

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 October, 1965.*

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1965.

An Act to make further provisions with respect to the election of mayors and presidents under the Local Government Act, 1919, as amended by subsequent Acts, and the systems of election under that Act, as so amended; to abolish compulsory voting at local government elections and polls; for these purposes to amend that Act, as so amended; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 1. (1) This Act may be cited as the "Local Government Short title.
(Elections) Amendment Act, 1965". (2)

Local Government (Elections) Amendment.

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment
of Act No.
41, 1919.

5 (a) (i) by omitting subsections (1A) and (1B) of section twenty-three and by inserting in lieu thereof the following subsection :—

Sec. 23.
(Composition
of
city and
municipal
councils.)

10 (1A) On and from the general election next following the commencement of the Local Government (Elections) Amendment Act, 1965—

(a) the Council of the City of Sydney shall be reconstituted and shall consist of twenty aldermen;

15 (b) the Council of the City of Newcastle shall be reconstituted and shall consist of twenty-one aldermen;

(c) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of fifteen aldermen; and

20 (d) each council of any other municipality to which section 25A of this Act as in force immediately before that commencement applied immediately before that commencement shall be reconstituted and shall consist of such number of aldermen as had been last fixed by the Governor pursuant to this Act in respect of that council before that commencement.

30 (ii) by inserting at the end of subsection two of the same section the following new paragraph :—

35 This subsection extends to authorising the Governor to alter the number of aldermen of any council referred to in subsection (1A) of this section.

(iii) by omitting from subsection eight of the same section the symbols, figure and letter “, (1B)”;
(b)

Local Government (Elections) Amendment.

(b) (i) by omitting subsections (1A) and (1B) of section twenty-four and by inserting in lieu thereof the following subsection :—

Sec. 24.
(Composition of shire councils.)

5 (1A) On and from the general election next following the commencement of the Local Government (Elections) Amendment Act, 1965, each council of a shire to which section 25A of this Act as in force immediately before that commencement applied immediately before that commencement shall be reconstituted and shall consist of such number of councillors as had been last fixed by the Governor pursuant to this Act in respect of that council before that commencement.

15 (ii) by inserting at the end of subsection two of the same section the following new paragraph :—

20 This subsection extends to authorising the Governor to alter the number of councillors of any council referred to in subsection (1A) of this section.

(iii) by omitting from subsection eight of the same section the symbols, figure and letter “, (1B)”;

(c) by omitting subsection five of section twenty-five;

Sec. 25.
(Mayors and presidents.)

(d) by omitting section 25A;

Sec. 25A.
(Election of Lord Mayors, Mayors and Presidents by electors.)

25 (e) by omitting subsection two of section twenty-seven;

Sec. 27.
(Time for election of mayor or president.)

(f) by omitting subsection six of section twenty-nine;

Sec. 29.
(Mayors and presidents.)

(g)

Local Government (Elections) Amendment.

- 5 (g) by omitting from section thirty-two the words Sec. 32.
 “Paragraph (a) of this section shall not apply to (Tenure of
 the Lord Mayor of the City of Sydney, the Lord office.)
 Mayor of the City of Newcastle, the Mayor of the
 City of Greater Wollongong, or the mayor or presi-
 dent of any other area to which section 25A
 applies.”;
- 10 (h) by omitting from subsection two of section thirty- Sec. 33.
 three the words “In this subsection a reference to (Office of
 an alderman or councillor shall, in relation to the alderman or
 cities of Sydney and Newcastle be deemed to include councillor.)
 any Lord Mayor, not elected, or in the case of an
 15 uncontested election, not declared elected, as an
 alderman, and in relation to the City of Greater
 Wollongong and any other area to which section 25A
 applies, any mayor or president of that city or any
 such other area, not elected, or in the case of an
 uncontested election, not declared elected, as an
 alderman or councillor, as the case may be.”;
- 20 (i) by omitting from subsection two of section thirty- Sec. 34.
 four the words “This subsection shall not apply to (Office of
 the Lord Mayor of the City of Sydney, the Lord mayor or
 Mayor of the City of Newcastle, the Mayor of the president.)
 City of Greater Wollongong, or the mayor or presi-
 25 dent of any other area to which section 25A
 applies.”;
- (j) by omitting section 38A; Sec. 38A.
 (Election
 of Lord
 Mayor.)
- (k) by omitting subsection two of section thirty-nine; Sec. 39.
 (Appointed
 day for
 election of
 aldermen or
 councillors.)
- 30 (l) by omitting paragraph (b) of subsection two of Sec. 50.
 section fifty; (Qualifica-
 tion of
 elector.)
- (m) (i) by omitting from subsection one of section Sec. 71.
 seventy-one the words “or as the Lord Mayor (Nomina-
 of tions.)

