

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 70, 1976.

An Act to amend the Local Government Act, 1919, with respect to elections and certain polls. [Assented to, 18th November, 1976.]

BE

Local Government (Elections) Amendment.

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. This Act may be cited as the "Local Government (Elections) Amendment Act, 1976".

**Commence-
ment.**

2. (1) This section and sections 1 and 3 shall commence on the date of assent to this Act.

(2) Section 4, in its application to a provision of Schedule 1 or 2, shall commence on the day on which the provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) The several provisions of Schedule 2 shall commence—

(a) for the purpose only of holding the triennial ordinary election that next succeeds the date of assent to this Act—on the date of assent to this Act; and

(b) for all other purposes—on the date on which that election is held.

Local Government (Elections) Amendment.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 (COMPULSORY VOTING).

SCHEDULE 2.—AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 (ELECTION OF MAYORS AND PRESIDENTS).

4. The Local Government Act, 1919, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 41, 1919.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING).

(1) Section 55 (1) (a)—

Omit “subsection”, insert instead “section”.

(2) Section 56A—

After section 56, insert—

56A. (1) In this section “returning officer” includes a person authorised by the returning officer to act for him. Omission from electoral roll.

(2) Where, at a polling place for an election, a person claims to be entitled to vote at the election but his name is not on the copy of the roll being used at the election he may, subject to this Act and the ordinances, be permitted to vote if he makes a declaration in the prescribed form.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(3) The form of declaration under subsection (2) shall be written or printed on an envelope addressed to the returning officer and must be signed by the voter and completed and attested by the returning officer.

(4) Where a person makes a declaration under subsection (2)—

- (a) the returning officer shall hand him a ballot-paper;
- (b) that person shall, after recording his vote on the ballot-paper and folding and fastening it so that his vote cannot be seen, return the ballot-paper to the returning officer before whom he made the declaration;
- (c) the returning officer shall, in the presence of the voter, place the folded and fastened ballot-paper in the envelope that bears the voter's declaration and securely fasten the envelope; and
- (d) the envelope bearing the voter's declaration shall be delivered to the clerk.

(5) Subject to subsection (7), where an envelope is delivered to the clerk under subsection (4) (d), the clerk shall—

- (a) examine the declaration of the voter without opening the envelope or allowing any other person to do so;
- (b) make such inquiries as he thinks necessary into the matters specified in the declaration; and

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(c) where the clerk is not the returning officer, report to the returning officer his opinion as to whether the person who made the declaration on the envelope was entitled to vote.

(6) Subject to subsection (7), where the returning officer—

(a) has, under subsection (5) (a), examined a declaration and is of the opinion that the person who made the declaration was entitled to vote; or

(b) has received a report from the clerk under subsection (5) that that person was entitled to vote,

he shall accept the ballot-paper for further scrutiny but, if he is not of that opinion or has not received such a report, he shall reject the ballot-paper without opening the envelope.

(7) Where the declaration of a voter under subsection (2) discloses that he claims to be entitled to vote as an occupier—

(a) subsection (5) (b) and (c) and subsection (6) do not apply in respect of the declaration; and

(b) his vote shall be rejected by the returning officer without opening the envelope on which the declaration appears,

unless the voter was entitled to vote as an occupier within the meaning of section 54 (1) (d) or, before the day of the poll, a claim by him under section 65 (3) (a) had been allowed.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(8) Where, pursuant to subsection (6), the returning officer accepts a ballot-paper for further scrutiny he shall, without destroying or defacing the declaration thereon, open the envelope containing the ballot-paper, extract the ballot-paper and, without unfolding it, place it in the ballot-box.

(9) When the returning officer has placed in the ballot-box all ballot-papers dealt with under subsection (8), the ballot-box shall be opened and the scrutiny of the ballot-papers and the counting of the votes proceeded with.

(3) Section 71 (2) (a)—

After “councillor” where secondly occurring, insert “and, subject to section 71A, must be on the roll of electors for the area in respect of which he is to be nominated”.

(4) Section 71A—

After section 71, insert—

Nomination
where name
omitted
from roll.

71A. Notwithstanding section 71, a person whose nomination as alderman or councillor would, but for this section, be rejected on the ground only that he is not on the roll of electors for the area may be nominated as alderman or councillor if—

- (a) his name has been omitted from that roll mistakenly or accidentally; and

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

- (b) but for that mistaken or accidental omission his nomination would not have been rejected.

