



New South Wales

# Local Government Amendment (Mayoral Elections) Bill 2004

## Explanatory note

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

## Overview of Bill

The *Local Government Amendment (Elections) Act 2003*, which commenced on 18 July 2003, amended the *Local Government Act 1993* (the *Principal Act*) to provide that the ordinary elections of councillors for local government areas due in September 2003 would be held on 27 March 2004 and subsequent ordinary elections would be held every 4 years on the fourth Saturday in September.

Section 230 of the Principal Act provides that, subject to any other provisions of that Act, a mayor elected by councillors has a term of office of 1 year (a mayor elected by the electors has a term of office of 4 years). Section 290 of that Act provides that the election of the mayor by the councillors is to be held:

- (a) if it is the first election after an ordinary election of councillors—within 3 weeks after the ordinary election, or
- (b) if it is not that first election or an election to fill a casual vacancy—during the month of September.

As a result, local government areas with mayors elected by councillors within the 3 weeks after an ordinary election held on 27 March 2004 are required to hold another election for mayor by the councillors in September 2004.

Also, a number of further elections of councillors are now required to be held as a consequence of recent amalgamations of certain councils. Certain of those councils will elect mayors by councillors after those councillor elections. By the operation of section 290 of the Principal Act those councils will be required to hold a further election for mayor in September 2004.

The object of this Bill is to amend the *Local Government Act 1993* to provide that the term of office of the mayors elected by councillors following elections of councillors held on or after 27 March 2004 but before September 2004 is extended to September 2005 (when the election of their successors is to take place).

## 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.

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

## Schedule 1 Amendment

**Schedule 1** inserts proposed clause 76A into Schedule 8 (Savings, transitional and other provisions consequent on the enactment of other Acts) to the *Local Government Act 1993* to give effect to the object set out in the Overview above.

First print



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## Local Government Amendment (Mayoral Elections) Bill 2004

No. , 2004

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### A Bill for

An Act to amend the *Local Government Act 1993* to extend the term of office of the mayors elected by councillors following local government elections held on or after Saturday 27 March 2004 but before September 2004.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1    Name of Act</b>	2
This Act is the <i>Local Government Amendment (Mayoral Elections) Act 2004</i> .	3 4
<b>2    Commencement</b>	5
This Act commences on the date of assent.	6
<b>3    Amendment of Local Government Act 1993 No 30</b>	7
The <i>Local Government Act 1993</i> is amended as set out in Schedule 1.	8 9

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## Schedule 1 Amendment

(Section 3)

### **Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**

Insert after clause 76:

**76A Term of office—mayors elected by councillors after elections held on or after Saturday 27 March 2004 but before September 2004**

- (1) This clause applies to a mayor elected by councillors at the first election for mayor after an election of councillors held on or after Saturday 27 March 2004 but before September 2004.
- (2) Despite sections 230 and 290:
  - (a) the election of a successor of a mayor to which this clause applies is to be held during the month of September 2005, and
  - (b) the term of office of a mayor to which this clause applies is extended to the day on which that mayor's successor is declared to be elected to the office of mayor.