

ELECTORAL (No. 3).

13° Elizabeth II., No. LXVIII.

No. 68 of 1964.

AN ACT to amend the Electoral Act, 1907-1964.

[Assented to 4th December, 1964.]

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 (No. 3), 1964.*

Reprinted.
Approved for
reprint 26th
February,
1962 and
amended by
Acts Nos.
51 of 1962 and
33 of 1964.

(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, 1907-1964.

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

3. Section four of the principal Act is amended by adding after the interpretation, "Assembly" the following interpretation— S. 4 amended.

"Assistant Chief Electoral Officer" means the person appointed under section five A of this Act to be the Assistant Chief Electoral Officer and includes the person for the time being duly discharging the duties of the office of Assistant Chief Electoral Officer; .

4. Section six of the principal Act is repealed and re-enacted as follows— S. 6 repealed and re-enacted.

6. (1) The Governor may appoint such Registrars and Returning Officers as may be required for the effective administration of this Act. Registrars and Returning Officers.

(2) A person appointed to be a Registrar or Returning Officer shall be deemed to have been appointed, where no date is specified in his appointment as the date of his appointment, on the date on which he is appointed Registrar or Returning Officer, as the case may be. .

5. Subsection (1) of section seven of the principal Act is amended by adding after the word, "Officer" in line two the words, "or of the Assistant Chief Electoral Officer". S. 7 amended.

6. Section eighteen of the principal Act is amended— S. 18 amended.

(a) by repealing paragraph (b); and

(b) by repealing and re-enacting paragraph

(d) as follows—

(d) is the holder of a temporary entry permit for the purposes of the Migration Act, 1958, of the Parliament of the Commonwealth, as amended from time to time, or is a prohibited immigrant under that Act. .

S. 38
amended.

7. Section thirty-eight of the principal Act is amended by adding after the word, "effect" in the third last line, the words, "and in particular prescribing the procedure in relation to the imposition and recovery of penalties by the Chief Electoral Officer for offences against the compulsory enrolment provisions of this Act".

S. 44
amended.

8. Subsection (4) of section forty-four of the principal Act is amended by adding after the word, "claimant" being the last word in the subsection, the following passage, "but where a claim contains a statement that the claimant is unable to insert in his claim the date of his birth, because that date is not known to him, it shall be sufficient compliance with paragraph (c) of subsection (1) of this section, if there is inserted in the claim the year of birth of the claimant and that year establishes that the claimant is not under twenty-one years of age".

S. 47
amended.

9. Paragraph (e) of subsection (2) of section forty-seven of the principal Act is amended—

- (a) by substituting for the paragraph designation "(a)", in line three the subparagraph designation, "(i)";
- (b) by substituting for the paragraph designation, "(b)", in line five the subparagraph designation, "(ii)"; and
- (c) by substituting for the paragraph designation, "(c)", in line seven the subparagraph designation, "(iii)".

S. 48
amended.

10. Paragraph (e) of subsection (2) of section forty-eight of the principal Act is amended—

- (a) by substituting for the paragraph designation, "(a)", in line three the subparagraph designation, "(i)";

- (b) by substituting for the paragraph designation, "(b)", in line five the subparagraph designation, "(ii)"; and
- (c) by substituting for the paragraph designation, "(c)", in line seven the subparagraph designation, "(iii)".

11. Subparagraph (iii) of paragraph (e) of subsection (1) of section fifty-two of the principal Act is repealed. S. 52
amended.

12. Subsection (1) of section sixty of the principal Act is amended by deleting the passage, ", fifty-eight," in line three. S. 60
amended.

13. Section seventy-four of the principal Act is amended by adding after the word, "held" being the last word in the section the following passage, ", and in the case of an election for the Council, a copy of the writ for the election shall be forwarded by the Clerk of the Writs to each Deputy Returning Officer for the Province for which an election is to be held". S. 74
amended.

14. Section seventy-five of the principal Act is amended— S. 75
amended.

- (a) by adding after the passage, "receipt;" in line one of paragraph (a), the word, "and";
- (b) by substituting for the passage, "; and" in line ten, a full stop; and
- (c) by repealing paragraph (c).

15. Section eighty-one of the principal Act is amended— S. 81
amended.

- (a) by substituting for the subsection designation, "(1)", in line two the paragraph designation, "(a)"; and

(b) by repealing subsection (2) and re-enacting it as follows—

(b) the person nominated, or some person on his behalf, at or before the hour of nomination—

(i) deposits with the Returning Officer the sum of twenty-five pounds in money or by a cheque for that amount drawn by a bank upon itself and payable to the Returning Officer; or

(ii) deposits at the Treasury in Perth in the State, the sum of twenty-five pounds in money or by a cheque for that amount drawn by a bank upon itself, payable to the Under Treasurer, in which case the receipt of the Under Treasurer acknowledging the deposit, or a notice from him that the money or cheque has been so deposited is required to be received by the Returning Officer at or before the hour of nomination.

