



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.
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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.