

**NOMINATION PAPER:
PROPOSAL BY ELECTORS**

Please see the provisions of the *Local Government Act 1993, No 30 [NSW]* covering qualification and disqualification for a civic office before continuing (see following page). The references included were current as at 11 April 2017.

This form and the deposit must be lodged with the Returning Officer for the Council being contested prior to the close of the nominations. The onus is on the nominee (candidate) to ensure their nomination is completed and made to the Returning Officer **before the close of nominations at 12 noon Wednesday 9 August 2017**.

Use the checklist below prior to lodging the nomination form.

PART A – Candidate Details

(to be completed by candidate)

- Candidate details completed Position being contested Completed Council being contested and Ward (if applicable)

PART B – Proposer/Nominator Details

(to be completed by proposers/nominators)

- No less than two (2) nominators have completed their details and signed (it is advisable to provide additional nominators)

A person must be nominated as a candidate for Councillor in the following manner:

- where the Council area is undivided (ie. No wards), by at least 2 electors enrolled* in the Council area.
- where the Council has wards, by at least 2 electors enrolled* in the ward the candidate is contesting.

A person cannot nominate more candidates for Councillor than the number to be elected in a Council area (undivided) or ward.

*enrolled means: enrolled either on the residential roll or the non-residential roll in that Council area as at the close of rolls.

PART C – Nominee/Candidate Form of Consent

(to be completed by candidate)

- Candidate signed and dated consent to the nomination Completed contact details Are contact details to be released?
- Name to appear on ballot paper – one given name Is the word "Independent" to be printed on the ballot paper?
- Completed - Disclosure I am / am not a property developer Completed - Disclosure I am / am not a close associate of a corporation that is a property developer.

PART D – Nomination Deposit

(to be completed by candidate)

- Include nomination deposit only by cash or cheque drawn by an authorised deposit taking institution (**personal cheques not accepted**). Authorised deposit taking institutions include Banks, Credit Unions or Building Societies. Payment cannot be made by Credit Card, EFT, BPAY or by Postal Order.

PART E – Further Material Required

(to be completed by candidate)

- Completed all compulsory sections of the Candidate Information Sheet (Sections A, B and D).
- Completed all Sections of the Statistical Information Sheet.

Claim for Grouping of Candidates – Councillor

- I am a grouped councillor candidate and have lodged form AEF217. I am not a councillor grouped candidate.

In an election where there are 2 or more Councillors to be elected, 2 or more candidates may request to form a group on the ballot paper by lodging a 'Claim for Grouping of Candidates' form (AEF217) with the Returning Officer prior to the close of nominations. Individual nomination forms must also be lodged.

Should 6 or more candidates wish to form a group and receive the nomination deposit discount cap, the 'Claim for Grouping of Candidates' form (AEF217) must be lodged with the Returning Officer at the same time as the nomination forms.

Election Campaign Finances

In addition to completing this nomination form, a candidate must also apply to be registered for the election and appoint an official agent prior to accepting political donations or incurring electoral expenditure. For more information about how to register and appoint an official agent go to www.elections.nsw.gov.au/fd

Enrolment of Candidates

To entitle a person to be nominated as a candidate that person must be enrolled as an elector for the Council area in which nominated at the closing date for the election and must be qualified to hold civic office. A person whose nomination would be rejected on the ground that the person is not on the roll of electors for the area may be nominated if: (a) the person's name has been omitted from the roll mistakenly or accidentally; and (b) but for that mistaken or accidental omission the nomination would not have been rejected.

What are the qualifications for civic office?

274. 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).

Who is disqualified from holding civic office?

- 275.(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* 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.

What is the effect of disqualification?

- 276.(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.

Double candidature

- 283.(1) A person may be a candidate for election as mayor and a candidate for election as a councillor at the same time.
- (2) If a person is elected by the electors as mayor and the person is also a candidate for election as a councillor, the votes cast for the person as a councillor are not to be counted for that person but are to be distributed as prescribed by the regulations.

PART C –FORM OF CANDIDATE CONSENT

I, the abovenamed, _____ hereby:
 [Full name of person proposed for nomination in BLOCK letters]

1. declare that, to the best of my knowledge and belief,

<input type="checkbox"/> I was enrolled as an elector for the area on 31 July 2017 (closing date for the election)	OR	<input type="checkbox"/> My name has been mistakenly or accidentally omitted from the roll of electors
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2. I consent to my being proposed for nomination
3. I request that my name should be printed on the ballot papers for the election in the following form:

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SURNAME IN BLOCK LETTERS

GIVEN NAME IN BLOCK LETTERS

Being my full surname and one of my given names or a generally recognised abbreviation or derivation of that given name. Examples of recognised abbreviations or derivations of given names are Bill for William and Rose for Rosemary. Names are not to be accompanied by any title of academic or other qualification. Further refer to the Note below.

