



New South Wales

Local Government (Shellharbour and Wollongong Elections) Bill 2011

Explanatory note

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

Overview of Bill

The mayors and councillors of Shellharbour City Council and Wollongong City Council were dismissed by proclamations of the Governor during 2008. Under those proclamations ordinary elections for those positions were due to be held on Saturday 8 September 2012.

The object of this Bill is to provide for elections for Shellharbour City Council and Wollongong City Council on Saturday 3 September 2011.

The Bill also provides for the following:

- (a) the abolition of wards in the Shellharbour City Council area—the electors in that area are to constitute a single electorate,
- (b) the reduction in the number of councillors for the Shellharbour City Council from 13 to 7,
- (c) the election of the mayor of the Shellharbour City Council by its councillors rather than directly by the electors,
- (d) the alteration of the ward boundaries of the Wollongong City Council area to reduce the number of wards from 6 to 3.

Outline of provisions

Part 1 Preliminary

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 defines certain words and expressions used in the proposed Act.

Part 2 Elections for Shellharbour and Wollongong City Councils

Clause 4 provides for fresh elections for the councillors for the Shellharbour City Council area, and the mayor and councillors for the Wollongong City Council area, to be held on Saturday 3 September 2011. The provision makes it clear that those civic office holders will have a 5 year term by providing that elections for those positions are not to be held during 2012. As a consequence, the next ordinary elections for Shellharbour and Wollongong City Councils are to be held on the second Saturday of September in 2016.

Part 3 Shellharbour City Council

Clause 5 abolishes all the wards of the Shellharbour City Council area.

Clause 6 provides that Shellharbour City Council is to have 7 councillors for the term of office commencing from the 2011 elections.

Clause 7 provides that the mayor of the Shellharbour City Council area is to be elected by the councillors from among their number.

Part 4 Wollongong City Council

Clause 8 provides that the administrators of Wollongong City Council must, before 24 June 2011, alter the ward boundaries of the Wollongong City Council area to reduce the number of wards from 6 to 3. The proposed section also outlines certain preparatory steps that must be taken before the alteration is made. Those preparatory steps broadly mirror provisions in sections 210 and 210A of the *Local Government Act 1993*.

Part 5 Miscellaneous

Clause 9 enables the Governor to make regulations for the purposes of the proposed Act, including regulations relating generally to the 2011 Shellharbour and Wollongong City Council elections and regulations of savings or transitional nature. Section 320 of the *Local Government Act 1993* and section 66FA of the *Parliamentary Electorates and Elections Act 1912* operate together to provide that a

political party that is registered on the Local Government Register of Political Parties does not receive the benefits of that registration for a period of one year. **Clause 9** also provides that regulations may be made to reduce that period for the purposes of the Shellharbour and Wollongong City Council elections in 2011.

Clause 10 is a transitional provision to validate preparatory actions taken before the commencement of the proposed Act to enable the alteration of the ward boundaries of the Wollongong City Council area referred to in clause 8 above.

Clause 11 provides for the repeal of the proposed Act on 1 January 2013.



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Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Definitions 2
Part 2	Elections for Shellharbour and Wollongong City Councils
4	Election for Shellharbour and Wollongong City Councils to be held in 2011 3
Part 3	Shellharbour City Council
5	Abolition of wards for Shellharbour City Council area 4
6	Number of councillors for Shellharbour City Council 4
7	Mayor of the Shellharbour City Council to be elected by councillors 4

	Page
Part 4	Wollongong City Council
8	Reduction in number of wards in Wollongong City Council area
	5
Part 5	Miscellaneous
9	Regulations
	7
10	Transitional—preparations for alteration of ward boundaries in Wollongong City Council area
	7
11	Repeal
	8



New South Wales

Local Government (Shellharbour and Wollongong Elections) Bill 2011

No. , 2011

A Bill for

An Act to provide for elections for councillors for Shellharbour and Wollongong City Councils in September 2011; and for other purposes.

Clause 1 Local Government (Shellharbour and Wollongong Elections) Bill 2011

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Local Government (Shellharbour and Wollongong Elections) Act 2011*. 4
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2 Commencement 6

This Act commences on the date of assent to this Act. 7

3 Definitions 8

(1) In this Act: 9

LG Act means the *Local Government Act 1993*. 10

(2) Unless the context otherwise requires, words and expressions in this Act 11
have the same meanings as they have in the LG Act. 12

(3) Notes included in this Act do not form part of this Act. 13

Part 2 Elections for Shellharbour and Wollongong City Councils

4 Election for Shellharbour and Wollongong City Councils to be held in 2011

(1) Fresh elections for the following civic offices are to be held on Saturday 3 September 2011:

(a) councillors for the Shellharbour City Council area,

(b) mayor and councillors for the Wollongong City Council area.

