

Local Government (Municipal Councils Triennial Elections) Bill 1983

NOTES ON CLAUSES

The purpose of this Bill is to provide for the triennial election of municipal councils from the August elections in 1985.

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 *Local Government Act 1958*. The Act is to come into operation on a day to be fixed by proclamation.

Clause 2 is an interpretation provision. The three-yearly elections are to be called general elections.

Clause 3 applies Part III of the Principal Act (which relates to the election and proceedings of municipal councils) to the Melbourne City Council. At present, the Melbourne City Council is elected, in the main, under its own Act ((the *Melbourne Corporation (Election of Council) Act 1982*)). Sections 63, 73, 120B and 149 (7) of the Principal Act are consequentially repealed.

Clause 4 deals with the term of office of the councillors.

Clause 5 repeals section 58 and 61 of the Principal Act. These provisions only have application to annual elections.

Clause 6 consequentially amends sections 85 and 87 of the Principal Act (which relate to the completed municipal voters' roll) as a result of the introduction of triennial elections.

Clause 7 inserts a new section 113 into the Principal Act to provide that the first general election of municipal councillors is to be held on the first Saturday in August, 1985 and subsequent general elections are to be held on the first Saturday in August in every third year thereafter.

Clause 8 repealed sections 113A and 114 of the Principal Act. These sections are redundant. The clause also inserts a new section 115 into the Principal Act.

Clause 9 makes consequential amendments to section 113B of the Principal Act.

Clause 10 inserts a new section 118 into the Principal Act to provide that where extraordinary vacancy in the office of a councillor occurs within six months of a general election the municipal council may, by an absolute majority, resolve that the vacancy not be filled. The reasons for not filling the vacancy are to be recorded in the minutes of the meeting of the Council at which the decision was made. The Council is to give public notice of its decision and the notice is to include a summary of the Council's reasons for not filling the vacancy. The Minister, however, may direct that an election be held to fill the vacancy.

Clause 11 makes a consequential amendment to section 130 of the Principal Act.

Clause 12 applies Part IV of the Principal Act (which relates to the ouster from office of a chairman or councillor) to the City of Melbourne.

Clauses 13, 14 and 15 are savings and application provisions.

