

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2009

EXPLANATORY MEMORANDUM

OVERVIEW OF BILL

The purpose of this Bill is to replace the provisions for a Preferential Proportional Representation (PPR) system of voting for local government elections with provisions for a first-past-the-post system in the *Local Government Act 1995*. The legislation will restore the system that is easy to use and understand.

CLAUSE NOTES

Outlined below is a brief description of each clause of the Local Government Amendment (Elections) Bill 2009.

Clause 1 – Short title

Clause 1 cites the short title of the Act.

Clause 2 – Commencement

Clause 2 provides for the commencement of the Act to come into operation on the day it receives Royal Assent. Sections 3 to 6 of the Act will come into operation on a day fixed by proclamation.

Clause 3 – 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 a vote by marking the ballot paper to indicate the elector's preference of the candidates named, for one or more vacant offices.

Clause 4(1) deletes the words "election and only 2 candidates are named on the ballot paper," which were previously inserted for the PPR system, and inserts "election," instead. This amendment is in respect of one office to be filled.

Clause 4(2) deletes sections 4.69(2) and (3) which currently provide for the sequence and ranking order of an elector's preferences in the PPR system and inserts, instead, a new provision for the elector to mark a ballot paper in a simple system where marked votes for candidates do not exceed the number of offices to be filled. This amendment is in respect of two or more vacant offices.

Clause 5 – Schedule 4.1 replaced

Schedule 4.1 provides the method for counting votes and ascertaining the result of an election for the PPR electoral system, whereby single member electorates are based on the exhaustive preferential counting system and multi-member electorates are based on the proportional representation calculated system.

Clause 5 deletes Schedule 4.1 and replaces it with a method of counting votes and ascertaining the result of an election in the first-past-the-post system. Schedule 4.1 in the Bill has only five clauses.

Clause 6 – Schedule 4.2 amended

Schedule 4.2 provides for the order of retirement from office of councillors.

Clause 6(1) deletes the word “primary” (three occurrences) in clause 8 of Schedule 4.2 which was previously inserted to determine the order of retirement based on the percentage of primary votes under the PPR system.

Clause 6(2) deletes clause 8A of Schedule 4.2 which was previously inserted to provide a definition for “primary vote” under the PPR system.