

Electoral Amendment Bill 2014

Explanatory Memorandum

1. GENERAL INFORMATION

This Bill will amend the *Electoral Act 1907* (the Act) and the *Freedom of Information Act 1992*. This Bill contains provisions which will improve and modernise the electoral Distribution process for electors, political parties, administrators and other stakeholders.

2. CLAUSE 1 – SHORT TITLE

The short title of this amendment is the *Electoral Amendment Bill 2014*.

3. CLAUSE 2 – COMMENCEMENT

Part 1 comes into operation on the day this Bill receives Royal Assent. All other amendments take effect on the day after Royal Assent.

4. CLAUSE 3

Part 2 of this Bill amends the Act.

5. CLAUSE 4

Amends section 16A of the Act to include a reference to the Land Information Authority.

6. CLAUSE 5

Currently, the Distribution Commissioners only have the powers of a Royal Commission. Unlike other electoral jurisdictions, such as New South Wales and Tasmania, the Commissioners do not have the full legal protections of a Royal Commission. This lack of legal protection has created some doubt about the Commissioners legal standing when exercising their powers. Therefore, it is intended to amend section 16B(7) of the Act, to provide the Commissioners with the full protections and immunities of a Royal Commission as set out under the *Royal Commissions Act 1968*.

7. CLAUSE 6

Currently, under section 16F of the Act the Distribution Commissioners have to work within a very tight legislative timeframe. The Commissioners currently, have no discretion to vary individual phases of the Distribution and have to complete the process within 7 months. The amendments to section 16F will provide the Commissioners with more flexibility in the various stages of the Distribution and extend the overall process to 8 months. The Commissioners will also have the power to release a consultation paper on the Distribution process if they believe it is appropriate to do so.

Section 16F of the Act will also be amended so the final boundary changes can be provided electronically. Currently, the final boundary changes are published in the *Government Gazette* as technical descriptions. The creation of written technical boundaries in the Gazette is laborious and costly and appear to be seldom referenced. This amendment will offer the Commissioners the ability to publish the final electoral boundaries electronically as a digital dataset from which electronic maps can be generated. This will provide a more user friendly service to stakeholders and the general public.

8. CLAUSE 7

Currently, under section 16I of the Act the Distribution Commissioners have to give due consideration to matters such as community of interest, physical features, land use patterns, means of communication, distance from Perth, existing boundaries and the trend of demographic changes. Section 16I will be amended to add *means of travel*. This change will allow the Commissioners to consider such things as how the local community access their local MP when considering boundary changes.

9. CLAUSE 8

Section 16K is a minor amendment changing the words *as set out with in accordance with*.

10. CLAUSE 9

Clause 9 creates a new section 16MA of the Act. Section 16MA supports the changes to 16F in relation to the final boundaries being published electronically. If the Commissioners decide to publish the final boundaries electronically then the final electronic versions of the Distribution will be lodged for the public record with Landgate.

11. CLAUSES 10 and 11

Currently, Royal Commissioners have exemptions under Schedule 2 of the *Freedom of Information Act 1992*. Clauses 10 and 11 propose that as the Distribution Commissioners are to be provided the powers and protections of a Royal Commission, that they also be exempt under Schedule 2 of the *Freedom of Information Act 1992*. The Distribution process is conducted under a very tight legislative timetable. Freedom of Information requests would make compliance with this timeframe difficult to achieve. The Information Commissioner has been consulted and has no objection to the Distribution Commissioners being exempt under Schedule 2 of the *Freedom of Information Act 1992*.