

Approved for Reprint 15th January, 1965.

WESTERN AUSTRALIA.

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## ELECTORAL DISTRICTS.

11<sup>o</sup> and 12<sup>o</sup> Geo. VI., No. LI.

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[As amended by Acts

No. 4 of 1955, assented to 13th October, 1955.

No. 69 of 1963, assented to 17th December, 1963.<sup>2</sup>

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

No. 51 of 1947.<sup>1</sup>

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**AN ACT to repeal the Redistribution of Seats Act, 1911, the Electoral Districts Act, 1922, and the Redistribution of Seats Act, 1929, and amendments thereto; and to make provision for the better representation of the people of Western Australia in Parliament.**

[Assented to 19th December, 1947.]

**BE** 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 *Electoral Districts Act, 1947-1963*, and shall come into operation on a date to be fixed by proclamation.

Short title  
and com-  
mencement.  
Amended by  
No. 69 of 1963  
s. 1.

<sup>1</sup> Came into operation 19th March, 1948, G.G. 19/3/48.

<sup>2</sup> Came into operation 28th February, 1964, G.G. 28/2/64.

Appointment  
of Com-  
missioners.  
Cf. 10 of 1923  
s. 2.  
Amended by  
No. 69 of 1963  
s. 3.

2. (1) For the purposes of this Act, the Governor may appoint three Electoral Commissioners, of whom—

- (a) one shall be the Chief Justice of Western Australia, who shall be chairman;
- (b) one shall be the Surveyor General in the Lands and Surveys Department of the State, and
- (c) one shall be the Chief Electoral officer appointed under the Electoral Act, 1907-1940.<sup>1</sup>

Appointment  
of deputies.

(2) The Governor may, in the absence of the Chairman, appoint some other judge of the Supreme Court to act as a Commissioner in his place, and may appoint any fit person to act temporarily as a Commissioner in place of the Surveyor General in the Lands and Surveys Department of the State or the Chief Electoral Officer.

Cf. No. 28 of  
1902, as  
amended by  
No. 6 of 1914.

(3) For the purposes of this Act, the Commissioners shall have the powers of a duly appointed Royal Commission and of a chairman thereof under the Royal Commissioners' Powers Act, 1902.

Commis-  
sioners'  
functions.

3. (1) After the coming into operation of this Act, and as from a date to be proclaimed,<sup>2</sup> it shall be the duty of the Commissioners, subject to the provisions of this Act—

- (a) to make inquiries into, and recommendations in respect of the division of the areas referred to in the next succeeding section into fifty electoral districts for the election from each district of a member of the Legislative Assembly;
- (b) to publish any proposed alteration of an electoral district in the *Gazette* and in a newspaper circulating in such district;
- (c) to consider any objections in writing which may be lodged with the Commissioners within two months from the date of such publication;

Cf. N.S.W.  
No. 41 of  
1912, s. 14.

<sup>1</sup> Now Electoral Act, 1907-1964.

<sup>2</sup> Proclaimed date, 12th April, 1948, see G.G. 9/4/48, p. 727.

- (d) to adjust the boundaries of the Electoral Provinces existing at the commencement of this Act; and
- (e) to present a final report of the inquiries and final recommendations to the Governor.

(2) The objections referred to in paragraph (c) of the preceding subsection may be made by any person.

4. For the purpose of carrying out the duties referred to in the next preceding section, the Commissioners—

Basis of Commissioners' duties.

- (a) shall regard the State as divided into three areas as follows:—
  - (i) The Metropolitan Area,
  - (ii) the North-West area, and
  - (iii) the Agricultural, Mining and Pastoral area; and
- (b) shall regard the areas referred to in the next preceding paragraph as respectively comprising the Electoral Districts subsisting at the commencement of this Act and designated opposite the references to those areas in the Second Schedule to this Act.

Second Schedule.

5. For the purpose of making recommendations in relation to the Metropolitan Area and the Agricultural, Mining and Pastoral Area, the Commissioners shall have regard to the following provisions:—

Number of districts in each of two areas—how ascertained.

- (a) The number of electors in the Metropolitan area, every two electors in such area being reckoned as one elector, and the number of electors in the Agricultural, Mining and Pastoral area, every one elector in such area being reckoned as one elector, shall, in the aggregate, be divided by forty-seven, and a quota be thereby obtained.

- (b) The number of electors in each such area, every two electors in the Metropolitan Area being reckoned as one elector, and every one elector in the Agricultural, Mining and Pastoral Area being reckoned as one elector, shall be divided by such quota, and the quotient shall be the number of Electoral Districts into which each such area respectively shall be divided.
- (c) If each quotient should include a fraction of a whole number, the Commissioners shall increase the fraction in the quotient for the Metropolitan Area to the next whole number and shall disregard the fraction in the quotient for the other area.