(5) (a) Section 73 (3A)—

Omit the subsection, insert instead—

(3A) Subject to any proclamation under subsection (3C) issued on or after the date of assent to the Local Government (Elections) Amendment Act, 1976, the system of election to be applied to an ordinary election held in an area on or after that date shall be—

- (a) where the number of aldermen or councillors to be elected for that area, or for any ward or riding of that area, at that election is three or more—the system of election according to the principle of proportional representation; or
- (b) where the number of aldermen or councillors to be elected for that area, or for any ward or riding of that area, at that election is less than three—the system of election by preferential voting for which provision is made by subsection (4).

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(b) Section 73 (3AA)—

After section 73 (3A), insert—

(3AA) Subject to any proclamation under subsection (3C) issued on or after the date of assent to the Local Government (Elections) Amendment Act, 1976, at an extraordinary election held in an area on or after that date—

- (a) where only one vacancy is to be filled at the election—the provisions of Divisions 1 and 4 of Schedule 6 apply, with such modifications as may be necessary, to the election; or
- (b) where more than one vacancy is to be filled at the election—the system of election that applied at the ordinary election last held in that area applies to the election.

(c) Section 73 (3B)—

Omit “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.”, insert instead—

the council shall—

- (c) where such a poll has not been held since the last ordinary election and the petition is presented, or the resolution

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—continued.
**AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—continued.**

passed, more than 6 months before the end of the council's term of office—take such a poll forthwith; or

- (d) where such a poll has been held since the last ordinary election but a further such petition has been presented, or a further such resolution passed, or where such a petition is presented or such a resolution passed 6 months or less before the end of the council's term of office—take such a poll at the next ordinary election,

and shall certify the result of the poll to the Governor not later than 28 days after the taking of the poll.

(6) Sections 74A–74G—

Under the short heading "*Compulsory voting*" at the end of Division 6 of Part V, insert—

74A. At an election held under this Act in an area, a person whose place of living is in that area and who is entitled to vote at the election shall record his vote at the election. **Compulsory voting at elections.**

74B. At the close of the poll at an election, the returning officer shall— **Returning officer to mark roll.**

- (a) indicate, or cause to be indicated, by means of a distinguishing mark, on a fair copy of each roll for a ward or riding prepared under this Act and used at the election (which copy is in this Act referred to as a "marked roll") the names of the persons enrolled who appear to have failed to comply with section 74A; and

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

- (b) certify each marked roll by a statutory declaration in the prescribed form.

Notice of
failure to
exercise
compulsory
vote.

74c. (1) Within 3 months after the close of the poll at an election, the returning officer shall—

- (a) for each person whose name is indicated under section 74B on a marked roll, prepare, or cause to be prepared, a notice in the prescribed form (being a notice to the effect that the person to whom the notice relates appears to have failed to record his vote at the election and requiring him to state the true reason for his failure to record that vote) by inserting therein—
- (i) the full name, as appearing on the marked roll, of the person to whom the notice relates and his address as so appearing, the name of the municipality or shire and of the ward or riding for which he is enrolled and his number on the marked roll; and
 - (ii) a date on or before which the prescribed form attached to the notice, duly completed and signed by that person, is to be in the hands of the returning officer; and
- (b) send the notice to that person by posting it to him at that address not later than 21 days before the date referred to in paragraph (a) (ii).

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(2) Subsection (1) does not apply in respect of an election where the returning officer is satisfied that the person to whom a notice under that subsection would, but for this subsection, be required to be sent—

- (a) is dead;
- (b) was, on the day of the election, absent from the area in respect of which the election was held;
- (c) was not entitled to vote at the election; or
- (d) had a valid and sufficient reason for his failure to vote at the election.

74D. (1) A person to whom a notice has been sent under section 74C shall—

- (a) complete the form attached to the notice by stating in it the true reason why he failed to record his vote as required by section 74A;
- (b) sign the form and have his signature witnessed as prescribed; and
- (c) post or deliver the form so that, not later than the date inserted in the form under section 74C (1) (a) (ii), it is in the hands of the returning officer from whom it was received.

**Reply by
person who
failed to
vote.**

(2) Where a person to whom a notice has been sent under section 74C is, by reason of physical incapacity or his absence from the address to which the notice was sent, unable to comply with subsection

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(1), he shall be deemed to have complied with that subsection if it is complied with on his behalf by some other person who—

- (a) has knowledge of the facts; and
- (b) is of or above the age of 18 years.

