

Notes

¹ This is a compilation of the *Electoral Act 1907* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Electoral Act 1907</i>	27 of 1907	20 December 1907	1 March 1908 (see section 2)	
<i>Electoral Act Amendment Act 1911</i>	44 of 1911	16 February 1911	1 May 1911 (see section 1)	
<i>Electoral Act Amendment Act 1912</i>	56 of 1912 (Repealed by No. 5 of 1918, s.6)	30 December 1912	30 December 1912	
<i>Electoral Act Amendment Act 1918</i>	5 of 1918 (as amended by No. 59 of 1919, s.6)	18 March 1918	18 March 1918	
<i>Electoral Amendment Act 1919</i>	59 of 1919	17 December 1919	17 December 1919	
<i>Electoral Act Amendment Act 1921</i>	7 of 1921	26 October 1921	26 October 1921	
<i>Electoral Act Amendment Act 1931</i>	38 of 1931	3 December 1931	3 December 1931	
<i>Electoral Act Amendment Act 1934</i>	39 of 1934	4 January 1935	4 January 1935	
<i>Electoral Act Amendment Act 1936</i>	10 of 1936	3 December 1936	3 December 1936	
<i>Electoral Act Amendment Act 1940</i>	18 of 1940	29 November 1940	29 November 1940	
<i>Electoral Act Amendment Act (No. 3) 1940</i>	47 of 1940	30 December 1940	30 December 1940	
<i>Electoral Act Amendment Act 1948</i>	63 of 1948	21 January 1949	Proclaimed 27 May 1949 (see section 1 and <i>Gazette</i> 27 May 1949 p.1133)	
<i>Electoral Act Amendment Act 1949</i>	26 of 1949	22 October 1949	22 October 1949	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Electoral Act Amendment Act 1951</i>	58 of 1951	7 January 1952	7 January 1952	
<i>Electoral Act Amendment Act 1952</i>	57 of 1952	23 December 1952	23 December 1952	
<i>Electoral Act Amendment Act (No. 2) 1953</i>	34 of 1953	18 December 1953	18 December 1953	
<i>Electoral Act Amendment Act (No. 2) 1957</i>	53 of 1957	6 December 1957	Proclaimed 14 February 1958 (see section 2 and <i>Gazette</i> 14 February 1958 p.244)	
<i>Electoral Act Amendment Act (No. 3) 1959</i>	59 of 1959	3 December 1959	Proclaimed 15 January 1960 (see section 2 and <i>Gazette</i> 15 January 1960 p.35)	
<i>Electoral Act Amendment Act 1962</i>	51 of 1962	20 November 1962	20 November 1962	
<i>Electoral Act Amendment Act 1964</i>	33 of 1964	3 November 1964	Proclaimed 31 December 1964 (see section 2 and <i>Gazette</i> 24 December 1964 p.4094)	
<i>Electoral Act Amendment Act (No. 3) 1964</i>	68 of 1964	4 December 1964	Proclaimed 31 December 1964 (see section 2 and <i>Gazette</i> 24 December 1964 p.4094)	
<i>Decimal Currency Act 1965</i>	113 of 1965	21 December 1965	Sections 4 to 9: 14 February 1966 (see section 2); balance: 21 December 1965	
<i>Electoral Act Amendment Act 1967</i>	33 of 1967	17 November 1967	Proclaimed 24 November 1967 (see section 2 and <i>Gazette</i> 24 November 1967 p.3195)	
<i>Electoral Act Amendment Act 1970</i>	28 of 1970	20 May 1970	Proclaimed 1 November 1970 (see section 2 and <i>Gazette</i> 30 October 1970 p.3343)	
<i>Electoral Act Amendment Act (No. 2) 1970</i>	94 of 1970	30 November 1970	Proclaimed 5 December 1970 (see section 2 and <i>Gazette</i> 4 December 1970 p.3705)	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Metric Conversion Act 1972</i> (The Schedule to Act No. 94 of 1972 was redesignated as the First Schedule by No. 19 of 1973)	94 of 1972	4 December 1972	The relevant amendments, as set out in the First Schedule, took effect on 1 January 1974 (see section 4(2) and <i>Gazette</i> 7 December 1973 p.4490)	
<i>Electoral Act Amendment Act (No. 2) 1973</i>	70 of 1973	6 December 1973	Proclaimed 1 January 1974 (see section 2 and <i>Gazette</i> 28 December 1973 p.4725)	
<i>Electoral Act Amendment Act (No. 2) 1976</i>	129 of 1976	9 December 1976	9 December 1976	
<i>Electoral Act Amendment Act (No. 2) 1979</i>	39 of 1979	25 October 1979	Proclaimed 23 November 1979 (see section 2 and <i>Gazette</i> 23 November 1979 p.3635)	
<i>Acts Amendment (Master, Supreme Court) Act 1979, Part XI</i>	67 of 1979	21 November 1979	Proclaimed 11 February 1980 (see section 2 and <i>Gazette</i> 8 February 1980 p.383)	
<i>Electoral Amendment Act 1980</i>	52 of 1980	19 November 1980	19 November 1980	
<i>Electoral Amendment Act 1982</i>	31 of 1982	27 May 1982	Proclaimed 11 October 1982 (see section 2 and <i>Gazette</i> 10 September 1982 p.3637)	
<i>Electoral Amendment Act (No. 2) 1982</i>	123 of 1982	10 December 1982	10 December 1982	
<i>Electoral Amendment Act 1983</i>	9 of 1983	29 September 1983	Sections 1 to 4 and 6 to 28 proclaimed 1 November 1983 (see section 2 and <i>Gazette</i> 14 October 1983 p.4147); section 5 proclaimed 7 October 1983 (see section 2 and <i>Gazette</i> 7 October 1983 p.4066); Part III (sections 29 to 31) proclaimed 26 January 1984 (see section 2 and <i>Gazette</i> 18 November 1983 p.4559)	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Electoral Amendment Act (No. 2) 1983</i>	54 of 1983	13 December 1983	13 December 1983	