Local Government (Elections) Amendment.

- 5 of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies,";
- (ii) by omitting paragraph (b) of subsection two of the same section;
- (n) by omitting subsection three of section seventy-two; Sec. 72.
(Uncontested election of aldermen or councillors.)
- 10 (o) by omitting subsection (1A) of section seventy-three; Sec. 73.
(Contested elections of aldermen or councillors.)
- (p) by omitting section 73A; Sec. 73A.
(Election of Lord Mayor.)
- 15 (q) by omitting from subsection four of section eighty-seven the words "Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote." Sec. 87.
(Powers of mayor or president.)
- 20
- (2) The provisions of subsection one of this section shall in relation to any area—
- 25 (a) commence, for the purposes only of the holding of the next triennial ordinary election after the day upon which the assent of Her Majesty to this Act is signified, upon that day; and
- (b) commence, for all purposes, upon the day upon which that election is held.

Local Government (Elections) Amendment.

3. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

(a) (i) by omitting subsections (3A) and (3B) of section seventy-three and by inserting in lieu thereof the following subsections :—

Sec. 73. (Contested elections of aldermen or councillors.)

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(3A) (a) Where, after the commencement of the Local Government (Elections) Amendment Act, 1965, any election is held in an area, the system of election by preferential voting for which provision is made by subsection four of this section shall apply to and in respect of that election.

(b) Paragraph (a) of this subsection shall take effect subject to the provisions of any proclamation under subsection (3C) of this section issued after the day on which the assent of Her Majesty to the Local Government (Elections) Amendment Act, 1965, is signified.

(3B) Where—

(a) the council receives a petition signed by not less than one-tenth in number of the enrolled electors praying that a poll be taken on the question of adopting whichever of the following systems of election does not apply in its area, that is to say—

(i) the system of election according to the principle of proportional representation; or

(ii) the system of election by preferential voting for which provision is made by subsection four of this section; or

(b) the council resolves that such a poll be taken,

the

Local Government (Elections) Amendment.

5 the council shall, unless such a poll has been held since the date of the last ordinary election or the petition is presented or resolution passed within the last six months of the council's term of office, forthwith take such a poll and shall certify the result thereof to the Governor.

10 (ii) by inserting in paragraph (b) of subsection four of the same section after the word "candidates" where lastly occurring the words ", but shall not exceed fifteen";

15 (iii) by inserting in subparagraph (v) of paragraph (d) of the same subsection after the word "subsection" the words ", but shall not be informal under this subparagraph where the voter, in voting for at least that prescribed number of candidates, indicates his first preference for one candidate in accordance with this paragraph but fails to indicate his subsequent preferences consecutively by reason only that he repeats or omits one or more numbers";

25 (b) (i) by inserting in Schedule Six after the word "ward" wherever occurring the words "or riding"; Sch. Six. (Method of Counting Votes at Contested Elections.)

(ii) by inserting in Division 3 of the same Schedule after the word "three" the words "or more";

(iii) by inserting in the same Division after the word "third" the words "and every subsequent";

30 (iv) by omitting from paragraph (b) of Rule 2 of Division 4 of the same Schedule the word "break" wherever occurring and by inserting in lieu thereof the words "repetition or omission";

35 (v) by omitting from the same paragraph the words "subparagraph (v) of paragraph (d) of the proviso to" and by inserting in lieu thereof the words "paragraph (d) of".

Local Government (Elections) Amendment.