(3) Where a person complies with subsection (1), the returning officer shall—

- (a) cause that compliance to be noted on the marked roll opposite the name of that person; and
- (b) note in writing on the marked roll opposite the name of that person his opinion whether or not the reason given by or on behalf of that person for his failure to comply with section 74A is a valid and sufficient reason.

(4) Where a person to whom a notice has been sent under section 74C fails to comply with subsection (1), the returning officer who sent the notice shall cause that failure to be noted on the marked roll opposite the name of that person.

(5) Where, pursuant to subsection (3) (b), a returning officer notes on a marked roll that, in his opinion, the reason given by or on behalf of a person for his failure to comply with section 74A is not a valid and sufficient reason, the returning officer shall, if the council so directs—

- (a) prepare a notice in the prescribed form in which he—
 - (i) states that opinion; and

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(ii) informs that person that, by completing and returning on or before a specified date the prescribed form of consent attached to the notice, he will be dealt with by the council instead of being prosecuted before a court of petty sessions; and

(b) send the notice to that person by posting it to him not later than 21 days before the date referred to in paragraph (a) (ii) at the address of that person last known to the returning officer.

(6) Where a council gives a direction referred to in subsection (5) in relation to a person in respect of whom the returning officer has noted the marked roll as referred to in that subsection, the council shall be deemed to have given the like direction in relation to every other such person.

74E. Where a marked roll is noted under section 74D (3) and (4), that marked roll, or a copy thereof, or an extract therefrom, certified by the returning officer under his hand to be the marked roll for a specified election or, as the case may be, a copy of, or extract from, that marked roll, is evidence—

- (a) of the contents of the marked roll or extract;
- (b) that a person whose name therein is marked under section 74B failed to vote at that election;
- (c) that a notice under section 74C (1) was received by that person;

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

- (d) that a person opposite whose name on the roll, copy or extract a note has been made under section 74D (3) (a) has complied with section 74D (1); or
- (e) that a person opposite whose name on the roll, copy or extract a note has been made under section 74D (4) has failed to comply with section 74D (1).

Offences.

74F. (1) A person who—

- (a) without valid and sufficient reason fails to record his vote at an election when required by section 74A so to do;
- (b) on receipt of a notice sent to him under section 74C does not—
 - (i) complete and sign the form attached to the notice;
 - (ii) have his signature witnessed; and
 - (iii) post or deliver the form,
 in accordance with section 74D (1);
- (c) states, when completing that form, a false reason for having failed to record his vote at an election when required by section 74A so to do; or

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(d) under section 74D (2), states in purported compliance with section 74D (1) (a) a false reason for the failure of that other person to record his vote at an election when required by section 74A so to do,

is guilty of an offence and liable to a penalty of not less than \$4 and not more than \$10 unless recovery of the penalty is prohibited under section 74G (1) (a).

(2) For the purposes of section 74D (3) (b) and subsection (1) (a), but without prejudice to the validity and sufficiency of any other reason, it is a valid and sufficient reason for a failure by a person to comply with section 74A that the person honestly believed that abstention from voting at the relevant election was part of his religious duty.

(3) Proceedings for the recovery of a penalty under subsection (1) may be instituted and prosecuted by the council.

(4) In any proceedings for an offence referred to in subsection (1) (b), there shall be served on the defendant a notice (which may be printed or written on the summons) in the prescribed form whereby—

(a) he is informed that he may attend the court and answer the charge in person or may, not less than 7 days before the date fixed for the hearing, lodge with the council a statutory declaration setting out any matter that he wishes to put forward in answer to the charge; and

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(b) he is informed of the provisions of subsections (5) and (6).

(5) Where, in response to a notice under subsection (4), a defendant sends to the council a statutory declaration, the council shall, as far as is practicable, inquire into the truth of the matter put forward in the statutory declaration and, after considering the result of any such inquiry, may—

(a) authorise the withdrawal of the charge; or

(b) direct that the charge be proceeded with.

(6) Where a council gives a direction under subsection (5), the relevant statutory declaration may be put to such use at the hearing of the charge as may be necessary and permissible for the determination of the matter of the charge.

(7) In any proceedings for an offence referred to in subsection (1) (a) or (b), a certified extract, in the prescribed form, from the relevant marked roll shall be lodged with the court.

