

TASMANIA

**LOCAL GOVERNMENT AMENDMENT
(ELECTIONS) BILL 2007**

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**LOCAL GOVERNMENT AMENDMENT
(ELECTIONS) BILL 2007**

*(Brought in by the Minister Assisting the Premier on Local
Government, the Honourable Michelle Anne O'Byrne)*

A BILL FOR

An Act to amend the *Local Government Act 1993*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Local Government Amendment (Elections) Act 2007*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Local Government Act 1993** is referred to as the Principal Act.

*No. 95 of 1993

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4. Section 47 amended (Resignations)

Section 47 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “On” and substituting “Except as provided in subsection (6), on”;
- (b) by inserting the following subsection after subsection (5):
 - (6) A councillor may, during the period commencing on the 30th day before, and ending on the Thursday before, the day on which the notice of election for a forthcoming election is to be given, give notice to the general manager of his or her intention to resign with effect from the issue of the forthcoming certificate of election.

5. Section 269 amended (Notice of election)

Section 269 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) On the 7th Saturday before closing day, the Electoral Commissioner is to cause notice of an election to be advertised prominently in a daily newspaper circulating in the relevant municipal area.

6. Section 278 amended (Electoral advertising)

Section 278 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (5) A person, within the relevant period, must not print, publish, keep on display, broadcast or distribute any electoral advertising that refers to the offering, promising or giving by a candidate or intending candidate of a gift, donation or prize to or for any specific club, association or body or to or for clubs, associations or bodies generally.

Penalty: Fine not exceeding 50 penalty units.

7. Section 279 amended (Return in relation to electoral advertising)

Section 279 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “90” and substituting “45”;
- (b) by omitting from subsection (3) “90” and substituting “45”.

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8. Section 308 amended (By-elections)

Section 308 of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (ac) in subsection (1):

(ad) a notice of intention to resign has been given to the general manager under section 47(6); or

(b) by omitting subsection (2) and substituting the following subsection:

(2) A by-election is to be held in conjunction with the next ordinary election if –

(a) the vacancy occurs during the period referred to in section 307(3); or

(b) the vacancy will be created by a notice of intention to resign given to the general manager under section 47(6).

9. Section 311 amended (Electoral articles to be signed)

Section 311 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, keep on display” after “publish”;
- (b) by inserting the following subsection after subsection (1):
 - (1A) An article is published or kept on display by a person if the publication or display is published or kept on display with that person’s consent.

10. Section 314 amended (Bribery and undue influence)

Section 314 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “the offence of bribery” and substituting “an offence under this section”;
- (b) by omitting subsections (3), (4) and (5) and substituting the following subsections:
 - (3) An offence under this section includes the supply of food, drink or entertainment with a view to influencing the vote of an elector at an election if the supply is made during the relevant period.
 - (4) A candidate or intending candidate must not directly or indirectly offer, promise or give a gift, donation or prize to or for

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any specific club, association or body or to or for clubs, associations or bodies generally during the relevant period.

Penalty: Fine not exceeding 5 penalty units.

- (5) In proceedings for an offence under subsection (4), it is a defence for the person charged to show that gifts, donations or prizes similar in nature and in amount or value are regularly given by that person to the specific club, association or body.