

PUBLIC AUTHORITIES (POSTPONE- MENT OF ELECTIONS).

7° GEO. VI., No. VIII.

No. 13 of 1943.

AN ACT to amend the Public Authorities (Postponement of Elections) Act, 1942.

[Assented to 30th September, 1943.]

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.

1. This Act may be cited as the *Public Authorities (Postponement of Elections) Act Amendment Act, 1943*, and shall be read as one with the Public Authorities (Postponement of Elections) Act, 1942 (No. 13 of 1942), hereinafter referred to as the principal Act.

Amendment of s. 3.

2. Section three of the principal Act is amended by deleting from paragraph (a) of subsection (1) the words "not exceeding twelve calendar months" in line six of the said paragraph.

Amendment of s. 6. Repeal and new section.

3. Section six of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

When election postponed, term of office of members extended.

6. When an election of a public authority is postponed by a proclamation issued under this Act, the following provisions shall apply, that is to say:—

(a) Where the public authority is not a municipal council, and the term of office of any member

of the public authority would but for this section expire by effluxion of time either prior to or on the day upon which but for the postponement thereof the election would ordinarily be held so that an election would be necessary to fill the office of such member, the term of office of such member shall be and is hereby extended for a period which shall end on the date of the completion of the postponed election when such election is held and the said member shall continue to be a member of the public authority accordingly.

- (b) Where the public authority is a municipal council and the term of office of the mayor or of an auditor or of any member of such council would but for this section expire by effluxion of time in accordance with the provisions of the Municipal Corporations Act, 1906-1941, on the thirtieth day of November next following the day upon which but for the postponement thereof the election would ordinarily be held so that an election would be necessary to fill the office of such mayor, auditor or member aforesaid when in accordance with the provisions of the said Act such mayor, auditor or member would ordinarily vacate the same, the term of office of such mayor, auditor, or member aforesaid shall be and is hereby extended for a period which shall end on the thirtieth day of November next following the day upon which the postponed election is held, and the said mayor, auditor, or member as the case may be shall continue to be the mayor, or an auditor or a member of the public authority accordingly.
- (c) (1) Where the public authority is a road board, the postponement of the election shall not in any way affect the annual election of the chairman and the vice chairman of the road board as required by sec-

tion one hundred and twenty-four of the Road Districts Act, 1919-1942; and, notwithstanding the postponement of the election in this paragraph first mentioned the election of the chairman and of the vice chairman shall be made in accordance with section one hundred and twenty-four of the said Act at the first or if necessary a subsequent meeting of the road board held after the date upon which, but for the postponement thereof, the said postponed election would have been held in accordance with section sixty-one of the said Act.

- (2) Where since the commencement of this Act but prior to the commencement of this paragraph the annual election of a road board having been postponed by a proclamation issued under section three of this Act, the chairman and the vice chairman of such road board were elected in conformity with section one hundred and twenty-four of the Road Districts Act, 1919-1942, as if the said postponed election had not been postponed such chairman and such vice chairman shall be deemed to have been duly and lawfully so elected, and shall have and may exercise their respective powers and functions as such chairman or vice chairman as the case may be under and for all the purposes of the said Road Districts Act, 1919-1942.

Citation of
principal Act
as amended.

4. The principal Act as amended by this Act may be cited as the Public Authorities (Postponement of Elections) Act, 1942-1943.