

Western Australia

## **Electoral Amendment Act 2008**

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As at 03 Jul 2008

No. 38 of 2008

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Western Australia

## **Electoral Amendment Act 2008**

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## Electoral Amendment Act 2008

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No. 38 of 2008

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**An Act to amend the *Electoral Act 1907*.**

[Assented to 3 July 2008]

The Parliament of Western Australia enacts as follows:

**1. Short title**

This is the *Electoral Amendment Act 2008*.

**2. Commencement**

This Act comes into operation as follows:

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

**3. The Act amended**

The amendments in this Act are to the *Electoral Act 1907*.

**4. Section 16A amended**

Section 16A is amended by inserting in the appropriate alphabetical position —

“

**“person with judicial experience”** means a person who is or has been a judge of the Supreme Court of Western Australia;

”.

**5. Section 16B amended**

- (1) Section 16B(1)(a) is deleted and the following is inserted instead —

“

- (a) one shall be a person with judicial experience, appointed by the Governor on the recommendation of the Premier, who shall be chairman; and

”.

- (2) Section 16B(2) is repealed and the following subsection is inserted instead —

“

- (2) If the person appointed an Electoral Distribution Commissioner under subsection (1)(a) is absent or is for any other reason unable to act as an Electoral Distribution Commissioner, the Governor, on the recommendation of the Premier, may appoint another person with judicial experience to act in the office of Electoral Distribution Commissioner and as chairman during the absence or inability.

”.

- (3) After section 16B(4) the following subsection is inserted —

“

- (4A) Before making a recommendation under subsection (1)(a) or (2) that a judge of the Supreme Court of Western Australia be appointed, the Premier shall consult the Chief Justice of Western Australia.

”.

- (4) Section 16B(5) is amended by inserting after “subsection” —

“ (1)(a), (2) or ”.

(5) After section 16B(5) the following subsections are inserted —

“

- (5A) A person appointed under subsection (1)(a) shall hold office for such term, not exceeding 5 years, as is specified in his or her instrument of appointment, and is eligible for reappointment once.
- (5B) The appointment of a person who is a judge of the Supreme Court of Western Australia under subsection (1)(a) or (2) does not affect the person's tenure of office as, or status as, a judge of the Supreme Court of Western Australia nor the payment of the person's salary or allowances as a judge nor any other rights or privileges of the person as a judge.
- (5C) If a person appointed under subsection (1)(a) or (2) is not a judge of the Supreme Court of Western Australia, the person's conditions of service as an Electoral Distribution Commissioner, including remuneration and allowances, are to be determined by the Governor from time to time.
- (5D) Any remuneration and allowances paid to a person under subsection (5C) do not affect any entitlements the person may have under the *Judges' Salaries and Pensions Act 1950*.

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