

Legislative Council—No 216

As received from the House of Assembly and read a first time, 13 November 2013

South Australia

**Electoral (Legislative Council Voting) Amendment
Bill 2013**

A BILL FOR

An Act to amend the *Electoral Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (Legislative Council Voting) Amendment Act 2013*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Electoral Act 1985*

4—Amendment of section 4—Interpretation

Section 4(1), definition of *voting ticket square*—delete "candidate or group" and substitute:

group of candidates

15 5—Amendment of section 53A—Nomination of single candidate

(1) Section 53A(3)(a)—delete paragraph (a) and substitute:

(a) be signed by at least—

(i) in the case of a nomination for election as a member of the House of Assembly—20 electors for the relevant district; or

- (ii) in the case of a nomination for election as a member of the Legislative Council—100 electors for the relevant district; and

(2) Section 53A—after subsection (3) insert:

(3a) If—

(a) 2 or more candidates in a Legislative Council election apply under section 58 to have their names grouped together on the ballot paper; and

(b) an elector signs a nomination paper under subsection (3)(a)(ii) for more than 1 of the candidates,

the elector's signature is to be taken not to count for any of the candidates for the purposes of subsection (3)(a)(ii).

6—Amendment of section 59—Printing of Legislative Council ballot papers

(1) Section 59(1)(a)—delete "(on" and substitute:

, with the groups endorsed by registered political parties appearing before the groups who are not so endorsed (and on

(2) Section 59(1)(b)—delete paragraph (b) and substitute:

(b) the order of the groups endorsed by registered political parties in the ballot papers must be determined by lot; and

(ba) the order of the groups not endorsed by registered political parties in the ballot papers must be determined by lot; and

7—Amendment of section 62—Printing of descriptive information on ballot papers

Section 62(1)(d)—delete "5 additional" and substitute:

2 additional

8—Amendment of section 63—Voting tickets

(1) Section 63—before subsection (1) insert:

(a1) The following provisions apply in relation to the entitlement to lodge a voting ticket under this section:

(a) in the case of a House of Assembly election—any candidate is entitled to lodge a voting ticket;

(b) in the case of a Legislative Council election—any group of candidates is entitled to lodge a voting ticket.

(2) Section 63(1)—delete "(but where a candidate is a member of a group, a voting ticket must relate to the group as a whole and not to an individual member of it)" and substitute:

entitled to lodge a voting ticket under subsection (a1)

(3) Section 63(5)—delete "candidate or"

9—Amendment of section 139—Regulations

Section 139(2)—delete subsection (2) and substitute:

(2) Without limiting the generality of subsection (1), the regulations may—

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(a) prescribe forms for the purposes of this Act; and

(b) prescribe fines (not exceeding \$5 000) for offences against the regulations; and

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(c) prescribe fees or charges in respect of matters under this Act, and provide for the waiver or refund of such fees or charges; and

(d) be of general application or vary in their application according to prescribed factors; and

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(e) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Electoral Commissioner.