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ELECTORAL ACT 1907  
**ELECTORAL AMENDMENT REGULATIONS 1996**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Electoral Amendment Regulations 1996*.

**Commencement**

2. These regulations come into operation on the day on which the *Electoral Legislation Amendment Act 1996* comes into operation.

**Principal regulations**

3. In these regulations the *Electoral Regulations 1996\** are referred to as the principal regulations.

[\* *Published in Gazette 10 October 1996, pp. 5321-92.*]

**Regulation 6 amended**

4. Regulation 6 (1) and (2) of the principal regulations are repealed and the following subregulation is substituted —

“

(1) The declaration by an officer prescribed for the purposes of section 15A of the Act is the declaration in Form 1 in Schedule 2.

”.

**Regulation 8 amended**

5. Regulation 8 of the principal regulations is amended —

(a) by inserting after the regulation designation “8.” the subregulation designation “(1)”; and

(b) by inserting the following subregulation —

“

(2) Despite subregulation (1), the sex and occupation of electors may be omitted when rolls are printed under section 24 of the Act or supplied under section 112 of the Act.

”.

**Regulation 28 amended**

6. Regulation 28 of the principal regulations is amended by deleting “*Constitution Act*” and substituting the following —

“ *Constitution Acts* ”.

**Schedule 2 amended**

7. Forms 1 and 2 in Schedule 2 to the principal regulations are deleted and the following Form is substituted —

“

**FORM 1**

[Regulation 6 (1)]

Western Australia  
*Electoral Act 1907* (s. 15A)

**DECLARATION BY OFFICER**

I, \_\_\_\_\_,  
of \_\_\_\_\_  
declare that —

- 1. I accept the office of \_\_\_\_\_ ;
- 2. I will faithfully and impartially perform the duties of my office to the best of my understanding and ability; and
- 3. I have no active or official connection with —
  - (a) any political party;
  - (b) any election or campaign committee; or
  - (c) any person who has nominated as a candidate for an election in a district or region in, or respect of which, I will be carrying out my duties,

and I will immediately notify the Electoral Commissioner if such a connection arises.

\_\_\_\_\_  
Signature of officer

Declared before me on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Name of witness

[A declaration by the Electoral Commissioner, the Deputy Electoral Commissioner, an Acting Electoral Commissioner or a Returning Officer must be witnessed by a Justice of the Peace.  
A declaration by any other officer must be witnessed by a person who is, or is qualified to be, an elector at Commonwealth or State elections.]

”

**Schedule 3 amended**

8. (1) Form 1 in Schedule 3 to the principal regulations is amended —
- (a) by deleting “Occupation” and substituting the following —  
“ Occupation\* ”;
  - (b) by deleting “Sex” and substituting the following —  
“ Sex\* ”; and
  - (c) by inserting the following note at the end of the Form —  
“  
[\* This column may be omitted when rolls are printed under section 24 of  
the Act or supplied under section 112 of the Act.]”.
- (2) Form 25 in Schedule 3 to the principal regulations is amended —
- (a) by deleting “\$100” and substituting the following —  
“ \$250 ”; and
  - (b) by deleting “me\*” and substituting the following —  
“ the Electoral Commissioner\* ”.
- (3) Form 28 in Schedule 3 to the principal regulations is amended —
- (a) by deleting “Initials” and substituting the following —  
“ Initials\* ”; and
  - (b) by inserting the following note at the end of the Form —  
“ [\* Not required if the Ballot Paper is printed on official paper.] ”.



it in writing and send it with this form. You may attach more pages if you need to.

If you (the elector) are unable to fill in this form because you are away from home or are physically incapacitated, another elector may fill it in for you, as long as that other elector has personal knowledge of the facts.

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Electoral Commissioner

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Date

[Back of Form 33]

**APPARENT FAILURE TO VOTE — <sup>(1)</sup>PENALTY NOTICE**

Please print your details on this form and tick the appropriate boxes.

