

**LOCAL GOVERNMENT (ELECTIONS) AMENDMENT  
ACT, 1983, No. 77**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 77, 1983.**

An Act to provide for the postponement of certain elections; to amend the Local Government Act, 1919, with respect to the qualifications of electors; to amend that Act and Ordinance No. 9 under that Act with respect to the number of preferences to be expressed by voters in contested elections; and for other purposes. [Assented to, 2nd September, 1983.]

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**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, 1983".

**Commencement.**

2. This Act shall be deemed to have commenced on 15th August, 1983.

**Principal Act.**

3. The Local Government Act, 1919, is referred to in this Act as the Principal Act.

**Interpretation.**

4. This Act shall be construed with and as part of the Principal Act, but this Act has effect notwithstanding anything in the Principal Act.

**Schedules.**

5. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO ORDINANCE NO. 9 UNDER THE PRINCIPAL ACT.

SCHEDULE 3.—COUNCILS FOR WHICH THE 1983 ORDINARY ELECTION IS POSTPONED.

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**Amendment of Act No. 41, 1919.**

6. The Principal Act is amended in the manner set forth in Schedule 1.

**Application of certain amendment to the Principal Act.**

7. The amendment made to the Principal Act by section 6 and Schedule 1 (1) shall not apply to or in respect of—
- (a) the ordinary election in the year 1983 for the election of aldermen or councillors of a council which is not specified in Schedule 3; or
  - (b) the election under section 25A of the Principal Act in the year 1983 of a mayor or president in relation to a council which is not specified in Schedule 3.

**Amendments to Ordinance No. 9 under the Principal Act.**

8. (1) Ordinance No. 9 under the Principal Act is amended in the manner set forth in Schedule 2.

(2) The amendments made by this Act to Ordinance No. 9 under the Principal Act, and that Ordinance as amended by this Act, may be altered or rescinded in accordance with the provisions of the Principal Act.

**Ordinary election in 1983.**

9. (1) For the purposes of the Principal Act, the appointed day for the ordinary election in the year 1983 for the election of—
- (a) the Lord Mayor of the City of Sydney;
  - (b) the mayor of the Municipality of Canterbury; and
  - (c) the aldermen of the councils specified in Schedule 3,
- shall be 10th December, 1983, or such later day as may be appointed by the Governor from time to time and notified by proclamation published in the Gazette as the appointed day for the purposes of this section.

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(2) A later day may be appointed and notified as referred to in subsection (1) notwithstanding that the day does not occur in the year 1983, and, where the day so appointed and notified for an ordinary election occurs after the year 1983, that day shall be deemed, for the purposes of this Act and the Principal Act, to be the appointed day for the ordinary election in the year 1983.

(3) Different days may be appointed and notified as referred to in subsection (1) for the different elections referred to in that subsection.

**Tenure of office of retiring members, etc.**

10. (1) In this section, a reference to the retiring Lord Mayor, a retiring mayor or a retiring alderman, in relation to a council specified in Schedule 3, is a reference to the person who held office as the Lord Mayor, mayor or alderman, in relation to the council, immediately before 24th September, 1983.

(2) A person, being the retiring Lord Mayor of the City of Sydney or the retiring mayor of the Municipality of Canterbury, shall, subject to the Principal Act, continue in office until the election or appointment of the person's successor.

(3) A person, being a retiring alderman of a council specified in Schedule 3, shall, subject to the Principal Act, continue in office until the appointed day for the ordinary election in the year 1983 for the election of the aldermen of the council.

(4) The ordinary election in the year 1983 of a mayor by the aldermen of a council specified in Schedule 3 (other than the Sydney City Council or the Canterbury Municipal Council) shall be held not later than 14 days after the appointed day for that ordinary election and, until the election or appointment of the mayor, the retiring mayor shall, if re-elected as an alderman, continue in office as mayor.

(5) Where a person, being the retiring Lord Mayor or a retiring mayor in relation to a council specified in Schedule 3, was paid an allowance under section 29 of the Principal Act by the council during the person's mayoral term, the person shall be paid an allowance by the council for the

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period for which the person continues in office under this section by means of monthly instalments of the same amount as was otherwise paid during the person's mayoral term.

