



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

541



PERTH, FRIDAY, 17 FEBRUARY 1995 No. 23 SPECIAL

PUBLISHED BY AUTHORITY G. L. DUFFIELD, GOVERNMENT PRINTER AT 5.00 PM

CITY OF PERTH RESTRUCTURING ACT 1993

**CITY OF PERTH
RESTRUCTURING
(POSTAL ELECTIONS)
REGULATIONS 1995**

CITY OF PERTH RESTRUCTURING ACT 1993
CITY OF PERTH RESTRUCTURING (POSTAL ELECTIONS)
REGULATIONS 1995

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *City of Perth Restructuring (Postal Elections) Regulations 1995*.

Interpretation

2. (1) A term used in regulation 3 or 4 has the same meaning as it has in section 12B of the Act.

(2) In these regulations —

“**Form**” means a Form in the Schedule to the principal regulations;

“**principal Act**” means the *Local Government Act 1960*;

“**principal regulations**” means the *Local Government (Electoral) Regulations 1984*.

Application

3. (1) These regulations apply to elections for municipalities in the circumstances set out in subregulations (2) and (3) and not otherwise.

(2) If a decision under section 12B (2) of the Act that the first elections for a municipality will be conducted as postal elections has effect, these regulations apply in relation to those elections.

(3) If a decision under section 12B (3) of the Act that a subsequent election will be conducted as a postal election has effect, these regulations apply in relation to that election.

Provisions of the *Local Government Act 1960* modified or disapplied

4. (1) The provisions of the principal Act set out in column 1 of Schedule 1 are modified or disapplied as set out in column 2 of Schedule 1.

(2) The modification of section 46 (1) of the principal Act only applies in the case of the first elections.

Forms in the *Local Government (Electoral) Regulations 1984* modified or disapplied

5. The Forms are modified or disapplied as set out in Schedule 2.

SCHEDULE 1

[Regulation 4]

Local Government Act 1960

Column 1 Provision	Column 2 Modification or disapplication
s. 6 (1)	In the definition of "electoral officer" delete "early, absent and postal".
s. 42 (1)	Delete "77th" and substitute — " 58th ".
s. 42 (2)	Delete "56th" and substitute — " 51st ".
s. 42 (3)	Delete "71st" and substitute — " 52nd ".
s. 43 (2) (a)	Delete "71st" and substitute — " 52nd ".
s. 43 (2) (b) (i)	Delete "71st" and substitute — " 52nd ".
s. 43 (2) (c) (ii)	Delete "71st" and substitute — " 52nd ".
s. 43A (1)	Delete "107 (4), 115 (3), 119 (3), 122 (5) or 125 (2)" and substitute — " 121A (6) (a) ".
s. 43A (1) (a)	Delete "107 (4) (a), 115 (3) (a), 119 (3), 122 (5) or 125 (2)" and substitute — " 121A (6) (a) ".
s. 43A (1) (b)	Delete "107 (4) (a), 115 (3) (a), 119 (3), 122 (5) or 125 (2)" and substitute — " 121A (6) (a) ".
s. 46 (1)	Delete "77th day" and substitute — " 58th day ".
	Delete "71st day" and substitute — " 52nd day ".

- s. 78 (c) Delete "early, absent and postal voting papers" and substitute —
 " voting papers for elections for the municipality and voting papers under section 121C and absent voting papers for elections for other municipalities ".
- s. 89 (4) (c) and (d) Delete paragraphs (c) and (d) and substitute —
 " (c) that the principal method of casting votes at the election will be by post;
 (d) the polling place or places appointed for the purposes of section 121A for the election, ".
- s. 98 (1) Delete subsection (1) and substitute —
 " (1) The office of the returning officer is appointed as a polling place for the purposes of section 121A and the returning officer may appoint another polling place or polling places for those purposes. ".
- s. 98 (2) Delete "council or the".
- s. 98 (4) Delete "vote" and substitute —
 " apply for voting papers ".
- s. 100 Delete section 100 and substitute —
 " **Voting to be by post**
100. At an election held to fill a vacancy in office of member of a council an elector may cast a vote by posting it, or causing it to be delivered, to the returning officer. ".
- s. 101 Delete "the council office and any additional place appointed for the casting of early votes".
 Delete "paragraph (b) of subsection (1) of section 108" and substitute —
 " section 122 (7) (e) ".
- s. 102 (3) Delete subsection (3) and substitute —
 " (3) A candidate shall not act as a scrutineer at a polling place during the hours between 8 a.m. and 6 p.m. on polling day and during those hours may only enter or remain in a polling place for the purpose of applying for voting papers under section 121A. ".