4.

<input type="checkbox"/> I request that the word “Independent” be printed adjacent to my name on the ballot papers	<input type="checkbox"/> I DO NOT request that the word “Independent” be printed adjacent to my name on the ballot papers
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5. I declare that, to the best of my knowledge and belief

<input type="checkbox"/> I AM	<input type="checkbox"/> I AM NOT
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 a property developer, being a person engaged in a business that regularly involves the making of relevant planning applications by or on behalf of the person in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit.
6. I declare that, to the best of my knowledge and belief

<input type="checkbox"/> I AM	<input type="checkbox"/> I AM NOT
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 a close associate of a corporation that is a property developer.

<i>SIGNATURE OF CANDIDATE – PERSON PROPOSED FOR NOMINATION</i>	<i>DATE (DD/MM/YYYY)</i>								

<input type="checkbox"/> ()	<input type="checkbox"/>
<i>NFR DAYTIME CONTACT NUMBER</i>	<i>NFR MOBILE NUMBER</i>

<input type="checkbox"/> ()	<input type="checkbox"/>
<i>NFR FAX NUMBER</i>	<i>NFR EMAIL ADDRESS</i>

Please mark the NFR (Not for public release) box if you DO NOT want your contact details released to the media and general public or displayed on the Council Election Manager’s website (or the Australian Election Company website). You may mark any or all of the NFR boxes.

Notes:

1. See the attached pages (following the checklist) for the provisions of the *Local Government Act 1993*, covering qualification and disqualification for a civic office.
2. An alternative form of a candidate’s given name may only be:
 - a. An initial standing for that name, or
 - b. A commonly accepted variation of the name (including an abbreviation or truncation of that name or an alternative form of that name), or
 - c. A commonly used other name specific to the candidate by which the candidate is usually identified (if the returning officer is satisfied that the proposed name is a commonly used other name specific to the candidate by which the candidate is usually identified).
3. A person must not propose for nomination more than one candidate for election as mayor in the area, or more candidates for election as councillors in the ward or area than the total number of councillors to be elected for that ward or area (e.g. if five councillors are to be elected for an area, a person must not propose more than five persons for nomination as councillor for that area).
4. In PART C, item 5, a “relevant planning application” has the same meaning as in section 147 (Disclosure of political donations and gifts) of the *Environmental Planning and Assessment Act 1979*.
5. In PART C, item 6, a “close associate” of a corporation means each of the following:
 - a. A director or officer of the corporation or a related body corporate of the corporation or the spouse of such a director or officer.
 - b. A person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse of such a person,
 - c. If the corporation is a trustee, manager or responsible entity in relation to a trust - a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust),
 - d. If the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security - a person who holds more than 20% of the units in the trust that is the other stapled entity.

officer, related body corporate and voting power have the same meaning as they have in the *Corporations Act 2001* of the Commonwealth. **spouse** of a person includes a de facto partner of that person.
6. See clause 290 of the *Local Government (General) Regulation 2005*. You should seek and be guided by your own legal advice if you are unsure about the application of the legislation to your circumstances.

PART D – NOMINATION DEPOSIT

A deposit for a nomination proposal is to be paid, by the person proposed for nomination or some person on his or her behalf, in cash or by a cheque issued by an authorised deposit-taking institution, but not by way of a personal cheque. The deposit must be paid by 12 noon on the Nomination Day. Each nomination for a Mayor or Councillor must be accompanied by a separate nomination deposit. The nomination deposit is \$125 for an individual candidate. Where candidates form a group and the group comprises 6 or more candidates, the nomination deposit is \$625 for the group provided that the "Claim for Grouping of Candidates" Form (AEF217) must be lodged with the Returning Officer at the same time as all the nomination forms. (Payment cannot be made by Credit Card, EFT, BPAY or by Postal Order).

I enclose the nomination deposit of

\$

PART E – FURTHER MATERIAL REQUIRED

I attach a completed Candidate Information Sheet (including Statutory Declaration) and a completed declared Statistical Information Sheet.

OFFICE USE ONLY

Received

DD

MM

YYYY

at

HH

MM

am/pm

Deposit of

\$

*cash/cheque (*delete one)

SIGNATURE OF RETURNING OFFICER

CANDIDATE INFORMATION SHEET

Local Government (General) Regulation 2005 clause 290

PARTS A, B AND D ARE COMPULSORY

A nomination is not valid unless the person proposed has completed a Candidate Information Sheet.