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|---|---|
| <p>4. The Principal Act is further amended—</p> <p>(a) by omitting sections 74A to 74G, both sections inclusive;</p> <p>(b) by omitting section 82A;</p> <p>5 (c) by omitting Schedule Eight.</p> | <p>Further amendment of Act No. 41, 1919.</p> <p>Secs. 74A-74G.
(Compulsory voting.)</p> <p>Sec. 82A.
(Voting to be compulsory at certain polls.)</p> <p>Sch. Eight.
(Compulsory Voting.)</p> |
|---|---|

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965
[1s. 0d. (10c)]

LOCAL GOVERNMENT (ELECTIONS) AMENDMENT BILL, 1965.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to repeal the provisions of the Local Government Act, 1919, as amended by subsequent Acts, relating to—
 - (i) the election by popular vote of Lord Mayors of the Cities of Sydney and Newcastle and the Mayor of the City of Greater Wollongong, and the mayors or presidents of certain other areas; and
 - (ii) compulsory voting at elections and polls under that Act, as so amended;
- (b) to provide, subject to paragraph (c) below, that in all areas the system of preferential voting laid down in the Local Government Act, 1919, as amended by subsequent Acts, shall apply in respect of all ordinary or extraordinary elections;
- (c) to provide machinery whereby, in respect of any area, a poll of electors can be taken on the question of altering the system of election from preferential to proportional representation, or vice versa, for the purpose of conducting future elections;
- (d) to make other amendments of a minor or ancillary character.

UNITED STATES GOVERNMENT

DEPARTMENT OF THE INTERIOR

BLANK

PROOF

No. , 1965.

A BILL

To make further provisions with respect to the election of mayors and presidents under the Local Government Act, 1919, as amended by subsequent Acts, and the systems of election under that Act, as so amended; to abolish compulsory voting at local government elections and polls; for these purposes to amend that Act, as so amended; and for purposes connected therewith.

[MR. MORTON ;—15 *September*, 1965.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5 **1.** (1) This Act may be cited as the "Local Government (Elections) Amendment Act, 1965". Short title.
(2)

Local Government (Elections) Amendment.

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment of Act No. 41, 1919.

5 (a) (i) by omitting subsections (1A) and (1B) of section twenty-three and by inserting in lieu thereof the following subsection :—

Sec. 23. (Composition of city and municipal councils.)

10 (1A) On and from the general election next following the commencement of the Local Government (Elections) Amendment Act, 1965—

(a) the Council of the City of Sydney shall be reconstituted and shall consist of twenty aldermen ;

15 (b) the Council of the City of Newcastle shall be reconstituted and shall consist of twenty-one aldermen ;

(c) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of fifteen aldermen ; and

20 (d) each council of any other municipality to which section 25A of this Act as in force immediately before that commencement applied immediately before that commencement shall be reconstituted and shall consist of such number of aldermen as had been last fixed by the Governor pursuant to this Act in respect of that council before that commencement.

30 (ii) by inserting at the end of subsection two of the same section the following new paragraph :—

35 This subsection extends to authorising the Governor to alter the number of aldermen of any council referred to in subsection (1A) of this section.

(iii) by omitting from subsection eight of the same section the symbols, figure and letter “, (1B)” ;
(b)

Local Government (Elections) Amendment.

(b) (i) by omitting subsections (1A) and (1B) of section twenty-four and by inserting in lieu thereof the following subsection :—

Sec. 24.
(Composition of shire councils.)

5 (1A) On and from the general election next following the commencement of the Local Government (Elections) Amendment Act, 1965, each council of a shire to which section 25A of this Act as in force immediately before that commencement applied immediately before that commencement shall be reconstituted and shall consist of such number of councillors as had been last fixed by the Governor pursuant to this Act in respect of that council before that commencement.

15 (ii) by inserting at the end of subsection two of the same section the following new paragraph :—

20 This subsection extends to authorising the Governor to alter the number of councillors of any council referred to in subsection (1A) of this section.

(iii) by omitting from subsection eight of the same section the symbols, figure and letter “, (1B)”;

(c) by omitting subsection five of section twenty-five;

Sec. 25.
(Mayors and presidents.)

(d) by omitting section 25A;

Sec. 25A.
(Election of Lord Mayors, Mayors and Presidents by electors.)

25 (e) by omitting subsection two of section twenty-seven;

Sec. 27.
(Time for election of mayor or president.)

