

LOCAL GOVERNMENT AMENDMENT BILL (No. 2) 2006

EXPLANATORY MEMORANDUM

OVERVIEW OF BILL

The key purpose of this Bill is to amend the *Local Government Act 1995* to remove the ‘first past the post’ system of voting for local government elections and replace it with the preferential system for single member elections and the proportional system for multi-member elections. These systems currently apply for the Legislative Assembly and the Legislative Council respectively.

CLAUSE NOTES

Outlined below is a brief description of each clause of the Local Government Amendment Bill (No. 2) 2006.

Clause 1 – Short title

Clause 1 cites the short title of the Act.

Clause 2 – Commencement

Clause 2 provides for the commencement of the Amendment Act to come into operation on a day fixed by proclamation.

Clause 3 – The Act amended

The amendments in this Act are to the *Local Government Act 1995*.

Clause 4 – Section 4.69 amended

Section 4.69 provides for how an elector is to cast his or her vote by marking the ballot paper in accordance with the regulations, so as to indicate the candidate named on the ballot paper whom the elector wishes to be elected – first past the post. Clause 4 includes amendments which relate to replacing the first past the post system with a system where electors indicate their preference on the ballot paper.

Clause 4 amends section 4.69 (1) by inserting after “election” the words “and only 2 candidates are named on the ballot paper”.

Section 4.69(2) is repealed, and subsections (2) and (3) are inserted instead to reflect a system where the elector will indicate the sequence in which all the candidates named on the ballot paper rank in order of the elector’s preference.

Clause 5 – Schedule 4.1 amended

Schedule 4.1 provides for the method used to count votes and ascertain the result of an election.

Schedule 4.1 is repealed and replaced with a new Schedule 4.1 to set out a system whereby single member elections will be based on the preferential system of voting and multi-member elections will be based on the proportional system. These systems currently apply for the Legislative Assembly and the Legislative Council respectively.

The proposed amendment will provide greater uniformity in the method of voting used for State, Commonwealth and local government elections.

Clause 6 – Schedule 4.2 amended

Schedule 4.2 provides for the order of retirement from office of councillors. It is amended by this Clause to reflect the proposed change of voting system and the inclusion of reference to “primary” votes for the purposes of determining which councillors will receive the longer or shorter terms of office (two years or four years).

The new clause 8A is inserted which provides for a definition of “primary vote”.