(6) Except as provided by subsection (5), section 29 of the Principal Act applies to and in respect of an allowance paid under that subsection in the same way as it applies to and in respect of an allowance paid under that section.

**Election of councillors of the Sydney County Council.**

11. For the purposes of section 45 (2) of the Gas and Electricity Act, 1935, 10th December, 1983, or, where a later day is or later days are appointed and notified under section 9 (1), the later or latest day so appointed and notified shall be deemed to be the date appointed by the Principal Act for the ordinary elections of aldermen or councillors in the year 1983.

**Certain acts of no force or effect.**

12. Anything done by a person under section 65A (1) or (2) of the Principal Act in relation to a council specified in Schedule 3 as if the appointed day for the ordinary election in the year 1983 for the election of—

- (a) the Lord Mayor of the City of Sydney;
- (b) the mayor of the Municipality of Canterbury; or
- (c) the aldermen of the councils so specified,

were to be the fourth Saturday in September shall be of no force or effect.

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SCHEDULE 1.

(Sec. 6.)

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) Section 51 (4)—

After section 51 (3), insert:—

(4) A person does not have the requisite qualification of an elector in respect of a ward or riding by reason only that the person is the owner of ratable land in the ward or riding comprised solely of a lot in a strata plan within the meaning of the Strata Titles Act, 1973, being a lot designed, constructed or used solely or principally for the parking of a motor vehicle.

(2) (a) Section 73 (4) (b)—

Omit “the prescribed number of candidates”, insert instead “the number of the candidates to be elected”.

(b) Section 73 (4) (b)—

Omit “complete the prescribed number”, insert instead “complete the number of the candidates to be elected”.

(c) Section 73 (4) (b)—

Omit:—

In this paragraph “the prescribed number” means a number equal to twice the number of the candidates to be elected, plus one, or, if there are fewer candidates than that number, the total number of candidates, but shall not exceed fifteen.

(d) Section 73 (4) (d) (v)—

Omit “the prescribed number as defined in paragraph (b)”, insert instead “the number of the candidates to be elected”.

(e) Section 73 (4) (d) (v)—

Omit “prescribed” where secondly occurring.

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

(f) Section 73 (4) (d) (v)—

Omit “the paragraph”, insert instead “paragraph (b)”.

(g) Section 73 (4) (f)—

Omit “the figure ‘1’” where firstly occurring, insert instead “a tick”.

(h) Section 73 (4) (f)—

Before “the cross”, insert “the tick or”.

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SCHEDULE 2.

(Sec. 8 (1).)

AMENDMENTS TO ORDINANCE NO. 9 UNDER THE PRINCIPAL ACT.

(1) Form 1—

Omit all words occurring after the heading “*Directions for Voting.*”, insert instead:—

*(Here insert, where only 1 candidate is to be elected, the following direction.)*

1. In marking your vote on this ballot-paper, you must place the number “1” in the square opposite the name of the candidate for whom you desire to give your first preference vote and may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates in the order of your preferences for them.

*(Here insert, where 2 or more candidates are to be elected, the following direction.)*

1. In marking your vote on this ballot-paper, you must vote for at least . . . . . *(here insert the number of the candidates to be elected)* candidates by placing the numbers “1” . . . . . *(here insert the sequence of numbers which corresponds to the number of the candidates to be elected)* in the squares opposite the names of . . . . . *(here insert the number of the candidates to be elected)* candidates in the order of your preferences for them and may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number “. . . . .” *(here insert the number which corresponds to the number of the candidates to be elected plus one)* in the squares opposite the names of those additional candidates in the order of your preferences for them.

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SCHEDULE 2—*continued.*

AMENDMENTS TO ORDINANCE NO. 9 UNDER THE PRINCIPAL ACT—  
*continued.*

*Ordinary Voting.*

2. After marking the ballot-paper according to paragraph 1 of these directions, you must fold it so that the vote cannot be seen, show the folded ballot-paper to the officer presiding and then place it in the ballot-box.

