

# ELECTORAL DISTRICTS.

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No. 62 of 1985.

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**AN ACT to amend the Electoral Districts Act 1947.**

[Assented to 5 November 1985.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Electoral Districts Amendment Act 1985*. Short title and principal Act.

(2) In this Act the Electoral Districts Act 1947 is referred to as the principal Act. Reprinted as approved 14 July 1977 and amended by Act No. 13 of 1981.

2. This Act shall come into operation on the day on which it is assented to by the Governor. Commencement.

Section 2A  
inserted.

3. After section 2 of the principal Act the following section is inserted—

Redivision  
when so  
directed by  
proclama-  
tion.

“ 2A. (1) The State may from time to time be wholly or partially redivided into electoral districts and provinces by the Commissioners in accordance with this Act whenever directed by the Governor by proclamation.

(2) A proclamation shall be made under this section if—

(a) both Houses of Parliament pass a resolution to that effect; or

(b) the Chief Electoral Officer appointed under the Electoral Act 1907 submits a report to the Minister of the Crown to whom the administration of that Act is for the time being committed by the Governor, that it appears from the rolls for the electoral districts made up for the last preceding general election, that the number of electors on each such roll in respect of not less than 8 electoral districts falls short of or exceeds by one-fifth or more the quota for those districts.

(3) For the purposes of subsection (2) (b)—

(a) the Chief Electoral Officer shall so submit the report referred to in that paragraph within 6 months of the date of the polling day of the last preceding general election;

(b) the proclamation required by reason of that paragraph shall be made within 3 months from the date the report is so submitted by the Chief Electoral Officer under paragraph

(a) or forthwith after the expiration of 6 months from the date of the polling day for the last preceding general election, whichever is the later date; and

(c) the quota referred to in that paragraph shall be ascertained by the Chief Electoral Officer, in accordance with section 6 and shall be calculated by the Chief Electoral Officer on the number of electors on the rolls first-mentioned in that paragraph.

(4) In this section the term "general election" has the meaning given to it by section 4 of the Electoral Act 1907. "

4. Section 3 of the principal Act is repealed and the following section substituted— Section 3 substituted.

" 3. (1) As soon as is practicable after the issue of a proclamation under section 2A the Commissioners shall divide the State into 57 electoral districts and 17 electoral provinces in accordance with this Act. Commissioner's functions.

(2) For the purposes of carrying out their duty under subsection (1) the Commissioners shall—

(a) by notice published in the *Gazette* and in a newspaper circulating throughout the State—

(i) invite written suggestions relating to the division of the State as required by subsection (1) to be lodged with

the Commissioners within 30 days from the day of the publication of the notice in the *Gazette*;

and

- (ii) invite written comments being comments on the suggestions lodged under subparagraph (i) to be lodged with the Commissioners within 14 days from the expiration of the period of 30 days referred to in that subparagraph;
- (b) forthwith after the expiration of the period of 30 days referred to in paragraph (a), cause copies of the suggestions lodged with the Commissioners under that subparagraph to be made available for perusal at the office of the Chief Electoral Officer;
- (c) consider all of the suggestions and comments lodged with the Commissioners under paragraph (a);
- (d) within 42 days from the expiration of the period of 14 days referred to in paragraph (a) (ii), formulate proposals for the division of the State in the manner required under subsection (1) and the names proposed to be assigned to the districts and provinces and publish in the *Gazette* and in a newspaper circulating throughout the State, a map or maps setting out those proposals;

- (e) consider any objections in writing that may be lodged with the Commissioners within 30 days from the day of the publication of the map or maps in the *Gazette* under paragraph (d); and
- (f) within 60 days from the expiration of the period of 30 days referred to in paragraph (e), present a report of their inquiries and recommendations to the Governor.

(3) For the purposes of carrying out their duties under this section the Commissioners shall use the rolls in the form in which they are made up on the day that the proclamation made under section 2A (2) is published in the *Government Gazette*.

(4) Such additional details and explanatory information (if any) as the Commissioners think appropriate may be included on or published with the map or maps mentioned in subsection (2) (d).

(5) The report mentioned in subsection (2) (f) shall set out—

- (a) the electoral quota determined under section 2A for the purposes of the division of the State into the 57 electoral districts;
- (b) in respect of each of the 57 electoral districts—
  - (i) the name assigned to the district;
  - (ii) the boundaries fixed for the district; and
  - (iii) the number of electors within the boundaries as so recommended; and

(c) the electoral districts included in each of the 17 electoral provinces,

and shall include a map or maps showing the boundaries referred to in paragraph (b) (ii) and the boundaries and names of the 17 electoral provinces.

(6) Submissions under subsection (2) (a) (i), comments under subsection (2) (a) (ii) and objections under subsection (2) (e) may be made by any person. ”.

Section 4  
amended.

5. Section 4 of the principal Act is amended by deleting “referred to in the next preceding section” and substituting the following—

“ imposed on them by section 3 ”.

Section 7  
amended.

6. Section 7 of the principal Act is amended in subsection (1)—

(a) by deleting “and” after paragraph (c);

(b) by deleting the full stop at the end of paragraph (d) and substituting the following—

“ ; and

(e) the trend of demographic changes. ”.

Section 9  
amended.

7. Section 9 of the principal Act is amended by deleting “as from the date of the coming into operation of the Acts Amendment (Electoral Provinces and Districts) Act 1981,”.

Section 10  
repealed.

8. Section 10 of the principal Act is repealed.

9. Section 11 of the principal Act is repealed and the following section is substituted—

Section 11  
repealed and  
substituted.

“ 11. (1) When the Minister receives the report and recommendations of the Commissioners in accordance with section 3 the Minister shall as soon as practicable thereafter present the report and recommendations to the Governor.

Promulgation  
of final  
recommendations  
of  
Commissioners.

(2) As soon as practicable after the Governor receives the report and recommendations of the Commissioners pursuant to this section, the Governor shall by Order in Council published in the *Gazette* promulgate those final recommendations and thereupon they have the force of law and apply in respect of—

- (a) general elections for the Legislative Assembly held after the date of the publication of the Order;
- (b) by-elections for the Legislative Assembly held after the date of the publication of the Order other than by-elections held before a general election referred to in paragraph (a) has been held;
- (c) general elections for the Legislative Council held after the date of the publication of the Order; and
- (d) by-elections for the Legislative Council held after the date of the publication of the Order other than by-elections held before a general election referred to in paragraph (c) has been held,

until the next succeeding division of the State into electoral districts and electoral provinces in accordance with this Act takes effect.

(3) In subsection (2) "general election" has the same meaning as it has in section 4 of the Electoral Act 1907. "

Section 12  
repealed.

10. Section 12 of the principal Act is repealed.

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