

ELECTORAL DISTRICTS.

No. 48 of 1965.

AN ACT to amend the Electoral Districts Act,
1947-1963.

[Assented to 8th November, 1965.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Electoral Districts Act Amendment Act, 1965*.

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approved
for reprint
15th January,
1965.

(2) In this Act the Electoral Districts Act, 1947-1963, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Electoral Districts Act, 1947-1965.

Commence-
ment.

2. This Act shall come into operation on the date on which a Bill for an Act to amend the Constitution Acts Amendment Act, 1899, to increase the number of members of the Legislative Assembly from fifty to fifty-one, comes into operation.

3. The long title to the principal Act is amended by deleting the passage, "repeal the Redistribution of Seats Act, 1911, the Electoral Districts Act, 1922, and the Redistribution of Seats Act, 1929, and amendments thereto; and to", in lines one, two, three and four. Long title amended.

4. Subsection (1) of section three of the principal Act is amended— S. 3 amended.

- (a) by substituting for the passage, "After the coming into operation of this Act, and as from a date to be proclaimed," in lines one and two, the passage, "As from the date of the coming into operation of the Electoral Districts Act Amendment Act, 1965,";
- (b) by substituting for the word, "fifty" in line four of paragraph (a), the word, "fifty-one"; and
- (c) by substituting for the words, "commencement of this Act" in lines two and three of paragraph (d), the passage, "date of the coming into operation of the Electoral Districts Act Amendment Act, 1965".

5. Section four of the principal Act is amended— S. 4 amended.

- (a) by substituting for the words, "North-West area" in subparagraph (ii) of paragraph (a), the passage, "North-West-Murchison-Eyre Area";
- (b) by repealing and re-enacting paragraph (b) as follows—
 - (b) shall regard—
 - (i) the Metropolitan Area as the area described as such in the final recommendations of the Commissioners published in the *Government Gazette* dated the fourteenth day of December, nineteen hundred and sixty-one;

- (ii) the North - West - Murchison-Eyre Area as the area described as the North-West Area in those final recommendations, including the electoral district called and described therein as—

(I) "Murchison", but excluding that portion of that electoral district that lies south of the northern boundary of the municipal district of the Municipality of the Shire of Kalgoorlie as constituted under the Local Government Act, 1960 on the date referred to in subparagraph (i) of this paragraph; and

(II) "Boulder - Eyre", but excluding that portion of that electoral district that lies west of one hundred and twenty-three degrees of east longitude;

- (iii) the Agricultural, Mining and Pastoral Area, as the area described as such in those final recommendations, but excluding that portion of the electoral district called and described therein as—

(I) "Murchison" that lies north of the northern boundary of the municipal district of the Shire of Kalgoorlie as constituted under the Local Government Act, 1960 on the date

referred to in subparagraph (i) of this paragraph; and

- (II) "Boulder-Eyre" that lies east of one hundred and twenty-three degrees of east longitude. .

6. Section five of the principal Act is amended by repealing paragraph (c) and re-enacting it as follows—

S. 5
amended.

- (c) where each quotient for the two areas includes a fraction of a whole number, the Commissioners shall in respect of the one having the greater fraction in its quotient, increase the greater fraction to the next whole number and disregard the lesser fraction in the quotient for the other. .

7. Section seven of the principal Act is amended by repealing and re-enacting subsection (2) as follows—

S. 7
amended.

(2) The North-West-Murchison-Eyre Area as described in section four of this Act, shall be divided by the Commissioners into—

- (a) four electoral districts, comprising the Kimberley, Pilbara, Gascoyne and Murchison electoral districts as contained in the boundaries of those electoral districts as they were determined by the Commissioners in their final recommendations published in the *Government Gazette* dated the fourteenth day of December, nineteen hundred and sixty-one but excluding the portion of the Murchison electoral district referred to in subparagraph (ii) of paragraph (b) of section four of this Act and including the portion of the Boulder-Eyre electoral district that lies east of one hundred and twenty-three degrees of east longitude; and

- (b) two electoral provinces, the one shall consist of the electoral districts of Kimberley and Pilbara as described in paragraph (a) of this subsection and the other shall consist of the electoral districts of Gascoyne and Murchison as so described, but excluding the portion of the Murchison electoral district referred to in subparagraph (ii) of paragraph (b) of section four of this Act and including the portion of the Boulder-Eyre electoral district that lies east of one hundred and twenty-three degrees of east longitude. .

S. 8
repealed and
re-enacted.

8. Section eight of the principal Act is repealed and re-enacted as follows—

Power of
Commissioners to
modify
boundaries
of electoral
districts.

8. (1) Subject to subsection (2) of this section, in the exercise of the powers conferred on the Commissioners by this Act, the boundaries of the electoral districts contained in the Metropolitan Area and the Agricultural, Mining and Pastoral Area described in section four of this Act may be modified by the Commissioners by excising portions therefrom, or by adding other portions thereto and the electoral districts may be designated and redesignated.