**Elector's details**

Full name:	
Residential address:	Daytime phone number [if convenient] (    )

**Fill in Part A OR Part B OR Part C**

<b>Part A</b>	I did vote at the State election. I voted: <input type="checkbox"/> at _____ <small>[name of polling place]</small> or <input type="checkbox"/> by lodging a postal vote
<b>Part B</b>	I had a valid and sufficient reason for not voting. I did not vote because: _____ _____ _____
<b>Part C</b>	I did not vote at the State election and I wish to pay the modified penalty of \$20 <sup>(2)</sup> to put an end to this matter. Method of payment: <input type="checkbox"/> cash [if paying in cash please deliver this form to the Electoral Commission in person. Do not send cash through the post] or <input type="checkbox"/> cheque or money order made payable to the WA Electoral Commission or <input type="checkbox"/> by credit card Type of card: _____ Card number: _____ Expiry date: _____ Signature: _____  [Note: Payment of this penalty fully discharges any liability in relation to your apparent failure to vote. However if your cheque or credit card payment is dishonoured, you will be treated as if you had not paid.]

Signature:	Date:
If you have completed this form on behalf of the elector, please print your full name and daytime telephone number. Name: _____ Phone: (    ) _____	

**Making a false or misleading statement in this form is an offence.**

Notes

- (1) In a notice under section 156 (9) of the Act insert "SECOND".
- (2) If this is the elector's second or subsequent offence replace with "\$50".

**FORM 34**

Western Australia  
*Electoral Act 1907* (s. 156 (12))

**FAILURE TO VOTE — FINAL NOTICE**

Name and address of elector:

Electoral district:

Dear elector

Thank you for returning the Penalty Notice in relation to your apparent failure to vote at the State election held on \_\_\_\_\_ .

In that notice<sup>(1)</sup>

you indicated that you voted at \_\_\_\_\_ .  
The Electoral Commission has re-checked its records for that polling place but is still unable to find any record of you having voted.

you indicated that you posted a postal vote on \_\_\_\_\_ .  
The Electoral Commission has re-checked its records of postal votes for your electoral district but is still unable to find any record of your vote having been received.

you indicated that you did not vote and gave your reason for not doing so.  
The Electoral Commissioner has considered your reason but is unable to accept it as a valid and sufficient reason for not voting.

The Electoral Commissioner therefore considers that you have committed an offence by failing to vote without a valid and sufficient reason.

If you wish to avoid this matter being dealt with in court or by the Fines Enforcement Registry you may pay a modified penalty of \$20<sup>(2)</sup> and that will be the end of the matter.

To do this you should fill in the form on the back of this notice and send it and your payment to the Electoral Commission in the enclosed envelope before \_\_\_\_\_ .

If you (the elector) are unable to fill in this form because you are away from home or are physically incapacitated, another elector may fill it in for you, as long as that other elector has personal knowledge of the facts.

\_\_\_\_\_  
Electoral Commissioner

\_\_\_\_\_  
Date

[Back of Form 34]

**FAILURE TO VOTE — FINAL NOTICE**

Please print your details on this form and tick the appropriate boxes.

**Elector's details**

Full name:	
Residential address:	Daytime phone number [if convenient]  (    )

I did not vote at the State election and I wish to pay the modified penalty of \$20<sup>(2)</sup> to put an end to this matter.

Method of payment:

cash [if paying in cash please deliver this form to the Electoral Commission in person. Do not send cash through the post]

or

cheque or money order made payable to the WA Electoral Commission

or

by credit card

Type of card: \_\_\_\_\_

Card number: \_\_\_\_\_

Expiry date: \_\_\_\_\_

Signature: \_\_\_\_\_

[Note: Payment of this penalty fully discharges any liability in relation to your failure to vote. However if your cheque or credit card payment is dishonoured, you will be treated as if you had not paid.]

Signature:	Date:
If you have completed this form on behalf of the elector, please print your full name and daytime telephone number.	
Name:	Phone: (    )

**Making a false or misleading statement in this form is an offence.**

Notes:

(1) Insert text in box applicable to the case.

(2) If this is the elector's second or subsequent offence replace with "\$50".

”

(5) Form 37 in Schedule 3 to the principal regulations is amended by deleting “(s. 139 (a))” and substituting the following —

“ (s. 113 (4) (a)) ”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

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