

ELECTORAL AMENDMENT (CONSTITUTIONAL PROVISIONS) BILL 2000

Introduction and First Reading

Bill introduced, on motion by Hon J.A. Cowdell, and read a first time.

Second Reading

HON J.A. COWDELL (South West) [2.02 pm]: I move -

That the Bill be now read a second time.

On 21 October 1997 I introduced the Electoral Amendment (Constitutional Provisions) Bill 1997 in this Chamber. At that time I indicated that the Bill was "designed to give effect to the report of the Joint Select Committee on the Constitution" of 1991.

The report referred to the convenience of having connected matters together in the Electoral Act; the fact that a number of provisions currently contained in the Constitution Acts Amendment Act 1899 required a degree of detail that was somewhat out of place in a Constitution, and to those provisions being frequently changed in the past and the likelihood of this happening in the future. The joint select committee observed that it was not appropriate for a Constitution, which is about fundamental long-term principles, to contain detailed frequently changing provisions.

In 1997 I stated -

The Electoral Act contains sections dealing with the qualification and disqualification of electors as well as the qualification and disqualification of candidates. It is appropriate that all qualifications and disqualifications of candidates or requirements to take a seat in Parliament should be set out in the Electoral Act. There should be no need to refer to the Constitution as well.

I was more diffident about the appropriate placement of other sections, stating -

Those sections pertaining to the disqualification of sitting members may be contained in either the Constitution or the Electoral Act. . . .

The current 19 page schedule V of the Constitution Acts Amendment Act 1899 should not be in the Constitution. However, I am not sure that it should be in the Electoral Act either.

That should be the "14-page" schedule V. I concluded by proposing that the Bill be referred to the Legislation Committee so that the whole question of those clauses pertaining to qualification and disqualification for the legislature might be considered. I am pleased to say that this House did refer the Bill to the Legislation Committee and the result was the fiftieth report of that committee, tabled in the House earlier this year.

The Electoral Amendment (Constitutional Provisions) Bill 2000 that I now introduce is a direct consequence of the fiftieth report of the Legislation Committee. It is an amended version of the 1997 Bill that, while still embodying the initiatives proposed by the joint select committee of 1991, gives effect to the findings and recommendations of the Legislation Committee.

I commend the fiftieth report to members. It contains a detailed account of the reasons for the splitting of clauses pertaining to the qualification and disqualification of candidates from those pertaining to the qualification and disqualification of members, while also providing an alternative to the 14-page schedule V of the Constitution Acts Amendment Act 1899.

The core of both the 1997 Bill and this Bill is the addition of a new part to the Electoral Act 1907, defining eligibility for election to the Parliament. The new part comprises sections 31, 32, 34, 35 and part 1 of schedule V of the Constitution Acts Amendment Act 1899.

In addition, this Bill enhances the new part with the further additions of sections 7 and 20 of the Constitution Acts Amendment Act 1899 in a consolidated form.

The new Bill differs from its predecessor in a number of respects -

Those clauses in the 1997 Bill (covering sections 36, 37, 38, 39, 42 and parts 2 and 3 of schedule V of the Constitution Acts Amendment Act 1899), governing the disqualification of members of Parliament, do not appear in this Bill but remain in the Constitution Acts Amendment Act 1899.

The new Bill effects the deletion of sections 7, 20, 32, 34, 35 and part 1 of schedule V from the Constitution Acts Amendment Act 1899, as a consequence of their inclusion in the Electoral Act.

Further, a formula is used in proposed section 174D that replaces the extensive list of offices that is currently contained in part 1 of schedule V of the Constitution Acts Amendment Act 1899, thus obviating the need for any new schedule in the Electoral Act.

Further more precise definitions are also proposed in this Bill;

The possession of Australian citizenship is also introduced as a requirement for candidacy. It should be noted that this requirement is not a requirement of exclusive Australian citizenship as applies at the commonwealth level, nor does it exclude certain British subjects from exercising the vote.

This Bill is based on the model Bill contained in schedule A of the fiftieth report of the Legislation Committee. It is unanimously recommended by the Legislation Committee. I therefore commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.