

Western Australia

**Local Government Amendment (Elections)
Act 2009**

As at 17 Aug 2009

No. 15 of 2009

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Local Government Amendment (Elections) Act 2009

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**Local Government Amendment (Elections)
Act 2009**

No. 15 of 2009

An Act to amend the *Local Government Act 1995*.

[Assented to 17 August 2009]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Local Government Amendment (Elections) Act 2009*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

This Act amends the *Local Government Act 1995*.

4. Section 4.69 amended

- (1) In section 4.69(1) delete “election and only 2 candidates are named on the ballot paper,” and insert:

election,

- (2) Delete section 4.69(2) and (3) and insert:

- (2) If 2 or more offices are to be filled at the election, an elector is to cast his or her vote by marking the ballot paper in accordance with regulations so as to indicate the candidate or candidates named on the ballot paper whom the elector wishes to be elected but is not to mark votes for more candidates than the number of offices to be filled.

5. Schedule 4.1 replaced

Delete Schedule 4.1 and insert:

Schedule 4.1 — How to count votes and ascertain the result of an election

[s. 4.74]

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
 - (a) the candidate who receives the greatest number of votes; and
 - (b) the candidate who receives the next highest number of votes; and
 - (c) the candidate who receives the next highest number of votes,and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

6. Schedule 4.2 amended

- (1) In Schedule 4.2 clause 8 delete “primary” (each occurrence).
- (2) Delete Schedule 4.2 clause 8A.

