

# Constitution (Local Government) Bill 1982

## NOTES ON CLAUSES

Clause 1 is a clause in the usual form, containing provisions relating to the short title and commencement of the Act. The Principal Act is the *Constitution Act 1975*.

Clause 2 substitutes new sections 74AB and 74B for section 74B of the Principal Act.

New section 74AB is an interpretation provision.

New section 74B prescribes the entitlement to be enrolled on the voters' roll of a ward or riding of a municipality.

A person will be entitled if he has attained the age of 18 years and is—

- (a) on the Legislative Assembly roll and has his principal place of residence within a ward;
- (b) is not a natural born or naturalized subject of Her Majesty but has resided in Australia for at least six months continuously, in Victoria for three months and within the municipal district for at least one month preceding the entitlement date for enrolment and has his principal place of residence within a municipal district;
- (c) is the owner of rateable property within the ward or riding; or
- (d) is the occupier of rateable property within the ward or riding.

Proposed new sub-section (2) provides that if there is joint ownership of a rateable property the persons concerned may appoint one of their number who is not entitled under sub-section (1) to be enrolled on the voters' roll in respect of that property. Sub-section (3) provides similarly for joint occupation of rateable property.

Sub-section (4) provides that a corporation which owns or is the occupier of rateable property may name a person to be enrolled in respect of that rateable property.

Sub-section (5) deals with the circumstances where ownership or occupation of rateable property consists of a combination of persons and corporations.

Sub-section (6). A person or a corporation may not elect the right of entitlement under section 74B.

Sub-section (7) deals with the situation where the same joint owners or the same joint occupiers own or occupy more than one rateable property in a riding or ward. They may exercise the right of entitlement conferred by sub-sections (2), (3), (4) or (5) in respect of only one of those rateable properties.

Sub-section (8) provides that any entitlement to enrolment or to appoint a person for the purposes of enrolment shall be subject to compliance with any law relating to enrolment and voting at elections for municipal councils.

Sub-section (9). Parliament may make such laws as it considers necessary or expedient for or with respect to enrolment for and voting at elections for municipal councils.

*Clause 3—*

Paragraph (a) substitutes a new sub-section (1) of section 74c of the Principal Act to provide that a person shall be qualified to be a councillor if in the case of an annual election he is enrolled on the voters' roll of one of the wards or ridings of the municipality, or in the case of an extraordinary election, entitled three months before the extraordinary elections to be enrolled on one of the voters' rolls of the wards or ridings of the municipality.

Paragraph (b) substitutes a new sub-section (3) of section 74c of the Principal Act. A councillor who ceases to have the qualification set out on the nomination paper nominating him as a candidate for council shall not be capable of continuing to be a councillor unless not later than thirty days after the day on which he ceases to have that qualification he lodges with the municipal clerk a written statement giving correct particulars of the qualification which entitles him to continue to be a councillor.

Paragraphs (c) and (d) make consequential amendments to section 74c.

Paragraph (e) amends sub-section (6) of section 74c. The sub-section presently provides that Parliament may make laws relating to the disqualification from office of councillors as a consequence of being convicted of an offence against any Act, except for conviction of an offence referred to in section 74c (4) (c). The limitation in respect of section 74c (4) (c) has been deleted.

*Clause 4* makes consequential amendments to the *Melbourne Corporation (Election of Council) Act 1982*.

*Clause 5*. The new provisions will apply to and for the purpose of the holding of the 1983 annual election of municipal councils and any election or poll of voters required to be held after the 1983 annual election.