- s. 102 (4) Delete "vote" and substitute —
 " apply for voting papers ".
- s. 102 After section 102 (4) insert —
 " (5) In this section —
 "polling place" includes a place at
 which voting papers are checked. ".
- s. 103 (4) Delete "early, absent or postal".
- s. 104 (1) (b) (i) Delete "subsection (2) of section 107" and substitute —
 " section 121A (4) ".
- s. 105 (1) Delete subsection (1) and substitute —
 " (1) The returning officer shall cause to
 be provided such ballot boxes as are
 necessary for the receipt of voting papers. ".
- s. 105 (4) Delete "early, absent or postal".
- ss. 107 and 108 Sections 107 and 108 do not apply.
- Part IV,
 Division 3,
 Subdivision I Subdivision I (sections 111 to 113) does not apply.
- Part IV,
 Division 3,
 Subdivision J In the heading delete "Other Than on Election Day".
- ss. 114 to 120 Sections 114, 115, 116, 117, 118, 119 and 120 do not
 apply.
- ss. 121 to 121C Delete section 121 and substitute —
 " **Issue of voting papers by post**
121. (1) Subject to sections 121A to
 121C, voting papers for elections shall be
 issued under this section and not otherwise.
 (2) As soon as is practicable after the
 fourth day after nomination day the
 returning officer shall arrange for an
 election package to be posted to each elector
 for whom the returning officer has a
 recorded address.
 (3) An election package under
 subsection (2) is to contain —
 (a) voting instructions in the
 prescribed form;

5

- (b) if a candidate has supplied an election statement to the returning officer on or before nomination day, a copy of that statement;
 - (c) a ballot paper;
 - (d) a ballot paper envelope on which a vote certificate in the prescribed form is printed; and
 - (e) a postage pre-paid envelope addressed to the returning officer.
- (4) In subsection (3) (b) —

“election statement” means a statement about the candidate of not more than 150 words with or without a suitable recent photograph of the candidate's head or head and shoulders.

(5) The returning officer shall cause a record to be made and kept of the electors to whom election packages have been sent under subsection (2).

Application for voting papers by elector on roll

121A. (1) A person who claims to be entitled to vote at an election and claims —

- (a) not to have received a ballot paper under section 121; or
- (b) that the ballot paper issued to the person under section 121 has been lost, destroyed or spoilt,

may apply for voting papers or new voting papers, as the case may be.

(2) An application under subsection (1) may be made, in person, to —

- (a) an electoral officer at the office of the returning officer during normal office hours within the period commencing on the 11th day following nomination day and terminating on the day prior to the polling day; or

6

- (b) an electoral officer at a polling place when it is open on the polling day.

(3) The person shall make a declaration before the electoral officer in the prescribed form printed on a postage pre-paid envelope addressed to the returning officer.

(4) The electoral officer may, but if requested to do so by a scrutineer shall, ask the person all or any of the following questions —

- (a) What is your name and address?
- (b) Are you the person whose name appears as (here state the name) on the electoral roll of the (here state the name of the district or ward as the case requires)?
- (c) Have you attained the age of 18 years?
- (d) Have you already voted at this election?

(5) If the person —

- (a) does not answer such of the questions mentioned in subsection (4) as are put to the person;
- (b) answers the questions but the answers do not, in the opinion of the electoral officer, establish the person's right to vote; or
- (c) does not make a declaration under subsection (3),

the electoral officer shall not give an election package to the person.

(6) If the person satisfies the electoral officer that the person is entitled to vote, and has not already voted, at the election, the electoral officer shall —

- (a) subject to section 43A, indicate by a mark against the name of the person on the electoral roll being used for the purpose of the election, that an election package is being given to that person;

7

- (b) complete the necessary details relating to the person on the vote certificate on a ballot paper envelope; and
- (c) give the postage pre-paid envelope and the ballot paper envelope to the person in an election package containing the other papers referred to in section 121 (3).

Application for voting papers by person not on roll

121B. (1) A person who applies for voting papers under section 121A but whose name does not appear on the electoral roll of the municipality shall be given voting papers if the person is otherwise eligible to vote and if the person's name should appear on that electoral roll but was omitted in error.

