

ELECTORAL AMENDMENT BILL 2014

Receipt and First Reading

Bill received from the Council; and, on motion by **Mr J.H.D. Day (Minister for Planning)**, read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR J.H.D. DAY (Kalamunda — Minister for Planning) [5.54 pm]: I move —

That the bill be now read a second time.

I am reading this speech on behalf of the Premier, who represents the Minister for Electoral Affairs in this house.

The administrative preparatory work for the next state electoral boundary changes begins this year. This bill will improve and modernise the distribution process for electors, political parties, the Electoral Distribution Commissioners and other interested persons. I will now outline the major features of the bill.

Flexibility in relation to consultation periods: Currently, the distribution time frame set out in section 16F of the Electoral Act 1907 is restrictive and leaves no discretion for the distribution commissioners to vary the periods for individual phases. The proposed amendments would allow the distribution commissioners, if they believe it necessary, to take more time to consult more widely before making proposed and final determinations. The proposed amendments would set out an indicative distribution timetable and offer the commissioners discretion to vary the closing date for a particular step or steps when they consider it necessary. The commissioners will still need to ensure that the overall process is concluded within eight months. Currently, the commissioners have seven months to complete the distribution process.

It is also proposed to amend section 16F of the act to provide the commissioners with the discretion to release boundary consultation papers, if the commissioners believe it appropriate to do so. This proposed change will be important on occasions when it is likely the distribution process may result in significant boundary changes. The consultation paper would provide a better opportunity for those affected by the proposed changes to make an informed comment.

Provide the immunities of royal commission: Currently, under section 16B(7) of the act, the distribution commissioners have the powers of a royal commission under the Royal Commissions Act 1968. Although the commissioners have the powers of a royal commission, they are not a royal commission for the purposes of the Royal Commissions Act 1968 and do not have the associated protections and immunities of a royal commission. This lack of protection for the distribution commissioners has created some doubt about the commissioners' legal standing in the exercise of their powers. Therefore, it is proposed to provide the distribution commissioners with the full protections and immunities of a royal commission, as is the case in states such as New South Wales and Tasmania.

Provide an exemption under the Freedom of Information Act: Currently, royal commissions and members of royal commissions are exempt under freedom of information legislation, whereas this is not the case for the distribution commissioners. Therefore, providing the commissioners with specific exemption under schedule 2 of the Freedom of Information Act 1992 would be consistent with the specific protections and immunities offered to royal commissions. Importantly, in due course, submissions, objections and proposals are made available online under the legislated distribution process. Further, as the distribution process occurs within a very tight legislative time frame, this amendment would also address a real concern that freedom of information requests would make compliance with this time frame extremely difficult to achieve. The Information Commissioner has been consulted on this matter and has indicated that he does not object to this exemption.

Electronic publication of the final boundaries: Currently, technical descriptions of the final, official electoral boundaries are required to be produced and published in the *Government Gazette*. The creation of the written technical descriptions is laborious, costly and largely for the purpose of publication rather than future use. Technological improvements now allow for digital representations of the final boundaries. It is proposed to amend the act to allow the final electoral boundaries to be published as digital datasets and lodged with Landgate. Providing electronic copies of the final boundary changes will offer a more user-friendly service to stakeholders and the public. Lastly, there are some minor associated administrative changes to the Electoral Act 1907. I commend the bill to the house.

Debate adjourned, on motion by **Ms S.F. McGurk**.