

1994—No. 609

LOCAL GOVERNMENT ACT 1993—REGULATION

(Relating to competing claimants for enrolment and to law revision)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

EDWARD PICKERING, M.L.C.,
Minister for Local Government and Co-operatives.

Commencement

1. This Regulation commences on 25 November 1994.

Amendments

2. The Local Government (Elections) Regulation 1993 is amended:
 - (a) by omitting from clause 6A (2) (b) the word “principal”;
 - (b) by omitting clause 6A (3) and by inserting instead the following subclause:

(3) If, as a result of the changes referred to in this clause, there are any wards that are new or that have altered boundaries, the notice must include a map showing the boundaries of the new wards or boundaries as so altered.

- (c) by inserting after clause 10 the following clause:

Competing claimants for enrolment

10AA. (1) A general manager who nominates a person under section 272 of the Act must do so on the basis of lots drawn in accordance with this clause.

(2) For the purposes of this clause, the general manager writes the names of the claimants who are competing for enrolment in respect of the same parcel of land on similar slips of paper. The

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general manager then folds the slips so as to prevent the names being seen, mixes them, and draws one slip at random.

(3) The person to be nominated is the one whose name appears on the slip that is drawn.

EXPLANATORY NOTE

The object of this Regulation is to specify a uniform procedure to be used by general managers of councils who are required to make a choice under section 272 of the Local Government Act 1993 in a situation where claimants compete for enrolment.

The situation arises if two or more persons apply to be enrolled as an elector for a ward (or local government area if the area is not divided into wards) as owners of the same parcel of rateable land, instead of nominating one of their number to represent the others. The situation also arises if two or more persons apply to be enrolled as occupier or ratepaying lessee of the same parcel of land, again without making the appropriate choice themselves.

In this situation, section 272 requires a general manager to nominate one of the claimants, who then becomes the elector in respect of the relevant land. The section does not specify the basis on which the general manager is to do that.

This Regulation introduces a requirement that the general manager nominate the claimant whose name is drawn in accordance with the usual procedure for drawing lots under the Local Government (Elections) Regulation 1993. This Regulation also makes two other amendments for the purposes of law revision.

This Regulation is made under section 748 of the Local Government Act 1993, and in particular under item 14 of Schedule 6.
