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SPECIAL SUPPLEMENT

LOCAL GOVERNMENT ACT 1993 – PROCLAMATION

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1, Chapter 9 and section 736 of the Local Government Act 1993, do, by this Proclamation, declare that the Proclamation published in the Special Supplement of the Government Gazette No 46 of 25 February 2004, amalgamating the former Areas of Copmanhurst, Grafton City, Maclean and Pristine Waters so as to constitute the new Area of Clarence Valley, to take certain land from the former area of Copmanhurst and transfer that land to the Area of Richmond Valley, to take certain land from the Richmond Valley Area and transfer that land to the new Area of Clarence Valley and to take certain land from the Area of Pristine Waters and transfer that land to the Area of Coffs Harbour, and other matters, is amended as follows:

(a) Insert new clauses 2A to 2G after clause 2 in Schedule G:

2A Persons enrolled to vote in the former area of Copmanhurst (part)

- (1) Any person enrolled to vote in that part of the former Area of Copmanhurst transferred to the Area of Richmond Valley shall be deemed to be enrolled to vote in the ordinary election for the Area of Richmond Valley to be conducted on 27 March 2004.
- (2) Any person enrolled to vote in that part of the former Area of Copmanhurst transferred to the Area of Richmond Valley that makes or has made an application for a postal vote for the former Area of Copmanhurst shall be deemed as making or having made an application for a postal vote for the Area of Richmond Valley.

- (3) Any person registered as a registered general postal voter in that part of the former Area of Copmanhurst transferred to the Area of Richmond Valley shall be deemed as being a registered general postal voter for the Area of Richmond Valley.
- (4) Any person enrolled to vote in that part of the former Area of Copmanhurst transferred to the Area of Richmond Valley that makes an application for pre-poll voting for the former Area of Copmanhurst shall be deemed as making an application for pre-poll voting in the Area of Richmond Valley.

2B Persons nominated for election in the former area of Copmanhurst (part)

Any person who had, by 5pm on 25 February 2004, duly nominated for election as a councillor for that part of the former Area of Copmanhurst transferred to Richmond Valley shall, subject to the person signifying his or her assent in writing to the Returning Officer for the Area of Richmond Valley within 3 days of the date of this Proclamation, be deemed to have been nominated for election for the Area of Richmond Valley.

2C Nomination procedures for the Area of Richmond Valley

- (1) Where a person has been deemed to have been nominated for the area of Richmond Valley they shall, at the time of signification of their acceptance of the deemed nomination, also signify whether they elect to be shown on the ballot paper as either:
 - (a) the last ungrouped candidate; or
 - (b) a member of a group of candidates for which a valid claim had been received by the Returning Officer for the Area of Richmond Valley by 12 noon on the Nomination Day.
- (2) Where a person has made an election within the terms of subclause (1) of this clause they, or if they are a member of a group of candidates, the group, has until 6pm on Monday 8 March 2004 within which to submit electoral material for distribution on polling day to the Electoral Commissioner for registration.

2D Persons enrolled to vote in the former area of Pristine Waters (part)

- (1) Any person enrolled to vote in that part of the former Area of Pristine Waters transferred to the Area of Coffs Harbour shall be deemed as being enrolled to vote in the ordinary election for the Area of Coffs Harbour to be conducted on 27 March 2004.
- (2) Any person enrolled to vote in that part of the former Area of Pristine Waters transferred to the Area of Coffs Harbour that makes or has made an application for a postal vote for the former Area of Pristine Waters shall be deemed as making or having made an application for a postal vote for the Area of Coffs Harbour.

- (3) Any person registered as a registered general postal voter in that part of the former Area of Pristine Waters transferred to the Area of Coffs Harbour shall be deemed as being a registered general postal voter for the Area of Coffs Harbour.
- (4) Any person enrolled to vote in that part of the former Area of Pristine Waters transferred to the Area of Coffs Harbour that makes an application for pre-poll voting for the former Area of Pristine Waters shall be deemed as making an application for pre-poll voting in the Area of Coffs Harbour.

2E Persons nominated for election in the former area of Pristine Waters (part)

Any person who had, by 5pm on 25 February 2004, duly nominated for election as a councillor for that part of the former Area of Pristine Waters transferred to Coffs Harbour shall, subject to the person signifying his or her assent in writing to the Returning Officer for the Area of Coffs Harbour within 3 days of the date of this Proclamation, be deemed to have been nominated for election for the Area of Coffs Harbour.

2F Nomination procedures for the Area of Coffs Harbour

- (1) Where a person has been deemed to have been nominated for the area of Coffs Harbour they shall, at the time of signification of their acceptance of the deemed nomination, also signify whether they elect to be shown on the ballot paper as either:
 - (a) the last ungrouped candidate; or
 - (b) as a member of a group of candidates for which a valid claim had been received by the Returning Officer for the Area of Coffs Harbour by 12 noon on the Nomination Day.
- (2) Where a person has made an election within the terms of subclause (1) of this clause they, or if they are a member of a group of candidates, the group, has until 6pm on Monday 8 March 2004 within which to submit electoral material for distribution on polling day to the Electoral Commissioner for registration.

2G Election Procedures

The Electoral Commissioner of New South Wales will decide on any dispute or uncertainty on any issue relating to the elections for the Richmond Valley Area or the Coffs Harbour Area.

- (b) Insert new Clause 3 (1A) after Clause 3(1):

(1A) Any matters before the new Council with respect to the local development process or any other matter in which the Administrator has a pecuniary interest within the meaning of the Local Government Act 1993 is to be determined by a substitute Administrator appointed by the Minister for that limited purpose.

- (c) Insert new Clause 11A after Clause 11:

11A Council Records and Reports

- (1) Until 30 June 2004 the records of the new Council are to be kept as a continuation of the records of each of the former Councils and the new Council's financial transactions are to be apportioned between the various accounting records in such a manner as the new Council determines.
- (2) The new Council's financial reports for the year ended 30 June 2004 are to be prepared in the form of separate reports for each set of records of the former Councils for the whole of that year.

Signed and sealed at Sydney, this 3rd day of March 2004.

By Her Excellency's Command

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Local Government

GOD SAVE THE QUEEN!