

Legislative Council—No 39A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 27 September 2022

South Australia

Plebiscite (South East Council Amalgamation) Bill 2022

A BILL FOR

An Act to provide for plebiscites in the District Council of Grant and the City of Mount Gambier to ascertain the level of support for the examination of an amalgamation of those councils to form a single council, and for other purposes.

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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Plebiscite (South East Council Amalgamation) Act 2022*.

2—Plebiscites

- 5 (1) A plebiscite will be held in each of the following councils for the purposes of this section:

- (a) District Council of Grant;
- (b) City of Mount Gambier.

- (2) The proposition to be submitted to electors at a plebiscite under this section is:

10 Do you support the examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?

Note—

The purpose of the non-binding plebiscites is to obtain electors' views on the proposition. The Government is not compelled to take action following the outcome of the plebiscites.

- 15 (3) Subject to the modifications and exclusions specified in Schedule 1 and any modifications and exclusions prescribed by regulation—

- (a) the *Local Government (Elections) Act 1999* (including regulations made under that Act) applies to a plebiscite held under this section as if the plebiscite were a poll held under that Act; and

- 20 (b) for the purposes of a plebiscite under this section—

- (i) the day for the close of the voters roll was 29 July 2022; and
- (ii) 10 November 2022 is fixed as polling day; and
- (iii) voting will close at 5 pm on 10 November 2022.

- 25 (4) Without limiting section 54 of the *Local Government (Elections) Act 1999*, the Electoral Commissioner must, as soon as is reasonably practicable after certifying in accordance with that section the result of a plebiscite held under this section, publish notice of the result of the plebiscite on a website maintained by the Electoral Commissioner.

Note—

- 30 This requires the publication of the result of the plebiscite in the District Council of Grant and the result of the plebiscite in the City of Mount Gambier.

3—Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

Schedule 1—Exclusions and modifications of *Local Government (Elections) Act 1999* and *Local Government (Elections) Regulations 2010*

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Provision of Act or regulations	Exclusion or modification to apply
<i>Local Government (Elections) Act 1999</i>	
Section 4(1)	After the definition of <i>public notice</i> , insert: <i>relevant poll</i> means a plebiscite to be held under the <i>Plebiscite (South East Council Amalgamation) Act 2022</i> ;
Section 4(2)(d)	Delete "by the council"
Section 12(b)	Delete paragraph (b)
Section 13	Delete "All" and substitute: Except in relation to a relevant poll, all
Part 4	After section 15, insert: 15A—Voters roll for relevant polls Despite any provision of section 15 to the contrary, the following provisions apply to a relevant poll: (a) 29 July 2022 will be taken to be the <i>closing date</i> for a relevant poll; (b) the voters roll— (i) to be used for the periodic election in the District Council of Grant for which voting closes on 10 November 2022 will be used as the voters roll for the relevant poll in the District Council of Grant; and (ii) to be used for the periodic election in the City of Mount Gambier for which voting closes on 10 November 2022 will be used as the voters roll for the relevant poll in the City of Mount Gambier, (and the requirements relating to voters rolls under subsections (7), (10) and (13) of section 15 do not apply in relation to the relevant polls).
Section 33(2)	Delete "after consultation with the council"
Section 38	Delete "28" and substitute:

Plebiscite (South East Council Amalgamation) Bill 2022

Schedule 1—Exclusions and modifications of *Local Government (Elections) Act 1999* and *Local Government (Elections) Regulations 2010*

Provision of Act or regulations	Exclusion or modification to apply
Section 47	After subsection (2) insert: (3) Despite subsection (2), in relation to a relevant poll, the returning officer must ensure that the arrangement of postal voting papers returned for the relevant poll is such that ballot papers are arranged into separate parcels for each ward of the council to which the relevant poll relates.
Section 52	After its present contents insert: (2) In counting votes cast in a relevant poll to determine the result, the returning officer must ensure that, in relation to each ward of a council to which the relevant poll relates, the number of electors for the ward who voted in support of, and the number of electors for the ward who voted against, the proposition submitted in the poll is determined (in addition to determining the result of the relevant poll for the council as a whole). (3) A provisional declaration of the result of a relevant poll must include details of the determination under subsection (2) for each ward of a council to which the relevant poll relates (being details of the number of electors for the ward who voted in support of, and the number of electors for the ward who voted against, the proposition).
Section 54	After "result of the poll" insert: , which must, in relation to a relevant poll, include the details required to be included in the provisional declaration of the relevant poll under section 52(3)
Section 54(1)	After "return to" insert: the Minister and
Section 54(2)	After "return to" insert: the Minister and
<i>Local Government (Elections) Regulations 2010</i>	
Regulation 7(2)	Delete subregulation (2)