

ELECTORAL.

13° Elizabeth II., No. XXXIII.

No. 33 of 1964.

AN Act to amend the Electoral Act, 1907-1962.

[Assented to 3rd November, 1964.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 1964.*

Reprinted
approved for
reprint 26th
February,
1962 and
amended by
Act No. 51
of 1962.

(2) In this Act the Electoral Act, 1907-1962, 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 three of the principal Act is amended by deleting the words, "for Assembly" in line twenty-three. S. 3 amended.

4. Section four of the principal Act is amended— S. 4 amended.

(a) by adding after the interpretation, "Christian name", the following interpretation—

"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; ;

(b) by substituting for the interpretation, "District" the following interpretation—

"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 Province; ;

(c) by substituting for the interpretation, "local governing body" the following interpretation—

"local governing body" means the Council of a Municipality and any local board of health; ;

(d) by substituting for the interpretation, "Magistrate" the following interpretation—

"Magistrate" means a person appointed or deemed to be appointed a stipendiary magistrate under the Stipendiary Magistrates Act, 1957; ;

(e) by repealing the interpretation, "Minister"; Vide s. 4
Act No. 30
of 1918.

*Vide s. 4
Act No. 30
of 1918.*

(f) by repealing the interpretation, "Parliament";

*Vide s. 4
Act No. 30
of 1918.*

(g) by repealing the interpretation, "prescribed";

*Vide s. 4
Act No. 30
of 1918.*

(h) by repealing the interpretation, "proclamation";

(i) by substituting for the interpretation, "roll" the following interpretation—

"roll" means an electoral roll under this Act; .

*S. 8
repealed and
re-enacted.*

5. Section eight of the principal Act is repealed and re-enacted as follows—

Registrars.

8. (1) There shall be a Registrar for each district and sub-district, who shall also be in relation to a province the Registrar for the corresponding district or sub-district situated in that province.

(2) The same person may be appointed Registrar for two or more districts or sub-districts. .

*S. 17
repealed and
re-enacted.*

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 Section seventeen of the principal Act is repealed and re-enacted as follows—

*Qualification
of electors.*

17. (1) Subject to the provisions of this Act, any person not under twenty-one years of age, who—

(a) is a natural born or naturalised subject of Her Majesty;

(b) has lived in the State for six months continuously; and

(c) has lived continuously in the district or sub-district for which he claims to be enrolled as an elector, for a period of three months immediately preceding the date of his claim to be so enrolled,

is entitled—

(d) to be enrolled as an elector for the Council and the Assembly; and

- (e) when so enrolled and while he continues to live in that district or sub-district, to vote at any election of a member for the—
 - (i) Council for the province of which the district or sub-district forms part; and
 - (ii) Assembly for the district or the district of which the sub-district forms part.

(2) Where an elector changes his place of living to another district he may, until his name is transferred to another roll, vote at any election of a member for the province or district in respect of which his name continues enrolled if the election is held within six months after he has so changed his place of living.

(3) For the purposes of this Act a person shall be deemed to have lived within a district or sub-district, if he has his usual place of abode therein and notwithstanding his occasional absence from that district or sub-district.

(4) A member—

- (a) of the Council and his spouse may claim to be enrolled for a district or sub-district that forms part of the province which that member represents; and
- (b) of the Assembly and his spouse may claim to be enrolled for the district which that member represents,

and when so enrolled shall be deemed to live in that province or district and if—

- (c) that province or district is wholly or partly included, pursuant to the provisions of any Act, in another province or district, however named, that member and his spouse may claim to be enrolled as an elector in respect of that other province or district; and

(d) that member is a candidate for election in respect of that other province or district, he and his spouse may, while they are enrolled therefor, vote at the general election next following the inclusion of the province or district in another province or district and while so enrolled and while the member is such a candidate they shall be deemed to live in that other province or district.

(5) Except as provided in subsection (4) of this section a person is not entitled to have his name placed upon any roll other than the roll for the district or sub-district in which he lives or for the district or sub-district of the province in which he lives.

S. 19
repealed and
re-enacted.

7. Section nineteen of the principal Act is repealed and re-enacted as follows—

Electoral
rolls.

19. (1) There shall be a roll for each province.

(2) There shall be a roll for each district.

(3) There shall be a roll for each sub-district.

(4) All the rolls for the sub-districts of a district form the roll for that district.

(5) All the rolls for the districts in a province form the roll for that province.

Entitlement
to vote.

(6) Each person whose name, whether immediately before or at any time after the coming into operation of the Electoral Act Amendment Act, 1964, is on the roll for a district is, subject to this Act, entitled to vote at any election of a member of the Assembly for that district and of a member of the Council for the province of which the district forms part.

(7) Until a new roll is prepared under this Act each roll in existence for a district at the coming into operation of the Electoral Act Amendment Act, 1964, shall, as altered from time to time in accordance with this Act, be the roll for that district. .

8. Section twenty of the principal Act is repealed and re-enacted as follows—

S. 20
repealed and
re-enacted.

20. The roll for a district shall be kept by the Registrar appointed for that district and the roll for a sub-district shall be kept by the Registrar appointed for that sub-district.