(2) The boundaries of the electoral district called and described as Murchison in the North-West-Murchison-Eyre Area, shall be modified so as to comply with subsection (2) of section seven of this Act, and the electoral district may be redesignated. .

S. 9
repealed and
re-enacted.

9. Subsection (2) of section nine of the principal Act is repealed and the following section is substituted—

Adjustments
of Electoral
Provinces.

9. (1) Subject to subsection (2) of section seven of this Act, as from the date of the coming into operation of the Electoral Districts Act Amendment Act, 1965, the Commissioners shall

adjust the boundaries of the fifteen electoral provinces as existing at that date, having regard to their proposed division of the State into fifty-one electoral districts so that—

- (a) each of the five electoral provinces in the Metropolitan Area as referred to in section four of this Act shall—
 - (i) consist of four or five complete and contiguous electoral districts contained in that area; and
 - (ii) contain as far as possible the same area as it contained immediately prior to that date;
- (b) each of the eight electoral provinces in the Agricultural, Mining and Pastoral Area as referred to in section four of this Act shall—
 - (i) consist, as far as possible, of three complete and contiguous electoral districts contained in that area; and
 - (ii) contain, as far as possible, the same area as it contained immediately prior to the date so proclaimed; and
- (c) each of the two electoral provinces in the North-West-Murchison-Eyre Area as referred to in section four of this Act shall consist of two complete and contiguous electoral districts contained in the North-West-Murchison-Eyre Area in accordance with paragraph (b) of subsection (2) of section seven of this Act.

(2) The adjustment of the boundaries of any electoral province does not affect the member of the Legislative Council who was elected for that province and who is due to retire in the year nineteen hundred and seventy-one, or such

other member who is not due to retire next after any such adjustment but that member is entitled to sit and vote as though this Act had not been passed, unless he is by law prevented from doing so. .

S. 10
amended.

10. Section ten of the principal Act is amended by substituting for the words, "proclaimed in accordance with the provisions of", in lines three and four, the words, "first referred to in".

S. 11
repealed and
re-enacted.

11. Section eleven of the principal Act is repealed and re-enacted as follows—

Promulga-
tion of final
recommen-
dations of
Commis-
sioners.

11. (1) When the Minister receives the final report and recommendations of the Commissioners in accordance with section ten of this Act, the Minister shall as soon as practicable thereafter present the final report and final recommendations to the Governor.

(2) As soon as practicable after the Governor receives the report and final recommendations of the Commissioners pursuant to this section, the Governor shall by Order in Council promulgate those final recommendations and thereupon they take effect and have the force of law and apply as provided in subsection (6) of section twelve of this Act. .

S. 11A
repealed.

12. Section eleven A of the principal Act is repealed.

S. 12
amended.

13. Section twelve of the principal Act is amended—

(a) by substituting for subsection (2) the following subsections—

(2) The proclamation shall be made 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 for the Legislative Assembly, that the number of electors on each such roll in respect of not less than eight electoral districts falls short of or exceeds by one-fifth or more the quota for those districts.

(2a) For the purposes of paragraph
(b) of subsection (2) of this section—

- (a) the Chief Electoral Officer shall so submit the report referred to in that subsection within six months of the date of the polling day for the last preceding general election for the Legislative Assembly;
- (b) the proclamation referred to in that subsection shall be made within three months from the date the report is so submitted by the Chief Electoral Officer under paragraph (a) of this subsection or forthwith after the expiration of six months from the date of the polling day for the last preceding general election for the Legislative Assembly, whichever is the later date; and
- (c) the quota referred to in that subsection shall be ascertained by the Chief Electoral Officer, in

accordance with sections five and six of this Act and shall be calculated by him on the number of electors on the rolls first mentioned in that subsection. ;

- (b) by deleting the passage, "and of the proviso thereto shall, except as the provisions of that section are modified by subsection (6) of this section," in lines four to six of subsection (5);
- (c) by repealing and re-enacting subsection (6) as follows—

(6) On and by virtue of the publication of the Order in Council mentioned in section eleven of this Act and any Order in Council pursuant to subsection (5) of this section, the final recommendations of the Commissioners to which the Order in Council relates, take effect and have the force of law and apply only in respect of—

- (a) the general election for the Legislative Assembly held next after the date of the publication of the Order in Council;
- (b) general elections and by-elections for the Legislative Assembly held after that general election;
- (c) the general election for the Legislative Council held next after the date of the publication of the Order in Council;
- (d) general elections and by-elections for the Legislative Council held after the general election mentioned in paragraph (c) of this subsection,

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

1965.]

Electoral Districts.

[No. 48.]

In this section the term "general election" has the same meaning as it has in section four of the Electoral Act, 1907. ;

and

(d) by repealing subsection (7).

14. Section fourteen of the principal Act is repealed. S. 14
repealed.

15. Section fifteen of the principal Act is repealed. S. 15
repealed.

16. The First Schedule to the principal Act is repealed. First
Schedule
repealed.

17. The Second Schedule to the principal Act is repealed. Second
Schedule
repealed.