(f) by omitting subsection six of section twenty-nine;

Sec. 29.
(Mayors and presidents.)

(g)

Local Government (Elections) Amendment.

- 5 (g) by omitting from section thirty-two the words "Paragraph (a) of this section shall not apply to the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies.";
- 10 (h) by omitting from subsection two of section thirty-three the words "In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include any Lord Mayor, not elected, or in the case of an uncontested election, not declared elected, as an alderman, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, any mayor or president of that city or any such other area, not elected, or in the case of an uncontested election, not declared elected, as an alderman or councillor, as the case may be.";
- 15 (i) by omitting from subsection two of section thirty-four the words "This subsection shall not apply to the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies.";
- 20 (j) by omitting section 38A;
- 25 (k) by omitting subsection two of section thirty-nine;
- (l) by omitting paragraph (b) of subsection two of section fifty;
- 30 (m) (i) by omitting from subsection one of section seventy-one the words "or as the Lord Mayor of

Sec. 32.
(Tenure of
office.)

Sec. 33.
(Office of
alderman or
councillor.)

Sec. 34.
(Office of
mayor or
president.)

Sec. 38A.
(Election
of Lord
Mayor.)

Sec. 39.
(Appointed
day for
election of
aldermen or
councillors.)

Sec. 50.
(Qualifica-
tion of
elector.)

Sec. 71.
(Nomina-
tions.)

Local Government (Elections) Amendment.

- 5 of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies.”;
- (ii) by omitting paragraph (b) of subsection two of the same section ;
- (n) by omitting subsection three of section seventy-two; Sec. 72.
(Uncontested election of aldermen or councillors.)
- 10 (o) by omitting subsection (1A) of section seventy-three; Sec. 73.
(Contested elections of aldermen or councillors.)
- (p) by omitting section 73A; Sec. 73A.
(Election of Lord Mayor.)
- 15 (q) by omitting from subsection four of section eighty-seven the words “Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote.”. Sec. 87.
(Powers of mayor or president.)
- 20
- (2) The provisions of subsection one of this section shall in relation to any area—
 - 25 (a) commence, for the purposes only of the holding of the next triennial ordinary election after the day upon which the assent of Her Majesty to this Act is signified, upon that day; and
 - (b) commence, for all purposes, upon the day upon which that election is held.

Local Government (Elections) Amendment.

3. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

(a) (i) by omitting subsections (3A) and (3B) of section seventy-three and by inserting in lieu thereof the following subsections :—
Sec. 73. (Contested elections of aldermen or councillors.)

5 (3A) (a) Where, after the commencement of the Local Government (Elections) Amendment Act, 1965, any election is held in an area, the system of election by preferential voting for which provision is made by subsection four of this section shall apply to and
10 in respect of that election.

15 (b) Paragraph (a) of this subsection shall take effect subject to the provisions of any proclamation under subsection (3c) of this section issued after the day on which the assent of Her Majesty to the Local Government (Elections) Amendment Act, 1965, is signified.

(3B) Where—

20 (a) the council receives a petition signed by not less than one-tenth in number of the enrolled electors praying that a poll be taken on the question of adopting whichever of the following systems of
25 election does not apply in its area, that is to say—

(i) the system of election according to the principle of proportional representation; or

30 (ii) the system of election by preferential voting for which provision is made by subsection four of this section; or

35 (b) the council resolves that such a poll be taken,

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Local Government (Elections) Amendment.

- 5 the council shall, unless such a poll has been held since the date of the last ordinary election or the petition is presented or resolution passed within the last six months of the council's term of office, forthwith take such a poll and shall certify the result thereof to the Governor.
- 10 (ii) by inserting in paragraph (b) of subsection four of the same section after the word "candidates" where lastly occurring the words ", but shall not exceed fifteen";
- 15 (iii) by inserting in subparagraph (v) of paragraph (d) of the same subsection after the word "subsection" the words ", but shall not be informal under this subparagraph where the voter, in voting for at least that prescribed number of candidates, indicates his first preference for one candidate in accordance with this paragraph but fails to indicate his subsequent preferences consecutively by reason only that he repeats or omits one or more numbers";
- 20 (b) (i) by inserting in Schedule Six after the word "ward" wherever occurring the words "or riding";
- 25 (ii) by inserting in Division 3 of the same Schedule after the word "three" the words "or more";
- (iii) by inserting in the same Division after the word "third" the words "and every subsequent";
- 30 (iv) by omitting from paragraph (b) of Rule 2 of Division 4 of the same Schedule the word "break" wherever occurring and by inserting in lieu thereof the words "repetition or omission";
- 35 (v) by omitting from the same paragraph the words "subparagraph (v) of paragraph (d) of the proviso to" and by inserting in lieu thereof the words "paragraph (d) of".

