



WESTERN AUSTRALIA.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. LV

AN ACT to make provision for the acceptance and enactment of a Federal Constitution for Australasia.

[Assented to 13th June, 1900.]

WHEREAS at a Convention held at Melbourne, in the Colony of Victoria, in the months of February and March, One thousand eight hundred and ninety-eight, at which the Colonies of New South Wales, Tasmania, Victoria, and Western Australia, and the Province of South Australia, were represented, a Draft Bill intituled "Draft of a Bill to constitute the Commonwealth of Australia" was adopted: And whereas at a Conference of the Prime Ministers of the Colonies of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, and of the Province of South Australia, held at Melbourne aforesaid, in the months of January and February, One thousand eight hundred and ninety-nine, certain amendments in the said Draft Bill were agreed to: And whereas the said Draft Bill, in a form embodying the said amendments, and being identical in its terms and provisions with the Constitution hereinafter mentioned, has been referred to and accepted by a majority of the electors in the Colonies of New South Wales, Queensland, Tasmania, and Victoria, and the Province of South Australia: And whereas it is desirable that the said Draft Bill, in the form aforesaid, subject to the amendments of the Imperial Parliament, should now be submitted to a vote of the electors of Western Australia, and that, in the event of its being accepted as herein-

Preamble.

Australasian Federation Enabling Act (Western Australia).

after provided, further action should be taken to procure the passing of the same into law: Be it therefore 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 Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. This Act may be cited as the Australasian Federation Enabling Act (Western Australia), 1900.

Interpretation of terms. 2. In this Act, unless the context otherwise requires, the following terms shall have the meanings set against them respectively, that is to say:—

“Assembly”—The Legislative Assembly of Western Australia;

“Assistant Registrar”—A person appointed as such, for the purposes of this Act, under the powers conferred by the Electoral Act, 1899, Section 158.

“Colonies”—The Colonies of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, including the Northern Territory;

Schedule V. “Constitution”—The draft of a Federal Constitution for Australasia set out in the Fifth Schedule hereto, subject to the amendments of the Imperial Parliament;

“Elector”—A person who is qualified and entitled to vote for the election of a Member of the Assembly at the time of the taking of the poll hereinafter mentioned, or who is at such time a holder of a voter's certificate issued under the provisions of this Act;

“Electoral District”—An Electoral District as appointed under the Constitution Act, 1896, to return a Member to the Assembly.

This section shall not extend to or affect the interpretation of any terms used in the Constitution.

The Submission to the Electors.

Submission to the electors. 3. (1.) On the thirty-first day of July, nineteen hundred, the question of the acceptance or rejection of the Constitution shall be referred and submitted to the electors.

Australasian Federation Enabling Act (Western Australia).

(2.) The poll shall be taken throughout Western Australia as one electorate.

(3.) The poll shall be taken throughout Western Australia on one and the same day.

(4.) Each voter shall vote by ballot "Yes" or "No" on the question, in accordance with the direction on the ballot paper in the First Schedule hereto. Schedule 1.

(5.) No elector shall vote more than once, notwithstanding the fact that his name appears upon more than one electoral roll.

Any person who votes or attempts to vote more than once shall be liable, upon conviction before any two Justices, to a penalty not exceeding Fifty pounds, or to be imprisoned for a period not exceeding six months.

4. (1.) The Governor may appoint, by commission under his hand and seal, a fit person to be the returning officer for taking the poll under the provisions of this Act. Returning Officer.

In case of sickness or other cause preventing the returning officer from acting, the Governor may in like manner appoint some other person to act as returning officer in his stead.

Notification of the appointment of the returning officer shall be published in the *Government Gazette*.

(2.) The returning officer, in addition to the powers and duties vested in and imposed upon him by this Act, shall have such of the powers and shall perform such of the duties of a returning officer appointed under the Electoral Act, 1899, as are necessary for carrying into effect the provisions of this Act.

(3.) Every returning officer under the Electoral Act, 1899, shall be an assistant returning officer for the purposes of this Act, and, in addition to the powers and duties vested in and imposed upon him by this Act, shall have such of the powers and shall perform such of the duties vested in and imposed upon a returning officer under the said Electoral Act as are necessary for carrying into effect the provisions of this Act. Assistant returning officers.

(4.) The writ for the poll shall be directed by the Governor to the returning officer.

A copy of the writ shall be published in the *Government Gazette*.

Australasian Federation Enabling Act (Western Australia).

Application of
general law.

5. Except as by this Act otherwise prescribed, the laws in force for the time being relating to the conduct of elections for the Assembly, the proceedings before and at and subsequent to such elections, electoral offences, and all incidental matters shall, so far as the same are applicable, apply *mutatis mutandis*, to the poll to be taken under the provisions of this Act.

Existing rolls
to be used.

6. The rolls existing for each Electoral District at the commencement of the Electoral Act, 1899, shall be used for taking the poll under the provisions of this Act.

Voter's Certifi-
cates.

