

Western Australia

Local Government Amendment (Elections) Bill 2009

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Western Australia

LEGISLATIVE ASSEMBLY

**Local Government Amendment (Elections)
Bill 2009**

A Bill for

An Act to amend the *Local Government Act 1995*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Local Government Amendment (Elections) Act 2009*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
7 (b) the rest of the Act — on a day fixed by proclamation.

8 **3. Act amended**

9 This Act amends the *Local Government Act 1995*.

10 **4. Section 4.69 amended**

- 11 (1) In section 4.69(1) delete “election and only 2 candidates are
12 named on the ballot paper,” and insert:

13

14 election,

15

- 16 (2) Delete section 4.69(2) and (3) and insert:

17

- 18 (2) If 2 or more offices are to be filled at the election, an
19 elector is to cast his or her vote by marking the ballot
20 paper in accordance with regulations so as to indicate
21 the candidate or candidates named on the ballot paper
22 whom the elector wishes to be elected but is not to
23 mark votes for more candidates than the number of
24 offices to be filled.

25

1 **5. Schedule 4.1 replaced**

2 Delete Schedule 4.1 and insert:

3

4 **Schedule 4.1 — How to count votes and ascertain**
5 **the result of an election**

6

[s. 4.74]

7

1. The number of votes given for each candidate is to be
8 ascertained.

8

9

2. If the election is to fill the office of mayor or president, the
10 candidate who receives the greater or greatest number of
11 votes is elected.

10

11

12

3. If the election is to fill one office of councillor, the
13 candidate who receives the greater or greatest number of
14 votes is elected.

13

14

15

4. If the election is to fill 2 or more offices of councillor, the
16 candidates elected are —

16

17

(a) the candidate who receives the greatest number of
18 votes; and

18

19

(b) the candidate who receives the next highest number
20 of votes; and

20

21

(c) the candidate who receives the next highest number
22 of votes,

22

23

and so on up to the number of offices to be filled.

24

5. If 2 or more candidates receive the same number of votes so
25 that clause 2, 3 or 4 cannot be applied, the returning officer
26 is to draw lots in accordance with regulations to determine
27 which candidate is elected.

25

26

27

28

29 **6. Schedule 4.2 amended**

30

(1) In Schedule 4.2 clause 8 delete “primary” (each occurrence).

31

(2) Delete Schedule 4.2 clause 8A.

32