

CLAUSE NOTES

ELECTORAL DISTRIBUTION REPEAL BILL 2001

- Clause 1 - gives the Bill its title.
- Clause 2 - provides that the Act will come into operation as soon as it is assented to by the Governor.
- Clause 3 - repeals, in its entirety, the *Electoral Distribution Act 1987 (WA)*. That Act provided for the appointment of Electoral Distribution Commissioners consisting the Chief Justice of WA; the Electoral Commissioner; and the Government Statistician. The Commissioners' functions are to divide the State into districts and regions in accordance with the Act. Such a division is to be made after every second general election or when required by proclamation. The Commissioners' redistribution takes effect when it is published by the Commissioners in the Government Gazette. The repeal of the *Electoral Distribution Act 1947* will facilitate the process of consolidating this State's electoral legislation.
- Clause 4 - this clause amends the *Constitution Acts Amendment Act 1899* so that the provisions relating to the numbers of and representation of electoral regions and electoral districts can be integrated with other electoral provisions.
- Clause 5 - under this clause's transitional arrangements the re-distribution which took place in 1994(?) will continue to apply until a re-distribution is made under future legislation. The effect is that current Legislative Council and Legislative Assembly members continue to represent the same regions and districts and any by-elections that may be needed will be held in respect of those same regions and districts.
- Clause 6 - makes consequential amendments to the *Electoral Act 1907* to remove references in that Act to the *Electoral Distribution Act 1947*.

Section 24(3) of the *Electoral Act* states:

- "(3) Without limiting subsection (1), the rolls shall be printed and issued as soon as practicable after a notice dividing the State into districts and regions

has been published under section 3 (2) (f) of the *Electoral Distribution Act 1947*."

Section 51(2) of the *Electoral Act* states:

"(2) The Electoral Commissioner may take such action and give such directions as he considers necessary in order for the rolls to be adjusted to give effect to a division of the State into districts and regions under the *Electoral Distribution Act 1947*."

Clause 7 - makes consequential amendments to section 11(1) of the *Juries Act 1957*. Section 11(1) states:

"(1) If an Assembly district part or the whole of which forms or is comprised in a jury district is altered or abolished pursuant to the *Electoral Distribution Act 1947*, or any other law for the time being in operation; the jury district, as constituted immediately prior to the alteration or abolition of the Assembly district, shall nevertheless remain as so constituted until varied by proclamation under this Act, and any Jurors' Book in force immediately prior to the alteration or abolition of the Assembly district shall continue to be the Jurors' Book for the jury district until a new Jurors' Book is prepared under this Act."

Clause 8 - makes consequential amendments to section 6(6) of the *Salaries and Allowances Act 1975*. Section 6(6) states:

"(6) Notwithstanding any other provision of this Act, where any provision of a determination dealing with the payment of electorate allowances or other allowances to members of Parliament which vary according to the electoral district or electoral region of a member becomes inapplicable, or, in the opinion of the Chairman, inequitable as a consequence of action taken under the *Electoral Distribution Act 1947*, the Chairman may without further authority than this subsection alter the determination in that regard to such extent as he thinks necessary for that purpose, and any variation of the determination shall be published in the *Government Gazette*."