<i>Electoral Amendment Act (No. 3) 1983</i>	66 of 1983	22 December 1983	Proclaimed 26 January 1984 (see section 2 and <i>Gazette</i> 20 January 1984 p.119)	
<i>Health Legislation Amendment Act 1984, Part VI</i>	28 of 1984	31 May 1984	1 July 1984 (see section 2 and <i>Gazette</i> 15 June 1984 p.1629)	
<i>Electoral Amendment Act 1984</i>	76 of 1984	26 November 1984	Proclaimed 24 December 1984 (see section 2 and <i>Gazette</i> 21 December 1984 p.4173)	
<i>Acts Amendment and Repeal (Disqualification for Parliament) Act 1984, Part VII</i>	78 of 1984	14 November 1984	Proclaimed 1 July 1985 (see section 2 and <i>Gazette</i> 17 May 1985 p.1671)	
<i>Electoral Amendment Act (No. 2) 1985</i>	104 of 1985	7 December 1985	Deemed operative 1 May 1987 (see section 3 of Act No. 1 of 1987 and Commonwealth Special <i>Gazette</i> 68 of 1987)	
<i>Acts Amendment (Electoral Reform) Act 1987, Part IV</i>	40 of 1987	12 July 1987	Proclaimed 30 October 1987 (see section 2 and <i>Gazette</i> 30 October 1987 p.3977)	
<i>Electoral (Procedures) Amendment Act 1987</i>	79 of 1987	1 December 1987	Proclaimed 16 February 1988 (see section 2 and <i>Gazette</i> 16 February 1988 p.477)	
<i>Electoral Amendment Act 1988</i>	20 of 1988	9 September 1988	9 September 1988	
<i>Electoral Amendment Act (No. 2) 1988</i>	58 of 1988	8 December 1988	27 January 1989 (see section 2 and <i>Gazette</i> 27 January 1989 p.264)	
<i>Guardianship and Administration Act 1990, section 123 (item 6 of Schedule 4)</i>	24 of 1990	7 September 1990	Proclaimed 20 October 1992 (see section 2 and <i>Gazette</i> 2 October 1992 p.4811)	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Electoral Amendment Act 1990</i>	66 of 1990	17 December 1990	14 January 1991	
<i>Criminal Law Amendment Act (No. 2) 1992, section 16(4)</i>	51 of 1992	9 December 1992	6 January 1993	
<i>Electoral Amendment (Political Finance) Act 1992</i> ^{1a}	75 of 1992 (as amended by Act No. 43 of 1996, Part 3)	16 December 1992	Act, other than sections 5 and 6 proclaimed 9 November 1996 (see section 2 and <i>Gazette</i> 8 November 1996 p.6265); sections 5 and 6: to be proclaimed ^{1a}	Section 8: transitional
<i>Financial Administration Legislation Amendment Act 1993, Part 4</i>	6 of 1993	27 August 1993	Deemed operative 1 July 1993 (see section 2(1))	
<i>Acts Amendment (Ministry of Justice) Act 1993, Part 8</i>	31 of 1993	15 December 1993	Deemed operative 1 July 1993 (see section 2)	Part 19: Savings and transitional ⁷
<i>Acts Amendment (Public Sector Management) Act 1994, section 11</i>	32 of 1994	29 June 1994	Proclaimed 1 October 1994 (see section 2 and <i>Gazette</i> 30 September 1994 p.4948)	
<i>Sentencing (Consequential Provisions) Act 1995, Part 26 and section 147</i>	78 of 1995	16 January 1996	4 November 1996 (see section 2 and <i>Gazette</i> 25 October 1996 p.5632)	
<i>Local Government (Consequential Amendments) Act 1996, section 4</i>	14 of 1996	28 June 1996	1 July 1996 (see section 2)	
<i>Electoral Legislation Amendment Act 1996, Part 2</i>	43 of 1996	16 October 1996	9 November 1996 (see section 2(2) and <i>Gazette</i> 8 November 1996 p.6265)	
<i>Financial Legislation Amendment Act 1996, section 64</i>	49 of 1996	25 October 1996	25 October 1996 (see section 2(1))	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Mental Health (Consequential Provisions) Act 1996, Part 6</i>	69 of 1996	13 November 1996	13 November 1997 (see section 2)	
<i>Equal Opportunity Amendment Act (No. 3) 1997, section 8</i>	42 of 1997	9 December 1997	6 January 1998 (see section 2(1))	
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998, section 76</i>	10 of 1998	30 April 1998	30 April 1998 (see section 2(1))	
<i>Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Act 1998, section 11</i>	40 of 1998	30 October 1998	14 April 1999 (see section 2 and <i>Gazette</i> 9 April 1999 p.1433.)	
<i>Statutes (Repeals and Minor Amendments) Act 2000, section 50</i>	24 of 2000	4 July 2000	4 July 2000 (see section 2)	
<i>Electoral Amendment Act 2000</i>	36 of 2000	10 October 2000	Section 28 and Part 5 proclaimed 11 November 2000 (see section 2 and <i>Gazette</i> 10 November 2000 p.6193); balance proclaimed 21 October 2000 (see section 2 and <i>Gazette</i> 20 October 2000 p.5899)	Section 81(2): savings provision 8
<i>Corporations (Consequential Amendments) Act 2001 s. 220</i>	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)	
<i>Sentencing Legislation Amendment and Repeal Act 2003 s. 56</i>	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)	
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 47</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Criminal Code Amendment Act 2004</i> s. 58	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)	
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)	
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> s. 468 ¹³	55 of 2004	24 Nov 2004	24 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)	