7. (1.) Any adult person of either sex, being a natural born or naturalised subject of Her Majesty, and not subject to any legal incapacity, who has resided in Western Australia for twelve months, but whose name is not on any roll existing at the commencement of the Electoral Act, 1899, may obtain a voter's certificate on making an application therefor, in the form of the Second Schedule hereto, to the registrar or an assistant registrar for the Electoral District in which such person resides, on any week day, except Saturday, between the hours of 9 a.m. and 4 p.m., and on any Saturday between the hours of 9 a.m. and 9 p.m., up to and including the twenty-eighth day of July, 1900.

(2.) A voter's certificate, and the counterfoil thereof, shall be in the form of the Third Schedule hereto, and shall be signed by the electoral registrar or assistant registrar issuing the same and by the voter.

(3.) Voters' certificates issued for each polling place within each Electoral District shall be numbered consecutively, and lists containing corresponding numbers, with the name, residence, and occupation of the voter set opposite each number, shall be prepared by the registrar or assistant registrar for each polling place within each Electoral District.

(4.) Any person to whom a voter's certificate is issued may, on producing and delivering up the same to the assistant returning officer or other presiding officer, vote at the polling place therein named within the Electoral District for which such certificate was issued, but not elsewhere.

(5.) An assistant returning officer, or other presiding officer, may require any person claiming to vote as the holder of a voter's certificate, before voting, to indorse his name on the certificate in the presence of such officer.

Australasian Federation Enabling Act (Western Australia).

(6.) Any person wilfully and knowingly making a false statement in his application for a voter's certificate shall be deemed to be guilty of wilful and corrupt perjury, and may be punished accordingly.

8. (1.) Every elector whose name is on a roll existing for an Electoral District at the commencement of the Electoral Act, 1899, who resides more than twenty miles from the nearest polling place of the Electoral District for which he desires to vote, or who, after the issue of the writ and before the day fixed for taking the poll, is within any other Electoral District, may apply to a Resident Magistrate, or some other person appointed by the Governor in that behalf, for leave to vote in absence.

Method of voting in absence.

(2.) The Resident Magistrate, or appointee as aforesaid, shall then write on each of two counterfoils, numbered alike, the name of the Electoral District for which the applicant desires to vote, together with the names in full and address of the applicant, and shall sign the back of a ballot paper bearing the same number as the counterfoils, and on the face thereof shall write the name of the Electoral District as on the counterfoils, and shall give the ballot paper to the elector.

(3.) The elector shall then strike out the word "Yes" or "No" on the ballot paper, and shall fold it up and, in the presence of the Resident Magistrate or appointee as aforesaid, put it into an envelope.

(4.) The Resident Magistrate, or appointee as aforesaid, shall then seal up the envelope, and write "Ballot paper" on both sides thereof, and shall put one of the counterfoils into an envelope, and seal it up and write "Counterfoil" on both sides thereof, and shall then send both envelopes enclosed in another envelope, by post or otherwise, to the assistant returning officer.

(5.) The assistant returning officer, on receipt of any such envelopes, shall, without opening them, retain them in his possession until the commencement of the poll, and shall, at any convenient time or times, during or immediately after the taking of the poll, proceed to open the envelopes containing the counterfoils, and, having made a mark on the copy of the electoral roll in use at his polling place against the name of each person who appears by such counterfoils to have voted, shall keep such counterfoils in the same manner as

Duty of assistant returning officer with regard to the ballot papers of absent voters.

Australasian Federation Enabling Act (Western Australia).

the counterfoils of the ballot papers used by him at such election. Having thus dealt with the counterfoils, the assistant returning officer shall proceed to open the envelopes containing the ballot papers received up to the close of the poll, and as he takes out any ballot paper from its envelope, he shall, without opening the same, deposit it in the ballot box.

(6.) Any person who has applied to a Resident Magistrate, or appointee as aforesaid, for the purpose of voting under this section, and has complied with the provisions of this section, shall not be entitled to vote otherwise at the election, although the said envelopes, or either of them, may not have been sent to the assistant returning officer, or although they or either of them have miscarried.

(7.) For all subsequent purposes the assistant returning officer shall treat any counterfoils and ballot papers received in accordance with the provisions of this section in the same way in which he is required to treat counterfoils of ballot papers given by himself to voters and ballot papers received by himself from voters. The ballot papers and counterfoils to be used under this section shall be in the form given in the Fourth Schedule hereto.

Duty of assistant returning officers.

9. Every assistant returning officer shall, in manner provided by the law in force for the time being with respect to the election of members of the Assembly, ascertain the number of votes given for the acceptance of the Constitution, and also the number of votes given for the rejection of the Constitution at the various polling places within the Electoral District of which he is the returning officer, for which purpose the presiding officer at each such polling place shall make a return (certified by him to be correct) to the assistant returning officer of the number of votes so given respectively at such polling place; and the assistant returning officer shall there and then publicly state the result of the poll taken at the various polling places in such Electoral District, and shall also forthwith make out and furnish a return thereof (certified by him to be correct) to the returning officer appointed under this Act.

