



New South Wales

Local Government (General) Amendment (Elections) Regulation 2021

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*.

SHELLEY HANCOCK, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to amend the *Local Government (General) Regulation 2021* to make further provision regarding the conduct of local government elections during the COVID-19 pandemic.

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1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Elections) Regulation 2021*.

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 2021

[1] Section 275 Definitions

Insert in alphabetical order in section 275(1)—

COVID-19 affected elector—see section 314A.

[2] Section 289 Nomination proposals

Omit section 289(5AA)(a). Insert instead—

(a) by personal delivery to an approved place, or

[3] Section 289(5AC)–(5AE)

Insert after section 289(5AB)—

- (5AC) The election manager must publish notice of an approval of an approved place under subsection (5AA)(a) on the election manager’s website.
- (5AD) The approved place referred to in subsection (5AA)(a) may be within or outside the area or ward concerned.
- (5AE) Despite subsection (5AA)(a), if the election manager is satisfied it is necessary to comply with a public health order, or to reduce the risk of infection from COVID-19, the election manager may, by order published on the election manager’s website—
 - (a) limit the times and dates that a nomination proposal may be lodged by personal delivery at an approved place, or
 - (b) prohibit the lodgement of nomination proposals by personal delivery at an approved place.

[4] Section 314A

Insert after section 314—

314A Declarations regarding COVID-19 affected classes of electors

- (1) The election manager may, if satisfied it is necessary to comply with a public health order, or to reduce the risk of infection from COVID-19, declare, by order published on the election manager’s website, that electors of a specified ward or area are *COVID-19 affected electors*.
- (2) The election manager may also publish a copy of the declaration in other ways the election manager considers necessary to bring the declaration to the attention of the COVID-19 affected electors.
- (3) A declaration under subsection (1) must include a notice that informs the specified COVID-19 affected electors that the electors are entitled, but not required, to vote by postal vote, but may instead vote in person at a polling place.

[5] Section 316 Electors entitled to postal vote

Insert after section 316(1)—

- (1A) A COVID-19 affected elector is entitled to make a postal vote for the elector’s ward or area.

[6] Section 317 Issue of postal ballot-paper

Insert after section 317(1)—

- (1A) On the making of a declaration of COVID-19 affected electors under section 314A, the election manager is, for each COVID-19 affected elector, other than an elector who has duly made application for a postal vote, to make a record that a ballot-paper is being issued to the elector and deliver or send the items and information referred to in subsection (1)(a)–(d) to the elector.

[7] Section 321 Pre-poll voting: qualifications

Omit section 321(2) and (3). Insert instead—

- (2) In relation to an election of councillors, including a by-election and an election of mayor by electors, held before 1 September 2024, all persons who are qualified to vote in the election are qualified to vote before election day under this Subdivision.
- (3) Subsection (2) and this subsection are repealed on 1 September 2024 at the end of the day.

[8] Section 337A Special provisions about scrutineers for COVID-19 pandemic

Omit section 337A(6).

[9] Section 337A(7), definition of “relevant place”

Insert “nominations of candidates are made,” after “place at which”.

[10] Section 356TA Posters—arrangements for COVID-19 pandemic

Omit section 356TA(7).

[11] Section 356TB Handing out electoral materials—arrangements for COVID-19 pandemic

Omit section 356TB(8).

[12] Section 383 Suspension of voting

Insert after section 383(1)(d)—

- (d1) without limiting subsection (1)(d), a risk of harm to public health caused by a person who is infected with COVID-19, or is required to self-isolate under a public health order because of COVID-19, attending the polling place, or

[13] Section 383A Adjournment of voting

Omit section 383A(4)(b). Insert instead—

- (b) between the day following the election day and the following—
- (i) the 13th day following the election day,
- (ii) a later day—if the election manager is satisfied it is necessary to comply with a public health order, or to reduce the risk of infection from COVID-19 of electors and other persons at the polling place.