

PUBLIC AUTHORITIES (POSTPONE- MENT OF ELECTIONS).

6° GEO. VI., No. XIII.

No. 13 of 1942.

AN ACT to authorise the postponement of elections of certain public authorities during a time of war and to make provision for other matters relating to such elections.

[Assented to 19th November, 1942.]

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, 1942.*

Interpre-
tation.

2. In this Act, unless the context otherwise requires—

“Election” includes annual, general, and ordinary election, but does not include an election to fill an extraordinary vacancy.

“Governing Act” means the Act under which a public authority is constituted and elections of its members are held.

“Member of a public authority” in relation to a municipal council includes the council auditor.

“Minister” means, in relation to a public authority, the Minister of the Crown charged with the administration of the governing Act of such public authority.

“Public authority” includes—

- (a) a municipal council;
- (b) a road board;
- (c) a local board of health;
- (d) a water board;
- (e) a drainage board;
- (f) a vermin board;
- (g) The Fremantle Municipal Tramways and Electric Lighting Board; and
- (h) any other board, trust, committee, or association of persons (whether corporate or not) constituted by or under any Act, the members or some of the members of which are required to be elected, and which the Governor by Order in Council on the recommendation of the Minister declares shall be a public authority for the purposes of this Act.

“Time of war” means the period during which the Commonwealth is engaged in a war in which His Majesty is engaged and the period of six months next following the termination of such war.

3. (1) During a time of war the Governor, on the recommendation of the Minister, may—

Postpone-
ment of
elections.

- (a) at any time and from time to time by proclamation direct that any election required by its or their governing Act or Acts to be held by any public authority or any class or classes of public authority shall be postponed for such period, not exceeding twelve calendar months, as shall be specified in the proclamation;
- (b) at any time by a subsequent proclamation cancel or vary any proclamation issued under paragraph (a) of this section and direct that any election which has been postponed shall be held within a time to be specified in such subsequent proclamation.

(c) Provided that before any proclamation is issued under paragraph (a) of this subsection, notice of intention to recommend to the Governor the issue of such proclamation shall be published by the Minister in the *Government Gazette* and in a newspaper circulating in those portions of the State which will be affected by the issue of the proclamation at least thirty days before such recommendation is made; and if before the expiration of such period of thirty days a petition is received by the Minister from a public authority representing the opinion of a majority of the members of such public authority, or a petition containing the signatures of at least ten per centum of the electors of any public authority as contained in the electoral roll then last compiled of such public authority likely to be affected by the proclamation objecting to such proclamation being issued, in so far as it may postpone an election of such public authority, the Minister shall not recommend to the Governor the issue of such proclamation, or shall exclude from his recommendation the name of the said public authority, as the case may require.

(2) When any proclamation issued under paragraph (a) of subsection (1) of this section directs that an election shall be postponed, then, notwithstanding anything to the contrary contained in the governing Act of any public authority affected by the proclamation, the election which is postponed shall not be held during the period during which it is directed to be postponed.

When election postponed, electoral rolls need not be prepared.

4. When any election is directed to be postponed, and thereafter until such postponed election is required to be held, it shall not be necessary for the public authority whose election is postponed to prepare any annual or other electoral list or electoral roll, or to do any other act, matter, or thing antecedent, ancillary, or incidental to such election, which but for this section such public authority would by the provisions of its governing Act be required to prepare or do for or in connection with such election.

5. When an extraordinary vacancy occurs in the office of a member of a public authority and an election is necessary to fill such vacancy during the currency of a proclamation directing that an election of such public authority shall be postponed, the electoral roll of such public authority then last prepared for use in connection with elections of the public authority shall be the electoral roll for and shall be used in connection with such extraordinary election.

Extra-ordinary elections.

Provided that the public authority may amend—

- (i) such electoral roll by adding thereto the names of any persons who it is satisfied are qualified to be electors and by deleting therefrom the names of any persons who it is satisfied have ceased to be qualified as electors.
- (ii) The electoral roll shall not be amended as provided for in paragraph (i) of this proviso after the time fixed for closing of nominations for the said election.

6. When an election of any public authority is postponed by a proclamation issued under this Act and the term of office of the mayor or of any member of the public authority which but for this section would 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 mayor or member, the term of office of such mayor or 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 mayor or member shall continue to be mayor or member of the public authority accordingly.

When election postponed, term of office of member's extended.