(2) Despite section 287 of the LG Act, ordinary elections for the councillors for the Shellharbour City Council area, and for the mayor and councillors for the Wollongong City Council area, are not to be held during 2012.

Note. As a consequence, the next subsequent ordinary elections for Shellharbour and Wollongong City Councils are to be held on the second Saturday of September in 2016.

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Part 3	Shellharbour City Council	1
5	Abolition of wards for Shellharbour City Council area	2
(1)	All wards of the Shellharbour City Council area are abolished.	3
(2)	After the 2011 elections, the Shellharbour City Council may, in accordance with section 210 of the LG Act, divide its area into wards.	4 5
6	Number of councillors for Shellharbour City Council	6
(1)	Shellharbour City Council is to have 7 councillors for the term of office commencing from the 2011 elections.	7 8
(2)	After the 2011 elections, the Shellharbour City Council may, in accordance with section 224 of the LG Act, change the number of its councillors.	9 10 11
7	Mayor of the Shellharbour City Council to be elected by councillors	12
(1)	The mayor of the Shellharbour City Council area is to be elected by the councillors from among their number.	13 14
	Note. Section 290 of the LG Act provides that election of the mayor by the councillors is to be held within 14 days after the election of the councillors. If the councillors fail to elect a mayor as required by that section, the Governor may appoint one of the councillors as the mayor.	15 16 17 18
(2)	After the 2011 elections, a decision may be made in accordance with Division 2 of Part 2 of Chapter 9 of the LG Act that the mayor be elected by the electors.	19 20 21

Part 4	Wollongong City Council	1
8	Reduction in number of wards in Wollongong City Council area	2
(1)	The administrators of Wollongong City Council must, before 24 June 2011, alter the ward boundaries of the Wollongong City Council area to reduce the number of wards from 6 to 3.	3 4 5
(2)	The change to the boundaries of the wards must not result in a variation of more than 10 per cent between the number of electors in each ward in the area.	6 7 8
(3)	Before altering the ward boundaries, the administrators must:	9
	(a) consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed ward boundaries correspond to the boundaries of appropriate districts (within the meaning of the <i>Parliamentary Electorates and Elections Act 1912</i>) and census districts, and to ensure that the proposed boundaries comply with subsection (2), and	10 11 12 13 14 15
	(b) prepare and publicly exhibit a plan detailing the proposed alteration (the <i>ward boundary plan</i>).	16 17
(4)	The administrators must give public notice of the following:	18
	(a) the place at which the ward boundary plan may be inspected,	19
	(b) the period for which the plan will be exhibited (being a period of not less than 30 days),	20 21
	(c) the period during which submissions regarding the ward boundary plan may be made to the administrators (being a period of not less than 30 days after the date on which the ward boundary plan is placed on public exhibition).	22 23 24 25
(5)	The administrators must, in accordance with the notice, publicly exhibit the ward boundary plan together with any other matter that they consider appropriate or necessary to better enable the plan and its implications to be understood.	26 27 28 29
(6)	Any person may make a submission to the administrators regarding the ward boundary plan within the period referred to in subsection (4) (c).	30 31
(7)	The administrators must consider submissions made in accordance with this section.	32 33
	Note. The provisions of subsections (2)–(7) broadly mirror provisions in sections 210 and 210A of the LG Act relating to the alteration of ward boundaries.	34 35 36
(8)	An alteration to ward boundaries is not invalid merely because the administrators failed to follow any one or more of the steps set out in subsections (3)–(7).	37 38 39

Clause 8 Local Government (Shellharbour and Wollongong Elections) Bill 2011

Part 4 Wollongong City Council

(9) After the 2011 elections, the Wollongong City Council may, in accordance with section 210 of the LG Act, alter its ward boundaries.

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Part 5	Miscellaneous	1
9	Regulations	2
(1)	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	3 4 5 6
(2)	Without limiting subsection (1), the regulations may make provision for or with respect to the 2011 elections for the Shellharbour City Council area and the Wollongong City Council area, including regulations that reduce the period before which a political party registered under Part 7 of Chapter 10 of the LG Act is taken to be a registered political party for the purposes of those elections.	7 8 9 10 11 12
(3)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.	13 14
(4)	Any such savings or transitional provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.	15 16
(5)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	17 18 19
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	20 21 22
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	23 24 25
10	Transitional—preparations for alteration of ward boundaries in Wollongong City Council area	26 27
	Any thing done by the administrators of Wollongong City Council, before the commencement of this Act, for the purpose of enabling the alteration of ward boundaries referred to in section 8, is taken to have been done under that section and as if that section had already commenced.	28 29 30 31 32

Clause 11 Local Government (Shellharbour and Wollongong Elections) Bill 2011

Part 5 Miscellaneous

11 Repeal

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 This Act is repealed on 1 January 2013.

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