S. 84
amended.

16. Subsection (1) of section eighty-four of the principal Act is amended—

(a) by substituting for the words, “successful candidate” in line seven, the words, “candidate who is leading at the completion of the count of the first preference votes”; and

(b) by repealing the proviso to the subsection.

17. Section eighty-six of the principal Act is amended by adding a subsection as follows—

S. 86
amended.

(4) The Returning Officer shall give a receipt in the prescribed form to any candidate who has duly nominated, or to his agent, acknowledging that candidate's nomination and deposit received by the Returning Officer, pursuant to section eighty-one of this Act.

18. Section ninety of the principal Act is amended—

S. 90
amended.

(a) by adding after the word, "clerk" being the last word in paragraph (c) of subsection (1b), the passage, "of a city, town or shire whose municipal district is wholly or partly outside the metropolitan area, as that area is for the time being determined under the Electoral Districts Act, 1947";

(b) by adding after the passage "subsection (1a)" in line eight of subsection (1c), the passage, "or paragraph (b) or (c) of subsection (1b)".

19. Section ninety-two of the principal Act is amended—

S. 92
amended.

(a) by adding after the word, "him" being the last word in paragraph (b) of subsection (5), the words, "and shall place his signature immediately under such statement"; and

(b) by repealing and re-enacting subsection (9) as follows—

(9) Where a declaration relating to a postal ballot paper—

(a) is not signed by the elector to whom it was issued;

- (b) is not witnessed by an authorised witness in accordance with this Act;
- (c) does not bear the date the authorised witness signed the declaration;
- (d) does not bear the address in respect of which the authorised witness claims he is enrolled as an elector for the Assembly as required by subparagraph (i) of paragraph (b) of subsection (2) of section ninety-two of this Act; or
- (e) does not bear the title by virtue of which the authorised witness qualifies as such together with his then place of residence, as required by subparagraph (ii) of paragraph (b) of subsection (2) of section ninety-two of this Act,

the postal ballot paper shall be rejected. .

S. 97
amended.

20. Section ninety-seven of the principal Act is amended—

- (a) by substituting for the word, “vote” in line one, the words, “ballot paper”; and
- (b) by adding after the word, “rejected” in line one, the words, “as being informal”.

S. 98
amended.

21. Section ninety-eight of the principal Act is amended by substituting for the word, “vote” in line three, the words, “ballot paper”.

S. 102
amended.

22. Paragraph (2) of section one hundred and two of the principal Act is amended by adding after the word, “necessary” in line one the passage, “assistant presiding officers,”.

23. Section one hundred and fifteen of the principal Act is amended by adding after the word, "Officer" in line four, the passage, ", Assistant Presiding Officer,". S. 115
amended.

24. Section one hundred and seventeen of the principal Act is amended— S. 117
amended.

(a) by substituting for the words, "Returning Officer" in lines four and five of subsection (3), the words, "counting place"; and

(b) by substituting for the words, "Returning Officer" in line two of subsection (4), the words, "counting place".

25. Section one hundred and thirty-eight of the principal Act is amended by substituting for the passage, "be final," in line six, the passage, ", subject to section one hundred and forty-six of this Act, be final and". S. 138
amended.

26. Paragraph (e) of section one hundred and thirty-nine of the principal Act is repealed and re-enacted as follows— S. 139
amended.

(e) if no mark is indicated on it or, in the case of a postal ballot paper, absent ballot paper or a ballot paper issued pursuant to section one hundred and twenty-two A of this Act, the name of any candidate is omitted from it, or no name of any candidate is written on it. .

27. Section one hundred and forty of the principal Act is amended— S. 140
amended.

(a) by substituting for the word, "A", being the first word in the section, the passage, "Subject to subsection (2) of this section, a"; and

- (b) by repealing and re-enacting subsection (2) as follows—

(2) In particular, where there are only two candidates a ballot paper is not informal by reason only of the elector having indicated his vote or first preference by a cross instead of the numeral "1", but without prejudice to the operation of section one hundred and thirty-nine of this Act, is informal if the elector places a cross against the name of one candidate and the numeral "1" against the name of the other candidate. .

