

ELECTORAL DISTRICTS.

11° and 12° GEO. VI., No. LI.

No. 51 of 1947.

AN ACT to repeal the Redistribution of Seats Act, 1911, the Electoral Districts Act, 1922, and the Redistribution of Seats Act, 1929, and amendments thereto ; and to make provision for the better representation of the people of Western Australia in Parliament.

[Assented to 19th December, 1947.]

BE it enacted by the King'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 com-
mencement.

1. This Act may be cited as the *Electoral Districts Act, 1947*, and shall come into operation on a date to be fixed by proclamation.

Appointment
of Com-
missioners.
cf. 10 of 1923
s. 2.

2. (1) For the purposes of this Act, the Governor may appoint three Electoral Commissioners, of whom—

- (a) one shall be the Chief Justice of the Supreme Court, who shall be chairman;
- (b) one shall be the Under Secretary for the Lands and Surveys Department of the State, and

(c) one shall be the Chief Electoral officer appointed under the Electoral Act, 1907-1940.

(2) The Governor may, in the absence of the Chairman, appoint some other judge of the Supreme Court to act as a Commissioner in his place, and may appoint any fit person to act temporarily as a Commissioner in place of the Under Secretary for the Lands and Surveys Department of the State or the Chief Electoral Officer.

Appointment of deputies.

(3) For the purposes of this Act, the Commissioners shall have the powers of a duly appointed Royal Commission and of a chairman thereof under the Royal Commissioners' Powers Act, 1902.

cf. No. 28 of 1902, as amended by No. 6 of 1914.

3. (1) After the coming into operation of this Act, and as from a date to be proclaimed, it shall be the duty of the Commissioners, subject to the provisions of this Act—

Commissioners' functions.

- (a) to make inquiries into, and recommendations in respect of the division of the areas referred to in the next succeeding section into fifty electoral districts for the election from each district of a member of the Legislative Assembly;
- (b) to publish any proposed alteration of an electoral district in the *Gazette* and in a newspaper circulating in such district;
- (c) to consider any objections in writing which may be lodged with the Commissioners within two months from the date of such publication;
- (d) to adjust the boundaries of the Electoral Provinces existing at the commencement of this Act; and
- (e) to present a final report of the inquiries and final recommendations to the Governor.

cf. N.S.W No. 41 of 1912, s. 14.

(2) The objections referred to in paragraph (c) of the preceding subsection may be made by any person.

4. For the purpose of carrying out the duties referred to in the next preceding section, the Commissioners—

Basis of Commissioners' duties.

- (a) shall regard the State as divided into three areas as follows:—

- (i) the Metropolitan Area,
- (ii) the North-West area, and
- (iii) the Agricultural, Mining and Pastoral area; and

(b) shall regard the areas referred to in the next preceding paragraph as respectively comprising the Electoral Districts subsisting at the commencement of this Act and designated opposite the references to those areas in the Second Schedule to this Act.

Second
Schedule.

Number of
districts in
each of two
areas—how
ascertained.

5. For the purpose of making recommendations in relation to the Metropolitan Area and the Agricultural, Mining and Pastoral Area, the Commissioners shall have regard to the following provisions:—

- (a) The number of electors in the Metropolitan area, every two electors in such area being reckoned as one elector, and the number of electors in the Agricultural, Mining and Pastoral area, every one elector in such area being reckoned as one elector, shall, in the aggregate, be divided by forty-seven, and a quota be thereby obtained.
- (b) The number of electors in each such area, every two electors in the Metropolitan Area being reckoned as one elector, and every one elector in the Agricultural, Mining and Pastoral Area being reckoned as one elector, shall be divided by such quota, and the quotient shall be the number of Electoral Districts into which each such area respectively shall be divided.
- (c) If each quotient should include a fraction of a whole number, the Commissioners shall increase the fraction in the quotient for the Metropolitan Area to the next whole number and shall disregard the fraction in the quotient for the other area.

The word "elector" means a person whose name appears on the official roll as held by the Electoral Registrar as an elector for the election of a member of the Legislative Assembly.

