



New South Wales

Local Government (General) Amendment (Elections) Regulation 2012

under the

Local Government Act 1993

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

DON PAGE, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to make amendments to the *Local Government (General) Regulation 2005* relating to the conduct of local council elections for councillors and mayors. The Regulation deals with the following matters:

- (a) clarifying that the election manager for a local government election is responsible for publishing notice of a declaration of an uncontested election in a newspaper and on the internet,
- (b) simplifying postal voting application forms to enable such forms to be lodged through the internet,
- (c) clarifying that provisional voting may be carried out at pre-poll voting offices and declared institutions (other than enrolling and voting at declared institutions),
- (d) making statute law revision amendments consequent on the introduction of authorised copies of the electoral rolls by the *Local Government Amendment (Elections) Act 2012*,
- (e) making other miscellaneous amendments of a minor or machinery nature.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) of, and item 14 (Elections) of Schedule 6 to, that Act.

2012 No 267

Clause 1 Local Government (General) Amendment (Elections) Regulation 2012

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1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Elections) Regulation 2012*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Local Government (General) Regulation 2005

[1] Clause 296 Declaration of uncontested election

Omit “manager, and” from clause 296 (3) (b). Insert instead “manager.”.

[2] Clause 296 (3) (c)

Omit the paragraph.

[3] Clause 296 (3A)

Insert after clause 296 (3):

(3A) The election manager must:

- (a) insert a copy of the written declaration in a newspaper circulating in the relevant area, and
- (b) cause the information in the declaration to be published on the election manager’s internet website for at least one month.

[4] Clause 309 Supply of rolls and ballot-papers

Insert “authorised” before “copies” in clause 309 (1) (a).

[5] Clause 309 (2A)

Omit the subclause.

[6] Clause 309 (3) (a)

Omit “true”. Insert instead “authorised”.

[7] Clause 314 Postal voting: application

Omit clause 314 (2). Insert instead:

(2) **Form of application**

The application is to be in the form approved by:

- (a) in relation to an election administered by a general manager of a council—the Director-General, or
- (b) in relation to an election administered by the Electoral Commissioner—the Electoral Commissioner.

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Local Government (General) Amendment (Elections) Regulation 2012

Schedule 1 Amendment of Local Government (General) Regulation 2005

[8] Clause 320F

Insert after clause 320E:

320F Provisional voting at pre-poll voting offices and declared institutions

- (1) This Subdivision extends to voting at a pre-poll voting office, subject to the following:
 - (a) a reference to a polling place is taken to include a reference to a pre-poll voting office,
 - (b) a reference to a polling place manager is taken to include a reference to a pre-poll voting officer.
- (2) This Subdivision (other than clause 320C) extends to voting at a declared institution, subject to the following:
 - (a) a reference to a polling place is taken to include a reference to a declared institution, and
 - (b) a reference to a polling place manager is taken to include a reference to a pre-poll voting officer at the declared institution.

[9] Clause 323 Pre-poll voting procedure

Omit “roll of electors” from clause 323 (2) (a).

Insert instead “officer’s authorised copy of the roll”.

[10] Clause 323 (6)

Insert “authorised” before “copy”.

[11] Clause 330 Procedure for voting at declared institutions

Omit “roll of electors” from clause 330 (3) (a).

Insert instead “officer’s authorised copy of the roll”.

[12] Clause 330 (7)

Insert “authorised” before “copy”.

[13] Clause 339 Questions put to elector

Insert “authorised copy of the” before “roll” wherever occurring in clause 339 (1), (5) (c) and (7) (a) and (b).

[14] Clause 339 (2)

Omit “the roll in force”. Insert instead “the authorised copy of the roll”.

[15] Clause 341 Delivery of ballot-paper to elector

Insert “authorised” before “copy” in clause 341 (2).

[16] Clause 350 Checking of ballot-papers in sealed envelopes

Omit “produce the applications for postal votes, produce the list of general postal voters forwarded to the returning officer, and” from clause 350 (1).

[17] Clause 353 Recount

Omit “written notification of the result of the count has been delivered or sent to the candidates” from clause 353 (2) (d).

Insert instead “the candidate has been informed by the returning officer of the result of the count”.