Candidate Information must be written or typed on this form. Attachments will not be accepted. Please type or print clearly as the Candidate Information Sheet will be published as received. The Candidate Information Sheet will be available for inspection at the office of the Returning Officer, at pre poll voting, polling places and published on the Council Election Manager's website (and on the Australian Election Company website).

STATUTORY DECLARATION, *Oaths Act 1900, NSW, Eighth Schedule*

PART A COMPULSORY

I, _____
Candidate's (Declarants) Full Name

of _____
Write your Suburb, Town or Locality only.

do solemnly and sincerely declare that;

PART B COMPULSORY

Mark all applicable boxes

I am not the member of any registered political party I am a member of the following registered political party

I am qualified to hold the civic office concerned by virtue of being enrolled on: _____
[Insert name of registered political party]

the residential roll for the ward or area concerned, OR the non-residential roll for the ward or area concerned, OR

the roll of occupiers and rate paying lessees for the ward or area concerned

I am a property developer I am not a property developer

I am a close associate of a corporation that is a property developer I am not a close associate of a corporation that is a property developer

(The terms "property developer" and "close associate of a corporation" are defined under clause 290 of the *Local Government (General) Regulation 2005*.)

PART C OPTIONAL

Qualifications (academic/trade/professional):

Employment:

Membership of the following organisation(s):

I have been nominated as a candidate by the following registered Political Party (if applicable): _____

Other information/statements as to the candidate's policies and beliefs;
or other qualifications relevant to the proposed candidature and aptitude

Date of Birth: _____

to hold civic office. (All information must be restricted to the space provided below).

PART D COMPULSORY

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Candidate's (Declarants) Signature: _____

Declared at: _____ ON _____ In the presence of an authorised witness who states: I certify the following matters concerning the making of this statutory declaration by the person who made it.

I, _____ a, _____
[Full name of authorised witness] [Qualification of authorised witness]

1. *I saw the face of the person making the declaration **OR** I did not see the face of the declarant/deponent because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it,

AND

2. *I have known the person for at least 12 months **OR** I have not known the person for at least 12 months and I have confirmed the person's identity using an identification document and the document I relied on was:

_____ * cross out any text that does NOT apply

[Signature of authorised witness]

[Date]

(complete this sheet for ordinary elections only, not by-elections)

I, _____ (Full name in BLOCK letters),

of _____ (Full residential address),

being a candidate in the council election to be held on 9 September 2017 declare that:

Please mark the squares with an X that apply and insert other information as indicated.

(a) I am male female

(b) I am between
 18-24 years old
 25-29 years old
 30-39 years old
 40-49 years old
 50-59 years old
 60-69 years old
 70-79 years old
 80 years or older

(c) I was a candidate at the last ordinary election of the council
 Yes No

(d) I was elected at the last ordinary election of the council
 Yes No

(e) My experience as a councillor in New South Wales is
 I have not served as a councillor before
 I was elected but served less than 1 complete term
 I completed 1 term
 I completed 2 terms
 I completed 3 terms
 I completed 4 terms
 I completed 5 terms
 I completed more than 5 terms
 (please specify) _____

(f) I consider myself to be an Aboriginal person
 Yes No

(g) I consider myself to be a Torres Strait Islander person
 Yes No

(h) I consider myself to have a disability
 Yes No

(i) The first language I learned to speak was
 English
 Arabic
 Cantonese
 Dutch
 German
 Greek
 Italian
 Lebanese
 Mandarin
 Vietnamese
 Other
 (please specify) _____

(j) My current occupation is
 Professional
 Manager
 Primary Producer/Farmer
 Para-Professional/Tradesperson
 Property Developer
 Clerk
 Salesperson
 Real Estate Agent
 Labourer
 Plant/Machine Operator
 Home Duties
 Self-employed
 Student
 Retired
 Unemployed
 Other
 (please specify) _____

(k) I am a member of the following registered political parties (being political parties registered under the *Parliamentary Electorates and Elections Act 1912* or under the *Local Government Act 1993*).

 (Insert name of registered political parties)

(l) I am a property developer or a close associate of a corporation that is a property developer (within the meaning of clause 290 of the *Local Government (General) Regulation 2005*)
 Yes No

SIGNATURE OF PERSON PROPOSED FOR NOMINATION

**NOTE: The information supplied above will be used for statistical purposes only.
 This information will be treated confidentially.
 All statistics will be published in aggregate or consolidated form only.**