

LEGISLATIVE COUNCIL

REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021

(Amendment and New Clauses to be proposed in Committee by Dr RATNAM)

1. Clause 1, page 3, after line 6 insert—

"(vi) to implement optional preferential voting in relation to groups in Council elections and to make related amendments; and".

NEW CLAUSES

2. Insert the following New Clauses after clause 21—

'21A Section 69B repealed

Section 69B of the **Electoral Act 2002** is **repealed**.

21B Section 73A repealed

Section 73A of the **Electoral Act 2002** is **repealed**.

21C Registration process

In section 79(2)(ca) of the **Electoral Act 2002**—

- (a) for subparagraph (i) **substitute**—

"(i) indicates the order of voting preference for all groups whose names are printed opposite squares on the ballot-paper; or";

- (b) in subparagraph (iii)(A), after "preference" **insert** "and at least the numbers 2, 3, 4 and 5 opposite the names of the remaining groups so as to indicate by unbroken numerical sequence the order of preference of contingent votes".

21D Alterations to registered how-to-vote card to correct error

In section 80(4)(ca) of the **Electoral Act 2002**—

- (a) for subparagraph (i) **substitute**—

"(i) indicates the order of voting preference for all groups whose names are printed opposite squares on the ballot-paper; or";

- (b) in subparagraph (iii)(A), after "preference" **insert** "and at least the numbers 2, 3, 4 and 5 opposite the names of the remaining groups so as to indicate by unbroken numerical sequence the order of preference of contingent votes".

NEW CLAUSE

3. Insert the following New Clause after clause 22—

'22A How votes to be marked by elector in Council election

(1) For section 93A(2)(a) of the **Electoral Act 2002** substitute—

"(a) either—

- (i) the number 1 in the square in relation to a group for which the elector votes as first preference and at least the numbers 2, 3, 4 and 5 in the squares in relation to remaining groups so as to indicate by unbroken numerical sequence the order of preference of contingent votes; or
- (ii) if there are 4 or fewer squares printed on the ballot-paper in relation to groups, number 1 in relation to the group for which the elector votes as first preference and then number the remaining squares so as to indicate by unbroken numerical sequence the order of preference of contingent votes; or".

NEW CLAUSES

4. Insert the following New Clauses after clause 24—

'24A Certain Council ballot-papers with non-consecutive numbers to be formal

(1) In the heading to section 112A of the **Electoral Act 2002**, after "**formal**" insert "**and other matters**".

(2) At the end of section 112A of the **Electoral Act 2002** insert—

"(2) A ballot-paper in a Council election that—

- (a) has the number 1, or the number 1 and one or more higher numbers, in the squares printed in relation to groups; and
- (b) would be informal by virtue of section 112(1)(d)—

is taken to be formal in relation to the preferences marked on the ballot-paper by numbers up to a break in the sequence.

(3) For the purposes of this Act, the following numbers in squares printed on the ballot-paper in relation to groups are to be disregarded—

- (a) numbers that are repeated and any higher numbers;
- (b) if a number is missed, any numbers that are higher than the missing number.

(4) If a ballot-paper in a Council election—

- (a) has squares that are printed in relation to groups numbered in accordance with section 93A(2)(a) (or taken to be numbered in accordance with section 93A(3)) or is taken to be formal under subsection (2); and
- (b) has squares printed opposite the names of candidates numbered in accordance with section 93A(2)(b) (or taken to be numbered in accordance with section 93A(3)) or is taken to be formal under subsection (1)—

then only squares referred to in paragraph (b) are taken to have numbers in them on the ballot-paper."

24B Section 112B substituted

For section 112B of the **Electoral Act 2002** substitute—

"112B Council ballot-papers marked in relation to groups

- (1) This section applies if a ballot-paper in a Council election—
 - (a) has one or more numbers marked in squares printed in relation to a group in accordance with section 93A(2)(a) or is taken to be formal under section 112A(2); and
 - (b) has one or more numbers, that are not disregarded under section 112A(3), marked in squares printed on the ballot-paper in relation to groups (each group being a *preferred* group).
- (2) For the purposes of section 114A, the ballot-paper is taken to be marked as if instead of the numbers referred to in subsection (1)(b)—
 - (a) each candidate in a preferred group was given a different number starting from 1; and
 - (b) candidates in a preferred group were numbered consecutively, starting with the candidate whose name on the ballot-paper is at the top of the group to the candidate whose name is at the bottom of the group; and
 - (c) the order in which candidates in different preferred groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot-paper, starting with the group marked 1; and
 - (d) when all the candidates in a preferred group have been numbered, the candidate whose name is at the top of the next preferred group is given the next consecutive number.".

NEW CLAUSES

5. Insert the following New Clauses after clause 27—

'27A Amendment of Schedule 1A

- (1) In Schedule 1A to the **Electoral Act 2002**, for "Place the number 1 in one, and one only of these squares to indicate your choice." **substitute** "Place the numbers 1 to at least 5 in these squares to indicate your choice."
- (2) In Schedule 1A to the **Electoral Act 2002**, in the first row of the ballot-paper, **omit** "OR" (wherever occurring).

27B Amendment of Schedule 1B

- (1) In Schedule 1B to the **Electoral Act 2002**, for "Place the number 1 in one, and one only of these squares to indicate your choice." **substitute** "Place the numbers 1 to at least 5 in these squares to indicate your choice."

- (2) In Schedule 1B to the **Electoral Act 2002**, omit "OR" (wherever occurring).'