

Local Government Amendment (Elections) Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to amend the *Local Government Act 1993*:

(a) to provide that the ordinary election of councillors for an area is to be held every 4 years on the fourth Saturday in March, rather than on the second Saturday in September, so that the ordinary election that would otherwise have been held on Saturday 13 September 2003 will now be held on Saturday 27 March 2004, and

(b) to give councils the opportunity, before 31 December 2003, to reduce the number of councillors without having to go through the processes of a constitutional referendum, and

(c) to make other amendments of a minor or consequential nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] amends section 287 to change the date of the quadrennial ordinary election of councillors from the second Saturday in September to the fourth Saturday in March. The ordinary election that was to have been held on Saturday 13 September 2003 will now be held on Saturday 27 March 2004.

Schedule 1 [2]–[4] make consequential amendments with respect to the election of a mayor by the councillors, the period before an ordinary election during which a by-election may be dispensed with (which, in the Bill, is increased from just over 9 months to just under 12 months), and the lodging of returns disclosing pecuniary interests.

Schedule 1 [15] enacts provisions of a transitional nature as a result of these changes. It provides that mayors, deputy mayors who are elected for the mayoral term, councillors, chairpersons of county councils, and deputy chairpersons of county councils, who hold office immediately before the second Saturday in September 2003 are to continue in their offices until the ordinary election to be held on the fourth Saturday in March 2004. **Schedule 1 [5]** enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [6]–[14] make consequential amendments to the timetable set for the phasing-in of the new membership requirements for the registration of local government parties that were introduced by the *Local Government Amendment Act 2000*.

Schedule 1 [15] also enables the Minister for Local Government to approve a reduction in the number of councillors of a council if the council makes such an application before 31 December 2003. Public notice must be given of the application and submissions may be made to the Minister concerning it by interested members of the public. This process will avoid the need for a constitutional referendum to be held to effect the reduction.