



New South Wales

Local Government (General) Amendment (Elections) Regulation 2015

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*.

PAUL TOOLE, 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. The Regulation deals with the following matters:

- (a) providing that electors enrolled on a roll of electors for an election for the City of Sydney are automatically qualified to apply for postal votes and pre-poll votes (but only in relation to City of Sydney elections),
- (b) requiring general managers of councils administering council elections to include, in the reports to the Minister for Local Government relating to an election, information about the number of electors entitled to vote at the election, the number of electors who voted and the types of votes cast,
- (c) requiring the Electoral Commissioner to provide the Minister for Local Government with a written report on the conduct of each ordinary election of councillors and each first election for a council area (including information regarding elections administered by the Electoral Commissioner and recommendations by the Electoral Commissioner relating to the conduct of elections),
- (d) requiring candidates for civic office, in the Statistical Information Sheet attached to nomination papers, to disclose membership of all registered political parties,
- (e) making a number of law revision amendments, including relating to terminology of election information and the procedure of dealing with postal votes following postponed and adjourned elections.

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.

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1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Elections) Regulation 2015*.

2 Commencement

This Regulation commences on 6 February 2015 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Local Government (General) Regulation 2005

[1] Clause 277B Advertising by election manager

Omit “electoral information” from clause 277B (1). Insert instead “election information”.

[2] Clause 313 Postal voting: qualifications

Insert at the end of clause 313 (l):

, or

- (m) is an elector enrolled on the roll of electors for an election for the City of Sydney (but only in relation to any such election).

[3] Clause 321 Pre-poll voting: qualifications

Insert at the end of clause 321 (i):

, or

- (j) is an elector enrolled on the roll of electors for an election for the City of Sydney (but only in relation to any such election).

[4] Clause 386 Postponed and adjourned elections

Omit “, along with the applications for them and the list and signature indications of general postal voters forwarded to the returning officer,” from clause 386 (b).

[5] Clause 393 Election information

Omit “Electoral Commission” from clause 393 (1). Insert instead “election manager”.

[6] Clause 393 (1)–(4)

Omit “electoral information” and “Electoral information” wherever occurring.

Insert instead “election information” and “Election information”, respectively.

[7] Clause 393A General manager to report on election

Insert after clause 393A (2) (l):

- (m) the number of electors entitled to vote at the election and the number of electors who voted, specifying the number of electors who voted personally or by post.

[8] Clause 393AA

Insert after clause 393A:

393AA Electoral Commissioner to report on election

- (1) After each ordinary election of councillors and each first election for an area after its constitution, the Electoral Commissioner must provide the Minister with a written report on the conduct of the election, including (but not limited to) a report on the following:
- (a) the names of the areas whose elections were conducted by the Electoral Commissioner,
 - (b) details of the declared results in those elections,
 - (c) details of any requests for recounts of ballot-papers in those elections,
 - (d) details of any proceedings commenced in a court or tribunal relating to those elections,

- (e) any recommendations by the Electoral Commissioner to the Minister regarding changes to the Act or this Regulation relating to the conduct of elections.
- (2) The report must be provided to the Minister and displayed on the Electoral Commission's website within 6 months after the election day concerned, unless the Minister is satisfied that special circumstances exist.

[9] Schedule 11 Forms

Insert the following after item (j) of the matter under the heading "STATISTICAL INFORMATION SHEET" in Forms 2 and 3:

- (k) I am a member of the following registered political parties (being political parties registered under the *Parliamentary Electorates and Elections Act 1912* or under the *Local Government Act 1993*):