6. When the number of Electoral Districts to be allotted to each of the two areas mentioned in the preceding section has been determined as aforesaid, the Commissioners shall, for the purpose of dividing each such area into Electoral Districts, fix a quota of electors for the Electoral Districts within each such area as follows, namely, the total number of enrolled electors within each area shall be divided by the number of Electoral Districts allocated to the area and the quotient shall be the quota of electors for each Electoral District within the area. The quota.

7. (1) In making the division of the Metropolitan Area and the Agricultural, Mining and Pastoral area into Electoral Districts the quota of electors in each such area as aforesaid shall be taken as the basis for such division: Matters to be considered in dividing State into districts.

Provided that the Commissioners may adopt a margin of allowance to be used whenever necessary, but not in any case to a greater extent than ten per centum more or less:

Provided also that the Commissioners shall give due consideration to—

- (a) community of interest;
- (b) means of communication and distance from the capital;
- (c) physical features; and
- (d) the existing boundaries of Districts.

(2) The four electoral districts now comprising the North-West Area shall, with such alterations and modifications of internal boundaries and designation as the Commissioners may think fit, be divided into three electoral districts.

Provided that the boundaries of the North Province as existing at the commencement of this Act shall not be altered.

8. In the exercise of the powers conferred on the Commissioners, but subject to the proviso to subsection (2) of the next preceding section, the boundaries of the several areas and Electoral Districts described in the Second Schedule hereto may be modified by the Commis- Boundaries of areas described in schedule may be modified.

sioners by excising portions thereof, or adding other portions of the State thereto, and Electoral Districts may be designated or redesignated.

Adjustments
in Electoral
Provinces.

9. (1) The Commissioners shall adjust the boundaries of the ten Electoral Provinces as existing at the commencement of this Act, having regard to their proposed allotment of and alterations in boundaries of Electoral Districts. Provided that—

- (a) each Province shall consist of a number of complete and contiguous Electoral Districts as nearly as possible comprising the same area as at the date of the passing of this Act each Province contains; subject, however, to the boundaries of the Metropolitan Province and the Metropolitan-Suburban Province as existing at the commencement of this Act being readjusted so as to include in each Province such Electoral Districts as will cause the number of electors on the roll of each Province to be approximately the same, and
- (b) there shall be no alteration to the existing boundaries of the North Province.

(2) Notwithstanding the alteration of boundaries of any Electoral Province in accordance with this Act, every member of the Legislative Council shall continue to represent in Parliament the Province for which he was elected, but with the boundaries assigned to it by the Commissioners.

Report and
recommendations
of Commissioners.

10. The Commissioners shall, on or before a date to be fixed by the Governor, such date to be within eight months of the date proclaimed in accordance with the provisions of section three of this Act, forward to the Minister to whom the administration of the Electoral Act, 1907-1940, is for the time being committed, their final report upon and final recommendations for the division of the State into Electoral Districts and Electoral Provinces, with the name and boundaries of each proposed District and Province, and the number of electors in each, respectively, as nearly as can be ascertained, together with a map signed by the Commissioners

showing the boundaries aforesaid and at the preparation of such final report and final recommendations for signature by the Commissioners, all three Commissioners shall be present.

11. At such time as the Governor shall deem fit, the Governor, by Order in Council published in the *Government Gazette*, shall promulgate the final recommendations referred to in sections three and ten of this Act, and, at the expiration of three months from the date of such publication, and notwithstanding anything in the Constitution Acts Amendment Act, 1899, to the contrary, the final recommendations shall thereupon, without reference to Parliament, by force of this Act, have the force of law and be as effective as if enacted by Parliament:

Commission's recommendations to have the force of law on promulgation by the Governor by Order in Council.

Provided that every member of the Legislative Assembly shall continue to sit for the District represented by him at the date upon which the final recommendations shall have the force of law until the death resignation of such member or the expiry by effluxion of time or the sooner dissolution of the Legislative Assembly; and the provisions of subsection (2) of section nine of this Act will apply.

