

# Local Government Legislation Amendment Bill 2014

## Explanatory Notes

### FOR

## Amendments To Be Moved During Consideration In Detail By The Honourable David Crisafulli MP

### Title of the Bill

Local Government Legislation Amendment Bill 2014

### Objective of the Amendments

The objective of the amendments is to maintain the status quo under the *Local Government Electoral Act 2011* (LGEA) with respect to voting rules in first-past-the-post elections. The amendments to the Bill mean electors must continue to vote for the number of candidates equal to the number of councillor vacancies and a ballot evidencing a number of votes less than the number of councillor vacancies will be an informal ballot.

### Achievement of the Objective

Without the amendments to the Bill, clause 65(2) and (3) amend section 84 to give electors the option to vote for less than the number of councillors to be elected, up to, or more than the number of councillors to be elected in first-past-the-post elections. Consequently, electors may show a clear intent, including a clear intent not to vote for a particular candidate, and the potential for casting an informal vote is reduced. As a consequence of the amendments to section 84, section 87(5) is redundant and is omitted by clause 67(2) of the Bill.

The amendments to be moved during consideration in detail achieve the objective by omitting clause 65(2) and (3) and clause 67(2) of the Bill. By omitting clause 65(2) and (3) electors are required to continue to vote for the exact number of councillor positions in first-past-the-post elections to avoid any unintended consequences of electors voting for just 'one' candidate when a greater number of candidates are to be elected. The consequential omission of clause 67(2) means ballots will continue to be valid if it is possible to ascertain, with certainty, the elector's voting intention even if the elector votes for more candidates than the number to be elected.

## Alternative Ways of Achieving Policy Objective

There is no alternative way to achieve the policy objective.

## Estimated Cost for Government Implementation

There are no anticipated costs for government.

## Consistency with Fundamental Legislative Principles

The amendments are consistent with the fundamental legislative principles.

## Consultation

The amendments principally stem from the recommendations of the Transport, Housing and Local Government Committee (the Committee) on the Bill as a result of the Committee's consultation with stakeholders. In particular, the Local Government Association of Queensland submitted to the Committee its opposition to clause 65(2) and (3) of the Bill, arguing the Bill may lead to skewed outcomes undermining the democratic process.

## NOTES ON PROVISIONS

**Amendments 1 and 2** amend clause 65 (Amendment of s 84 (How electors must record a vote on a ballot paper – first-past-the-post voting)) by omitting subclauses (2) and (3). The amendments maintain the status quo to voting rules in first-past-the-post elections meaning electors must vote for the number of candidates equal to the number of councillor vacancies, subject to section 87 of the LGEA.

Amendments 1 and 2 give effect to recommendation 4 of the Committee. Recommendation 4 reads:

*“The Committee recommends that the Minister for Local Government, Community Recovery and Resilience amend the Local Government Legislation Amendment Bill 2014 to remove clause 65(2) and clause 65(3) so the current requirements for a valid vote in the Local Government Electoral Act 2011 are retained.”*

In view of the Committee's comments and the representations made to the Committee by stakeholders, the option for electors to vote for less than the number of councillors to be elected, up to, or more than the number of councillors to be elected is omitted.

**Amendments 3 and 4** amend clause 67 (Amendment of s 87 (Formal and informal ballot papers – first-past-the-post voting)) by omitting subclause (2). The amendment is consequential to amendments 1 and 2 and means under section 87(5) of the LGEA, ballots will continue to be valid if it is possible to ascertain, with certainty, the elector's voting intention even if the elector votes for more candidates than the number to be elected and complies with section 84 of the LGEA.