

**Circular No 3
September 1999**

**Parliamentary Debate
Amendments to the Local Government (Elections) Bill 1999**

In Summary

This circular provides an overview of the key amendments to the Local Government (Elections) Bill 1999, which were made in the course of the parliamentary debates. The amendments described below resulted in the passing of the *Local Government (Elections) Act 1999* which was assented to on 26 August 1999. The House of Parliament in which amendments were made is also indicated [in brackets]; that is, whether in the House of Assembly (HA) or the Legislative Council (LC).

In General

- A number of amendments were made throughout the Bill to clarify that the definition of “elector” extends to bodies corporate and groups of persons. [LC]

Part 2 – Elections

Supplementary Elections

- The provisions as to when a supplementary election is required are amended. Where there are no wards, a council may adopt a policy that a casual vacancy for a councillor’s position may go unfilled until the next general election. [HA] However, should a second vacancy occur, supplementary elections for both vacancies must be held as soon as practicable.

Part 3 – Electoral Officers

Costs and expenses

- The requirement for the returning officer to have regard to the council’s budget when incurring costs and expenses, is removed [HA]

Part 4 – Enrolment

Qualifications for enrolment

- Amendments clarify that Crown agencies and instrumentalities should not be enrolled as electors for council elections [LC]

Part 6 – Entitlement to Stand for Election and Nomination

Manner in which nomination is made

- Amendments insert a specific requirement for nomination forms to be accompanied by a candidate profile which complies with regulations. [LC]

- Provision is made for a profile to include a photograph of the candidate which complies with the regulations. [LC]

Part 9 – Postal Voting

Issuing postal voting papers

- Amendments extend the duty of the returning officer to send an explanatory notice about voting procedures to electors with their postal ballot papers, by requiring that a set of candidate profiles be also sent out at that time; [HA]
- The powers of the returning officer to admit votes to the count notwithstanding a formal defect in the declaration completed by the voter, are clarified.[HA]

Part 14 – Campaign Donations

Public Inspection of Returns

- The time period for Councils to retain campaign donation returns is reduced to three years [HA]

Requirement to keep proper records

- The time period for a candidate to retain relevant records of campaign donation is reduced to three years [HA]

A complete record of all minor, technical and machinery amendments to the Local Government (Elections) Bill as a result of parliamentary debates can be sourced from Hansard records.

For further information, advice or assistance in relation to the new Local Government legislation, please contact

Office of Local Government
Level 1, Riverside Centre, North Tce, Adelaide 5000
Telephone: 8207 0600
Fax: 8207 0679
Email: localgov@saugov.sa.gov.au
Web page: www.localgovt.sa.gov.au