

ELECTORAL.

No. 33 of 1967.

AN ACT to amend the Electoral Act, 1907-1964.*[Assented to 17th November, 1967.]*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Electoral Act Amendment Act, 1967*.

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1965.

(2) In this Act the Electoral Act, 1907-1964 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Electoral Act, 1907-1967.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section seventeen of the principal Act is amended— S. 17.
amended.

(a) by adding after paragraph (a) of subsection (1) a paragraph as follows—

(aa) has lived in the Commonwealth of Australia for six months continuously; ;

(b) by substituting for the words, “six months” in line one of paragraph (b) of subsection (1) the words, “three months”;

(c) by substituting for the words, “three months” in lines three and four of paragraph (c) of subsection (1), the words, “one month”; and

(d) by substituting for the words, “six months” in line six of subsection (2), the words, “three months”.

4. Subparagraph (i) of paragraph (b) of subsection (1) of section forty of the principal Act is amended by substituting for the words, “Inspector General of the Insane” in lines six and seven the words, “Director of Mental Health Services”. S. 40
amended.

5. Section forty-two of the principal Act is amended— S. 42
amended.

(a) by adding after the word, “claimants” in line three of paragraph (b) of subsection (1), the passage, “and that person shall sign his name on the claim, as witness to the signing of the claim by the claimant”; and

(b) by substituting for the words, “three months” in line six of subsection (2), the words, “one month”.

S. 44
amended.

6. Subsection (1) of section forty-four of the principal Act is amended—

- (a) by deleting the word, “and” in line six; and
- (b) by adding after the word, “handwriting” in line two of paragraph (e), the passage—
“
; and
- (f) the usual signature in his own handwriting of the person who witnessed the signing of the claim by the claimant”.

S. 45
amended.

7. Section forty-five of the principal Act is amended by adding after subsection (3) a subsection as follows—

(3a) Where a person fails to have his name placed on a roll as provided in subsection (1) of this section or fails to comply with the provisions of subsection (2) of this section, if the Chief Electoral Officer is satisfied that such failure was in consequence of the physical incapacity, mental illness or mental disorder of that person, the failure shall be deemed not to be a contravention of this section. .

S. 51A
added.

8. The principal Act is amended by adding after section fifty-one, a section as follows—

Power of
Chief
Electoral
Officer
to remove
names of
incapacitated
electors.

51A. (1) Where the Chief Electoral Officer is satisfied, that in consequence of physical incapacity, mental illness or mental disorder an elector is incapable of complying with the provisions of this Act relating to compulsory voting, the Chief Electoral Officer may remove the name of that elector from the roll. .

(2) The Chief Electoral Officer shall not, under subsection (1) of this section, remove the name of the elector from the roll unless,—

- (a) he has, by notice in writing served on the elector, given notice of his intention so to remove the name of the elector;

- (b) he has, in the notice, specified a date being not less than fourteen days from the date of the notice on or before which the elector may by notice in writing served on the Chief Electoral Officer advise him that he objects to his name being so removed; and
- (c) the elector has failed to serve a notice on the Chief Electoral Officer under and in accordance with the provisions of paragraph (b) of this subsection. .

(3) A person whose name has been removed from a roll pursuant to this section may claim in the manner prescribed in section forty-two of this Act, to have his name entered upon any roll for which he possesses the necessary qualification.

9. Section fifty-seven of the principal Act is repealed and re-enacted as follows—

S. 57
repealed and
re-enacted.

57. (1) During each month of January, April, July, and October the Director of Mental Health Services shall forward to the Chief Electoral Officer, a list in the prescribed form, containing the name of each person not under the age of twenty-one years who—

Director
of Mental
Health
Services
to furnish
quarterly
lists.

- (a) during the last preceding three months has been reported under Part VI of the Mental Health Act, 1962, to be incapable of managing his affairs; and
- (b) on the date of the list is an inmate of an approved hospital under that Act.

(2) The list referred to in subsection (1) of this section shall contain the age, address and occupation of each person to whom the list relates, immediately prior to the date of his admission into the approved hospital.

S. 82
repealed and
re-enacted.

10. Section eighty-two of the principal Act is repealed and re-enacted as follows—

Withdrawal
of nomina-
tions.

82. A candidate may withdraw his nomination by lodging with the Returning Officer notice in writing of withdrawal of his nomination at any time not later than twelve o'clock noon on the day of nomination, and thereupon the nomination shall be cancelled and the deposit lodged with the nomination shall be forfeited to the Crown.

S. 88
amended.

11. Section eighty-eight of the principal Act is amended—

- (a) by repealing subsection (1);
- (b) by deleting the passage, "and had not withdrawn their nomination prior to the failure of such election," in lines two, three and four of paragraph (f) of subsection (2);
- (c) by substituting for the words, "before the polling day" in line nine of paragraph (f) of subsection (2), the words, "at any time not later than twelve o'clock noon on the day of nomination";
- (d) by repealing the proviso to paragraph (f) of subsection (2); and
- (e) by adding after paragraph (f) of subsection (2) a paragraph as follows—

(fa) Where a candidate withdraws his nomination at any time not later than twelve o'clock noon on the day of nomination fixed in relation to the new election, the deposit lodged by him with his original nomination shall be forfeited to the Crown. .

S. 92
amended.

12. Subparagraph (i) of paragraph (b) of subsection (2) of section ninety-two of the principal Act is amended by adding after the word, "he" in line three, the words, "claims he".

S. 93
amended.

13. Subsection (1) of section ninety-three of the principal Act is amended by substituting for the passage, "North-West" in lines two and three, the passage, "North-West-Murchison-Eyre".

14. Subsection (1) of section ninety-nine A of the principal Act is amended by substituting for the words, "not at any time during which the poll is open within the boundaries of", in lines two and three the words, "absent from".

S. 99A
amended.

15. Section one hundred and nineteen of the principal Act is amended—

S. 119
amended.

(a) by substituting for the words, "six months" in lines one and two of paragraph (b) of subsection (1), the words, "three months";

(b) by adding after paragraph (f) of subsection (2) a paragraph as follows—

(fa) Have you lived in the Commonwealth of Australia for six months continuously? ;

(c) by substituting for the words, "six months" in lines one and two of paragraph (g) of subsection (2), the words, "three months".

16. The principal Act is amended by adding after section one hundred and fifty-five, a section as follows—

S. 155A
added.

155A. (1) The Chief Electoral Officer shall furnish in writing to the Minister after each general election for the Assembly, a report showing the number of electors on each of the rolls made up for that election.

Report by
Chief
Electoral
Officer.

(2) The report shall be so furnished within a period of six months of the date of the polling day for the general election for the Assembly to which the report relates. .

17. Section one hundred and ninety of the principal Act is amended by substituting for the words, "three months"—

S. 190-
amended.

(a) in line forty-one; and

(b) in lines fifty-two and fifty-three,

of the First Column of the Table of Electoral Offences and Punishments, the words, "one month".