



New South Wales

Local Government Amendment (Election Date) Bill 2008

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* to change the date of ordinary elections of councillors from the fourth to the second Saturday in September every 4 years, starting in 2008, and to make associated amendments.

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.

Clause 3 is a formal provision that gives effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [1] amends section 287 to make the change referred to in the Overview above.

Schedule 1 [2] amends Schedule 8 to enable regulations to be made of a savings, transitional or other nature consequent on the enactment of the proposed Act.

Schedule 1 [3] inserts a new Part (containing clause 91) into Schedule 8 to provide that section 66FA of the *Parliamentary Electorates and Elections Act 1912* (which applies to parties registered under that Act and is applied, with modifications, to parties registered under the *Local Government Act 1993*) will not apply to a political party registered on or before 27 August 2007. Section 66FA, as it applies in relation to local government elections, provides that the registration of a party does not become effective until the first anniversary of its registration for the following purposes:

- (a) party endorsement on ballot-papers,
- (b) nomination of candidates by a party,
- (c) registration of electoral material by a party.

The new clause ensures that a party registered on or before 27 August 2007 will not be affected by the change to the earlier date for the September 2008 elections.

First print



New South Wales

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Contents

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

Local Government Amendment (Election Date) Bill 2008

Contents

Page



New South Wales

Local Government Amendment (Election Date) Bill 2008

No. , 2008

A Bill for

An Act to amend the *Local Government Act 1993* to change the date for the holding of ordinary elections of councillors in and after 2008.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Local Government Amendment (Election Date) Act 2008</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Local Government Act 1993 No 30	7
The <i>Local Government Act 1993</i> is amended as set out in Schedule 1.	8
4 Repeal of Act	9
(1) This Act is repealed on the day following the day on which this Act commences.	10 11
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	12 13

Schedule 1	Amendments	1
	(Section 3)	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 on the second Saturday of September 2008 and on the second Saturday of September in every fourth year after 2008.	5 6 7
[2]	Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts	8 9
	Insert at the end of clause 1 (1):	10
	<i>Local Government Amendment (Election Date) Act 2008</i>	11
[3]	Schedule 8, Part 29	12
	Insert after Part 28 of Schedule 8:	13
	Part 29 Provisions consequent on enactment of Local Government Amendment (Election Date) Act 2008	14 15 16
91	Effective date of party registration for the purposes of September 2008 elections	17 18
	(1) This clause applies in relation to the ordinary elections of councillors to be held in 2008 and any other concurrent elections, constitutional referendums or council polls to be held under this Act.	19 20 21 22

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Schedule 1 Amendments

- (2) Section 66FA of the *Parliamentary Electorates and Elections Act 1912*, as applied by section 320 of this Act, does not apply to a political party that became registered under Part 7 of Chapter 10 on or before 27 August 2007. 1
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- Note.** Section 66FA of the *Parliamentary Electorates and Elections Act 1912* (which applies to parties registered under that Act and is applied, with modifications, to parties registered under the *Local Government Act 1993*) provides that the registration of a party does not become effective until the first anniversary of its registration for the purposes of party endorsement on ballot-papers, the nomination of candidates by a party, and the registration of electoral material by a party. 5
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