Every assistant returning officer and every presiding officer shall, for the purpose of making the return hereinbefore mentioned, permit any electors, not being more than six in number, to be present when the ballot box is being opened and the votes are being counted.

Australasian Federation Enabling Act (Western Australia).

Every return to be made under this section may be transmitted by telegraphic message or messages under the provisions of the Electoral Act, 1899.

10. The total number of votes given for the acceptance of the Constitution, and the total number of votes given for the rejection of the Constitution shall be endorsed upon the writ by the returning officer, who shall forthwith return the writ so indorsed to the Governor. Indorsement and return of writ.

The result of the poll so indorsed shall be published in the *Government Gazette*.

Such publication shall be conclusive evidence of the result of the poll. Evidence

11. Upon the taking of the poll as aforesaid, the majority of votes given shall decide the question of the acceptance or rejection of the Constitution; and if the Constitution is thereby rejected, no further action shall be taken under the provisions of this Act. Majority of votes to decide.

Addresses.

12. (1.) If the Constitution is accepted, the Legislative Council and Legislative Assembly may adopt Addresses to the Queen praying that Western Australia may be admitted as an original State of the Commonwealth. Addresses to the Queen.

(2.) When such Addresses have been adopted, they shall be transmitted to the Queen with a certified copy of the Constitution. The Addresses may also be transmitted by telegraph. Transmission of Addresses.

Regulations.

13. The Governor may make regulations for the purpose of carrying into effect the provisions of this Act. Regulations.

Expenses.

14. There may be paid to any officer acting under the provisions of this Act, in addition to all expenses necessarily incurred, such reasonable remuneration for services rendered as the Governor approves, and all moneys so paid shall be deemed to be expenses incurred in the execution of this Act. Expenses.

All expenses incurred in the execution of this Act, and in the taking of the poll hereinbefore directed to be taken, shall be defrayed out of the Consolidated Revenue, which is hereby appropriated for the purpose.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.

Australasian Federation Enabling Act (Western Australia).

Schedule I.

BALLOT PAPER.

Are you in favour of the Federal Constitution Bill ?

YES.

NO.

[If you are in favour of the Bill strike out the above word NO.]

[If you are against the Bill strike out the above word YES.]

Schedule II.

APPLICATION FOR VOTER'S CERTIFICATE.

The Australasian Federation Enabling Act (Western Australia), 1900.

To the Electoral Registrar or Assistant Registrar for the

.....Electoral District.

I hereby apply for a Voter's Certificate, and declare:—

- (a.) That I have resided in Western Australia for twelve months ;
- (b.) That I am a natural born [or naturalised] subject of Her Majesty, of the age of twenty-one years or upwards, and under no legal incapacity ;
- (c.) That to the best of my knowledge and belief my name was not on any roll existing at the commencement of The Electoral Act, 1899 ;
- (d.) That I have not already obtained a Voter's Certificate.

Dated the.....day of.....1900.

Name in full.....

Residence

Occupation.....

N.B.—Making a false statement in this application is perjury, and punishable as such.

Australasian Federation Enabling Act (Western Australia).

Schedule III.

VOTER'S CERTIFICATE.

<p align="center">COUNTERFOIL.</p> <p><i>The Australasian Federation Enabling Act (W.A.), 1900.</i></p> <p align="center">VOTER'S CERTIFICATE.</p> <p>No.....</p> <p>.....Electoral District.</p> <p>Polling Place.....</p> <p>Name of person } to whom issued }</p> <p>Residence</p> <p>Occupation</p> <p>Date of issue.....</p> <p>Signature of Electoral Registrar or Assistant Registrar :</p> <p>Signature of Holder :</p>	<p align="center"><i>The Australasian Federation Enabling Act (Western Australia), 1900.</i></p> <p align="center">VOTER'S CERTIFICATE.</p> <p>No.....</p> <p>.....Electoral District.</p> <p>Polling Place.....</p> <p>[Name].....of [Residence]..... [Occupation]....., whose name is signed here- under, is entitled to vote in the above Electoral District on the question of the acceptance or rejection of the Con- stitution.</p> <p>Dated the.....day of....., 1900.</p> <p>Signature of Electoral Registrar } or Assistant Registrar }</p> <p>Signature of Holder.....</p>
---	--

Schedule IV.

<p align="center">COUNTERFOIL.</p> <p>No.....</p> <p>Name of District :</p> <p>Name of Applicant :</p> <p>Address of Applicant :</p>	<p align="center">COUNTERFOIL.</p> <p>No.....</p> <p>Name of District :</p> <p>Name of Applicant :</p> <p>Address of Applicant :</p>	<p align="center">BALLOT PAPER OF ABSENT VOTER.</p> <p align="right">.....District.</p> <p>Are you in favour of the Federal Constitution Bill ?</p> <p align="center">YES.</p> <p align="center">NO.</p> <p>[If you are in favour of the Bill strike out the above word NO.]</p> <p>[If you are against the Bill strike out the above word YES.]</p>
--	--	--

* * * * *