(2) The person shall make a declaration before the electoral officer in the prescribed form printed on a postage pre-paid envelope addressed to the returning officer.

(3) In determining whether a person is entitled to vote under this section the electoral officer may have regard, in addition to the declaration made under subsection (2), to —

- (a) a previously compiled electoral roll;
- (b) an advice sent to the person pursuant to section 38 (1) or (3);
- (c) an electoral roll or other document prepared under the *Electoral Act 1907*; or
- (d) any other document or material that the officer considers relevant.

(4) If the person satisfies the electoral officer that the person is entitled to vote at the election, the officer shall —

- (a) complete the necessary details relating to the person on the vote certificate on a ballot paper envelope; and

8

- (b) give the postage pre-paid envelope and the ballot paper envelope to the person in an election package containing the other papers referred to in section 121 (3).

(5) Where the application of any person for voting papers under this section is rejected, the electoral officer by whom the application is rejected shall endorse on the declaration or on a paper attached to it the reason for the rejection and shall sign the endorsement.

Application for voting papers by absent elector

121C. (1) If a person who is an elector of a municipality has reason to believe that he or she will not be able to use voting papers sent under section 121 to cast a vote at an election for that municipality, and will not be able to apply for voting papers under section 121A, the person may apply for voting papers at the office of the council of another municipality.

(2) An application under subsection (1) shall be made to an appropriate electoral officer of the other municipality during normal office hours within the period commencing on the 11th day following nomination day and terminating at 4 o'clock in the afternoon of the 3rd day prior to the polling day.

(3) The person shall make a declaration before the electoral officer in the prescribed form printed on a postage pre-paid envelope addressed to the returning officer of the municipality for which the election is being held.

(4) If the person satisfies the electoral officer that the person is entitled to vote at the election, the electoral officer shall —

- (a) complete the necessary details relating to the person on the vote certificate on a ballot paper envelope; and
- (b) give the postage pre-paid envelope and the ballot paper envelope to the person in an election package containing

voting instructions in the prescribed form and a ballot paper.

(5) A person who obtains voting papers under this section shall find out the names of the candidates and the other relevant details of the election and shall write the names of the candidates on the ballot paper.

(6) A vote cast using voting papers obtained under this section shall not be rejected by reason only of the names of the candidates not being listed in correct order on the ballot paper or of any mistake in the spelling of the names of the candidates if the intention of the elector is clear. ”

- s. 122 (1) to (6) Section 122 (1), (2), (3), (4), (5) and (6) do not apply.
- s. 122 (7) Delete “postal” wherever it occurs.
- s. 122 (7) (d) Delete “envelope upon which the certificate has been completed” and substitute —
“ postage pre-paid envelope ”.
- s. 122 (7) (e) Delete “envelope upon which the certificate has been completed” and substitute —
“ postage pre-paid envelope ”.
- s. 122 After subsection (7) insert —
“ (8) Without limiting subsection (7) (d) or (e), delivery of the postage pre-paid envelope to the returning officer may be effected by delivering the envelope to an electoral officer at a polling place between the hours of 8 a.m. and 6 p.m. on the polling day. ”
- s. 123 Delete “postal”.
- s. 124 Delete section 124 and substitute —
“ **Duty of witness**
124. (1) A person who witnesses the signature of a person (“the voter”) on a vote certificate without seeing the voter sign the certificate in the voter’s own handwriting, commits an offence.
(2) A person who witnesses the signature of a person (“the voter”) on a vote certificate commits an offence if the person in any way applies or attempts to apply undue influence on the voter.

(3) A person, other than an electoral officer, who witnesses the signatures of more than 10 people on vote certificates relating to the same election commits an offence.

s. 124B

After section 124A insert —

“ **Elections on same day**

124B. (1) In this section —

“**mayoral election**” means the election of a mayor of a municipality;

“**ward election**” means the election of a councillor or councillors for a ward of a municipality.

(2) Subject to subsection (3), if a ward election and a mayoral election for a municipality are to be held on the same day and a person is, or claims to be, entitled to vote at both elections —

- (a) one application and declaration may be made under section 121A, 121B or 121C in relation to both elections;
- (b) the election package posted or given to the person under section 121, 121A, 121B or 121C shall contain a ballot paper for each election; and
- (c) when votes have been recorded on both ballot papers they shall be inserted in the same ballot paper envelope under section 122 (7) (d) or (e), as the case may be.