1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and are not included in this compilation. For the text of the provisions see the endnote referred to after the short title.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Electoral Amendment (Political Finance) Act 1992</i> s. 5 and 6 ⁹	75 of 1992	16 Dec 1992	To be proc. (see s. 2)
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 75 ¹⁰	43 of 2000	2 Nov 2000	To be proc. (see s. 2(2))
<i>Children and Community Services Act 2004</i> s. 251 ¹¹	34 of 2004	20 Oct 2004	To be proclaimed (see s. 2)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80 and 82 ¹⁴	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))

NB. The *Electoral Act 1907* was affected by the *Franchise Act 1916*, the *Parliament (Qualification of Women) Act 1920*, the *Electoral (Ballot Paper Forms) Regulations 1990* (see *Gazette* 27 April 1990 pp.2063-8) and the *Electoral (Ballot Paper Forms) Amendment Regulations 1992* (see *Gazette* 16 October 1992 pp.5519-20).

2 Section 19(2) of the *Acts Amendment (Electoral Reform) Act 1987* (No. 40 of 1987) reads as follows —

“

- (2) References to the Chief Electoral Officer in any written law shall, unless because of the context it would be inappropriate so to do,

be read and construed as references to the Electoral Commissioner.

”

3 Section 21(2) of the *Acts Amendment (Electoral Reform) Act 1987* (No. 40 of 1987) reads as follows —

“

- (2) A Registrar or Returning Officer holding office immediately before the commencement of this Act shall, on and from that commencement, be deemed to have been appointed by the Electoral Commissioner.

”

4 In this reprint the renumbering of sections effected in the 1943 reprint (in Volume 2 of the Reprinted Acts of the Parliament of Western Australia) and retained in subsequent reprints has again been retained. References to the original numbering are contained in the 1943 reprint.

5 Under section 112(1) of the *Public Sector Management Act 1994* (No. 31 of 1994), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*.