Registrar
to keep
rolls.

9. Section twenty-two of the principal Act is amended—

S. 22
amended.

- (a) by deleting the subsection designation “(1)” in line one; and
- (b) by repealing subsection (2).

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

S. 25
repealed and
re-enacted.

25. A printed copy of the roll of a—

- (a) province shall be kept for inspection by the public at the office of the Registrar appointed for a district or a sub-district that forms part of the province; and
- (b) district or sub-district shall be kept for such inspection at the office of the Registrar appointed for that district or sub-district,

Copies of
rolls to be
available for
public
inspection.

and copies of those rolls shall also be kept at such other convenient places as the Chief Electoral Officer may from time to time determine. .

S. 26
amended.

11. Section twenty-six of the principal Act is amended by deleting the words, "Province and" in line four.

S. 31
amended.

12. Section thirty-one of the principal Act is amended by deleting the word, "Assembly" in line three.

S. 33
repealed and
re-enacted.

13. Section thirty-three of the principal Act is repealed and re-enacted as follows—

Inspection
of rolls by
public.

33. The roll and supplementary roll for a district or sub-district shall be open for public inspection without fee at the office of the Registrar appointed for that district or sub-district, on any week day during the hours the office is open, and the latest printed copies thereof shall be obtainable at the prescribed price not exceeding one shilling. .

S. 38
amended.

14. Section thirty-eight of the principal Act is amended by adding after the word, "for" in line six the words, "the Council or".

S. 40
amended.

15. Section forty of the principal Act is amended—

- (a) by substituting for the words, "Registrar General of Deaths" in line three of paragraph (b) of subsection (1), the passage, "Registrar General appointed under the Registration of Births, Deaths and Marriages Act, 1961";
- (b) by deleting the passage, ", the Superintendent of Public Charities" in lines six and seven of paragraph (b) of subsection (1);
- (c) by substituting for subparagraph (iii) of paragraph (b) of subsection (1) the following subparagraph—
 - (iii) who do not appear to reside in the District for which they are enrolled, ;and
- (d) by deleting the words, "Province or" in the last line of subsection (2).

16. Subsection (1) of section forty-four of the principal Act is amended— S. 44 amended.

- (a) by adding after the passage, “claimant;” in line six the word, “and”;
- (b) by substituting for the passage, “; and” in line eight a full stop; and
- (c) by repealing paragraph (f).

17. Section forty-eight of the principal Act is amended by substituting for the word, “registered” in line one of paragraph (a) of subsection (1), the word, “enrolled”. S. 48 amended.

18. Section fifty of the principal Act is repealed. S. 50 repealed.

19. Section fifty-one of the principal Act is amended by substituting for the word, “Assembly” in line four of subsection (1), the word, “district”. S. 51 amended.

20. Section fifty-three of the principal Act is amended by deleting the passage commencing with the full stop after the word, “Act” in the last line of paragraph (c) and ending with the word, “writ” being the last word in paragraph (d). S. 53 amended.

21. Section fifty-six of the principal Act is amended by substituting for the passage, “The Registrar General of Births, Deaths and Marriages” in lines one and two, the passage, “The Registrar General appointed under the Registration of Births, Deaths and Marriages Act, 1961”. S. 56 amended.

22. Subsection (2) of section sixty of the principal Act is amended by deleting the words, “Province or” in line four. S. 60 amended.

S. 64
amended.

23. Subsection (1) of section sixty-four of the principal Act is amended by substituting for the word, "biennial" in line four the word, "triennial".

S. 66
repealed and
re-enacted.

24. Section sixty-six of the principal Act is repealed and re-enacted as follows—

For General
Elections
polling day
the same in
each Province
or District.

66. In the case of a general election for the Council or the Assembly, the same day shall be fixed by the writ for the polling in each Province or District as the case requires. .

S. 70
amended.

25. Section seventy of the principal Act is amended by deleting the proviso.

S. 73
repealed and
re-enacted.

26. Section seventy-three of the principal Act is repealed and re-enacted as follows—

Notice
to Registrars
of issue of
writ.

73. The Clerk of the Writs shall cause notice of his intention to issue the writ to be sent by telegraph to the Registrar—

(a) of each district or sub-district that forms part of the province in respect of which the election for the Council is to be held; and

(b) of the district or of any sub-district thereof in respect of which the election for the Assembly is to be held,

stating the date on which the writ will be issued. .

S. 77
amended.

27. Subsection (2) of section seventy-seven of the principal Act is amended by adding after the word, "general" in line three the words, "or conjoint".

28. Section ninety of the principal Act is amended— S. 90
amended.

- (a) by adding before the word, “district” in line one of paragraph (a) of subsection (1), the words, “province or”;
- (b) by substituting for the word, “Legislative” in the last line of paragraph (a) of subsection (1), the words, “Council or the”;
- (c) by repealing paragraph (b) of subsection (1);
- (d) by substituting for the paragraph designation “(e)” in subsection (1) the paragraph designation “(c)”;
- (e) by adding a subsection as follows—

(11) In the case of a conjoint election only one application for a postal ballot paper is required to be made by an elector and the Issuing Officer shall, subject to and in accordance with the provisions of this section, forward to the applicant the declaration and the envelopes referred to in paragraph (c) of subsection (4) of this section together with a prescribed ballot paper for the election to be held for the Assembly and a prescribed ballot paper for the corresponding election to be held for the Council, or if there is only one such election to be held, a prescribed ballot paper for that election. .

