



New South Wales

Local Government Amendment (Disqualification from Civic Office) Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to disqualify property developers and real estate agents from holding a civic office (being the office of councillor or mayor of a council or, in the case of a county council, the office of chairperson or member).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Local Government Act 1993 No 30

Schedule 1 [1] amends the *Local Government Act 1993* to give effect to the object set out in the Overview above.

Schedule 1 [2] and [3] make consequential amendments.



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Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Local Government Act 1993 No 30	3



New South Wales

Local Government Amendment (Disqualification from Civic Office) Bill 2017

No. , 2017

A Bill for

An Act to amend the *Local Government Act 1993* to disqualify property developers and real estate agents from holding civic office.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Local Government Amendment (Disqualification from Civic Office) Act 2017*.

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4

2 Commencement

5

This Act commences on the date of assent to this Act.

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Schedule 1 Amendment of Local Government Act 1993 No 30

[1] Section 275 Who is disqualified from holding civic office?

Insert at the end of section 275 (1) (h):

, or

- (i) if he or she is a real estate agent, or
- (j) if he or she is a property developer.

[2] Section 275 (8) and (9)

Insert after section 275 (7) (before the note):

(8) If:

- (a) on the commencement of this subsection, a real estate agent or property developer is a councillor or mayor, or
- (b) after the commencement of this subsection, a councillor or mayor becomes a real estate agent or property developer,

the person is not disqualified from holding civic office because of subsection (1) (i) or (j) for the balance of the person's term of office as a councillor or for the period of 2 years (whichever is the shorter period).

(9) Despite anything to the contrary in this Chapter, a real estate agent or property developer is not disqualified because of subsection (1) (i) or (j) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless:

- (a) the person has ceased to be a real estate agent or property developer before the first meeting of the council concerned after the election, or
- (b) it is an election as mayor by the councillors during the period that the person is not disqualified by operation of subsection (8).

[3] Section 275 (10)

Insert at the end of section 275 (after the note):

(10) In this section:

property developer has the same meaning as it has in section 96GB of the *Election Funding, Expenditure and Disclosures Act 1981*.

Note. Section 96GB (1) of the *Election Funding, Expenditure and Disclosures Act 1981* provides that **property developer** includes a person who is a close associate of a property developer.

real estate agent has the same meaning as it has in the *Property, Stock and Business Agents Act 2002*.