6 Now see the *Interpretation Act 1984* (No 12 of 1984).

7 Part 19 of the *Acts Amendment (Ministry of Justice) Act 1993* (No. 31 of 1993) reads as follows —

“

Part 19 — Savings and Transitional

68. Savings

If this Act is not passed until after 1 July 1993, anything done after that day but before this Act is passed that would have been in accordance with law if this Act had not come into operation but as a result of the coming into operation of this Act is contrary to law, is deemed to be in accordance with law.

69. Transitional

Unless the contrary intention appears, a reference, however expressed, in any law or document to the former Department of Corrective Services or Crown Law Department, the chief executive officer of either of those departments, or an office or organisational unit within either of those departments, is to be read as a reference to the Ministry of Justice, the chief executive officer of the Ministry of Justice, or the corresponding office or unit within the Ministry of Justice, as is appropriate.

”

8 Section 81(2) of the *Electoral Amendment Act 2000* (No. 36 of 2000) reads as follows —

“

- (2) The repeal of Schedule 3 does not affect the operation of the *Electoral (Ballot Paper Forms) Regulations 1990*.

On the date as at which this compilation was prepared, the *Electoral Amendment (Political Finance) Act 1992* s. 5 and 6 had not come into operation. They read:

“

5. Section 191B inserted

After section 191A of the principal Act the following section is inserted —

“

191B. Certain government publications prohibited during elections

- (1) During the relevant period in relation to an election an officer of a public agency shall not —
- (a) print, publish or distribute any matter; or
 - (b) cause, permit or authorize any matter to be printed, published or distributed,
- for or on behalf of the government or a government authority.

Penalty: A fine not exceeding \$1 000 or imprisonment for a period not exceeding 6 months, or both.

- (2) Subsection (1) does not apply in relation to exempt matter.

- (3) In this section —

“exempt matter” means —

- (a) a written law or proposed written law;
- (b) matter directly relating to warnings of impending natural disasters or military or civil disorders;
- (c) matter relating to measures (including relief measures) take to deal with —
 - (i) natural disasters or military or civil disorders; and
 - (ii) the consequences of the disasters or disorders;
- (d) matter provided by the authorities responsible for the conduct of an election including material relating to the procedures and polling places for the election and the promotion of participation in the election;
- (e) an advertisement of goods and services offered for sale by or on behalf of the government or a government authority other than an advertisement containing a political reference;

- (f) an advertisement —
 - (i) relating to a vacant position; or
 - (ii) calling for expressions of interest in appointment to a public office;
- (g) an advertisement calling for tenders;
- (h) an announcement relating to any public inquiry or public hearing conducted under a law of the State, the Commonwealth, another State or a Territory; or
- (i) a notice or announcement required to be printed, published or distributed by or under a law of the State, the Commonwealth, another State or a Territory other than a prescribed notice or announcement;

“government authority” means —

- (a) a department of the Public Service or an organization specified in column 2 of the Schedule to the *Public Service Act 1978*; or
- (b) another authority or body (whether incorporated or not) that is established for a public purpose by the State, regardless of the way it is established;

“officer” of a public agency includes —

- (a) a member of the public agency;
- (b) the principal officer of the public agency; and
- (c) any person employed in, by, or for the purposes of, the public agency;

“public agency” has the same meaning as it has in Part VI;

“political reference” means material comprising an express or implied reference to, or comment on —

- (a) an election or an election that might be held in the future;
- (b) the government or the opposition or a previous government or opposition;
- (c) a member of the Council or the Assembly;
- (d) a political party;
- (e) a candidate or group in an election; or
- (f) an issue that is recognized, or is likely to become recognized, as an issue to be considered by electors in an election;

“**relevant period**” means —

- (a) a period that commences 3 years 6 months from the date of a general election and which expires at 6 pm on the day of polling for the next succeeding general election; or
- (b) where the Legislative Assembly is dissolved before it has existed 3 years 6 months, a period that commences at the expiry of the day on which writs are issued for the general election immediately following the dissolution and expires at 6 pm on the day of polling for the general election; and
- (c) in the case of a by-election means a period that commences at the expiry of the day upon which the vacancy leading to the by-election occurs and expires at 6 pm on the day of polling for that by-election.

”.