*Pre-poll Voting, Voting When Name Omitted from Roll or When Line Has Been Drawn Through Name.*

3. After marking the ballot-paper according to paragraph 1 of these directions, you must fold it so that the vote cannot be seen and return it to the officer presiding for placement in the envelope bearing the declaration.

You must not take any ballot-paper out of the polling-booth.

(2) Form 1A—

Omit all words occurring after the heading "*Directions for Voting by Post.*", insert instead:—

*(Both you, the elector, and the witness to the declaration should observe the directions hereunder. Failure to follow these directions may result in the ballot-paper being rejected as informal.)*

1. The declaration on the envelope marked "Place ballot-paper only in this envelope" must, if the facts appearing on it are correct, be signed by you in the presence of a witness. The witness must be a person of or above the age of 18 years. A person shall not act as a witness if the person is a candidate or the agent or committeeman for a candidate, or if the person—

- (a) is not satisfied as to the identity of the elector;
- (b) has not seen the elector sign the declaration; and
- (c) does not know that the statements contained in the declaration are true, or is not satisfied by inquiry from the elector, or otherwise, that the statements contained in the declaration are true.

2. The witness shall—

- (a) sign the declaration;
- (b) state the witness's address and the date in the places provided therefor; and
- (c) see that the directions in this Form are complied with by the elector and by every person present when the elector votes.

3. After the declaration has been completed in accordance with these directions, you shall proceed to mark your vote on this ballot-paper and in doing so must preserve the secrecy of the ballot.



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SCHEDULE 2—*continued.*

AMENDMENTS TO ORDINANCE NO. 9 UNDER THE PRINCIPAL ACT—  
*continued.*

*(Here insert, where only 1 candidate is to be elected, the following direction.)*

4. In marking your vote on this ballot-paper, you must place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote and may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

*(Here insert, where 2 or more candidates are to be elected, the following direction.)*

4. In marking your vote on this ballot-paper, you must vote for at least . . . *(here insert the number of the candidates to be elected)* candidates by placing the numbers "1" . . . *(here insert the sequence of numbers which corresponds to the number of the candidates to be elected)* in the squares opposite the names of . . . *(here insert the number of the candidates to be elected)* candidates in the order of your preferences for them and may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number ". . ." *(here insert the number which corresponds to the number of the candidates to be elected plus one)* in the squares opposite the names of those additional candidates in the order of your preferences for them.

5. Having marked the ballot-paper, you must yourself fold it so that the vote cannot be seen.

6. The ballot-paper then must be placed in the envelope marked "Place ballot-paper only in this envelope". You then must close and seal that envelope and place it in the second envelope which is addressed to the Returning Officer.

7. You then must close and seal the second envelope and either deliver it to the Returning Officer before 6 p.m. on . . . *(the date of the poll)* or post it so as to reach the Returning Officer before that time. If you are physically incapable of posting or delivering the envelope to the Returning Officer, you must entrust it to some other person for the purpose of posting or delivery to the Returning Officer.

*(NOTE.—Where the Council has passed a resolution under clause 24 (fff) of Ordinance No. 9, the words "that time" in this direction should be omitted and the words "6 p.m. on . . . (the date of the third day succeeding the day of the poll)" should be inserted instead.)*

8. If your sight is so impaired that you cannot vote without assistance, you may appoint a person to mark your vote on the ballot-paper. The appointed person shall mark the ballot-paper according to your instructions and, if the appointed person is not the witness referred to in paragraph 1 of these directions, shall do so in the presence of the witness. The appointed person shall then and there fold the ballot-paper so that the vote cannot be seen and shall place the ballot-paper in the envelope marked "Place ballot-paper only in this envelope". The appointed person shall then close and seal the envelope and hand it to you and you shall, provided the declaration has been duly completed, put it into the second envelope which is addressed to the Returning Officer. You shall then follow the directions set out in paragraph 7 of these directions.

