

LEGISLATIVE COUNCIL

JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

(Amendments and New Clause to be proposed in Committee by the Honourable JUSTIN MADDEN)

1. Clause 1, page 2, line 15, omit "2005." and insert "2005; and".
2. Clause 1, page 2, after line 15 insert—
"() the **Legal Profession Act 2004**".

NEW CLAUSE

3. Insert the following Part heading and New Clause to follow clause 28—

"PART 13—AMENDMENT OF LEGAL PROFESSION ACT 2004

AA. Legal Services Board elections

- (1) For the heading to clause 5 of Schedule 1 to the **Legal Profession Act 2004** substitute—

"Preferential voting for advocate member".

- (2) After clause 5(2) of Schedule 1 to the **Legal Profession Act 2004** insert—

"(3) This clause applies to the election of the advocate member."

- (3) After clause 5 of Schedule 1 to the **Legal Profession Act 2004** insert—

'5A. Exhaustive preferential voting for non-advocate members

- (1) This clause applies to the election of the non-advocate members if there are more than 2 candidates.
- (2) The first vacancy is to be filled in the manner specified in clause 5(2) for determining the result if there are more than 2 candidates for election of a member and, for that purpose, a reference in clause 5(2) to a "defeated candidate" or a "non-defeated candidate" is to be construed as a reference to an "excluded candidate" or a "continuing candidate" as the case may be.
- (3) The second vacancy is to be filled as follows—
 - (a) all the ballot-papers (other than the ballot-papers which are rejected) are to be rearranged under the names of the respective candidates for which a first preference is indicated;
 - (b) the ballot-papers on which a first preference is indicated for the elected candidate are to be placed in the parcel of

- the continuing candidate next in order of the voter's preference;
- (c) the total number of votes given to each continuing candidate is to be ascertained;
 - (d) the candidate who has received the greatest number of votes, if that number constitutes an absolute majority of votes, is to be declared elected;
 - (e) if no candidate has an absolute majority of votes—
 - (i) the candidate who has received the fewest votes is to be declared an excluded candidate; and
 - (ii) the ballot-papers counted to the excluded candidate are to be distributed amongst the continuing candidates next in order of the voters' preference; and
 - (iii) the total number of votes given to each continuing candidate is to be ascertained; and
 - (iv) the candidate who then has received the greatest number of votes, if that number constitutes an absolute majority of votes, is to be declared elected;
 - (f) if no candidate then has an absolute majority of votes the process of declaring the candidate who has the fewest votes an excluded candidate and distributing the ballot-papers amongst the continuing candidates next in order of the voter's preference is to be repeated until one candidate has received an absolute majority of votes and is declared elected.
- (4) If on any count 2 or more candidates have an equal number of votes and one of them has to be declared an excluded candidate the result is to be determined by lot.
- (5) If on the final count 2 candidates have received an equal number of votes the result is to be determined by lot.
- (6) In this clause, "**continuing candidate**" means a candidate not already elected or excluded from the count.'".

LONG TITLE

4. Long title, omit "and the **Working with Children Act 2005**" and insert ", the **Working with Children Act 2005** and the **Legal Profession Act 2004**".