(3) If 2 ward elections and a mayoral election for a municipality are to be held on the same day and a person is, or claims to be, entitled to vote at all of the elections —

- (a) subsection (2) applies to the person in relation to the mayoral election and one of the ward elections; and
- (b) this Act applies to the person in relation to the other ward election as if the mayoral election were not being held.

- s. 125 Delete section 125 and substitute —
- “ **Closing time for voting papers**
125. Voting papers cannot be accepted by the returning officer if received by the returning officer or an electoral officer after 6 p.m. on the polling day. ”.
- s. 126 Delete “postal” in both places.
- Part IV,
Division 3 In the heading to Subdivision K delete “Voting Other Than on Election Day — General Provisions” and substitute —
- “ **Checking Voting Papers** ”.
- ss. 127 and 128 Sections 127 and 128 do not apply.
- ss. 129 and 130 Delete the sections and substitute —
- “ **Times and places for checking voting papers**
129. (1) The returning officer may check voting papers at any time after they are received before the polling day, at times and places notified in writing to each candidate.
- (2) As soon as practicable after the close of the poll, the returning officer shall, at the chief polling place, check all voting papers which have been received up to 6 p.m. on the polling day and which have not previously been checked.
- Procedure for checking voting papers**
130. (1) In checking voting papers the returning officer shall take each postage pre-paid envelope and, subject to subsection (2) —
- (a) shall remove the ballot paper envelope from the postage pre-paid envelope and retain the latter if it has a declaration under section 121A (3), 121B (2) or 121C (3) on it;
- (b) if satisfied that the vote certificate on the ballot paper envelope is completed in accordance with this Act and that a ballot paper envelope has not already been accepted from the person, shall accept the

12

ballot paper in the ballot paper envelope for further scrutiny, but, if not so satisfied, shall reject the ballot paper without opening the envelope in which it is contained;

- (c) shall cause a record to be kept and maintained of persons from whom ballot paper envelopes have been accepted; and
- (d) shall detach the vote certificates from the ballot paper envelopes which have been accepted for further scrutiny and, without opening the ballot paper envelopes or allowing any other person to do so, shall place those envelopes in a ballot box.

(2) If the postage pre-paid envelope has a declaration by a person under section 121C (3) on it, the returning officer shall not deal with the envelope under subsection (1) (a) to (d) unless satisfied that the name of the person is registered on the electoral roll.

- s. 131 (1) Delete "and examine and count the ballot papers contained in them" and substitute —
 " , remove the ballot papers from the ballot paper envelopes and examine and count the ballot papers "
- s. 133 After subsection (2) insert —
 " (3) Subsection (2) does not apply to a ballot paper envelope in which 2 ballot papers are inserted as required by section 124B (c). "
- s. 137 (1) (e) Delete "early, absent and postal votes and votes recorded pursuant to Subdivision I of this Division," and substitute —
 " voting papers, the records kept as required by sections 121 (5) and 130 (c), "
- s. 154C (1) (a) and (b) Section 154C (1) (a) and (b) do not apply.
- s. 154C (1) (c) Delete "an early, absent or postal vote" and substitute —
 " a vote "

13

- s. 154C (1) (e) Delete "postal".
- s. 154E (1) Delete "an early, absent or postal vote" and substitute —
" a vote ".

SCHEDULE 2

Local Government (Electoral) Regulations 1984 [Regulation 5]

1. In Form 1 —

- (a) delete "POSTAL ADDRESS" and substitute —

"

FORMER NAME(S) (if changed since 31.1.1993)SEX Male*/Female*RESIDENTIAL ADDRESSPOSTCODEPOSTAL ADDRESS (if
different from residential)

POSTCODE

and

- (b) in paragraph (a), before "I" insert —

" I was born on / / and ".

2. In Form 7 —

- (a) delete "118 (3)" and substitute —

" 121C (3) ";

- (b) delete "ABSENT VOTE BALLOT PAPER" and insert —

" BALLOT PAPER FOR ABSENT ELECTOR "; and

- (c) delete the last paragraph of the instructions.

3. In Form 10 delete "Early/Postal".

14

4. Delete Form 12 and substitute —

“

Form 12

[Section 121A (3)]

*Local Government Act 1960***DECLARATION BY APPLICANT FOR REPLACEMENT
VOTING PAPERS**

Municipality

Ward (if any)

Surname or
Family nameAll Christian or
Given namesFormer Name (if changed since
31/1/1993.)***Tick appropriate box***Male Female Residential
Address

Postcode

Postal Address
(if different from
residential)

Postcode

I declare that —

- (a) I am an elector on the electoral roll for the above municipality
-
- and ward* but:

Tick appropriate boxI have not received the postal vote ballot paper(s)* for
the forthcoming election(s)* for the above municipality.

or

My ballot paper(s)* has/have* been destroyed/lost/spoilt*.

