

4. Interpretation

- (1) In this Act, unless the contrary intention appears —
- “**absent voter**” means any person who votes under the provisions of section 99A;
- “**Assembly**” means the Legislative Assembly;
- “**Australian citizen**” means a person who is an Australian citizen under the *Australian Citizenship Act 1948* of the Commonwealth or any Act amending that Act or substituted therefor;
- “**candidate**” in Parts II and VII includes any person who, within 3 months before the day of election, offers himself for election as a member of the Council or Assembly;
- “**christian name**” means the name or names prefixed to the surname of any person, whether received at Christian baptism or not;
- “**conjoint election**” means a general election for the Council and the Assembly that are both to be held on the same day pursuant to writs issued on the same day;
- “**constitution**”, in relation to a political party, means a written set of principles and rules (however described) under which the party is governed;
- “**Council**” means the Legislative Council;
- “**Deputy Electoral Commissioner**” means the person holding or acting in the office of Deputy Electoral Commissioner referred to in section 5A;
- “**district**”, in relation to the Assembly, means an electoral district for the election of a member of the Assembly and, in relation to the Council, means an electoral district that forms part of a region;
- “**early ballot paper**” means a ballot paper issued under section 90 and “**early vote**” has a corresponding meaning;
- “**election**” means an election in a region or an election in a district;
- “**elector**” means any person whose name appears on a roll as an elector;
- “**electoral census**” means any enumeration of persons eligible as electors for the Council or Assembly, made under the provisions of Part III;
- “**Electoral Commissioner**” means the Electoral Commissioner appointed under this Act;
- “**general election**” —
- (a) in relation to the Assembly, means the elections in the districts the writ for which is issued under section 64(1);
 - (b) in relation to the Council, means the elections in the regions the writ for which is issued under section 64(2);
- “**general polling place**” has the meaning given by section 100(3);
- “**group**” means a group constituted in accordance with section 80;
- “**hour of nomination**” means the hour fixed by section 85(2);
- “**officer**” includes all persons appointed to any office under this Act or in the Western Australian Electoral Commission, or exercising any power or discharging any duty under this Act, except as an honorary Government electoral agent;
- “**official paper**” means paper referred to in section 113(4);

“political party” means —

- (a) a body corporate or other body or organisation (not being a body corporate or other body or organisation described in paragraph (b)) having as one of the objects or activities of the body or organisation the promotion of the election to the Parliament of this State of a candidate or candidates endorsed by it or by a body or organisation that forms part of it; or
- (b) the branch or division for this State of a body corporate or other body or organisation which —
 - (i) is organised on a basis that includes this State and another State or Territory or other States or Territories;
 - (ii) has a branch or division for this State; and
 - (iii) has as one of the objects or activities of the body or organisation the promotion of the election to the Parliament of this State of a candidate or candidates endorsed by it or by a body or organisation that forms part of it;

“polling place” means any building or structure in which the polling at elections is appointed to take place;

“President” means the President of the Legislative Council;

“print”, **“printed”** or **“printing”** in relation to an electoral roll or a supplementary electoral roll means an electoral roll or supplementary roll printed under the authority of the Government Printer;

“prison” means a prison within the meaning of that expression as defined by section 3 of the *Prisons Act 1981*;

“referendum” means the submission of a question to the electors pursuant to an Act but does not include an election under this Act, and a reference to an election being held on the same day as a referendum is a reference to the polling at an election being conducted on the day on which the votes of the electors are taken for the purposes of a referendum;

“region” means an electoral region for the election of members of the Council;

“registered political party” has the meaning given by section 62C;

“relevant citizenship law” means the *Australian Citizenship Act 1948* of the Commonwealth, as amended and in force immediately before the day fixed by proclamation for the purposes of section 2(2) of the *Australian Citizenship Amendment Act 1984*, of the Commonwealth, and the regulations in force immediately before that day under the *Australian Citizenship Act 1948* of the Commonwealth, as so amended and in force;

“relevant number”, in relation to an election in a region, means the number of members of the Council that are to be returned at the election;

“Returning Officer” includes Deputy Returning Officer;

“roll” means an electoral roll under this Act;

“secretary”, in relation to a political party, means the person who holds the office of secretary or chief administrative officer (however described) of the party;

“single member election” means —

- (a) an election in a district; or
- (b) an election in a region where the relevant number is one;

“Speaker” means the Speaker of the Legislative Assembly;

“sub-district” means a portion of a district the boundaries of which have been defined under the provisions of section 100;

“voting ticket” means a written statement of a particular order in which an elector might allocate preferences, in an election, being a statement for use under this Act in interpreting the votes of electors who choose to vote in accordance with the voting ticket;

“voting ticket square” means a square printed on a ballot paper to indicate in relation to the name of a candidate, or the names of candidates included in a group, that a voting ticket is registered in relation to that candidate or group;

“writ” means a writ directing the Electoral Commissioner to proceed with an election in a district, elections in all the districts, an election in a region or elections in all the regions.

- (2) A reference in this Act to a poll for a district or an election in or for a district is a reference to a poll or an election for the return by a district of a member of the Assembly.
- (3) A reference in this Act to a poll for a region or an election in or for a region is a reference to a poll or election for the return by a region of a member or members, as the case may require, of the Council but does not include the election of a member of the Council under sections 156C and 156D.
- (4) A reference in this Act to a full election in a region is a reference to an election in a region for the return of —
 - (a) 7 members of the Council in the case of the North Metropolitan Region or the South West Region; or
 - (b) 5 members in any other case.
- (5) A reference in this Act to the functions of the Electoral Commissioner is a reference to his functions under this Act and other written laws.

[Section 4 amended by No. 44 of 1911 s.2; No. 63 of 1948 s.3; No. 34 of 1953 s.2; No. 51 of 1962 s.2; No. 33 of 1964 s.4; No. 68 of 1964 s.3; No. 28 of 1970 s.3; No. 39 of 1979 ss.4 and 5; No. 9 of 1983 ss.3 and 29; No. 54 of 1983 s.2; No. 66 of 1983 s.3; No. 104 of 1985 s.3; No. 40 of 1987 ss.17 and 84; No. 14 of 1996 s.4; No. 43 of 1996 s.4; No. 36 of 2000 ss.4, 28(1), 43, 62, 67 and 82.]