

Electoral Amendment Bill 2014

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Western Australia

LEGISLATIVE COUNCIL

Electoral Amendment Bill 2014

A Bill for

An Act to amend the *Electoral Act 1907* and the *Freedom of Information Act 1992*.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Electoral Amendment Act 2014*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

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Part 2 — *Electoral Act 1907* amended

3. Act amended

This Part amends the *Electoral Act 1907*.

4. Section 16A amended

In section 16A insert in alphabetical order:

Land Information Authority means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

5. Section 16B amended

Delete section 16B(7) and insert:

(7) For the purposes of this Part —

- (a) the Commissioners have the powers, protections and immunities of a Royal Commission and the Chairman of a Royal Commission under the *Royal Commissions Act 1968*; and
- (b) the provisions of the *Royal Commissions Act 1968* have effect in relation to the Commissioners as if they were enacted in this Act and in terms made applicable to the Commissioners and the performance of the functions of the Commissioners under this Part.

s. 6

1 **6. Section 16F amended**

2 (1) In section 16F(2):

3 (a) in paragraph (d) delete “within 42 days from” and insert:

4

5 as soon as practicable after

6

7 (b) in paragraph (f) delete “practicable, but not more than
8 90 days” and insert:

9

10 practicable

11

12 (2) Delete section 16F(4)(b)(ii) and insert:

13

14 (ii) a description of the boundaries fixed for
15 the district; and

16

17 (3) After section 16F(4) insert:

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19 (5A) For the purposes of subsection (4)(b)(ii), the
20 boundaries may be described —

21 (a) by setting out in the notice a description of the
22 boundaries by reference to any of the
23 following —

24 (i) local government or other
25 administrative boundaries;

26 (ii) cadastral, topographical or other spatial
27 information;

28 (iii) such other matters as the
29 Commissioners think appropriate;

30 or

31 (b) by referring in the notice to a version of a map
32 or maps showing those boundaries that has

- 1 been lodged with the Land Information
2 Authority under section 16MA(1).
3
- 4 (4) After section 16F(5) insert:
5
- 6 (6) In performing functions under this section, the
7 Commissioners must ensure that the period beginning
8 on the day on which the notice under subsection (2)(a)
9 is published and ending on the day on which the notice
10 under subsection (2)(f) is published does not exceed
11 8 months.
- 12 (7) The Commissioners may at any time publish in any
13 manner the Commissioners think appropriate a
14 consultation paper formulated by the Commissioners
15 about any division of the State required under this Part.
16
- 17 **7. Section 16I amended**
- 18 In section 16I(c) delete “communication” and insert:
19
- 20 communication, means of travel
21
- 22 **8. Section 16K amended**
- 23 In section 16K delete “as set out in” and insert:
24
- 25 in accordance with
26

1 **9. Section 16MA inserted**

2 After section 16L insert:

3

4 **16MA. Map or maps of districts generated from digital or**
5 **electronic record**

6 (1) For the purposes of preparing a notice for publication
7 under section 16F(2)(f) that will describe the
8 boundaries of the districts into which the State is
9 divided in accordance with section 16F(5A)(b), the
10 Commissioners must —

- 11 (a) identify the boundaries of the districts by
12 reference to any of the matters referred to in
13 section 16F(5A)(a); and
- 14 (b) cause those boundaries to be recorded in digital
15 or electronic form in such a way as to be
16 capable of generating a digital, electronic or
17 printed version of a map or maps showing the
18 boundaries of each district; and
- 19 (c) lodge with the Land Information Authority a
20 version of a map or maps showing the
21 boundaries of each district that is generated
22 from a record made under paragraph (b).

23 (2) In any proceedings, the version of a map or maps
24 lodged under subsection (1)(c) is, without proof of any
25 appointment or signature, evidence of the boundaries
26 of the districts fixed under a notice mentioned in
27 section 16F(2)(f) if that notice describes those
28 boundaries by reference to that version.

29

1 **Part 3 — *Freedom of Information Act 1992* amended**

2 **10. Act amended**

3 This Part amends the *Freedom of Information Act 1992*.

4 **11. Schedule 2 amended**

5 In Schedule 2 after the item relating to the Director of Public
6 Prosecutions insert:

7

8 The Electoral Distribution Commissioners.

9

10
