

Passed by both Houses



New South Wales

Local Government Amendment Bill 2012

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2012*



New South Wales

Local Government Amendment Bill 2012

Act No , 2012

An Act to amend the *Local Government Act 1993* with respect to, the voting system for the election of councillors, community land, the pecuniary interests of councillors and staff affected by amalgamations; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment Act 2012*.

2 Commencement

- (1) Except as provided by subsection (2), this Act commences on the date of assent to this Act.
- (2) Schedule 1 [9] commences on a day to be appointed by proclamation.

Schedule 1 Amendment of Local Government Act 1993 No 30

[1] Section 46 Leases, licences and other estates in respect of community land—generally

Omit section 46 (3). Insert instead:

- (3) A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 30 years.

[2] Section 47 Leases, licences and other estates in respect of community land—terms greater than 5 years

Omit section 47 (5). Insert instead:

- (5) The council must not grant the lease, licence or other estate except with the Minister's consent, if:
- (a) a person makes a submission by way of objection to the proposal, or
 - (b) in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.

[3] Section 47 (6)

Insert after the fifth bullet point:

- if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years

[4] Section 47 (8AA)

Insert after section 47 (8):

- (8AA) The Minister may consent to a lease or licence referred to in subsection (5) (b) only if the Minister is satisfied that there are special circumstances that justify the period of the lease or licence exceeding 21 years.

[5] Section 234 When does a vacancy occur in a civic office?

Insert "or 482A" after "482" in section 234 (1) (d).

[6] Chapter 10, introduction note

Omit “(wherever 1 or 2 positions must be filled) and proportional (wherever 3 or more positions must be filled)”.

Insert instead “(wherever 1 position must be filled) and proportional (wherever 2 or more positions must be filled)”.

[7] Section 285

Omit the section. Insert instead:

285 Voting system for election of councillors

The voting system in a contested election of a councillor or councillors is to be:

- (a) optional preferential, if only one councillor is to be elected, or
- (b) proportional, if 2 or more councillors are to be elected.

[8] Section 448 What interests do not have to be disclosed?

Omit “Chapter”. Insert instead “Part”.

[9] Section 451 Disclosure and presence in meetings

Insert after section 451 (3) (before the note to the section):

- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:
 - (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council’s area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council’s area, and
 - (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:
 - (a) be in the form prescribed by the regulations, and
 - (b) contain the information required by the regulations.

[10] Schedule 6 Regulations

Insert after item 14:

14A The exercise of functions by a council in the 4 weeks preceding an ordinary election.

Examples. Limitation on determination of controversial or significant development applications

The new or permanent appointment of general managers

Entering into significant contracts or undertakings

[11] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert at the end of clause 1 (1):

Local Government Amendment Act 2012

[12] Schedule 8

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provisions consequent on enactment of
Local Government Amendment Act 2012**

Definition

In this Part:

amending Act means the *Local Government Amendment Act 2012*.

Provision relating to Council staff

Section 354I, as in force immediately before its amendment by the amending Act, continues to apply to a staff member if, immediately before the amendment, that section restricted changes in the work base of the staff member.