

**LEGISLATIVE COUNCIL**

**City of Sydney Amendment (Elections) Bill 2014**

**First print**

**Proposed amendments**

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No. 1      **Joint owners, ratepaying lessees and occupiers—consequential**

Page 3, Schedule 1 [2], lines 5-16. Omit all words on those lines. Insert instead:

**[2]    Section 14 Definitions**

Insert “, subject to subsections (1AA), (3) and (4)” after “means” in section 14 (1) (a).

No. 2      **Reduction of eligibility threshold**

Page 3, Schedule 1. Insert after line 16:

**[3]    Section 14 (1) (b) and (c)**

Omit “\$5,000” wherever occurring. Insert instead “\$4,000”.

No. 3      **Joint owners, ratepaying lessees and occupiers—principal amendment**

Page 3, Schedule 1. Insert after line 28:

**[5]    Section 14 (1AA)–(3A)**

Omit section 14 (1A)–(3). Insert instead:

- (1AA) If the joint owners of any rateable land under subsection (1) (a) consist of 3 or more natural persons, only 2 of those natural persons may be owners of the rateable land for the purposes of this Division.
- (1A) If the joint ratepaying lessees of any rateable land under subsection (1) (b) consist of 3 or more natural persons, only 2 of those natural persons may be ratepaying lessees of the rateable land for the purposes of this Division.
- (2) If the joint occupiers of any rateable land under subsection (1) (c) consist of 3 or more natural persons, only 2 of those natural persons may be occupiers of the rateable land for the purposes of this Division.
- (3) If, because of the operation of subsection (1AA), (1A) or (2), only 2 natural persons from among a number of joint owners, joint ratepaying lessees or joint occupiers may be owners, ratepaying lessees or occupiers for the purposes of this Division, those 2 natural persons are to be determined as follows:

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- (a) in accordance with a written nomination signed by the majority of those joint owners, joint ratepaying lessees or joint occupiers submitted to the general manager before the nomination cut-off date for an election, or

**Note.** See section 16B for further provisions regarding these nominations.

- (b) if no such nomination is made, 2 natural persons determined by the general manager having regard to the alphabetical order of the names of the joint owners, joint lessees or joint occupiers (considering surname first, then given names) or on such other basis as the general manager considers appropriate in the circumstances of the case.
- (3A) If the joint owners, ratepaying lessees or occupiers of rateable land (within the meaning of subsection (1)) consist of corporations or a combination of natural persons and corporations (of at least one natural person and one corporation), section 16AA (2) applies and has effect despite anything to the contrary in this section.

No. 4      **Joint owners, ratepaying lessees and occupiers—consequential**

Page 3, Schedule 1, lines 29 and 30. Omit all words on those lines. Insert instead:

**[5]    Section 14 (4)**

Omit section 14 (4). Insert instead:

No. 5      **Joint owners, ratepaying lessees and occupiers—consequential**

Page 3, Schedule 1 [5], line 31. Omit “(2)”. Insert instead “(4)”.

No. 6      **Joint owners, ratepaying lessees and occupiers—consequential**

Page 3, Schedule 1 [5]. Insert after line 36:

**[6]    Section 14 (6) and (7)**

Insert after section 14 (5):

- (6) Despite subsection (3) (b), if a person referred to in that paragraph is:
  - (a) otherwise entitled to be enrolled under this Act, 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 that paragraph.
- (7) In this section, ***nomination cut-off date***, for an election, means the date that is 28 days before the closing date for the election.

No. 7      **Multiple parcels of land**

Page 3, Schedule 1 [7], line 41. Omit “, (3)”.

No. 8      **Multiple parcels of land**

Page 3, Schedule 1. Insert after line 41:

**[8]    Section 16 (3)**

Omit “for the purposes of this section”. Insert instead “for the purposes of this Division”.

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No. 9

**Joint owners, ratepaying lessees and occupiers—principal amendment**

Pages 6 and 7, Schedule 1 [9], proposed section 16B, line 22 on page 6 to line 35 on page 7. Omit all words on those lines. Insert instead:

**16B Nominations where more than 2 owners, 2 ratepaying lessees or 2 occupiers—other than corporations**

- (1) This section applies in relation to a nomination made under section 14 (3) (a) (a ***nomination***).
- (2) A person may not be nominated unless the person:
  - (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
  - (b) has consented in writing to be nominated, and
  - (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
  - (d) is not, for any other reason, already entitled to be enrolled as an elector for the City of Sydney.
- (3) A nomination is revoked if:
  - (a) a person nominated:
    - (i) dies, or
    - (ii) submits a notice of resignation to the general manager containing the details required by the regulations (if any), or
    - (iii) for any other reason becomes entitled to be enrolled as an elector for the City of Sydney, or
  - (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
  - (c) the entitlement under section 15 ceases to exist.
- (4) If the general manager receives a nomination in respect of any rateable land in respect of which 2 persons have already been nominated and the nomination:
  - (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
  - (b) nominates 2 persons—the nomination is taken to revoke all previous nominations.
- (5) If the general manager refuses to accept a nomination under subsection (4) (a), he or she must advise the owners, ratepaying lessees or occupiers concerned of that refusal and give reasons for the refusal.

No. 10

**Preparation of rolls**

Page 7, Schedule 1 [10], proposed section 18A (1), lines 40 and 41. Omit all words on those lines. Insert instead:

- (1) As soon as is practicable after the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees for an election lapses, the general manager is to prepare for the next election the following rolls and keep the rolls updated:

No. 11

**Preparation of rolls**

Page 8, Schedule 1 [10], proposed section 18A. Insert after line 3:

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- (2) The general manager is to use the non-residential roll electoral information register kept under section 18D as the basis for the rolls prepared under this section.

No. 12 **Joint owners, ratepaying lessees and occupiers—consequential**

Page 8, Schedule 1 [10], proposed section 18B (4), line 45. Omit “section 16AC or 16B (2) (b)”. Insert instead “section 14 (3) (b) or 16AC”.

No. 13 **Joint owners, ratepaying lessees and occupiers—consequential**

Page 9, Schedule 1 [10], proposed section 18D (1) (d), line 24. Omit all words on that line.

No. 14 **Assistance with maintenance of rolls and registers**

Page 11, Schedule 1 [10]. Insert after line 12:

**18F City Council may engage service providers to assist with electoral rolls and register**

The City Council may engage a person or body to assist the general manager in the carrying out of the general manager’s functions under this Division in relation to the following:

- (a) the preparation of rolls for elections,
- (b) the keeping and maintenance of the non-residential roll electoral information register.