Sch. Six.
(Method of
Counting
Votes at
Contested
Elections.)

Local Government (Elections) Amendment.

4. The Principal Act is further amended—
- (a) by omitting sections 74A to 74G, both sections inclusive;
 - (b) by omitting section 82A;
 - (c) by omitting Schedule Eight.
- 5
- Further amendment of Act No. 41, 1919.
- Secs. 74A-74G.
(Compulsory voting.)
- Sec. 82A.
(Voting to be compulsory at certain polls.)
- Sch. Eight.
(Compulsory Voting.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965

No. , 1965.

A BILL

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(a) the Council of the City of Sydney shall be reconstituted and shall consist of twenty aldermen ;

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(c) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of fifteen aldermen ; and

20 (d) each council of any other municipality to which section 25A of this Act as in force immediately before that commencement applied immediately before that commencement shall be reconstituted and shall consist of such number of aldermen as had been last fixed by the Governor pursuant to this Act in respect of that council before that commencement.

30 (ii) by inserting at the end of subsection two of the same section the following new paragraph : —

35 This subsection extends to authorising the Governor to alter the number of aldermen of any council referred to in subsection (1A) of this section.

(iii) by omitting from subsection eight of the same section the symbols, figure and letter “, (1B)” ;
(b)

Local Government (Elections) Amendment.

- (b) (i) by omitting subsections (1A) and (1B) of section twenty-four and by inserting in lieu thereof the following subsection : —

Sec. 24.
(Composition of shire councils.)

5 (1A) On and from the general election next following the commencement of the Local Government (Elections) Amendment Act, 1965, each council of a shire to which section 25A of this Act as in force immediately before that commencement applied immediately before that commencement shall be reconstituted and shall consist of such number of councillors as had been last fixed by the Governor pursuant to this Act in respect of that council before that commencement.

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- 15 (ii) by inserting at the end of subsection two of the same section the following new paragraph : —

This subsection extends to authorising the Governor to alter the number of councillors of any council referred to in subsection (1A) of this section.

20
- (iii) by omitting from subsection eight of the same section the symbols, figure and letter “, (1B)”;
- (c) by omitting subsection five of section twenty-five; Sec. 25.
(Mayors and presidents.)
- (d) by omitting section 25A; Sec. 25A.
(Election of Lord Mayors, Mayors and Presidents by electors.)
- 25 (e) by omitting subsection two of section twenty-seven; Sec. 27.
(Time for election of mayor or president.)
- (f) by omitting subsection six of section twenty-nine; Sec. 29.
(Mayors and presidents.)
- (g)

Local Government (Elections) Amendment.

- 5 (g) by omitting from section thirty-two the words "Paragraph (a) of this section shall not apply to the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies.";
- 10 (h) by omitting from subsection two of section thirty-three the words "In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include any Lord Mayor, not elected, or in the case of an uncontested election, not declared elected, as an alderman, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, any mayor or president of that city or any such other area, not elected, or in the case of an uncontested election, not declared elected, as an alderman or councillor, as the case may be.";
- 15 (i) by omitting from subsection two of section thirty-four the words "This subsection shall not apply to the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies.";
- 20 (j) by omitting section 38A;
- 25 (k) by omitting subsection two of section thirty-nine;
- 30 (l) by omitting paragraph (b) of subsection two of section fifty;
- (m) (i) by omitting from subsection one of section seventy-one the words "or as the Lord Mayor of

Sec. 32.
(Tenure of
office.)

Sec. 33.
(Office of
alderman or
councillor.)

