

## Local Government Amendment Bill 2006

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Western Australia

LEGISLATIVE ASSEMBLY

## **Local Government Amendment Bill 2006**

**A Bill for**

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

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

This is the *Local Government Amendment Act 2006*.

**2. Commencement**

5 (1) Except as stated in subsection (2), this Act comes into operation on the day after the day on which it receives the Royal Assent.

(2) Sections 12, 15, 16 and 17 come into operation on a day fixed by proclamation.

**3. The Act amended**

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

[\* *Reprint 3 as at 5 August 2005.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1 and Acts Nos. 38 of 2005 and 28 of 2006.]*

15 **4. Section 2.28 amended**

The Table to section 2.28 is amended in items 1, 2, 4 and 7 by deleting “first Saturday in May” and inserting instead —

“ third Saturday in October ”.

**5. Section 2.30 amended**

20 Section 2.30 is amended by deleting “first Saturday in May” and inserting instead —

“ third Saturday in October ”.

**6. Section 4.7 amended**

(1) Section 4.7(1)(a) and (b) and (2) are amended by deleting “first Saturday in May” and inserting instead —

“ third Saturday in October ”.

5 (2) Section 4.7(2) is amended by deleting “another Saturday in May” and inserting instead —

“

a later Saturday in October, or the first, second or third Saturday in November,

10

”.

Note: The heading to section 4.7 will be altered by deleting “first Saturday in May” and inserting instead “**third Saturday in October**”.

**7. Section 4.16 amended**

15 (1) Section 4.16(2), (3)(a) and (4)(b) are amended by deleting “first Saturday in February” and inserting instead —

“ third Saturday in July ”.

(2) Section 4.16(4)(a) is amended by deleting “first Saturday in August in the year before” and inserting instead —

“ third Saturday in January in ”.

20 **8. Section 4.17 amended**

(1) Section 4.17(1) and (2)(b) are amended by deleting “first Saturday in February” and inserting instead —

“ third Saturday in July ”.

25 (2) Section 4.17(2)(a) is amended by deleting “first Saturday in August in the year before” and inserting instead —

“ third Saturday in January in ”.

**9. Section 4.40 amended**

Section 4.40(3) is amended by deleting “enrolments” and inserting instead —

5 “ enrolments (other than persons who will be under 18 years of age on election day) ”.

**10. Section 4.41 amended**

Section 4.41(2) is amended by deleting “enrolments,” and inserting instead —

10 “ enrolments (other than persons who will be under 18 years of age on election day) ”.

15 **11. Section 4.65 amended**

Section 4.65(3) is amended by inserting after “elector” —

“ , or who is under 18 years of age on election day, ”.

**12. Section 4.69 amended**

(1) Section 4.69(1) is amended by inserting after “election” —

20 “ and only 2 candidates are named on the ballot paper ”.

(2) Section 4.69(2) is repealed and the following subsections are inserted instead —

25 “ (2) In any other case, an elector is to cast his or her vote by marking the ballot paper in accordance with regulations so as to indicate the sequence in which all the candidates named on the ballot paper rank in the order of the elector’s preference for them.

- (3) If preferences are indicated for all but one of the candidates, that candidate is taken to rank lowest in the order of the elector's preference for the candidates.

”.

5 **13. Section 5.76 amended**

Section 5.76(3) is repealed.

**14. Section 9.71 amended**

After section 9.71(5) the following subsection is inserted —

“

- 10 (6) Schedule 9.3 also has effect for the purpose of the transition to —

- (a) this Act as enacted after the coming into operation of an enactment amending it; from  
15 (b) this Act as enacted before the coming into operation of that enactment.

”.

**15. Schedule 2.3 amended**

Schedule 2.3 is amended in clause 4(6) by deleting “the procedures set out in”.

20 **16. Schedule 4.1 replaced**

Schedule 4.1 is repealed and the following Schedule is inserted instead —

“

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

[s. 4.74]

**1. Legislative Council electoral system to be used**

- (1) In this clause —

30 **“commencement day”** means the day on which the *Local Government Amendment Act 2006* section 16 comes into operation;

s. 17

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“election in a region” has the meaning given to that term in the *Electoral Act 1907* section 4(3).

- 5 (2) The system to be used for counting the votes in, and ascertaining the result of, an election is to be based on the method that, at the commencement day, the *Electoral Act 1907* provides for an election in a region.

2. **Details of system**

The details of the system are to be as described in regulations.

10

”.

17. **Schedule 4.2 amended**

- (1) Schedule 4.2 clause 8 is amended by inserting before “votes” in each place where it occurs —

“ primary ”.

15

- (2) After Schedule 4.2 clause 8 the following clause is inserted —

“

8A. In clause 8 —

“primary vote” received by a person on his or her election means —

20

- (a) in relation to an election in which there are only 2 candidates to fill one office of councillor, a vote cast by an elector that indicates the person whom the elector wishes to be elected; or

25

- (b) in any other case, a vote cast by an elector that indicates that the person ranks highest in the order of the elector’s preference for the candidates.

”.

18. **Schedule 9.3 amended**

After Schedule 9.3 clause 14 the following clause is inserted in Division 3 —

“

5 **14A. Transition to October elections**

(1) In this clause —

“**amending Act**” means the *Local Government Amendment Act 2006*;

10 “**new ordinary election day provisions**” means section 4.7 as amended by section 6 of the amending Act.

(2) If by operation of —

(a) item 3, 8, 9 or 10 of the Table to section 2.28; and

15 (b) a determination made by the returning officer under section 4.78 before the coming into operation of section 6 of the amending Act,

the term of office of a councillor would end on the first Saturday in May in a year, that term of office is to end on the third Saturday in October in that year (but note section 2.30).

20 (3) Despite section 3.64(e), the establishment agreement for a regional local government may be amended under section 3.65 in consequence of the new ordinary election day provisions even though the amendments result in the current chairman and deputy chairman of the regional local  
25 government holding office for terms exceeding 2 years.

”.

