



New South Wales

# Local Government (Elections) Amendment (Political Parties and County Councils) Regulation 2000

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

HARRY WOODS, M.P.,

Minister for Local Government

## Explanatory note

Section 320 (2) of the *Local Government Act 1993* provides that political parties may be registered for the purposes of that Act in accordance with the procedure applicable under Part 4A of the *Parliamentary Electorates and Elections Act 1912* subject to certain modifications set out in that subsection and such other modifications as may be prescribed by the regulations.

Clause 1 (a) of Schedule 4 to the *Local Government (Elections) Regulation 1998* requires an election for chairperson of a county council to be held at the first meeting of the county council after an ordinary election for members of the county council. Clause 1 (2) of Schedule 5 to that Regulation requires elections of members to county councils to be held within two months of the ordinary election of councillors under Chapter 10 of the *Local Government Act 1993*.

The object of this Regulation is to amend the *Local Government (Elections) Regulation 1998*:

- (a) to modify certain provisions of Part 4A of the *Parliamentary Electorates and Elections Act 1912* (namely sections 66D (1) and 66H (2) (b)) to allow a member of a political party who is a member of a council to make an

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application to register the political party or to change the political party's registered officer as recorded in the Local Government Register of Political Parties, and

- (b) to clarify that a new election for the chairperson of a county council is not required to be held:
  - (i) following the first election of councillors for a newly amalgamated local government area (where that election is taken to be an ordinary election of councillors), and
  - (ii) where a constituent council of that county council has held an election for councillors that has been postponed in accordance with Division 2C of Part 1 of Chapter 9 of the *Local Government Act 1993*.

This Regulation also makes a law revision amendment to update a cross-reference to the *Election Funding Regulation 1999*.

This Regulation is made under the *Local Government Act 1993*, including sections 320 (2) (h) and 748 (the general regulation-making power).

## **Local Government (Elections) Amendment (Political Parties and County Councils) Regulation 2000**

### **1 Name of Regulation**

This Regulation is the *Local Government (Elections) Amendment (Political Parties and County Councils) Regulation 2000*.

### **2 Amendment of Local Government (Elections) Regulation 1998**

The *Local Government (Elections) Regulation 1998* is amended as set out in Schedule 1.

### **3 Notes**

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 123A**

Insert after clause 123:

**123A Modification of Parliamentary Electorates and Elections Act 1912—registration of political parties**

Pursuant to section 320 (2) (h) of the Act, Part 4A of the *Parliamentary Electorates and Elections Act 1912* is modified by reading the references to the secretary of the party in sections 66D (1) and 66H (2) (b) as including references to a member of the party who is a member of a council.

**[2] Schedule 4 Election of chairpersons of county councils**

Insert at the end of clause 1:

- (2) In subclause (1) (a), *ordinary election of members of the county council* does not include an election held in accordance with clause 1 (2) of Schedule 5 to this Regulation:
- (a) after the first election of councillors for a newly amalgamated area that is:
    - (i) held in accordance with a proclamation made for the purposes of Division 2A of Part 1 of Chapter 9 of the Act, and
    - (ii) taken by that proclamation to be an ordinary election of councillors, or
  - (b) after an ordinary election of councillors for an area that has been postponed in accordance with the provisions of Division 2C of Part 1 of Chapter 9 of the Act.

**[3] Schedule 7 Application of Election Funding Act 1981**

Omit “clauses 28–32 of the *Election Funding Regulation 1994*” from clause 3.

Insert instead “clauses 30–34 of the *Election Funding Regulation 1999*”.

BY AUTHORITY