Returning officer may order payment for certain breach.

74G. (1) Where a person has been given a notice under section 74D (5) in relation to a failure to comply with section 74A and, before the date referred to in section 74D (5) (a) (ii) that is specified in the notice, that person lodges with the returning officer who sent the notice a form of consent so referred to—

(a) no proceedings shall be taken to recover a penalty under section 74F in relation to that failure; and

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

- (b) the returning officer may, in accordance with the prescribed form, order that person to pay the prescribed amount (not exceeding \$5) to the returning officer on or before the prescribed date.

(2) Where—

- (a) a person fails to comply with an order under subsection (1) that is applicable to him; and
- (b) the returning officer who made the order lodges with the clerk of a court of petty sessions a certificate under his hand in the prescribed form specifying that the order has been made and not complied with,

payment of the amount due under the order may be enforced as if the order had been made by that court of petty sessions.

(3) Where a person has been given a notice under section 74D (5) in relation to a failure to comply with section 74A and fails, before the date referred to in section 74D (5) (a) (ii) that is specified in the notice, to lodge with the returning officer a form of consent so referred to, the council shall institute and prosecute proceedings for the recovery of a penalty in respect of the offence referred to in section 74F (1) (a).

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(COMPULSORY VOTING)—*continued.*

(7) Section 76A—

After section 76, insert—

**False
declara-
tion
under
section
56A.**

76A. A person who makes a declaration under section 56A knowing it to be untrue in a material particular is liable to imprisonment for a term not exceeding 3 months.

(8) Section 82A—

After section 82, insert—

**Compulsory
voting at
certain
polls.**

82A. (1) At a poll taken under section 73 (3B), or a poll of electors under section 81A, or a poll under section 544 of the electors enrolled in a part of a shire, a person whose place of living is in the area or part of an area in which the poll is taken and who is entitled to vote at the poll shall record his vote at the poll.

(2) The provisions of section 56A and of sections 74B–74G apply to and in respect of a poll referred to in subsection (1) in the same way as they apply to and in respect of an election under this Act and so apply as if a reference to section 74A were a reference to this section.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS).

(1) (a) Section 23 (1A)—

Omit the subsection, insert instead—

(1A) Where section 25A applies to a municipality, the council of the municipality shall, on and from the general election that next follows the application of that section to the municipality, consist—

- (a) where the mayor is an alderman of that council by reason only of the operation of section 25A (5)—of the mayor and the number of other aldermen for the time being authorised by or under this Act in respect of that council; or
- (b) in any other case—of the mayor and one less than the number of other aldermen for the time being authorised by or under this Act in respect of that council.

(b) Section 23 (2)—

Omit the subsection, insert instead—

(2) Subject to subsection (1A), the number of aldermen of a municipal council shall be the number from time to time determined by the Governor for that council but, where no such determination is in force, shall be the number authorised for that council by or under this Act immediately before the commencement of the Local Government (Elections) Amendment Act, 1976.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.*

(2) (a) Section 24 (1A)—

Omit the subsection, insert instead—

(1A) Where section 25A applies to a shire, the council of the shire shall, on and from the general election that next follows the application of that section to the shire, consist—

- (a) where the president is a councillor of that council by reason only of the operation of section 25A (5)—of the president and the number of other councillors for the time being authorised by or under this Act in respect of that council; or
- (b) in any other case—of the president and one less than the number of other councillors for the time being authorised by or under this Act in respect of that council.

(b) Section 24 (2)—

Omit the subsection, insert instead—

(2) Subject to subsection (1A), the number of councillors of a shire council shall be the number from time to time determined by the Governor for that council but, where no such determination is in force, shall be the number authorised for that council by or under this Act immediately before the commencement of the Local Government (Elections) Amendment Act, 1976.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.*

(3) Section 25 (5)—

After section 25 (4), insert—

(5) This section does not apply to an area to which section 25A applies.

(4) Section 25A—

After section 25, insert—

25A. (1) This section applies to—

Election of
mayor or
president
by electors.

(a) the City of Sydney, the City of Newcastle and the City of Greater Wollongong; and

(b) any other area in respect of which a proclamation by the Governor made upon the application of the council and applying this section to the area is in force.

