

Application to be a candidate

Local Government Countback election

Council			
Ward (if applicable)*		Countback election date	DD / MM / YYYY
#	Vacating councillor name(s)		
1.			
2.			
3.			
4.			

Candidate

An application may only be made by a candidate at the last ordinary election for the council area or ward who was not elected and who has not been elected at a previous countback election. A candidate must declare they are still eligible to be elected as a councillor. This requires a candidate to be enrolled in the council area at the close of applications. See page 2 for other information about qualification for and disqualification from civic office. The candidate's party affiliation or independent status at the ordinary election will be used.

General information

The candidate must complete all sections of the form (other than office use only) and lodge the form as described below.

Lodgement of application

A completed application form must be lodged with the Returning Officer by 12 noon, . Late applications will not be accepted.

Lodgement details

A completed application form can be lodged with the Returning Officer by either:

*Hand delivery to:

Posted to:

Emailed to:

***Note:** Due to COVID-19, visitors to the NSW Electoral Commission office are by appointment only. To ensure a NSWEC staff member is in attendance and to gain access to the office, please make an appointment via email candidates@elections.nsw.gov.au or call 1300 022 011.

Withdrawal of application

A candidate can withdraw their application by submitting a withdrawal of candidate application form (located on the NSW Electoral Commission website elections.nsw.gov.au/Elections) to the Returning Officer by 12 noon,

Late withdrawals will not be accepted.

Further information

Further information is available on the NSW Electoral Commission Website elections.nsw.gov.au/Elections

Enquiries

All enquiries should be directed to the NSW Electoral Commission by email to candidates@elections.nsw.gov.au or phone 1300 022 011.

Election campaign finances

A candidate for a countback election does not have any additional obligations for electoral funding registration and disclosure.

Local Government Act 1993

Please note these provisions are current at the time of printing (January 2022). You should refer to the latest version of the Local Government Act on the NSW Legislation website legislation.nsw.gov.au/view/html/inforce/current/act-1993-030 and obtain independent legal advice if uncertain whether you are disqualified from holding civic office.

274 What are the qualifications for civic office?

A person is qualified to hold civic office if—

- (a) the person is entitled to be enrolled as an elector, and
- (b) the person is not disqualified from holding civic office by this Act, and
- (c) the person is not prevented from being elected to civic office by section 276(2).

275 Who is disqualified from holding civic office?

(1) A person is disqualified from holding civic office—

- (a) while disqualified from being an elector, or
- (a1) while a member of the Parliament of New South Wales, except as provided by subsections (5) and (7), or
- (b) while a judge of any court of the State or the Commonwealth, or
- (c) while serving a sentence (including a sentence the subject of an intensive correction order) for a serious indictable offence or any other offence, except a sentence imposed for a failure to pay a fine, or
- (d) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the regulations made for the purposes of section 748(3), or
- (e) if he or she is while holding that office, or has been within 7 years before nomination for election, election or appointment to the office, convicted in New South Wales of an offence that is punishable by imprisonment for 5 years or more, or convicted in another State or Territory, or under a law of the Commonwealth, of an offence that, if committed in New South Wales, would be an offence so punishable, or
- (e1) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the *Election Funding, Expenditure and Disclosures Act 1981* or the *Electoral Funding Act 2018* that is punishable by imprisonment for 2 years or more, or
- (f) while a surcharge, payable by the person under Part 5 of Chapter 13 and not paid within 6 months after it became payable, remains unpaid, or
- (g) while disqualified from holding a civic office under a provision of this Act or Part 4A of the *Crimes Act 1900* (Corruptly receiving commissions and other corrupt practices), or
- (h) while disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001* of the Commonwealth.

(1A) If—

- (a) an order for suspension from civic office for misconduct is made (after the commencement of this subsection) against a person under this Act by the Departmental Chief Executive or the Civil and Administrative Tribunal on a referral from the Departmental Chief Executive, and
 - (b) it is the third or subsequent such order that has been made against the person (including orders made before the commencement of this subsection),
the person is disqualified from holding civic office for 5 years after the date the order takes effect.
- (2) A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.
 - (3) A person is not disqualified from holding a civic office only because, while holding the civic office, the person ceases to be a resident in the area, to own property in the area or to be an occupier or ratepaying lessee of rateable land in the area.
 - (4) A person is taken not to be disqualified from holding civic office if the former Administrative Decisions Tribunal or the Civil and Administrative Tribunal, in proceedings under section 329, has refused to order the dismissal of the person in circumstances to which subsection (4) of that section applies.
 - (5) If—
 - (a) on the commencement of this subsection, a member of the Parliament of New South Wales is a councillor or mayor, or
 - (b) after the commencement of this subsection, a councillor or mayor becomes a member of the Parliament of New South Wales, the person is not disqualified from holding civic office because of subsection (1)(a1) for the balance of the person's term of office as a councillor or for the period of 2 years (whichever is the shorter period).
 - (6) Subsection (5) does not apply where a councillor or mayor becomes a member of the Parliament of New South Wales after the commencement of that subsection and within 12 months after last ceasing to be a member of that Parliament.
 - (7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales is not disqualified because of subsection (1)(a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless—
 - (a) the person has ceased to be a member of that Parliament before the first meeting of the council concerned after the election, or
 - (b) it is an election as mayor by the councillors during the period that the person is not disqualified by the operation of subsection (5).

