



New South Wales

Local Government Amendment (Rural and Remote Councils) Bill 2024

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 provide that certain rural and remote councils may be comprised of both elected and appointed councillors.

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.

Schedule 1 Amendment of Local Government Act 1993 No 30

Schedule 1[2] inserts proposed Schedule 11 into the *Local Government Act 1993* to give effect to the object of the proposed Act.

Proposed clause 3 provides that the Governor may, by proclamation, designate a council as a **rural and remote council** if certain particulars are met. A designation of a council as a rural and remote council continues for the period specified by the proclamation, not exceeding 10 years, but may be extended by subsequent proclamations. Proposed clause 15 contains provisions that have effect when there is an expiry of a designation of a rural and remote council.

Proposed clause 5 provides that the Governor must by proclamation make provision for the membership of a rural and remote council. The proclamation must provide that at least—

- (a) one councillor is appointed councillor, being a councillor appointed by the Minister for Local Government (the **Minister**) by order published in the Gazette, and

- (b) for a rural and remote council divided into wards—one elected councillor is elected for each ward, and
- (c) one half of the councillors must be elected councillors.

Proposed clause 9 provides that, in making appointments, the Minister must, as far as reasonably practicable, ensure the rural and remote council has councillors who collectively have the following attributes—

- (a) experience in local government administration, financial management and governance,
- (b) the ability to represent the interests of the Aboriginal population in the area,
- (c) experience in emergency management,
- (d) experience in conservation, environmental sustainability and climate change adaption.

Proposed clause 10 provides that the Minister must appoint an appointed councillor as chairperson of the council. Proposed clause 11 provides that the councillors of a rural and remote council may elect a person to be the deputy chairperson of the council.

The proposed schedule also provides for the following—

- (a) elections for rural and remote councils,
- (b) provisions dealing with areas divided into wards and not divided into wards,
- (c) casual vacancies for elected councillors,
- (d) fees, expenses and facilities that may be paid or provided to councillors,
- (e) meetings of rural and remote councils,
- (f) disciplinary action for misconduct,
- (g) regulations in relation to rural and remote councils.

Schedule 1[1] makes a consequential amendment.