



## WESTERN AUSTRALIA.

ANNO TRICESIMO QUARTO

## VICTORIÆ REGINÆ.

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No. XXX.

AN ACT to amend the Representation of the People, and to alter the Property Qualification of Members of the Legislative Council.

[Reserved 18th January, 1871.]

[Royal Assent Proclaimed, 17th August, 1871.]

**W**HEREAS, by a certain Ordinance passed in the Thirty-third year of the reign of Her Majesty Queen Victoria, No. 13, intituled *An Ordinance to provide for the establishment of a Legislative Council, the division of the Colony into Electoral Districts, and the election of Members to serve in such Council*, a Legislative Council consisting of eighteen members has been established, under and pursuant to the provisions of an Act passed in the Session of the Imperial Parliament holden in the fourteenth year of the reign of Her present Majesty, intituled *An Act for the better Government of Her Majesty's Australian Colonies*: And whereas by the said Act of 33 Vict. No. 13

the Imperial Parliament it was amongst other things enacted and provided that no man should be entitled to Vote at the Election of a Member of the Legislative Council who had been attainted or convicted of Treason, Felony, or other infamous offence in any part of Her Majesty's Dominions, unless he should have received a free pardon, or one conditional on not leaving the Colony, for such offence, or should have undergone the sentence passed on him for such offence: And whereas by the said Act of the Imperial Parliament it was further enacted that all the provisions therein contained, concerning the qualification and disqualification of electors in New South Wales, should apply to and be in force in Western Australia, if a Legislative Council should be established therein under the said Act, as if all such provisions were there repeated, the name of such Colony being substituted for the name of the Colony of New South Wales; and that, subject to the provisions contained in the said Act, all the provisions of the therein-recited Act of the sixth year of Her Majesty, Cap. 76, as explained and amended by the second therein-recited Act of the eighth year of Her Majesty, Cap. 74, concerning among other things the qualification and disqualification of Members of the Legislative Council of New South Wales, should apply to and be in force in the Colony of Western Australia, in which a Legislative Council should be established under the said Act, as if such provisions were therein repeated; And whereas, by the several Acts lastly hereinbefore mentioned, provisions have been made for requiring, on the part of members of the Legislative Council elected in New South Wales, certain qualifications in respect of property; And whereas by the said first mentioned Act of the Imperial Parliament it was further enacted that, notwithstanding anything thereinbefore contained, it should be lawful for the Governor and Legislative Council of Western Australia, after the establishing of a Legislative Council therein under the said first mentioned Act, from time to time by any Act or Acts to alter the provisions or laws for the time being in force under the said first mentioned Act, or otherwise, concerning amongst other things the Qualification of Electors and Elective Members: And whereas it is desirable to alter and amend the aforesaid Acts so far as relate to the Qualification of Electors and Elected Members: Be it therefore enacted, by His Excellency the Governor of Western Australia and its dependencies, by and with the consent of the Legislative Council thereof, as follows:—

5 and 6 Vict. c. 76.

7 and 8 Vict., c. 74.

Persons holding conditional pardons entitled to vote at the election of members to serve in the Legislative Council.

1 EVERY man who shall have been attainted or convicted of treason, felony, or other infamous offence, in any part of Her Majesty's Dominions, and who shall have received a conditional pardon for such offence, whether the condition of such pardon shall

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be on not leaving the Colony, or whether such pardon shall be on any other condition whatsoever, shall, if otherwise qualified under the said Act to Vote at the Election of a Member or Members to serve in the Legislative Council, be entitled to Vote at such Election of a Member or Members to serve in such Legislative Council, anything in the said Acts to the contrary notwithstanding.

**2** EVERY man holding, at the date of Registration and on the day of the Election of Members, a License from the Government to depasture Lands within the District for which his Vote is to be given, of the value of Ten Pounds per annum, and every man holding, at the last mentioned dates and in the District last aforesaid, a Leasehold Estate in possession, of the value of Ten Pounds per annum under an unexpired term, shall be entitled to Vote at the Election of a Member of such Legislative Council: Provided, always, that the Qualification of Voters at the said Election shall remain and be the same as set forth in the provisions of the Fourth Section of the aforesaid Imperial Act (13th and 14th Vict., c. 59), save only as altered herein and inconsistent with the provisions of this Act.

Qualification of electors in respect to leases extended.

**3** THAT any householder claiming to vote in any district who shall occupy a dwelling house in such district of the clear annual value of Ten Pounds, and shall in such district have previously occupied a dwelling house of the value aforesaid for a period of six calendar months next before the issue of a Writ for the election of a member of the Legislative Council, shall be entitled to vote at the Election of a member of such Legislative Council. Provided that no person shall be entitled to vote unless he is a householder in such district at the time he gives his vote.

Ten pounds householders entitled to vote.

**4** THAT no person shall be capable of being elected a Member of the Legislative Council who shall not be of the full age of twenty-one years, and a natural born subject of the Queen, or naturalized by law, or who shall not be legally or equitably seised of an estate of freehold for his own use and benefit in lands and tenements in Western Australia of the yearly value of Fifty Pounds Sterling money, or of the value of One Thousand Pounds Sterling money, above all charges and encumbrances affecting the same.

Qualification of Elected Members.

**5** THAT no person holding any office of emolument under the Crown shall be capable of being elected a Member, or of sitting and voting in the Legislative Council as an elected Member.

Exclusion of Government Officers.

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Person attainted or convicted of Treason, Felony, &c., incapable of being elected.

§ THAT no person who has been attainted or convicted of Treason, Felony, or other infamous offence, in any part of Her Majesty's dominions, shall be capable of being elected as a Member, or of sitting and voting in the Legislative Council.

I reserve this Bill for the signification of Her Majesty's pleasure.

FRED. A. WELD, Governor.