

**LOCAL GOVERNMENT (ELECTIONS)
AMENDMENT ACT.**

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 19, 1968.

An Act to make further provisions with respect to the election of mayors and presidents under the Local Government Act, 1919, and the systems of election under that Act; to abolish compulsory voting at local government elections and polls; to alter the day for holding the triennial election of aldermen and councillors; for these purposes to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 2nd October, 1968.]

BE

Local Government (Elections) Amendment.

No. 19, 1968 **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:—

Short title. **1.** (1) This Act may be cited as the "Local Government (Elections) Amendment Act, 1968".

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

Amendment
of Act No.
41, 1919.

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

2. (1) The Principal Act is amended—

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

(1A) On and from the general election next following the commencement of the Local Government (Elections) Amendment Act, 1968—

- (a) the Council of the City of Newcastle shall be reconstituted and shall consist of twenty-one aldermen;
- (b) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of fifteen aldermen; and
- (c) 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.

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

(1A) On and from the general election next following the commencement of the Local Government (Elections) Amendment Act, 1968, 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.

- (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.

- (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.)

(1)

(e)

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- No. 19, 1968**
- Sec. 27.
(Time for election of mayor or president.)
- Sec. 29.
(Mayors and presidents.)
- 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.)
- (e) by omitting subsection two of section twenty-seven ;
- (f) by omitting subsection six of section twenty-nine ;
- (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 Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies." ;
- (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 City of 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." ;
- (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 Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies." ;
- (j) by omitting section 38A ;
- (k) by omitting subsection two of section thirty-nine ;
- (1)**

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- (l) by omitting paragraph (b) of subsection two of section fifty; **No. 19, 1968**
 Sec. 50.
 (Qualification of elector.)
- (m) (i) by omitting from subsection one of section seventy-one the words "or as 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,";
 Sec. 71.
 (Nominations.)
- (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.)
- (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.)
- (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."
- (2) The provisions of subsection one of this section shall in relation to any area—
- (a) commence, for the purpose 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)

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No. 19, 1968 (b) commence, for all purposes, upon the day upon which that election is held.

Further amendment of Act No. 41, 1919.

3. The Principal Act is further amended—

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

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

(3A) (a) Where, after the commencement of the Local Government (Elections) Amendment Act, 1968, 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, 1968, 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

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(ii) the system of election by No. 19, 1968
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 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.

(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";

(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 the paragraph but fails to indicate his
subsequent preferences consecutively by reason
only that he repeats or omits one or more
numbers";

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

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

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

(iv)

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- (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";
- (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".

Further amendment of Act No. 41, 1919.

4. The Principal Act is further amended—

Secs. 74A-74G.
(Compulsory voting.)

- (a) by omitting sections 74A to 74G, both sections inclusive;

Sec. 82A.
(Voting to be compulsory at certain polls.)

- (b) by omitting section 82A;

Sch. Eight.
(Compulsory Voting.)

- (c) by omitting Schedule Eight.

Further amendment of Act No. 41, 1919.

5. (1) This section shall commence upon a day to be appointed by the Governor and notified by proclamation.

(2) The Principal Act is further amended—

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

- (a) by inserting in subsection seven of section twenty-three after the word "paragraph" the letter and symbols "(a),";

Sec. 24.
(Composition of shire councils.)

- (b) by inserting in subsection seven of section twenty-four after the word "paragraph" the letter and symbols "(a),";

(c)

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- (c) by omitting from paragraph (d) of subsection one of section twenty-seven the word "December" and by inserting in lieu thereof the word "September";
- No. 19, 1968
Sec. 27.
(Time for election of mayor or president.)
- (d) by inserting at the end of subsection two of section 29A the following new paragraph :—
- Sec. 29A.
(Payment of fees to members.)
- A reference in this subsection to a year shall be construed as a reference to a period of twelve months that commences on the third Saturday in September in any year.
- (e) by omitting subsection one of section thirty-nine and by inserting in lieu thereof the following subsection :—
- Sec. 39.
(Appointed day for election of aldermen or councillors.)
- (1) The appointed day for an election of aldermen or councillors shall be—
- (a) for the ordinary election in the year one thousand nine hundred and seventy-one—the third Saturday in September;
- (b) for ordinary elections after the year one thousand nine hundred and seventy-one—the third Saturday in September in every third year thereafter;
- (c) for the first election after the constitution of an area or for an election in respect of a defaulting area—a Saturday to be proclaimed by the Governor;
- (d) for an extraordinary election—a Saturday fixed and advertised by the returning officer, being within three months after the occurrence of an extraordinary vacancy.
- (f)

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Sec. 563.
(Corporate
body.)

(f) by omitting paragraph (a) of subsection three of section five hundred and sixty-three and by inserting in lieu thereof the following paragraph :—

(a) at the first meeting of the county council after the general elections of the constituent councils, and annually, at the first meeting of the county council after the anniversary of those general elections.