S. 142
amended.

28. Section one hundred and forty-two of the principal Act is amended—

- (a) by repealing subsection (1) and re-enacting it as follows—

(1) Each Deputy Returning Officer shall open all the ballot boxes received by him from polling places within the Province or District for which he is appointed, and each Assistant Returning Officer shall open all ballot boxes received at his counting place. ; and

- (b) by adding after the word, "candidate" in the last line of subsection (4), the words, "in the ballot papers contained in the ballot boxes counted".

S. 151
amended.

29. Paragraph (d) of section one hundred and fifty-one of the principal Act is amended by adding after the word, "form" in line four, the passage, "excluding declarations relating to postal votes, absent votes and votes cast pursuant to section one hundred and twenty-two A of this Act,".

30. Subsection (5) of section one hundred and fifty-six of the principal Act is amended by substituting for the words, "forty-two days" in line three, the words, "twenty-one days".

S. 156
amended.

31. Section one hundred and seventy-four of the principal Act is amended by substituting for the words, "two hundred and fifty pounds" in line two of subsection (2), the words, "five hundred pounds".

S. 174
amended.

32. Section one hundred and seventy-five of the principal Act is repealed and re-enacted as follows—

S. 175
repealed and
re-enacted.

175. For the purposes of sections one hundred and fifty-eight, one hundred and seventy-four, one hundred and seventy-six, one hundred and seventy-seven and one hundred and seventy-eight of this Act, "electoral expense", includes all expenses incurred by or on behalf of any candidate at or in connection with any election except the following expenses, namely the cost of electoral rolls, stationery, postages, telegrams, telephone charges, messages, and personal and reasonable living and travelling expenses of the candidate in connection with the election.

S. 175
repealed
and re-
enacted.
Electoral
expense.

33. Section one hundred and seventy-six of the principal Act is repealed and re-enacted as follows—

S. 176
repealed and
re-enacted.

176. No electoral expense shall be incurred or authorised by a candidate except in respect of the following matters—

Permitted
expenses.

- (a) printing, advertising, publishing, issuing and distributing addresses and notices;
- (b) the holding of public meetings and the hiring of halls or other places for that purpose;
- (c) the services of scrutineers;

- (d) committee rooms; and
- (e) the services of election agents for any Province or District.

S. 177
repealed and
re-enacted.

34. Section one hundred and seventy-seven of the principal Act is repealed and re-enacted as follows—

Candidate
to submit an
account of
election
expenses.

177. Within three months after the day on which the declaration of the poll at any election takes place, each candidate at the election shall send to the Chief Electoral Officer, a true account in the prescribed form showing in detail as respects the candidate—

- (a) a statement of all electoral expenses paid together with all the bills and receipts relating thereto; and
- (b) a statement of all disputed and unpaid claims for electoral expenses of which the candidate is aware. .

S. 178
repealed and
re-enacted.

35. Section one hundred and seventy-eight of the principal Act is repealed and re-enacted as follows—

Payments
to be
vouched for.

178. Every payment by a candidate in respect of any electoral expense shall, except where the payment is in respect of an amount of less than ten pounds, be vouched for by a bill stating the particulars of the electoral expense and by a receipt for the payment thereof. .

S. 187
amended.

36. Section one hundred and eighty-seven of the principal Act is amended—

- (a) by adding after the word, "license" being the last word in subsection (4), the passage, ", except where the meeting is held in or on a part of those premises in or on which part, intoxicating liquor is not ordinarily sold by retail to members of the public and is a part that is ordinarily let for the holding of meetings"; and

- (b) by adding after the word, "liquors" being the last word in subsection (5), the passage, ", except where the meeting is held in or on a part of those premises in or on which part spirituous liquors are not ordinarily sold by retail to members of the public and is a part that is ordinarily let for the holding of meetings".

37. Section one hundred and eighty-nine of the principal Act is amended by adding after the word, "Act" in line seven, the passage, ", unless such gift, donation or prize is similar to one that the person has given to that club or association before the date on which he announced himself as a candidate".

S. 189
amended.

38. Section one hundred and ninety of the principal Act is amended—

S. 190
amended.

- (a) by adding before the last item under the heading, "First Column.—Offences.", the following item—

"The wearing or displaying by an officer or scrutineer in a polling place on polling day any badge or emblem of a candidate or political party."; and

- (b) by adding before the last item under the heading, "Second Column. — Punishments.", the following item—

"Penalty not exceeding twenty-five pounds."

39. Section two hundred and eleven of the principal Act is amended by adding after the word, "witness" in line four, the following passage, "and his distinguishing mark when so witnessed, shall, for the purposes of this Act, be deemed to be the personal signature of that person".

S. 211
amended.