6. Section 191C inserted

After section 191B of the principal Act (as inserted by this Act) the following section is inserted —

“

191C. Travel entitlements during election period

- (1) A member of Parliament shall not undertake any prescribed air travel at the expense of the State during the relevant period in relation to an election.
- (2) Notwithstanding subsection (1) and the *Salaries and Allowances Act 1975* —
 - (a) the Premier and the Leader of the Opposition in the Legislative Assembly may undertake travel by air on official business at the expense of the State during the relevant period;
 - (b) the entitlements of the Premier under paragraph (a) may also be exercised by one member of Parliament nominated by the Premier;
 - (c) the entitlements of the Leader of the Opposition in the Legislative Assembly under paragraph (a) may also be exercised by one member of Parliament nominated by the Leader of the Opposition.
- (3) Travel under subsection (2) shall be by scheduled airline services unless there is no scheduled service operating at a reasonably

convenient time in which case a charter service may be used.

- (4) If a day is fixed as the polling day for 2 or more elections, only one nomination may be made under each of paragraphs (b) and (c) of subsection (2) and a nomination so made has effect for each of the elections.
- (5) Notice of a nomination under subsection (2)(b) or (c) shall be given to the Electoral Commissioner.
- (6) A member of the Assembly who ceases to be a member of the Assembly by reason of its dissolution or its expiry by effluxion of time is to be regarded for the purposes of this section as continuing to be a member of the Assembly until the end of the relevant period.
- (7) This section does not apply to travel at the expense of the State under arrangements made under section 11A(1) of the *Salaries and Allowances Act 1975* but this subsection does not affect the power of the Treasurer to make a determination under section 11A(5) of that Act.

- (8) In this section —

“electorate”, in relation to a member of Parliament, means the region or district which that member represents;

“prescribed air travel” means travel by air to, from or within the region or district in which the election is to be held but does not include —

- (a) travel by a Minister of the Crown to respond to an emergency or disaster where the presence of the Minister is necessary or desirable;
- (b) travel by any member of Parliament in the course of a journey to or from a destination outside the State on official Government or parliamentary business;
- (c) travel by any member of Parliament between the member’s principal residence, or the member’s electorate, and the metropolitan area of Perth for the purpose of attending —
 - (i) a meeting of the member’s parliamentary political party; or
 - (ii) an official Government, parliamentary or vice regal function;

or

(d) travel by any member of Parliament to, from and within the member's electorate on parliamentary or electorate business;

“**relevant period**” has the same meaning as it has in section 191A.

”
”

10 On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 75 had not come into operation. It reads:

“

75. Various provisions repealed

The provisions listed in the Table to this section are repealed.

Table of provisions repealed

Act	Provision
.....
<i>Electoral Act 1907</i>	s. 5E(2)
.....

”

11 On the date as at which this compilation was prepared, the *Children and Community Services Act 2004* s. 251, which gives effect to Sch. 2 cl. 8, had not come into operation. It reads as follows:

“

251. Other Acts amended

Other Acts are amended as set out in Schedule 2.

”

Schedule 2 cl. 8 reads as follows:

“

Schedule 2 — Amendments to other Acts

[s. 251]

8. Electoral Act 1907 amended

- (1) The amendment in this clause is to the *Electoral Act 1907*.
- (2) Section 18(c) is amended by deleting “or the *Child Welfare Act 1947*”.

”

12 Footnote no longer applicable.

13 The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

On the date as at which this compilation was prepared, the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 80, which gives effect to Sch. 2, and s. 82, had not come into operation. They read as follows:

“

80. Various Acts amended (Sch 2)

Each Act listed in Schedule 2 is amended as set out in that Schedule immediately below the short title of the Act.

”

Schedule 2 cl. 49 reads as follows:

“

Schedule 2 — Amendments to change terminology

[s. 80]

49. Electoral Act 1907

s. 175U(7)	Delete “same complaint” and insert instead — “ one prosecution notice ”.
s. 205	Delete “for any such offence complaint may be made within 12 months from the time when the matter of complaint arose” and insert instead — “ a prosecution for any such offence may be commenced within 12 months after the offence was allegedly committed ”.

”

“

82. References to “defendant” changed to “accused”

Each provision listed in Table 2, 3 or 4 to this section is amended by deleting any expression listed in Table 1 column 1 in each place it occurs (whether in ordinary type, italics, bold or capitals) and in each place inserting instead (in corresponding type) the expression opposite the deleted expression in Table 1 column 2.

Table 1

Delete	Insert instead
A defendant	An accused
a defendant	an accused
a defendant’s	an accused’s
defendant	accused
defendants	accused
Defendants’	Accused’s
Defendants	Accused
the defendant	the accused
the defendant’s	the accused’s

Table 2 — Various provisions

<i>Electoral Act 1907</i>	s. 18 s. 59
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