Provided further that for any by-election (as defined in the Electoral Act, 1907-1940) for the Legislative Assembly prior to the said expiry or sooner dissolution of the Legislative Assembly, the by-election shall be for the district subsisting at the commencement of this Act, and the roll in force for such district, together with any additions to or removals from such roll as may be prescribed for any election in the Electoral Act, 1907-1940, shall be used for such by-election.

12. (1) The State may from time to time be wholly or partially redivided into Electoral Districts and Electoral Provinces by Commissioners appointed under this section in manner hereinafter provided whenever directed by the Governor by Proclamation.

Redivision when so directed by Proclamation.

(2) Such Proclamation shall be issued—

- (a) on a resolution being passed by the Legislative Assembly in that behalf; or
- (b) if in the report by the Chief Electoral Officer to the Minister to whom the administration of the Electoral Act, 1907-1940, is for the time

being committed, as to the state of the rolls made up for any triennial election it appears that the enrolment in not less than five Electoral Districts falls short of or exceeds by twenty per centum the quota as ascertained for such districts under this Act.

(3) For the purposes of this section the Governor, on or after the making of any such Proclamation, shall appoint three Electoral Commissioners in accordance with the provisions of section two of this Act, and it shall be the duty of such Commissioners, so soon as conveniently may be after the issue of the Proclamation, to perform and observe the several duties imposed by section three of this Act on the Commissioners appointed under section two of this Act.

(4) For the purposes of this section, the provisions of this Act relating to the discharge of the duty imposed by section three of this Act upon the Commissioners appointed under section two of this Act and to the appointment of such Commissioners, so far as the same can, with necessary adaptations and modifications, be made to apply to the carrying out by the Commissioners appointed under this section of the duties aforesaid, and to the appointment of such Commissioners, shall apply thereto.

(5) After the receipt by the Governor of the final report and final recommendations of the Commissioners appointed under this section, the provisions of section eleven of this Act and of the proviso thereto shall apply to such final recommendations in all respects as if such final recommendations were the final recommendations referred to in that section.

Amendments
to be passed
by absolute
majority of
members of
Council and
Assembly.
cf. 23 of 1889,
s. 73.

13. It shall not be lawful to present to the Governor for His Majesty's assent any Bill to amend this Act, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

14. At the expiration of the period of three months after the publication of the Order in Council referred to in section eleven of this Act, the Acts referred to in the First Schedule to this Act shall thereupon, without reference to Parliament, by force of this Act, be and become repealed.

Repeal.

First
Schedule.

15. The Governor may make regulations for the purposes of this Act, and such regulations may provide that any two Commissioners shall be a quorum.

Regulations.

FIRST SCHEDULE.

s. 14.

Redistribution of Seats Act, 1911 (No. 6 of 1911).

Electoral Districts Act, 1922 (No. 10 of 1923).

Electoral Districts Act Amendment Act, 1928 (No. 25 of 1928).

Redistribution of Seats Act, 1929 (No. 1 of 1929) as amended by Act No. 26 of 1929.

SECOND SCHEDULE.

s. 4 (b).

Area and Electoral District.

Metropolitan.—Canning; Claremont; Fremantle; Fremantle, North-East; Fremantle, South; Guildford-Midland; Leederville; Maylands; Middle Swan; Mount Hawthorn; Nedlands; Perth; Perth, East; Perth, North; Perth, West; Subiaco; Victoria Park.

North-West.—Gascoyne; Kimberley; Pilbara; Roebourne.

Agricultural, Mining and Pastoral.—Albany; Avon; Beverley; Boulder; Brown Hill-Ivanhoe; Bunbury; Collie; Forrest; Geraldton; Greenough; Hannans; Irwin-Moore; Kalgoorlie; Kanowna; Katanning; Mount Magnet; Mount Marshall; Murchison; Murray-Wellington; Nelson; Northam; Pingelly; Sussex; Swan; Toodyay; Wagin; Williams-Narrogin; Yilgarn-Coolgardie; York.