

ONE VOTE ONE VALUE BILL 2005

EXPLANATORY MEMORANDUM

- Clause 1** Contains the short title
- Clause 2** Provides that this Act will come into operation on assent
- Clause 3** Indicates that this part of the Bill will amend the *Electoral Act 1907* (WA)
- Clause 4** Proposes to insert into the *Electoral Act 1907* a new Part IIA (proposed sections 16A to 16N) dealing with electoral districts, and electoral regions and their representation in Parliament.
- Proposed section 16A** This provision defines certain terms used in Part IIA.
- Proposed section 16B** Reflects section 2 of the *Electoral Distribution Act 1947* by providing for the WA Chief Justice, Electoral Commissioner and Government Statistician, to be the State's Electoral Distribution Commissioners.
- Provisions are also made for acting arrangements if any of those officers are unavailable. In carrying out their duties the Commissioners have the same powers as a Royal Commission.
- Proposed section 16C** This provision was previously in section 19 of the *Constitution Acts Amendment Act 1899*. Proposed section 16C provides for there to be 57 electoral districts which will elect the number of members required by section 18 of the *Constitution Acts Amendment Act 1899*.
- Proposed section 16D** Provides for the State to be divided into 6 electoral regions. Seven members are to represent each of the regions known as the North Metropolitan Region, the Central Metropolitan Region and the South Metropolitan Region. Five members are to represent each of the regions known as the South West Region, the Agricultural Region and the Mining and Pastoral Region. That representation will provide for the number (36) of members required by section 5 of the

Constitution Acts Amendment Act 1899 as amended by clause 7 of this Bill.

Proposed section 16E Under this proposed section the initial division of the State into districts and regions under these new provisions will begin as soon as practicable after 26 February 2007 and, subsequently, as soon as possible two years after the date of each general election for the Legislative Assembly.

Proposed section 16F As under section 2A(3) and (4) of the *Electoral Distribution Act 1947*, the Governor can direct additional redistributions to be made. The Governor must give such a direction if both Houses of Parliament pass a resolution to that effect.

Proposed section 16G This sets out the procedural requirements as to how the Electoral Distribution Commissioners are to carry out a redistribution. Except for recognizing the concept of an average district enrolment (clause 16G(4)(a)), rather than having different electoral quotients for metropolitan and non-metropolitan areas of the state (section 3(5)(a) of the *Electoral Distribution Act 1947*), this proposed section is identical to section 3 of the *Electoral Distribution Act 1947* (WA).

Proposed section 16H This provision requires the Electoral Distribution Commissioners, when dividing the State into districts, to act on the principle that the number of electors within a district will not be more than 10% greater or less than the average district enrolment at the relevant day (being as soon as practicable after 26 February 2007 and, subsequently, as soon as practicable 2 years after each general election for the Legislative Assembly or as soon as practicable after the Governor has issued a proclamation that the state be divided into districts and regions).

However, Electoral Commissioners must ensure that there are five complete and contiguous districts in the Mining and Pastoral Region. In doing this, the Commissioners are not required to use the principle of each district having not more than a 10% variation

from the average district enrolment. Those districts and the electors in them are not taken into account in calculating the average district enrolment.

Proposed section 16I This provision requires the Electoral Distribution Commissioners to divide the State into electoral regions on the same basis as in section 9 of the Electoral Distribution Act 1947 and the definition of “metropolitan area” in section 1A of that Act, except that each of the metropolitan regions is now to have approximately the same number of districts (proposed section 16I(1)(a)(i)). The provision refers to a “Central Metropolitan Region” rather than an “East Metropolitan Region”.

Proposed sections 16J, 16K and 16L Replicate existing provisions in sections 7, 8 and 11 of the *Electoral Distribution Act 1947* as to the general duties and powers of the Electoral Distribution Commissioners when dividing the State into electoral regions and districts and as to the effect of a notice published in the Gazette setting out that division.

Proposed section 16J also includes land use patterns as a matter about which the Commissioners must give consideration.

Proposed section 16M This proposed section ensures that the previous electoral distribution will continue to operate in relation to:

- Legislative Assembly and Legislative Council elections held before the next general elections; and
- Legislative Assembly and Legislative Council members elected before this Bill commences and at elections after the Bill commences but before the next general elections; and
- Legislative Council members elected to fill casual vacancies by re-count proceedings conducted on, or before 21 May 2009. (That is, the day on which the terms of office of the recently elected members of the Council will end).

- Proposed section 16N** This proposed section requires that a future Bill which diminishes the equality provided by the one vote one value principle implemented by this Bill or which expressly or impliedly affects this proposed section must be approved by an absolute majority of the whole number of Legislative Council and Legislative Assembly members. A similar absolute majority entrenchment provision is in section 13 of the *Electoral Distribution Act 1947 (WA)*.
- Clause 5** Amends section 24(3) of the *Electoral Act 1907 (WA)* by removing the reference in this section to the *Electoral Distribution Act 1947 (WA)* because clause 8 of the Bill proposes to repeal the *Electoral Distribution Act 1947 (WA)*.
- Clause 6** Amends section 51(2) of the *Electoral Act 1907 (WA)* by removing the reference in this section to the *Electoral Distribution Act 1947 (WA)* because clause 8 of the Bill proposes to repeal the *Electoral Distribution Act 1947 (WA)*.
- Clause 7** Amends the *Constitution Acts Amendment Act 1899* by:
- increasing the number of elected Legislative Council members from 34 to 36;
 - repealing section 6 which divides the State into six electoral regions; and
 - repealing sections 18 and 19 which require there to be 57 elected members of the Legislative Assembly and the State to be divided into 57 districts and inserting a new section 18 requiring 57 elected Legislative Assembly members who must be returned by and sit for electoral districts.
- Clause 8** Repeals the *Electoral Distribution Act 1947 (WA)* because the Bill will insert into the *Electoral Act 1907 (WA)* the necessary electoral provisions and, therefore, consolidate these matters into one statute.
- Clause 9** Amends section 11(1) of the *Juries Act 1957 (WA)* to delete the reference in that Act to the *Electoral Distribution Act 1947 (WA)* which this Bill proposes to repeal.
- Clause 10** Amends section 6(6) of the *Salaries and Allowances Act 1975 (WA)*, which deals with the determination of payment of electorate allowances or other allowances to members of Parliament including where such determination has become inequitable or inapplicable

because of a division of the State into electoral districts and electoral regions, by deleting the reference in that section to the *Electoral Distribution Act 1947* (WA) and substituting an express reference to the division of the State into electoral districts and regions.