

Electoral (Amendment) Bill 2010

SECOND READING SPEECH

H.E. Hon Marcus Stephen
President and Chairman of the Cabinet, Minister responsible for the Act

21st December 2010

Mr Deputy Speaker,

It gives me enormous pleasure to introduce to this House today the *Electoral (Amendment) Bill 2010*.

The *Electoral (Amendment) Bill 2010* proposes a large number of amendments to the *Electoral Act*, most of which are minor corrections and modernisation of language, and some of which would effect substantive changes to the Act and the way it operates.

The principal objectives of the Bill are:

- to limit the scope for abuse of transfer of enrolment, by restricting the criteria for enrolment in a District to residence and birth;
- to bring the provisions relating to the electoral system and method for determining the result of an election into line with the way the system actually operates, by incorporating relevant regulations into the Act, and repealing and amending existing provisions that do not properly reflect the electoral system; and
- to make the Act easier to understand and administer, by replacing obsolete terms and clarifying the language in certain provisions.

The *Electoral Act* began its life as the *Electoral Ordinance 1965*. It has since been amended by six amending Acts. These numerous and often piecemeal amendments to the Act have left a number of outdated terms in the Act.

Some of the amendments proposed in the *Electoral (Amendment) Bill 2010* are straightforward tidying up matters, such as removing references to the Council, the Administration, the Ordinance, etc, and recasting cross-references to provisions within the Act so that they are clearer. The Bill proposes to increase the penalties for offences under the Act, to reflect significant inflation since those penalty provisions were enacted.

It is proposed in new provisions, and in provisions that are being amended for some other reason, to introduce gender-neutral language.

It is proposed to make numerous other minor style and drafting changes in an effort to improve the clarity of the Act.

The key substantive amendments proposed in the Bill are:

- Restricting entitlement to enrolment and transfer so that a person can be enrolled in the District in which they were registered at birth, or the District in which they have resided for two months
- Requiring people to provide evidence of their place of residence if they are applying to have their name entered on or transferred to a roll for a District on the basis of residence
- Requiring the Electoral Registrar to publish in the Gazette details of each enrolment and transfer
- Prescribing a requirement for the order of candidates on a ballot paper to be randomly determined in the presence of the candidates
- Correcting the provisions re the electoral system so that they reflect reality

- Prescribing a new method for the determination of exclusion of a candidate in the event of a tied result
- Inserting a new regulation making power
- Inserting a transitional provision which allows voters to remain on the roll for the District where they are currently enrolled, even if it is not their place of residence or place of birth, but which restricts any future transfers in accordance with new section 7(2); and
- Repealing and replacing the Schedule to update the forms, so they reflect the various amendments throughout the body of the Act.

Mr Deputy Speaker, I have mentioned some of the key amendments that this Bill proposes to make to the *Electoral Act*, but of course the Explanatory Memorandum that accompanies the Bill provides much greater detail for Members in relation to the proposed amendments, their effect and the rationale behind them. As you mentioned earlier today Mr Deputy Speaker, the Office of Parliamentary Counsel is proposing to run a workshop for all members, to present the Bill in detail prior to the second reading debate.

Mr Deputy Speaker, I anticipate that one or two of the amendments proposed by this Bill might be of concern to some members of the public, because the Bill proposes to reduce people's current wide-ranging freedom to enrol to vote more or less wherever they choose. I understand that some people will regard the changes as being too strict. I disagree. All of us in this House are aware of many examples of people transferring from one District to another for reasons that are less than legitimate. We are all aware of the damaging effect that this practice can have in terms of artificially distorting electoral results.

The practice of unlimited transfers has also caused previous PIFS Observer missions to comment adversely on the system, and to strongly recommend changes along the lines of those that are proposed in this Bill.

Mr Deputy Speaker, in view of the important objectives of this Bill, I hope that, when the time comes at a later sitting to debate and vote upon the Bill, the Bill will receive the wide support and endorsement that it deserves. The proposed amendments contained in this Bill provide all members with the opportunity to significantly improve the transparency and effectiveness of our electoral system.

Mr Deputy Speaker, I commend this Bill to the House.

Thank-you.