

Second print



New South Wales

Local Government Amendment (Elections) Bill 2003

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Clerk of the Legislative Assembly.
Legislative Assembly,*



New South Wales

Local Government Amendment (Elections) Bill 2003

Act No , 2003

An Act to amend the *Local Government Act 1993* with respect to the ordinary election of councillors and other persons to civic office; to facilitate a decrease in the number of councillors of a council; and for other purposes.

EXAMINED

Chairman of Committees

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Elections) Act 2003*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Local Government Act 1993 No 30

The *Local Government Act 1993* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

- | | |
|--|----|
| | 1 |
| | 2 |
| [1] Section 287 When is an ordinary election of councillors held? | 3 |
| Omit section 287 (1). Insert instead: | 4 |
| (1) An ordinary election of the councillors for an area is to be held | 5 |
| on the fourth Saturday of March 2004 and on the fourth | 6 |
| Saturday of March in every fourth year after 2004. | 7 |
| [2] Section 290 When is an election of a mayor by the councillors to be held? | 8 |
| | 9 |
| Omit “September” from section 290 (1) (b). Insert instead “March”. | 10 |
| [3] Section 294 Dispensing with by-elections | 11 |
| | 12 |
| Omit “1 January” from section 294 (1). Insert instead “1 April”. | 12 |
| [4] Section 449 Returns disclosing interests of councillors and designated persons | 13 |
| | 14 |
| Omit “in the previous year” from section 449 (2). | 15 |
| Insert instead “in that year or the previous year”. | 16 |
| [5] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts | 17 |
| | 18 |
| Insert at the end of clause 1 (1): | 19 |
| <i>Local Government Amendment (Elections) Act 2003</i> | 20 |
| [6] Schedule 8, clause 60 | 21 |
| | 22 |
| Omit “7 September 2003” wherever occurring in clause 60 (2) and (3). | 22 |
| Insert instead “21 March 2004”. | 23 |
| [7] Schedule 8, clause 60 (8) (a) and (b) | 24 |
| | 25 |
| Omit “1 August 2003” wherever occurring. | 25 |
| Insert instead “1 September 2003”. | 26 |
| [8] Schedule 8, clause 60 (8) (b) | 27 |
| | 28 |
| Omit “8 August 2003”. Insert instead “1 November 2003”. | 28 |

[9] Schedule 8, clause 60 (8)	1
Omit “14 September 2003”. Insert instead “28 March 2004”.	2
[10] Schedule 8, clause 60 (9)	3
Omit “13 September 2003”. Insert instead “27 March 2004”.	4
[11] Schedule 8, clause 60 (9) (b)	5
Omit “1 August 2003”. Insert instead “1 September 2003”.	6
[12] Schedule 8, clause 60 (9) (b)	7
Omit “8 August 2003”. Insert instead “1 November 2003”.	8
[13] Schedule 8, clause 60 (9) (c)	9
Omit “8 August 2003”. Insert instead “1 November 2003”.	10
[14] Schedule 8, clause 61 (a)	11
Omit “6 September 2003”. Insert instead “20 March 2004”.	12
[15] Schedule 8	13
Insert at the end of Schedule 8 with appropriate Part and clause numbers:	14
Part Provisions consequent on the enactment of the Local Government Amendment (Elections) Act 2003	15 16 17
Interpretation	18
In this Part, if the ordinary election proposed to be held on Saturday 27 March 2004 is, pursuant to an order under section 288, held on a subsequent Saturday, a reference to Saturday 27 March 2004 is taken to be a reference to the subsequent Saturday.	19 20 21 22 23
Term of office—mayors and deputy mayors	24
(1) This clause applies to:	25
(a) a mayor, and	26

-
- (b) a deputy mayor who, under section 231 (2), is elected for the mayoral term,
who holds office immediately before Saturday 13 September 2003.
- (2) In relation to a person to whom this clause applies:
- (a) the person's term of office is extended to the day on which the mayor's successor is declared to be elected to the office of mayor following the election to be held on Saturday 27 March 2004, and
- (b) the person's office does not become vacant until the expiration of the term, as extended by paragraph (a), unless a casual vacancy occurs in the person's office on or after Saturday 13 September 2003 and before the day referred to in paragraph (a).
- Term of office—councillors, chairpersons of county councils and deputy chairpersons of county councils**
- (1) This clause applies to:
- (a) a councillor, and
- (b) the chairperson of a county council, and
- (c) a deputy chairperson of a county council,
who holds office immediately before Saturday 13 September 2003.
- (2) In relation to a person to whom this clause applies:
- (a) the person's term of office is extended until Saturday 27 March 2004, and
- (b) the person's office does not become vacant until Saturday 27 March 2004, unless a casual vacancy occurs in the office on or after Saturday 13 September 2003 and before Saturday 27 March 2004.
- Reduction in number of councillors**
- (1) A council may, at any time before 31 December 2003, resolve to make an application to the Minister for approval to decrease the number of councillors in accordance with the limits under section 224.

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Schedule 1 Amendments

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|-----|---|---------------------------|
| (2) | The council must give not less than 21 days public notice of its proposed resolution. | 1
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| (3) | After passing the resolution, the council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions. | 3
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| (4) | The Minister may approve the application without amendment or reject the application. | 7
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| (5) | If the Minister approves the application, the number of councillors of the council is reduced to the number specified in the application with effect on and from the day appointed for the next ordinary election of councillors after the application is approved. | 9
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| (6) | This clause has effect despite sections 16 and 224. | 14 |