Queensland

LOCAL GOVERNMENT
AMENDMENT BILL 2002

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TABLE OF PROVISIONS

2002

A BILL

FOR

An Act to amend the *Local Government Act 1993*

The Parliament of Queensland enacts— 1

Clause **1** **Short title** 2

This Act may be cited as the *Local Government Amendment Act 2002*. 3

Clause **2** **Act amended** 4

This Act amends the *Local Government Act 1993*. 5

Clause **3** **Replacement of s 284 (Application of part to Brisbane City** 6
Council) 7

Section 284— 8

omit, insert— 9

'Division 1—Preliminary 10

'284 Application of part to Brisbane City Council 11

This part applies to the Brisbane City Council. 12

'284A Definition for pt 5 13

'In this part— 14

' **"information date"** means— 15

    (a) for Brisbane City Council—1 October in the year that is 2 years 16
          before the year of the quadrennial elections for local 17
          governments; or 18

    (b) for another local government—1 March in the year before the 19
          year of the quadrennial elections for local governments. 20

'Division 2—Quota requirements for divided local governments'. 21

Clause 4   Amendment of s 288 (Matter of area's division referred to commissioner)

Section 288(1)—

omit, insert—

'**(1)** The Minister must refer the matter of the division of a local government's area to the commissioner if the local government informs the Minister—

(a) for the 2004 quadrennial elections for local governments or the quadrennial elections held every 8 years after the 2004 quadrennial elections—

    (i) if the local government has less than 6 divisions—2 or more divisions in its area are not consistent with the basis specified in section 286(2); or

    (ii) if the local government has 6 or more divisions—one-third or more of the divisions in its area are not consistent with the basis specified in section 286(2); or

(b) for the 2008 quadrennial elections for local governments or the quadrennial elections held every 8 years after the 2008 quadrennial elections—a division in its area is not consistent with the basis specified in section 286(2).

'**(1A)** Also, the Minister must refer the matter of the division of a local government's area to the commissioner if—

(a) the local government fails to inform the Minister as required by section 287 about its area; or

(b) the Minister reasonably believes information given under section 287 is incorrect.'.

(2) Section 288(2), 'Also'—

omit, insert—

'In addition'.

(3) Section 288—

insert—

'**(2A)** If the number of divisions in a local government area is not a multiple of 3, the area is, for subsection (1)(a)(ii), taken to have the number of divisions that is the next lower number to the actual number of divisions that is a multiple of 3.'.

(4) Section 288(3), '(2)'—   1

omit, insert—   2

'(3)'.   3

(5) Section 288(1A) to (3)—   4

renumber as section 288(2) to (5).   5

Clause 5   Amendment of s 334 (Who may vote)   6

Section 334(2)—   7

omit.   8

Clause 6   Amendment of s 352 (Declaration voting before polling day)   9

Section 352(2), 'public office'—   10

omit, insert—   11

'declared place'.   12

Clause 7   Amendment of s 368 (Counting of votes for optional-preferential system)   13, 14

Section 368(10) to (12)—   15

omit, insert—   16

'**(10)** If, after a count at which the candidate with fewest votes must be excluded, 2 candidates have an equal number of votes and are the only candidates not excluded, the candidate whose name is recorded under subsection (11)(g) is elected.   17, 18, 19, 20

'**(11)** The returning officer must, in the presence of 2 witnesses—   21

     (a) prepare a list of the candidates; and   22

     (b) assign a different number or colour to each candidate; and   23

     (c) place only the marbles, balls or other similar things (**"marbles"**), complying with subsection (12), in an opaque container large enough to allow the marbles in it to move about freely when it is rotated; and   24, 25, 26, 27

     (d) rotate the container and permit another person present who wishes to do so to rotate it; and   28, 29

    (e)   raise the container so that its contents can not be seen; and   1

    (f)   while the container is raised, take 1 of the marbles out of it or   2
        allow 1 of the marbles to come out of it; and   3

    (g)   record the name of the candidate assigned the numbered or   4
        coloured marble that, under paragraph (f), is taken or allowed to   5
        come out of the container.   6

'**(12)** For subsection (11)(c), the marbles must be—   7

    (a)   the same size and weight; and   8

    (b)   the same colours or numbers as the colours or numbers assigned   9
        under subsection (11)(b) to the candidates.   10

'**(13)** The returning officer must allow each of the 2 candidates, or their   11
representative, to be present for the process mentioned in subsection (11).'.   12

Clause   **8**   **Amendment of s 369 (Counting of votes for first-past-the-post**   13
           system)   14

Section 369(4) to (6)—   15

omit, insert—   16

'**(4)** If 2 or more candidates receive the same number of votes so that   17
subsection (2) or (3)(a) or (b) can not be applied, the candidate whose name   18
is recorded under subsection (5)(g) is elected.   19

'**(5)** The returning officer must, in the presence of 2 witnesses—   20

    (a)   prepare a list of the candidates; and   21

    (b)   assign a different number or colour to each candidate; and   22

    (c)   place only the marbles, balls or other similar things (**"marbles"**),   23
        complying with subsection (6), in an opaque container large   24
        enough to allow the marbles in it to move about freely when it is   25
        rotated; and   26

    (d)   rotate the container and permit another person present who   27
        wishes to do so to rotate it; and   28

    (e)   raise the container so that its contents can not be seen; and   29

    (f)   while the container is raised, take 1 of the marbles out of it or   30
        allow 1 of the marbles to come out of it; and   31

(g) record the name of the candidate assigned the numbered or coloured marble that, under paragraph (f), is taken or allowed to come out of the container.

'(**6**) For subsection (5)(c), the marbles must be—

(a) the same size and weight; and

(b) the same colours or numbers as the colours or numbers assigned under subsection (5)(b) to the candidates.

'(**7**) The returning officer must allow each of the candidates, or their representative, to be present for the process mentioned in subsection (5).'.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

section 2

1 **Section 141(d)(ii), 'or 334'—**

omit, insert—

'or 344'.

2 **After section 286—**

insert—

'Division 3—Disclosure requirements and references'.

3 **Section 287(4)—**

omit.

4 **Section 343(g)(ii), '*Electoral Act 1918* (Cwlth)'—**

omit, insert—

'*Commonwealth Electoral Act 1918* (Cwlth)'.

5 **Section 1193D(6)—**

insert—

' **"local law"** includes a subordinate local law.'.

6 **Section 1193H(1)(a)(ii), '; and'—**

omit, insert—

'; or'.

SCHEDULE (continued)

7   Schedule—   1

   insert—   2

' **"information date"**, for chapter 5, part 5, see section 284A.'   3