29. Section ninety-two of the principal Act is amended by adding after subsection (9) a subsection as follows— S. 92
amended.

(9a) In the case of a conjoint election a determination of entitlement to vote at the election for the Assembly determines the entitlement to vote for the corresponding election for the Council and only one declaration is required. .

S. 99A
amended.

30. Subsection (1) of section ninety-nine A of the principal Act is amended by deleting the words, "Province or" in line three and again in line ten.

S. 100A
amended.

31. Section one hundred A of the principal Act is amended—

- (a) by substituting for the passage, "; and" in line nineteen of subsection (1), a full stop;
- (b) by repealing paragraph (c) of subsection (1); and
- (c) by repealing subsection (2).

S. 102A
added.

32. The principal Act is amended by adding after section one hundred and two the following section—

Conjoint
elections.

102A. (1) In the case of a conjoint election, every person appointed as a Presiding Officer, an Assistant Presiding Officer, a Poll Clerk or a Doorkeeper for any polling place in a district shall, without any further appointment or authority than this subsection, be the Presiding Officer, the Assistant Presiding Officer, Poll Clerk or Doorkeeper, as the case may be, for that polling place in respect of any election for the province of which the district forms part.

(2) The Chief Electoral Officer may give such directions as he may consider necessary or expedient to implement the provisions of this Act for the proper and efficient conduct of any election.

S. 109
amended.

33. Section one hundred and nine of the principal Act is amended by substituting for the passage, "Municipal Corporations or Road Boards," in lines two and three the words, "a Municipality".

S. 112
amended.

34. Subsection (2) of section one hundred and twelve of the principal Act is amended by adding after the word, "the" in the last line the words, "Chief Electoral Officer or the".

35. Section one hundred and nineteen of the principal Act is amended— S. 119
amended.

- (a) by deleting the word, “Assembly” in line two of subsection (1);
- (b) by substituting for paragraph (a) of subsection (1) the following paragraph—
 - (a) Do you live in the electoral district of.....[*being the electoral district for which the person claims to vote or the electoral district that forms part of the province for which the person claims to vote*]?
- (c) by deleting the words, “Province or” in line five of paragraph (d) of subsection (2);
- (d) by deleting the passage, “And at any Assembly election the following additional question:—” in lines twenty-three and twenty-four of subsection (2); and
- (e) by adding a subsection as follows—
 - (6) In the case of a conjoint election a determination of entitlement to vote at the election for the Assembly determines the entitlement to vote at the corresponding election for the Council and only one declaration is required under subsection (4) of this section.

36. Section one hundred and twenty-two A of the principal Act is amended— S. 122A
amended.

- (a) by repealing the passage commencing with the word, “Notwithstanding” being the first word in subsection (1) down to and including the word, “if” in line fifteen of that subsection and re-enacting it as follows—

“Notwithstanding anything contained in this Act, where a person who is entitled to be enrolled on the roll for a Province or District claims to vote at any election in respect thereof at a polling place appointed for that Province or District

and which is situated in the District in respect of which he claims to be entitled to be so enrolled or which is appointed for that District and his name has been omitted from or struck off the roll owing to an error of an officer or a mistake of fact, or where any person who is so enrolled so claims to vote at such a polling place and his name cannot be found on the roll by the Presiding Officer or his name has been struck out on the copy of the roll under the provisions of section one hundred and twenty-six of this Act, he may subject to this Act and the regulations, be permitted to vote if”;

(b) by repealing and re-enacting subparagraph (i) of paragraph (a) of subsection (1) as follows—

(i) he sent or delivered to the Registrar of the District, a duly completed claim for enrolment in respect of the Province of which the District forms part or the District, and the claim was received by the Registrar not less than fourteen days before the issue of the writ for the election; ;

(c) by adding a subsection as follows—

(1a) In the case of a conjoint election a determination of entitlement to vote at the election for the Assembly determines the entitlement to vote at the corresponding election for the Council and only one declaration is required under subsection (1) of this section.

Heading
amended.

37. The principal Act is amended by deleting the words, “for Assembly” in the heading, “Division (7)—Voting for Assembly to be Compulsory.” immediately following section one hundred and fifty-five.

38. Section one hundred and fifty-six of the principal Act is amended—

S. 156
amended.

- (a) by deleting the words, “for the Assembly” in lines one and two of subsection (1);
- (b) by adding before the word, “district” in line three of subsection (1) the words, “province or”; and
- (c) by adding before the word, “district” in line four of subsection (2) the words, “province or”.

39. Section two hundred and thirteen of the principal Act is amended by repealing subsections (2) and (3).

S. 213
amended.
Vide s. 36
Act No. 30
of 1918.
