

FACT SHEET

Local Government Amendment (Elections) Bill 2013

The Local Government Amendment (Elections) Bill 2013 (the Bill) makes changes to the local government electoral system including:

- the introduction of compulsory voting in all local government elections;
- the banning of dual representation; and
- the introduction of all-in, all-out council elections with four-year terms for mayors and deputy mayors.

Compulsory voting in all local government elections

The Bill makes it compulsory to vote in all local government elections. This is applied to every person who is on the House of Assembly electoral roll in respect of a municipal area, to any owner or occupier of land in the municipal area who has chosen to enrol, and to any person who has been validly nominated by a corporation to vote on its behalf.

The Bill creates an offence for failing to vote in a local government election without a valid and sufficient reason (to be determined by the Electoral Commissioner). The maximum penalty for the offence is 1 penalty unit (currently \$130).

The compulsory voting provisions in the Bill are similar to those applied in relation to State elections and are based on the relevant provisions of the *Electoral Act 2004*. There are opportunities for those who fail to vote to provide reasons for the failure to the Electoral Commissioner or to pay penalties less than the maximum of 1 penalty unit at different stages of the enforcement process.

Banning dual representation

The Bill will prevent a sitting councillor from also holding a seat in State Parliament.

There are two situations giving rise to 'dual representation':

- a sitting councillor being elected to Parliament; and
- a sitting Member of Parliament being elected to council.

Under the Bill, a sitting councillor who is elected to Parliament during his or her council term will be able to serve in both roles for up to 12 months, at which point the council position will be automatically vacated. If a local government election occurred within that 12 months, they could technically run again but would be required to vacate the council position 30 days after the election so would be unlikely to do so.

A sitting Member of Parliament who is elected to council may serve in both roles for up to 30 days, at which point their council position will be automatically vacated unless they have resigned from Parliament.

All-in, all-out elections with four year terms for Mayors and Deputy Mayors

The Bill changes the term of office for Mayors and Deputy Mayors from two years to four years. Councillors will continue to be elected for four-year terms.

The Bill also removes the staggered election cycle whereby half of each council currently faces election every two years. This means that all councillors, Mayors and Deputy Mayors will face election at the same time once every four years.

In order to introduce all-in, all-out elections in October 2014, the Bill explicitly clarifies that the terms of all councillors elected in October 2011 end at the next election, effectively shortening those terms by one year.

It is intended that the next local government election will be held in October 2014. It is intended to postpone the elections due to be held in October 2013 by one year by Governor's Order.