

# Melbourne Corporation (Election of Council) (Proportional Representation) Bill

## NOTES ON CLAUSES

*Clauses 1, 2, and 3* are in the usual form, containing the short title and commencement of the Act. The Act will come into operation on a day to be fixed by proclamation of the Governor in Council. The Principal Act is the *Melbourne Corporation (Election of Council) Act 1982*.

*Clause 4* amends section 30 of the Principal Act, which relates primarily to the nomination of candidates for election as councillors. The section has been amended to provide that in completing a nomination, a candidate may specify an initial standing for of his or her christian or other name or a commonly accepted variation of the name. The nomination paper is to include a statement specifying the form the name is to take on the ballot paper.

*Clause 5* amends section 39 and makes a consequential amendment to section 46 of the Principal Act. At present, the ballot-paper is to show the names of the candidates in alphabetical order. The amendment provides that in future the position of each candidate's name on the ballot-paper will be determined by lot. The ballot is to be held immediately after the close of nominations.

*Clause 6* inserts a new section 49A into the Principal Act to provide that where more than one councillor is to be elected at an election for the Melbourne City Council the result is to be determined by proportional representation. Where only one vacancy is to be filled the existing exhaustive preferential system is to continue to apply.

The Clause also makes consequential amendments to section 50 of the Act, which deals with the exhaustive preferential system. New sections 50A and 50B, which relate to the adjournment of an electoral count and the declaration of the result of an election, replace equivalent provisions in section 50 of the Principal Act and apply them to both the exhaustive preferential system and proportional representation.

*Clause 7* relates to the refund of a candidate's deposit. The deposit is to be refunded if the candidate is declared elected or if he or she obtains at least 4 per cent of the total number of the first preference votes polled in favour of all the candidates at the election.

*Clause 8* makes consequential amendments to section 149 of the *Local Government Act 1958*, which is a regulation making power, and also to the Principal Act.

