



New South Wales

Local Government (Elections) Amendment Regulation 1999

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ERNIE PAGE, M.P.,

Minister for Local Government

Explanatory note

The object of this Regulation is to make miscellaneous amendments to the *Local Government (Elections) Regulation 1998*. Some of the amendments arise from the integration of the procedures for electing the Lord Mayor and councillors of the City of Sydney with the procedures for electing the mayor and councillors of any other local government council, reflecting amendments to the *City of Sydney Act 1988* made by the *Local Government Legislation Amendment (Elections) Act 1998*. Others are minor or consequential amendments that clarify various aspects of the electoral procedure.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) and item 14 (Elections) of Schedule 6 (Matters with respect to which regulations may be made).

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Clause 1 Local Government (Elections) Amendment Regulation 1999

Local Government (Elections) Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Local Government (Elections) Amendment Regulation 1999*.

2 Commencement

This Regulation commences on 12 February 1999.

3 Amendment of Local Government (Elections) Regulation 1998

The *Local Government (Elections) Regulation 1998* is amended as set out in Schedule 1.

4 Transitional provision

An amendment to the *Local Government (Elections) Regulation 1998* made by this Regulation does not apply to or in respect of an election which has a closing date before the commencement of this Regulation.

5 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 11 Enrolment claims and objections

Omit “(or section 18 (4) (a) of the *City of Sydney Act 1988*)”
wherever occurring in clause 11 (1), (2) and (3).

[2] Clause 11 (1) (d)

Omit “to vote at an election”.
Insert instead “to be enrolled as an elector”.

[3] Clause 11 (1) (d)

Omit “(or has a requisite qualification under section 15 (1) (a) of the
City of Sydney Act 1988)”.

[4] Clause 11 (1) (g)

Omit “section 270 (1)”.
Insert instead “section 270, 271 or 272”.

[5] Clause 11 (1) (g)

Insert “or 16A” after “section 16”.

[6] Clause 11 (4) and (5)

Omit “(or section 18 (4) (b) of the *City of Sydney Act 1988*)”
wherever occurring.

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Schedule 1 Amendments

[7] Clause 13 Notice of inclusion on list: Sydney City

Omit the clause.

[8] Clause 20 Notice of election

Omit “resumes” from clause 20 (2) (e).

Insert instead “candidate information sheets”.

[9] Clause 21 Nomination proposals

Insert “, or on an attached sheet,” after “on the back” in clause 21 (4) (a).

[10] Clause 21 (4) (b)

Omit “resume”.

Insert instead “information sheet”.

[11] Clause 22 Candidate information sheets

Omit “resume” from clause 22 (1).

Insert instead “information sheet”.

[12] Clause 22 (2)

Insert “statements as to the proposed candidate’s policies and beliefs,” after “endorsed the proposed candidate,”.

[13] Clause 22 (3)

Omit “A resume”.

Insert instead “A candidate information sheet”.

[14] Clause 24 Multiple nomination proposals

Omit clause 24 (2) and (3). Insert instead:

- (2) A proposal for nomination for election as councillor is invalid if it is made by a person who has already proposed as many candidates for election as councillor for an area or ward as there are councillors to be elected for that area or ward.
- (3) A proposal for nomination for election as mayor of an area is invalid if it is made by a person who has already proposed a candidate for election as mayor of that area.

[15] Clause 56 Pre-poll voting offices and times

Omit “resume” from clause 56 (3).

Insert instead “information sheet”.

[16] Clause 68 Scrutineers

Omit “clause 78” from clause 68 (1) (e).

Insert instead “clauses 78 and 120”.

[17] Clause 68 (5)

Omit the subclause. Insert instead:

- (5) A person must not be both a candidate and a scrutineer in relation to the same election or in relation to simultaneous elections in the same area.

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Schedule 1 Amendments

[18] Clause 81 Checking of ballot-papers in sealed envelopes

Omit “them” from clause 81 (1).

Insert instead “it”.

[19] Schedule 3 Election of mayor by councillors

Insert “(1) (b) and (c) and (5)” after “clause 76” in clause 9 (2) of Schedule 3.

[20] Schedule 4 Election of chairpersons of county councils

Insert “(1)(b) and (c) and (5)” after “clause 76” in clause 11 (2) of Schedule 4.

[21] Schedule 7 Application of Election Funding Act 1981

Omit “and any references to groups” from clause 1 of Schedule 7.

[22] Schedule 7, clause 1A

Insert after clause 1 of Schedule 7:

1A The *Election Funding Act 1981*, as applied by the *Local Government Act 1993*, is to be read as if the references in section 51 (4) (a) to sections 32, 33, 35, 36 and 38 were instead references to sections 32, 33, 34, 35, 36, 37 and 38.

[23] Schedule 7, clause 3

Omit:

, and

(b) as if a reference to a group in any of those provisions were omitted.

[24] Schedule 8 Forms

Insert after paragraph (4) under the heading “FORM OF CONSENT” in Form 2:

.....
(signature of person proposed for nomination)

[25] Schedule 8, Form 2

Omit “*complete this item*” from the matter under the heading “STATISTICAL INFORMATION SHEET”.

Insert instead “*complete this sheet*”.

[26] Schedule 8, Form 3

Insert after paragraph (3) under the heading “FORM OF CONSENT” in Form 3:

.....
(signature of person proposed for nomination)

[27] Schedule 8, Form 3

Omit “*complete this item*” from the matter under the heading “STATISTICAL INFORMATION SHEET”.

Insert instead “*complete this sheet*”.

[28] Schedule 8, Form 4

Omit “in order of your preference” from the second direction 1 appearing under the heading “*Directions for Voting*”.

Insert instead “in the order of your preferences”.

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Schedule 1 Amendments

[29] Schedule 8, Form 5

Omit “in order of your preference” from the direction 1 appearing under the heading “*Directions for Voting*”.

Insert instead “in the order of your preferences”.

[30] Schedule 8, Form 6

Omit the following from Form 6:

.....
(insert name of area)

Insert instead:

.....
(insert name of ward if applicable) (insert name of area)

[31] Schedule 8, Form 8

Omit the Form. Insert instead:

Form 8 Postal vote declaration and declaration where name not on roll

(Clauses 48 and 74)

Application No.....
(official use only)

I declare that:
(insert full name in BLOCK letters)

1 I have not already voted in connection with the forthcoming election being held in theward of (local government area).

2 I am still entitled to vote at the election and the address of the land to which my voting entitlement relates (as resident, non-resident owner, occupier or ratepaying lessee) is:

..... (full address)

3 To the best of my knowledge and belief I am enrolled on the New South Wales or Commonwealth electoral roll.

If or because my name is not on the roll of electors being used at the election, in accordance with section 305 of the *Local Government Act 1993* I claim to be entitled to vote at the election.

Date Signature

Witnessing of declaration

Postal votes

I am at least 18 years old and am not a candidate or an agent of a candidate at the abovementioned election, and

I am satisfied as to the identity of the elector, and

I have seen the elector sign the declaration, and

I know, or have satisfied myself by reasonable inquiry, that the statements contained in the declaration are true.

Date Signature

Address of witness

Voting at polling place

I, the returning officer/substitute returning officer/senior deputy returning officer, have seen the elector sign the declaration.

Date Signature