



# Local Government (Elections) Amendment Regulation 2003

under the

Local Government Act 1993

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

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

The object of this Regulation is to make a number of amendments to the *Local Government (Elections) Regulation 1998*, including amendments as to the directions to be included on ballot-papers and amendments consequent on the commencement of section 310A of the *Local Government Act 1993*. Section 310A allows postal votes to be accepted in a council election if they are received before 6 pm on the first business day following the day of an election so long as they indicate that they were completed before the close of the poll in the election.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general power to make regulations) and section 310A.

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Clause 1            Local Government (Elections) Amendment Regulation 2003

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# **Local Government (Elections) Amendment Regulation 2003**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (Elections) Amendment Regulation 2003*.

### **2 Commencement**

This Regulation commences on 26 September 2003.

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

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

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 4 Definitions

Insert in alphabetical order in clause 4 (1):

*close of the poll*, in relation to an election, means 6 pm on the day on which the election is held.

### [2] Clause 47 Issue of postal ballot-paper

Insert “, the date of the election” after “relates” in clause 47 (1) (c).

### [3] Clause 48 Postal voting procedure

Omit clause 48 (4). Insert instead:

- (4) The elector is then to deliver or send the envelope, or have it delivered or sent, so as to reach the returning officer before 6 pm on the first business day following election day.
- (4A) An envelope containing or purporting to contain a postal ballot-paper is taken to have been received by the returning officer if it is delivered to the senior deputy returning officer at any polling place between 8 am and 6 pm on election day.

### [4] Clause 49

Omit the clause. Insert instead:

#### 49 Closing time for postal vote

A postal vote that does not reach the returning officer before 6 pm on the first business day following election day is not valid and must not be counted.

### [5] Clause 50 Receipt of postal ballot-papers

Omit clause 50 (1).

### [6] Clause 50 (2)

Insert “the first business day following” after “6 pm on”.

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### **[7] Clause 68 Scrutineers**

Omit clause 68 (1) and (2). Insert instead:

- (1) Each candidate may, by instrument in writing signed by the candidate, appoint scrutineers to be present at each place at which polling is carried out, ballot-papers are scrutinised or votes are counted.
- (2) In the case of candidates belonging to a group, such an appointment may be made by any or all of them.

### **[8] Clause 68 (6) and (7)**

Insert after clause 68 (5):

- (6) Nothing in this clause entitles a candidate or group to be represented by more than one scrutineer at any one place at which polling is carried out, ballot-papers are scrutinised or votes are counted.
- (7) The separate tables or stations within any building, room or other location at which polling is carried out, ballot-papers are scrutinised or votes are counted are taken to be separate places for the purposes of subclause (6).

### **[9] Clause 77 Persons present at scrutiny and count**

Omit “in a polling place and the principal polling place during the scrutiny and counting and recounting of the ballot-papers and the declaration of the election”.

Insert instead “at each place at which polling is carried out, ballot-papers are scrutinised or votes are counted”.

### **[10] Clause 81 Checking of ballot-papers in sealed envelopes**

Omit “produce the postal votes received from the senior deputy returning officers,” from clause 81 (1).

### **[11] Clause 81 (1A)**

Insert after clause 81 (1):

- (1A) Postal votes received after the close of the poll but before 6 pm on the first business day following election day are to be dealt with in the same way as postal votes received before the close of the poll.

**[12] Clause 81 (2) (b)**

Insert “and the Form 8 declaration on the envelope has been duly signed and witnessed” after “on the roll”.

**[13] Clause 82 Finalising the count**

Omit clause 82 (e). Insert instead:

- (e) deliver or send written notification to the candidates of the result of the count as soon as practicable after the result is ascertained.

**[14] Clause 82 (2)**

Insert at the end of clause 82:

- (2) For the purpose of ascertaining the result of the count, the returning officer may cause some or all of the ballot-papers to be sent to a central counting office administered by the Electoral Commissioner to be counted in accordance with arrangements approved by the Electoral Commissioner.

**[15] Clause 116 Postponed and adjourned elections**

Omit “up to the time of the closing of the poll on” from clause 116 (b).

Insert instead “up to 6 pm on the first business day following”.

**[16] Schedule 8, Form 4**

Omit the paragraphs numbered 1, 2 and 3, together with the italicised headings immediately above those paragraphs.

Insert instead:

***Directions for Voting***

*(Here insert the following directions if only one candidate is to be elected)*

Place the number “1” in the square next to the candidate of your choice.

If you wish to vote for any more candidates, place consecutive numbers starting with “2” in the squares next to those candidates in order of your preferences for them. *(This second direction should only be inserted if there are more than 2 candidates)*

*(Here insert the following directions if 2 or more candidates are to be elected)*

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Place the numbers (*here insert the sequence of numbers that corresponds to the number of candidates to be elected*) in the squares next to the (*here insert the number of candidates to be elected*) candidates in order of your preferences for them.

If you wish to vote for any more candidates, place consecutive numbers starting with (*here insert the next number after the number of the candidates to be elected*) in the squares next to those candidates in order of your preferences for them. (*This second direction should only be inserted if there are at least 2 more candidates than candidates to be elected*)

### [17] Schedule 8, Form 5

Omit the paragraphs numbered 1, 2 and 3, together with the italicised headings immediately above those paragraphs.

Insert instead:

#### *Directions for Voting*

Place the numbers (*here insert the sequence of numbers that corresponds to the number of candidates to be elected*) in the squares next to the (*here insert the number of candidates to be elected*) candidates in order of your preferences for them.

If you wish to vote for any more candidates, place consecutive numbers starting with (*here insert the next number after the number of the candidates to be elected*) in the squares next to those candidates in order of your preferences for them. (*This second direction should only be inserted if there are at least 2 more candidates than candidates to be elected*)

### [18] Schedule 8, Form 6

Omit “or” wherever occurring adjacent to the voting squares above the groups of candidates listed under the heading “*Directions for Voting*”.

### [19] Schedule 8, Form 6

Omit the two paragraphs beginning “After marking”, together with the italicised headings immediately above those paragraphs.

**[20] Schedule 8, Form 8**

Omit the Form. Insert instead:

**Form 8 Postal vote declaration and declaration where name not on roll**

(Clauses 48 and 74)

Application No

*(official use only)*

I ..... declare that:

*(insert full name in BLOCK letters)*

- 1 I have not already voted in connection with the forthcoming election being held on ..... in the ..... ward of ..... *(local government area)*.
- 2 I am still entitled to vote at the election and the address of the land to which my voting entitlement relates (as resident, non-resident owner, occupier or ratepaying lessee) is:  
..... *(full address)*
- 3 To the best of my knowledge and belief I am enrolled on the New South Wales or Commonwealth electoral roll.
- 4 The postal vote to which this declaration relates was completed before the close of the poll in the election.

If or because my name is not on the roll of electors being used at the election, in accordance with section 305 of the *Local Government Act 1993* I claim to be entitled to vote at the election.

Date .....

Signature .....

**Witnessing of declaration**

**Postal votes**

I am at least 18 years old and am not a candidate or an agent of a candidate at the abovementioned election, and

I am satisfied as to the identity of the elector, and

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I have seen the elector sign the declaration, and  
I know, or have satisfied myself by reasonable inquiry, that the statements contained  
in the declaration are true.  
The declaration was made before the close of the poll in the election.

Date ..... Signature .....

Address of witness

**Voting at polling place**

I, the returning officer/substitute returning officer/senior deputy returning officer,  
have seen the elector sign the declaration.

Date ..... Signature .....

BY AUTHORITY

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