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SCHEDULE 2—*continued.*AMENDMENTS TO ORDINANCE NO. 9 UNDER THE PRINCIPAL ACT—  
*continued.*

## (3) Form 4—

Omit all words occurring after the heading "*Directions for Voting.*", insert instead:—

1. In marking your vote on this ballot-paper, you must place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote and may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

*Ordinary Voting.*

2. After marking the ballot-paper according to paragraph 1 of these directions, you must fold it so that the vote cannot be seen, show the folded ballot-paper to the officer presiding and then place it in the ballot-box.

*Pre-poll Voting, Voting When Name Omitted from Roll or When Line Has Been Drawn Through Name.*

3. After marking the ballot-paper according to paragraph 1 of these directions, you must fold it so that the vote cannot be seen and return it to the officer presiding for placement in the envelope bearing the declaration.

You must not take any ballot-paper out of the polling-booth.

## (4) Form 5—

Omit all words occurring after the heading "*Directions for Voting by Post.*", insert instead:—

*(Both you, the elector, and the witness to the declaration should observe the directions hereunder. Failure to follow these directions may result in the ballot-paper being rejected as informal.)*

1. The declaration on the envelope marked "Place ballot-paper only in this envelope" must, if the facts appearing on it are correct, be signed by you in the presence of a witness. The witness must be a person of or above the age of 18 years. A person shall not act as a witness if the person is a candidate or the agent or committeeman for a candidate, or if the person—

- (a) is not satisfied as to the identity of the elector;
- (b) has not seen the elector sign the declaration; and
- (c) does not know that the statements contained in the declaration are true or is not satisfied by inquiry from the elector, or otherwise, that the statements contained in the declaration are true.

2. The witness shall—

- (a) sign the declaration;

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SCHEDULE 2—*continued.*

AMENDMENTS TO ORDINANCE NO. 9 UNDER THE PRINCIPAL ACT—  
*continued.*

- (b) state the witness's address and the date in the places provided therefor; and
  - (c) see that the directions in this Form are complied with by the elector and by every person present when the elector votes.
3. After the declaration has been completed in accordance with these directions, you shall proceed to mark your vote on this ballot-paper and in doing so must preserve the secrecy of the ballot.
4. In marking your vote on this ballot-paper, you must place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote and may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.
5. Having marked the ballot-paper, you must yourself fold it so that the vote cannot be seen.
6. The ballot-paper then must be placed in the envelope marked "Place ballot-paper only in this envelope". You then must close and seal that envelope and place it in the second envelope which is addressed to the Returning Officer.
7. You then must close and seal the second envelope and either deliver it to the Returning Officer before 6 p.m. on ..... (*the date of the poll*) or post it so as to reach the Returning Officer before that time. If you are physically incapable of posting or delivering the envelope to the Returning Officer, you must entrust it to some other person for the purpose of posting or delivery to the Returning Officer.

(NOTE.—*Where the Council has passed a resolution under clause 24 (fff) of Ordinance No. 9, the words "that time" in this direction should be omitted and the words "6 p.m. on ..... (the date of the third day succeeding the day of the poll)" should be inserted instead.*)

8. If your sight is so impaired that you cannot vote without assistance, you may appoint a person to mark your vote on the ballot-paper. The appointed person shall mark the ballot-paper according to your instructions and, if the appointed person is not the witness referred to in paragraph 1 of these directions, shall do so in the presence of the witness. The appointed person shall then and there fold the ballot-paper so that the vote cannot be seen and shall place the ballot-paper in the envelope marked "Place ballot-paper only in this envelope". The appointed person shall then close and seal the envelope and hand it to you and you shall, provided the declaration has been duly completed, put it into the second envelope which is addressed to the Returning Officer. You shall then follow the directions set out in paragraph 7 of these directions.
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SCHEDULE 3.

(Secs. 7, 9, 10, 12.)

COUNCILS FOR WHICH THE 1983 ORDINARY ELECTION IS POSTPONED.

Ashfield Municipal Council.

Botany Municipal Council.

Canterbury Municipal Council.

Leichhardt Municipal Council.

Sydney City Council.

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