



New South Wales

# Local Government Amendment (Members of Parliament) Act 2012 No 22

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New South Wales

# **Local Government Amendment (Members of Parliament) Act 2012 No 22**

Act No 22, 2012

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An Act to amend the *Local Government Act 1993* to prevent a member of Parliament from also holding office as a councillor or mayor. [Assented to 11 April 2012]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Local Government Amendment (Members of Parliament) Act 2012*.

**2 Commencement**

This Act commences on the date of assent to this Act.

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## **Schedule 1      Amendment of Local Government Act 1993 No 30**

### **[1] Section 275 Who is disqualified from holding civic office?**

Insert after section 275 (1) (a):

- (a1) while a member of the Parliament of New South Wales, except as provided by subsections (5) and (7), or

### **[2] Section 275 (5)–(7)**

Insert after section 275 (4):

- (5) If:
  - (a) on the commencement of this subsection, a member of the Parliament of New South Wales is a councillor or mayor, or
  - (b) after the commencement of this subsection, a councillor or mayor becomes a member of the Parliament of New South Wales,  
the person is not disqualified from holding civic office because of subsection (1) (a1) for the balance of the person's term of office as a councillor or for the period of 2 years (whichever is the shorter period).
- (6) Subsection (5) does not apply where a councillor or mayor becomes a member of the Parliament of New South Wales after the commencement of that subsection and within 12 months after last ceasing to be a member of that Parliament.
- (7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales is not disqualified because of subsection (1) (a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless:
  - (a) the person has ceased to be a member of that Parliament before the first meeting of the council concerned after the election, or
  - (b) it is an election as mayor by the councillors during the period that the person is not disqualified by the operation of subsection (5).

**[3] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**

Insert at the end of clause 1 (1):

*Local Government Amendment (Members of Parliament) Act  
2012*

[Agreement in principle speech made in Legislative Assembly on 27 March 2012  
Second reading speech made in Legislative Council on 3 April 2012]

BY AUTHORITY