
LOCAL GOVERNMENT

LG301*

Local Government Act 1995

**Local Government (Elections) Amendment
Regulations 2005**

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

1. Citation

These regulations are the *Local Government (Elections)
Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which section 17 of the *Local Government Amendment Act 2004* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Elections) Regulations 1997**.

[* Reprinted as at 5 April 2002.]

4. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) by deleting the full stop after the definition of “section” and inserting instead a semicolon;
- (b) by inserting after the definition of “section” —

“

“Western Australian Electoral Commission” means the department of the Public Service referred to in section 4A of the *Electoral Act 1907*.

”.

5. Regulation 20 amended

- (1) Regulation 20(1) is amended after paragraph (c) by deleting the full stop and inserting instead —

“

;

- (d) if it differs from the residential address, postal address.

”.

- (2) Regulation 20(2) is amended by inserting after “(1)(c)” —

“ and (d) ”.

6. Regulation 22A inserted

After regulation 22 the following regulation is inserted in Part 4 —

“

22A. Certification of corrections to roll — s. 4.43(4)

An alteration made to a roll for an election under section 4.43(3) by the returning officer —

- (a) where the roll is an owners and occupiers roll, is to be certified as being made under that section by the CEO; or
- (b) where the roll is a residents roll, is to be certified as being made under that section by the Electoral Commissioner.

”.

7. Regulation 26 amended

Regulation 26(4) is amended by deleting “is to be credited to the local government’s trust fund.” and inserting instead —

“

is to be credited to —

- (a) a fund of the local government; or
- (b) an account maintained by the Western Australian Electoral Commission, if the Electoral Commissioner —
 - (i) is responsible for the conduct of the election; and
 - (ii) approves of the deposit being so credited.

”.

8. Regulation 28 amended

- (1) Regulation 28(1) is amended by inserting after “refunded,” —

“

and the deposit has been credited under regulation 26(4)(a) to a fund of the local government,

”.

- (2) After regulation 28(1) the following subregulations are inserted —

“

- (1a) If a candidate’s deposit is to be refunded, and the deposit has been credited under regulation 26(4)(b) to an account maintained by the Western Australian Electoral Commission, the Electoral Commissioner is to pay an amount equal to the deposit to —
- (a) the candidate;
 - (b) a person to whom the candidate, by written notice given to the Electoral Commissioner, directs the Electoral Commissioner to pay it; or
 - (c) if the candidate is dead or otherwise incapable of receiving the payment, to the personal representative of the candidate or other person lawfully entitled to receive it.
- (1b) If a candidate’s deposit has not been refunded under subregulation (1a) within 28 days after notice is given of the result of the election —
- (a) the Electoral Commissioner is to pay an amount equal to the deposit to the local government; and

- (b) the local government is to credit that amount to a fund of the local government as referred to in regulation 26(4)(a).

”.

- (3) Regulation 28(2) is amended by deleting “the CEO does not make a payment as required under subregulation (1)” and inserting instead —

“

payment is not made as required under subregulation (1) or (1a)

”.

9. Regulation 43 amended

Regulation 43(1a)(b) is amended by deleting “, 52A, 58(3) or 61(3)” and inserting instead —

“ or 52A ”.

10. Regulation 86 amended

Regulation 86 is amended by deleting “85(a)” and inserting instead —

“ 85(1)(a) ”.

11. Regulations 91 and 92 inserted

After regulation 90 the following regulations are inserted —

“

91. Expenses of electoral commissioner — s. 2.12A(2)(c)

The expenses of the Electoral Commissioner in connection with a poll conducted under section 2.12A are to be met by the local government to the extent agreed between the Electoral Commissioner and the local government.

92. Declaration and notice of results of poll under section 2.12A

- (1) The RO is to publicly declare the result of a poll under section 2.12A.
- (2) The declaration is to include —
- (a) the question that was voted on; and
 - (b) the answer to that question as determined by the results of the poll.
- (3) The RO is also to give local public notice of the result of the poll (Form 23).

”.

12. Form 8 amended

Form 8 is amended under the heading “Office” by deleting “Inaugural” and inserting instead —

“ Other ”.

13. Form 9 amended

Form 9 is amended under the heading “Office” by deleting “Inaugural” and inserting instead —

“ Other ”.

14. Form 13 amended

Form 13 is amended under the heading “Notes to Form 13” in note 3 by inserting after “Officer” —

“
or, where the Electoral Commissioner has been declared responsible for the conduct of an election, such other contact details as are appropriate
 ”.

15. Form 14 replaced

Form 14 is repealed and the following form is inserted instead —

“

Form 14. Elector’s Certificate

Local Government (Elections) Regulations 1997, reg 43(1)(e)

Elector’s Certificate

| | | |
|--|---|-------|
| Declaration [Making a false declaration is an offence] | I am the elector to whom a package containing the accompanying ¹ ballot paper envelope was addressed. I declare that the accompanying ¹ ballot paper envelope contains my ballot paper(s) and that I am the person enrolled as: | |
| | Surname: Other names: Address (as enrolled, or claimed to be enrolled): | |
| | Signature: | Date: |

Your vote may not be accepted if this certificate is not signed.

Notes to Form 14**Notes to Returning Officer when preparing elector’s certificate****1 Declaration**

If the elector’s certificate is:

- (a) *attached to the ballot paper envelope, replace “accompanying” with “attached”; or*
- (b) *printed on the return envelope, replace “accompanying” with “enclosed”.*

2 Postal election

If the certificate is sent under regulation 41 (Postal election) the form may be modified by deleting the part requiring the elector to supply his or her name and address.

”.

16. Certain forms amended

Each form referred to in the Table to this regulation is amended by deleting “Phone numbers (H): (W):” wherever it appears and inserting in each place —

“

Phone numbers (H): (W): (M):

”.

Table

Forms 2, 5, 7, 8, 9, 12, 15, 16, 17 and 18.

By Command of the Lieutenant-Governor and deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.