

LOCAL GOVERNMENT AMENDMENT BILL 1995

EXPLANATORY NOTES

GENERAL OUTLINE

Objective of the Legislation

The Bill amends the *Local Government Act 1993* to clarify that a person is not required and never has been required to live in the division of a local government area to become qualified as a councillor for the division.

Reasons for the Bill

Qualifications to become a Councillor

The *Local Government Act 1993* specifies the procedures for the conduct of local government elections. Under the Act (section 169), a person is qualified to become a councillor of a local government if the person lives in the local government area and is an elector. General disqualifications from becoming a councillor are also specified in the Act.

Some doubt has been raised about whether a person who does not live within a local government division can become a councillor for that division even though the person lives within another division of the local government area and is an elector.

The situation has arisen because of the legal interpretation of various provisions of the Act dealing with the conduct of elections.

To clarify the situation, the proposed legislation puts beyond doubt that a person is not, and never has been, disqualified from becoming a councillor for a division merely because the person lives in another division of the area. This is consistent with the original intention of the provisions.

The Bill will ensure there is no disruption to the election of those councillors elected at and since the 1994 local government triennial elections who were not living within the divisions to which they were elected. It

follows that all actions taken by the councillors in relation to Council matters are valid.

Estimated Cost for Government Implementation

There are no additional costs incurred by the Government.

Consultation

The Bill is a result of consultation with certain legal advisers on the relevant provisions under the *Local Government Act 1993*.

NOTES ON PROVISIONS

Clause 1 sets out the short title of the Act, namely, the *Local Government Amendment Act 1995*.

Clause 2 provides for the amendment of the *Local Government Act 1993*.

Clause 3 clarifies and puts beyond doubt that a person is not, and never has been, disqualified from becoming a councillor for a division merely because the person lives in another division of the area.