(2) Except to the extent that this section otherwise provides, the mayor or president of an area to which this section applies shall be elected by the electors of that area at the first election of the council of that area for which the day is appointed under section 39 (1) (b) or (c) after the application of this section to that area.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.*

(3) Subject to subsection (4) (a), where, after an election referred to in subsection (2), an extraordinary vacancy occurs in the office of mayor or president of an area to which this section applies, his successor shall be elected by the electors of that area on the day appointed for the extraordinary election to fill that vacancy.

(4) Where—

- (a) an extraordinary vacancy occurs in the office of mayor or president of an area to which this section applies during the last 6 months of the term of office of the council of the area; or
- (b) a vacancy in the office of mayor or president of an area to which this section applies continued after the time prescribed for an election to fill the vacancy,

the Governor may appoint to the vacant office a person entitled to be included on a roll of electors for the area and a person so appointed shall be deemed to have been elected under this section to the vacant office on the day of his appointment.

(5) Where a person is, under subsection (2) or (3), elected or, under subsection (4), appointed as mayor or president of an area but is not an alderman or councillor of that area he shall, by virtue of his office as mayor or president, be, in the case of a mayor an alderman or, in the case of a president, a councillor of that area.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.*

(5) Section 27 (2)—

After section 27 (1), insert—

(2) This section does not apply to the election of the mayor or president of an area to which section 25A applies.

(6) Section 29 (5)—

After section 29 (4), insert—

(5) In respect of an area to which section 25A applies, the allowance payable by the council to its mayor or president for the year immediately following an ordinary election shall be fixed at the first meeting of the council held after that election and for any other year shall be fixed at the first meeting of the council held in that year.

(7) Section 32 (a)—

After “president”, insert “(other than the mayor or president of an area to which section 25A applies)”.

(8) Section 33 (2)—

After “thereto”, insert “or holding that office by the operation of section 25A (5)”.

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.*

(9) Section 34 (2)—

After “president” where firstly occurring, insert
“(other than the mayor or president of an area to
which section 25A applies)”.

(10) Section 38A—

After section 38, insert—

Election
of mayor
or
president.

38A. The election of the mayor or president of an
area to which section 25A applies shall take place on
the day appointed therefor.

(11) Section 39 (2)—

After section 39 (1), insert—

(2) The appointed day for the election of the
mayor or president of an area to which section 25A
applies is—

- (a) for an ordinary election—the day on which
the ordinary election of aldermen or
councillors of the area is held or, if the
ordinary election is uncontested, the day on
which that ordinary election would have
been held if it had been contested; or

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*

**AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.***

- (b) for an extraordinary election—a Saturday fixed and advertised by the returning officer, being a Saturday that is not later than 3 months after the occurrence of the vacancy to be filled at the election.

(12) Section 50 (2) (b)—

After section 50 (2) (a), insert—

- (b) in the case of an area to which section 25A applies and in respect of which he is enrolled—to vote at any election of mayor or president of the area.

(13) (a) Section 71 (1)—

After “councillor”, insert “, or as the mayor or president of an area to which section 25A applies,”.

(b) Section 71 (2) (b)—

After section 71 (2) (a), insert—

- (b) To entitle a person to be nominated as mayor or president of an area to which section 25A applies, he must be qualified to be elected as an alderman or councillor of the area.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.*

(14) Section 72 (3)—

After section 72 (2), insert—

(3) This section applies to the election of the mayor or president of an area to which section 25A applies in the same way as it applies to the election of aldermen or councillors for the area and so applies as if a reference to candidates nominated as aldermen or councillors were a reference to candidates nominated for the office of mayor or president of the area, as the case may require.

(15) Section 73 (1A)—

After section 73 (1), insert—

(1A) Where, on the day appointed for the election of the mayor or president of an area to which section 25A applies, there are two or more candidates nominated for election as mayor or president of the area, there shall be a contested election of mayor or, as the case may require, president of the area.

(16) Section 73A—

After section 73, insert—

Election
of mayor
or
president.

73A. The provisions of Divisions 1 and 4 of Schedule 6 apply, with such modifications as may be necessary, to and in respect of a contested election of the mayor or president of an area to which section 25A applies.

SCHEDULE

Local Government (Elections) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919
(ELECTION OF MAYORS AND PRESIDENTS)—*continued.*

(17) Section 87 (4)—

Omit the subsection, insert instead—

(4) At a meeting of the council, the mayor or president (or the chairman presiding at the meeting) has, in the event of an equality of voting at the meeting, a casting vote but, where he is an alderman or councillor by reason only of the operation of section 25A (5), he does not have an original vote.