15

or

My postal vote certificate/ballot paper envelope* has been destroyed/lost/spoilt*.

and

(b) I have attained the age of 18 years.

and

(c) I have not already voted at the election(s)*.

**Delete that which is not applicable*

/ /
Date

Signature of Applicant

Signed and declared before
me on / /

Signature of Returning/
Electoral Officer

Form 12A

[Section 121B (2)]

Local Government Act 1960

DECLARATION BY APPLICANT FOR VOTING PAPERS WHO IS NOT ON ROLL

Municipality

Ward (if any)

Surname or
Family name

All Christian or
Given names

Former Name (if changed since
31/1/1993.)

Tick appropriate box

Male

Female

Residential Address

Postcode

Postal Address (if different from residential)

Postcode

I declare that —

(a) I am eligible to be registered as an elector on the electoral roll for the above municipality and ward* as —

Tick appropriate box

A resident at the above address.

or

An owner/occupier* of the following rateable property:

.....

but my name has been incorrectly omitted from the roll.

and

(b) I have attained the age of 18 years.

and

(c) I have not already voted at the election(s)*.

***Delete that which is not applicable**

/ /
Date

--

Signature of Applicant

Signed and declared before me on / /

--

Signature of Returning/
Electoral Officer

5. Form 13 does not apply.

17

6. Delete Form 14 and substitute —

“

Form 14

Local Government Act 1960 [Section 121C (3)]

**DECLARATION BY APPLICANT FOR VOTING PAPERS
WHO IS ABSENT**Municipality Ward (if any) Surname or
Family name All Christian or
Given names Former Name (if changed since
31/1/1993.) **Tick appropriate box**Male Female Residential
Address
 PostcodePostal Address
(if different from
residential)
 Postcode

I declare that —

- (a) I am an elector on the electoral roll for the above municipality and ward* but I have reason to believe that I will not be able to use voting papers posted to me to vote at the election(s)* and will not be able to obtain voting papers by applying, in person, to the returning officer or at a polling place for the election(s)*.
- and
- (b) I have attained the age of 18 years.
- and

18

(c) I have not already voted at the election(s)*.

****Delete that which is not applicable***

/ /
Date

Signature of Applicant

Signed and declared before
me on / /

Signature of Returning/
Electoral Officer

”

7. Form 15 does not apply.

8. In Form 15A —

- (a) delete “Section 122 (4) and substitute —
“ Section 121 (3) (a) ”;
- (b) delete “Postal” wherever it occurs;
- (c) in the first paragraph delete “As a result of your application for postal voting papers, the” and substitute —
“ The ”;
- (d) in the first paragraph, delete “postal vote certificate” and substitute —
“ postage pre-paid ”;
- (e) in instruction 1 on the first page, delete “postal vote certificate envelope” and substitute —
“ vote certificate (which is printed on the ballot paper envelope) ”;
- (f) in instruction 2 on the first page, delete “postal” and “envelope”;
- (g) in instruction 5 on the first page —
 - (i) delete “envelope upon which the postal vote certificate has been completed” and substitute —
“ postage pre-paid envelope ”; and
 - (ii) delete “completed postal vote certificate” and substitute —
“ postage pre-paid ”;

- (h) in instruction 2 on the second page, delete "envelope upon which the postal vote certificate has been completed" and substitute —
 " postage pre-paid envelope "; and
- (i) in instruction 3 on the second page, delete "postal vote certificate" and substitute —
 " postage pre-paid ".

9. Delete Form 16 and substitute —

"

Form 16

[Section 121 (3) (d)]

Local Government Act 1960

VOTE CERTIFICATE

Elector to sign

- I am the person named below on this envelope
- This envelope is to contain my ballot paper(s)

Signature of elector

Date / /

Witness to complete

- I have attained the age of 18 years
- I am not a candidate for election and am not authorized to act for a candidate

Full name of witness

Address of witness

Signature of witness

Electoral officer to complete

Municipality

Ward

Full name of elector

Address of elector

"

By His Excellency's Command,

Dated 14 February 1995.

M. C. WAUCHOPE, Clerk of the Council.

