

# MUNICIPAL CORPORATIONS.

10° GEO. V., No. XXX.

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No. 42 of 1919.

## AN ACT to amend the Municipal Corporations Act, 1906.

[Assented to 10th December, 1919.]

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

1. This Act may be cited as the *Municipal Corporations Act Amendment Act*, 1919, and shall be read as one with the Municipal Corporations Act, 1906, hereinafter referred to as the principal Act. Short title.

2. Section thirty-eight of the principal Act is hereby amended by omitting the words "no female," in the first line thereof. Amendment of section 38.

3. Section forty-nine of the principal Act is hereby amended by omitting the words "in respect of which all rates made for the current financial year, including health rates, are paid not later than the first day of October next following," in paragraph (b) thereof. Amendment of section 49.

4. Section fifty-two of the principal Act is hereby amended by omitting the words "subject only to the payment of rates." Amendment of section 52.

Amendment of  
section 392.

5. Section three hundred and ninety-two of the principal Act is hereby amended by omitting the words "one shilling," in subsection (2) thereof, and inserting "two shillings" in place thereof.

Power to remit  
rates.

6. A section is inserted in the principal Act, as follows:—

420a. The council may, with the approval of the Minister, write off arrears of rates due in respect of any rateable land.

Amendment of  
section 497.

7. Section four hundred and ninety-seven of the principal Act is hereby amended by inserting a subsection, as follows:—

Allotments  
shown on plan  
not to be  
further sub-  
divided without  
consent of  
council.

(6.) Allotments shown on any such divisional plan as aforesaid shall not, without the consent in writing of the council, be further subdivided, and no person shall, without such consent, sell or transfer or purchase or acquire a portion only of any such allotment, and no transfer, conveyance, or lease of a portion of any such allotment shall be registered at the Office of Land Titles or in the Registry of Deeds without such consent:

Provided that there shall be an appeal to the Minister against any refusal of the council to grant any such consent as in this subsection mentioned; and if such appeal is allowed the Minister may grant the requisite consent in the name of the council:

Provided also that this subsection shall not apply in respect to any portion of an allotment upon which a building was erected before the commencement of this Act.

Preferential  
voting.

8. Notwithstanding anything contained in the principal Act to the contrary, if at an election of the mayor, or, when a municipal district is divided into wards, of a councillor, there are more candidates than two, the following provisions shall apply:—

(1.) Every elector shall indicate his vote on the ballot paper by placing the numeral "1" opposite the name of the candidate for whom he votes as his first preference. and he shall give contingent votes for all the remaining candidates by placing the numerals "2," "3," and so on, opposite their names (as the case requires) so as to indicate by such numerical sequence the order of his preference.

(2.) The returning officer in ascertaining the result of the election shall—

- (a) arrange the ballot papers under the names of the respective candidates, and place in a separate parcel all those on which a first preference is indicated for the same candidate, rejecting any informal ballot papers;
- (b) count all the first preference votes given for each candidate respectively; and
- (c) make and keep a record of the number of first preference votes counted by him.

(3.) The candidate who has the largest number of first preference votes shall, if such number constitutes an absolute majority of votes, be declared by the returning officer duly elected.

(4.) If no candidate has an absolute majority of first preference votes, the returning officer shall declare the candidate who has obtained the fewest first preference votes to be a defeated candidate, and each ballot paper counted to him shall be distributed amongst the non-defeated candidates next in order of the elector's preference.

(5.) After such distribution the number of votes given to each non-defeated candidate shall be again ascertained.

(6.) If no candidate then has an absolute majority of votes, the process of declaring the candidate who has the fewest votes to be defeated, and distributing each of his ballot papers amongst the non-defeated candidates next in order of the voter's preference shall be repeated, and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes, and such candidate shall then be declared duly elected.

(7.) If on any count two or more candidates have an equal number of votes, and one of them has to be declared defeated, the returning officer shall decide which is to be declared defeated.

(8.) At any time before the declaration of the result of the election, the returning officer may, if he thinks fit, at the request of a scrutineer, or of his own motion, recount the ballot papers contained in any parcel.

(9.) The returning officer conducting the recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot paper.

(10.) When the vote of an elector is taken in absence under the provisions of section one hundred and nine of the principal Act, the elector shall first write on the ballot paper the name of the candidate for whom he votes as a first preference, and he shall mark the numeral "1" against such name, and he shall then write on the ballot paper the names of all the other candidates, and he shall mark the numerals "2," "3," and so on (as the case requires) against each name respectively in the order of his preference.

A vote taken in absence shall not be invalid by reason only of the name appearing thereon of a candidate who, after nomination day and before polling day has withdrawn his nomination or has died, but effect shall be given to the preference shown on the ballot paper according to the arithmetical sequence of the marking, after the exclusion of the number set against the name of the candidate who has withdrawn his nomination or has died.

(11.) In this section "absolute majority of votes" means the number of votes greater than one-half of the number of all the electors who vote at an election exclusive of electors whose ballot papers are rejected as informal, but inclusive of the casting vote of the returning officer.

Amendment of  
section 109.

9. Section one hundred and nine of the principal Act is amended by omitting the words "within one month," and inserting in place thereof "after the nomination of the candidates and."

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