excuse, refuse or fail to answer such a question, or	3
(b)	give an answer to such a question that the person knows is false or misleading in a material particular.	4
	Maximum penalty: 20 penalty units.	5
		6
(8)	The general manager may request the assistance of the Electoral Commissioner, and the Electoral Commissioner is to provide that assistance, in ascertaining the following information concerning a person who the general manager believes is entitled to be enrolled as an elector for the City of Sydney:	7
		8
		9
		10
(a)	the age of the person,	11
(b)	the residential address of the person,	12
(c)	whether the person is entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives,	13
		14
		15
(d)	whether the person is a silent elector under a law of the State or of the Commonwealth,	16
		17
(e)	other information that the regulations may prescribe.	18
18E	Enrolment letters	19
(1)	The general manager must, at least 90 days before the closing date for an election for the City of Sydney, send enrolment letters in accordance with this section.	20
		21
		22
(2)	The general manager must send an enrolment letter addressed to each person who the general manager believes is entitled to be enrolled on a non-residential roll stating the following:	23
		24
		25
(a)	that an election for the City of Sydney is to be held,	26
(b)	the date the election is to be held,	27
(c)	that, in the opinion of the general manager, the person the enrolment letter is addressed to is entitled to be enrolled as an elector on the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees for the election,	28
		29
		30
		31
(d)	that the person will be enrolled on such a roll on the date prescribed for the closing of the roll of electors for the election,	32
		33
(e)	that, in relation to a natural person who the general manager believes is entitled to be enrolled as nominee of a corporation under section 16AC, the person will be enrolled on such a roll as the nominee of the corporation unless, at least 28 days before the date prescribed for the closing of the roll of electors for the election, another person is nominated by the corporation,	34
		35
		36
		37
		38
		39
(f)	the date prescribed for the closing of the roll of electors for the election.	40
(3)	The general manager is also to send a letter to each corporation that the general manager believes is the sole owner, ratepaying lessee or occupier of rateable land in the City of Sydney stating the following:	41
		42
		43
(a)	that an election for the City of Sydney is to be held,	44
(b)	the date the election is to be held,	45

(c)	that, in the opinion of the general manager, the corporation the enrolment letter is addressed to is entitled to nominate 2 natural persons to be enrolled instead of the corporation,	1 2 3
(d)	if the corporation has not already made such a nomination—that 2 natural persons who the general manager believes are entitled to be enrolled as nominees of a corporation under section 16AC will be enrolled unless, at least 28 days before the date prescribed for the closing of the roll of electors for the election, 2 natural persons are nominated by the corporation,	4 5 6 7 8 9
(e)	the date prescribed for the closing of the roll of electors for the election.	10
(4)	In this section, <i>non-residential roll</i> means the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees.	11 12
[11]	Part 3, Division 5	13
	Insert after Division 4:	14
	Division 5 Application of provisions of this Part to other councils	15
	25 Regulations may apply provisions of this Part to other councils	16
(1)	Regulations made under the Principal Act may apply one or more of the provisions of this Part, or any regulations made under this Part, (with any specified modifications) to elections for such other local government areas as may be specified in those regulations.	17 18 19 20
(2)	The provisions of any regulation referred to in subsection (1) prevail to the extent of any inconsistency with the provisions of the Principal Act or any other regulations made under the Principal Act.	21 22 23
[12]	Sections 40 (4) and 51J (3) (b) and clause 4 (1) of Schedule 1	24
	Omit “general manager of the City Council” wherever occurring.	25
	Insert instead “general manager”.	26
[13]	Section 58 Regulations	27
	Insert after section 58 (2) (g):	28
(h)	elections for the City of Sydney,	29
(i)	without limiting paragraph (h), postal voting by electors enrolled on the roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees at elections for the City of Sydney.	30 31 32
[14]	Schedule 1 The Planning Committee	33
	Omit “general manager of the City of Sydney” in clause 18.	34
	Insert instead “general manager”.	35