Note—If a person while holding civic office becomes subject to disqualification under this section, the office becomes vacant under section 234.

276 What is the effect of disqualification?

- (1) A person who is disqualified from holding civic office may not be elected or appointed to a civic office and may not hold, or act in, a civic office.
- (2) A person who vacates the office of councillor by resignation or disqualification may not be elected to a civic office in the same area (and may not hold, or act in, a civic office in the same area) until—
 - (a) if the person is not disqualified—the first anniversary of the vacation of office, or the next ordinary election for the area (whichever occurs first), or
 - (b) if the person is disqualified—the first ordinary election after the person ceases to be disqualified.
- (3) A person convicted of an offence under Part 6 of Chapter 16 for acting in a civic office while disqualified under section 275—
 - (a) is disqualified from holding civic office for 7 years from the time of conviction, unless the court determines a shorter period, and
 - (b) is not entitled to receive or recover from the council any money relating to the civic office in respect of the period in which the person is disqualified.
- (4) The council may, within 2 years after the person so convicted receives money from the council relating to the civic office in respect of the period in which the person is disqualified, recover the money from the person as a debt.

Application to be a candidate

Local Government Countback election

Council			
Ward (if applicable)		Countback election date	DD / MM / YYYY

Privacy statement: We collect information on this form to process your application and to send you information, reminders or surveys about the election. We also publish your name and enrolled suburb, town or locality on our website, and if you are elected, we provide your contact details to your council. Staff and contractors have access to this form. We may also disclose your information to third-party providers in order to carry out our functions, and to others if legally required or authorised. If you do not provide information required by this form, we may not be able to process your application. See the Privacy Management Plan on our website about access to and correcting your personal information.

Part A – Candidate details

TITLE	SURNAME OF CANDIDATE (AS ENROLLED)	
		DD / MM / YYYY
GIVEN NAME(S) OF CANDIDATE		DATE OF BIRTH
PLACE OF RESIDENCE AS ENROLLED	SUBURB	POSTCODE
POSTAL ADDRESS (IF DIFFERENT TO PLACE OF RESIDENCE)		

Candidate contact details

Note: If elected, your contact details will be provided to Council by the NSW Electoral Commission.

DAYTIME CONTACT NUMBER	MOBILE NUMBER	EMAIL ADDRESS

Part B – Declaration

I, hereby apply to be a candidate in the

FULL NAME OF APPLICANT

COUNCIL	WARD (IF APPLICABLE)

countback election to be held on DD / MM / YYYY.

DAY/MONTH/YEAR

I have read the information about the requirement to be enrolled in the council area and about qualification for and disqualification from civic office. In accordance with clause 3(2) of Schedule 9A to the Local Government (General) Regulation 2021, I consent to be a councillor if elected and declare that I am still eligible to become a councillor.

	DD / MM / YYYY
APPLICANT'S SIGNATURE	DAY/MONTH/YEAR

1. Complete at time application received

DD / MM / YYYY

DATE RECEIVED

:

TIME RECEIVED

AM

PM

Round 1 check

Candidate checked against electoral roll and was eligible

NAME

|||

SIGNATURE

DD / MM / YYYY

DATE

Round 2 check

Candidate checked against electoral roll and was eligible

NAME

|||

SIGNATURE

DD / MM / YYYY

DATE

2. Complete after close of applications

Candidate checked against electoral roll and was eligible

Yes

No

Application accepted. (If accepted, applicant becomes an eligible candidate)

Register updated

NAME

|||

SIGNATURE

DD / MM / YYYY

DATE

3. Returning Officer to complete

RETURNING OFFICER NAME

|||

RETURNING OFFICER SIGNATURE

DD / MM / YYYY

DATE