

**CONSTITUTIONAL AND ELECTORAL LEGISLATION
AMENDMENT (ELECTORAL EQUALITY) BILL 2021**

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 10: Section 4 amended —

Debate was interrupted after the clause had been partly considered.

Ms M.J. DAVIES: I just have one question about clause 10(7). It refers to the Deputy Electoral Commissioner being inserted into the act. Can the minister explain why that is necessary and what role the deputy commissioner will have under the amended Electoral Act 1907 that was not present in the previous act?

Mr J.R. QUIGLEY: Clause 10(7) of the bill amends section 4(5) of the act to modernise the language and incorporate the Deputy Electoral Commissioner, who has functions under the act. See sections 5A to 5H. Section 4(5) of the old act states —

A reference in this Act to the functions of the Electoral Commissioner is a reference to his functions under this Act and other written laws.

We are taking out “is a reference to his” and putting in “or the Deputy Electoral Commissioner is a reference to the person’s” under the act. Section 5B(1) states —

In this section and sections 5C and 5E *Electoral Commissioner* includes Deputy Electoral Commissioner.

Ms M.J. DAVIES: The explanatory memorandum states that they will also have functions under the act. They were clear there before, so are there no additional functions for the deputy commissioner?

Mr J.R. Quigley: No, it is just the language.

Ms M.J. DAVIES: It is just the language, okay.

Division

Clause put and a division taken, the Deputy Speaker casting his vote with the ayes, with the following result —

Ayes (40)

Mr S.N. Aubrey	Ms J.L. Hanns	Mr D.R. Michael	Mr D.A.E. Scaife
Mr G. Baker	Mr M. Hughes	Mr K.J.J. Michel	Ms J.J. Shaw
Ms H.M. Beazley	Mr W.J. Johnston	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr H.T. Jones	Mr Y. Mubarakai	Dr K. Stratton
Ms C.M. Collins	Mr D.J. Kelly	Ms L.A. Munday	Mr C.J. Tallentire
Mr R.H. Cook	Ms A.E. Kent	Mrs L.M. O'Malley	Mr D.A. Templeman
Ms D.G. D'Anna	Dr J. Krishnan	Mr P. Papalia	Mr P.C. Tinley
Mr M.J. Folkard	Mr P. Lilburne	Mr S.J. Price	Ms C.M. Tonkin
Ms K.E. Giddens	Mr M. McGowan	Mr J.R. Quigley	Ms S.E. Winton
Ms M.J. Hammat	Ms S.F. McGurk	Ms A. Sanderson	Ms C.M. Rowe (<i>Teller</i>)

Noes (6)

Mr V.A. Catania	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)

Clause thus passed.

Clause 11: Section 9 amended —

Ms M.J. DAVIES: I see that this clause refers to returning officers. I am presuming that because the last clause will remove each region, there will be returning officers for only a whole-of-state electorate. What does that mean for returning officers and how does the minister envisage that process will occur? Obviously, some of the discussion we had with the Electoral Commission briefly before we came to the debate was about the considerable difference in the way that the commission will process the votes and that there will be an extended time of potentially three to four weeks between the close of polls on polling day and an announcement of the outcome. When the returning officers were broken into six regions, there was a division of that labour. How does the minister envisage this will work? How much resourcing will that require, and has any of that work been done now that we will see those changes flowing through to the work of the commission?

Mr J.R. QUIGLEY: I am advised that no extra resources will be required for returning officers. We cannot look at clause 11 without looking at the following clause 12, because the returning officers for each of the districts will

become deputy returning officers for the whole of the state. Extra resources will not be required to count the vote for the whole of the state and the existing district returning officers for the electoral districts will also be deputy returning officers for the whole of the state for the Council.

Ms M.J. DAVIES: They will become a deputy returning officer.

Mr J.R. Quigley: That is in the next clause.

Ms M.J. DAVIES: Yes. We are removing them in this clause, so let us go through to the next clause. I am happy if that is the case.

Clause put and passed.

Clause 12: Section 10 replaced —

Ms M.J. DAVIES: How many returning officers are there currently and will they be based in the districts or the electorates? Will they still be retained in the electorates that are the boundaries of the lower house? Can the minister confirm, as he said on the previous clause, that there will be no additional requirements for returning officers as a part of this process?

Mr J.R. QUIGLEY: The short answer to the Leader of the Opposition's question is that I am advised the returning officers for each of the electoral districts for the Assembly will be deputy returning officers for the whole of the state for the Council. At the moment, there are returning officers for each of the districts and a returning officer for each of the six regions. Because the Council will be a whole-of-state electorate, the returning officers for the districts will become deputy returning officers for the whole of the state. I am advised that it will not require any more resources.

Ms M.J. DAVIES: Will they be permanent employees of the Western Australian Electoral Commission or will they be employed in the run-up to an election by the commission and then, under the purposes of the act, they are just there for the term of the election period?

Mr J.R. QUIGLEY: I cannot give a definitive answer. I believe that they are not permanent employees. I do not believe there are 59 returning officers sitting around cooling their heels down at the commission!

Ms M.J. Davies: I wouldn't have thought so.

Mr J.R. QUIGLEY: Having said that, that is my belief. I do not have the instruction. I am happy to give the Leader of the Opposition a supplementary answer later, if that helps at all.

Ms M.J. Davies: Yes, thank you.

Mr J.R. QUIGLEY: I will make a note to provide a supplementary answer.

Ms M.J. DAVIES: Will the role of these deputy returning officers in managing this whole-of-state electorate be significantly different from the way that they have been operating previously? Will they be assigned to manage regions within the state?

Mr J.R. QUIGLEY: No. Returning officers are assigned to each of our 59 districts. When people come to vote in those 59 districts, as happens at the moment, there is a returning officer for those districts.

Ms M.J. Davies: They have a dual role.

Mr J.R. QUIGLEY: There is a returning officer for those districts. Those district returning officers will now have two functions.

Ms M.J. Davies: So they will have a dual role.

Mr J.R. QUIGLEY: Yes, because they will now be deputy returning officers for the whole of the state. They can report their countback to the returning officer for the whole of the state. It is marvellous having a phone here.

Mr V.A. Catania: Would you like to table it?

Mr J.R. QUIGLEY: No; but I will read it! It is Mrs Buchanan's phone. I do not want to go into her privacy, but I am told —

The DEPUTY SPEAKER: Attorney General, this business is interrupted until a later stage of today's sitting.

Debate interrupted, pursuant to standing orders.

[Continued on page 4409.]