Sec. 34.
(Office of
mayor or
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Sec. 38A.
(Election
of Lord
Mayor.)

Sec. 39.
(Appointed
day for
election of
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Sec. 50.
(Qualifica-
tion of
elector.)

Sec. 71.
(Nomina-
tions.)

Local Government (Elections) Amendment.

of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies,";

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(ii) by omitting paragraph (b) of subsection two of the same section;

(n) by omitting subsection three of section seventy-two; Sec. 72.
(Uncontested election of aldermen or councillors.)

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(o) by omitting subsection (1A) of section seventy-three; Sec. 73.
(Contested elections of aldermen or councillors.)

(p) by omitting section 73A; Sec. 73A.
(Election of Lord Mayor.)

15

(q) by omitting from subsection four of section eighty-seven the words "Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote." Sec. 87.
(Powers of mayor or president.)

20

(2) The provisions of subsection one of this section shall in relation to any area—

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(a) commence, for the purposes only of the holding of the next triennial ordinary election after the day upon which the assent of Her Majesty to this Act is signified, upon that day; and

(b) commence, for all purposes, upon the day upon which that election is held.

Local Government (Elections) Amendment.

3. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

- (a) (i) by omitting subsections (3A) and (3B) of section seventy-three and by inserting in lieu thereof the following subsections :—

Sec. 73. (Contested elections of aldermen or councillors.)

5 (3A) (a) Where, after the commencement of the Local Government (Elections) Amendment Act, 1965, any election is held in an area, the system of election by preferential voting for which provision is made by subsection four of this section shall apply to and in respect of that election.

10 (b) Paragraph (a) of this subsection shall take effect subject to the provisions of any proclamation under subsection (3C) of this section issued after the day on which the assent of Her Majesty to the Local Government (Elections) Amendment Act, 1965, is signified.

15 (3B) Where—

20 (a) the council receives a petition signed by not less than one-tenth in number of the enrolled electors praying that a poll be taken on the question of adopting whichever of the following systems of election does not apply in its area, that is to say—

25 (i) the system of election according to the principle of proportional representation; or

30 (ii) the system of election by preferential voting for which provision is made by subsection four of this section; or

35 (b) the council resolves that such a poll be taken,

the

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- 5 the council shall, unless such a poll has been held since the date of the last ordinary election or the petition is presented or resolution passed within the last six months of the council's term of office, forthwith take such a poll and shall certify the result thereof to the Governor.
- 10 (ii) by inserting in paragraph (b) of subsection four of the same section after the word "candidates" where lastly occurring the words ", but shall not exceed fifteen";
- 15 (iii) by inserting in subparagraph (v) of paragraph (d) of the same subsection after the word "subsection" the words ", but shall not be informal under this subparagraph where the voter, in voting for at least that prescribed number of candidates, indicates his first preference for one candidate in accordance with this paragraph but fails to indicate his subsequent preferences consecutively by reason only that he repeats or omits one or more numbers";
- 20 (b) (i) by inserting in Schedule Six after the word "ward" wherever occurring the words "or riding"; Sch. Six, (Method of Counting Votes at Contested Elections.)
- 25 (ii) by inserting in Division 3 of the same Schedule after the word "three" the words "or more";
- (iii) by inserting in the same Division after the word "third" the words "and every subsequent";
- 30 (iv) by omitting from paragraph (b) of Rule 2 of Division 4 of the same Schedule the word "break" wherever occurring and by inserting in lieu thereof the words "repetition or omission";
- 35 (v) by omitting from the same paragraph the words "subparagraph (v) of paragraph (d) of the proviso to" and by inserting in lieu thereof the words "paragraph (d) of".

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| <p>4. The Principal Act is further amended—</p> <p>(a) by omitting sections 74A to 74G, both sections inclusive;</p> <p>(b) by omitting section 82A;</p> | <p>Further amendment of Act No. 41, 1919.</p> <p>Secs. 74A-74G.
(Compulsory voting.)</p> <p>Sec. 82A.
(Voting to be compulsory at certain polls.)</p> |
| <p>5 (c) by omitting Schedule Eight.</p> | <p>Sch. Eight.
(Compulsory Voting.)</p> |