The word "elector" means a person whose name appears on the official roll as held by the Electoral Registrar as an elector for the election of a member of the Legislative Assembly.

The quota.

6. When the number of Electoral Districts to be allotted to each of the two areas mentioned in the preceding section has been determined as aforesaid, the Commissioners shall, for the purpose of dividing each such area into Electoral Districts, fix a quota of electors for the Electoral Districts within each such area as follows, namely, the total number of enrolled electors within each area shall be divided by the number of Electoral Districts allocated to the area and the quotient shall be the quota of electors for each Electoral District within the area.

Matters to be considered in dividing State into districts.  
Amended by No. 69 of 1963, s. 4.

7. (1) In making the division of the Metropolitan Area and the Agricultural, Mining and Pastoral area into Electoral Districts the quota of electors in each such area as aforesaid shall be taken as the basis for such division:

Provided that the Commissioners may adopt a margin of allowance to be used whenever necessary, but not in any case to a greater extent than ten per centum more or less:

Provided also that the Commissioners shall give due consideration to—

- (a) community of interest;
- (b) means of communication and distance from the capital;
- (c) physical features; and
- (d) the existing boundaries of Districts.

(2) The four electoral districts now comprising the North-West Area shall, with such alterations and modifications of internal boundaries and designation as the Commissioners may think fit, be divided into three electoral districts but the boundaries of the North-West Area as described in the final recommendations as that expression is defined in section eleven A of this Act shall not be altered.

8. In the exercise of the powers conferred on the Commissioners, but subject to the proviso to subsection (2) of the next preceding section, the boundaries of the several areas and Electoral Districts described in the Second Schedule hereto may be modified by the Commissioners by excising portions thereof, or adding other portions of the State thereto, and Electoral Districts may be designated or redesignated.

Boundaries of areas described in schedule may be modified.

9. (1) [*Repealed by No. 69 of 1963, s. 5.*]

Adjustments in Electoral Provinces.

(2) Notwithstanding the alteration of boundaries of any Electoral Province in accordance with this Act, except pursuant to section eleven A of this Act, every member of the Legislative Council shall continue to represent in Parliament the Province for which he was elected, but with the boundaries assigned to it by the Commissioners.

Amended by No. 69 of 1963, s. 5.

10. The Commissioners shall, on or before a date to be fixed by the Governor, such date to be within eight months of the date proclaimed in accordance

Report and recommendations of Commissioners.

with the provisions of section three of this Act, forward to the Minister to whom the administration of the Electoral Act, 1907-1940,<sup>1</sup> is for the time being committed, their final report upon and final recommendations for the division of the State into Electoral Districts and Electoral Provinces, with the name and boundaries of each proposed District and Province, and the number of electors in each, respectively, as nearly as can be ascertained, together with a map signed by the Commissioners showing the boundaries aforesaid and at the preparation of such final report and final recommendations for signature by the Commissioners, all three Commissioners shall be present.

Commission's recommendations to have the force of law on promulgation by the Governor by Order in Council.

11. At such time as the Governor shall deem fit, the Governor, by Order in Council published in the *Government Gazette*, shall promulgate the final recommendations referred to in sections three and ten of this Act, and, at the expiration of three months from the date of such publication, and notwithstanding anything in the Constitution Acts Amendment Act, 1899, to the contrary, the final recommendations shall thereupon, without reference to Parliament, by force of this Act, have the force of law and be as effective as if enacted by Parliament:

Provided that every member of the Legislative Assembly shall continue to sit for the District represented by him at the date upon which the final recommendations shall have the force of law until the death resignation of such member or the expiry by effluxion of time or the sooner dissolution of the Legislative Assembly; and the provisions of subsection (2) of section nine of this Act will apply.

Provided further that for any by-election (as defined in the Electoral Act, 1907-1940)<sup>1</sup> for the Legislative Assembly prior to the said expiry or sooner dissolution of the Legislative Assembly, the by-election shall be for the district subsisting at the commencement of this Act, and the roll in force for such district, together with any additions to or removals from such roll as may be prescribed for any election in the Electoral Act, 1907-1940,<sup>1</sup> shall be used for such by-election.

<sup>1</sup> Now Electoral Act, 1907-1964.

11A. (1) For the purposes of this section—

Redivision  
of State  
into  
Electoral  
Provinces.  
Added by  
No. 69 of  
1963, s. 6.

- (a) “the appointed day” means the day on which the Electoral Districts Act Amendment Act, 1963, comes into operation;<sup>2</sup>
- (b) “the final recommendations” means the recommendations of the Electoral Commissioners published in the *Government Gazette* dated the fourteenth day of December nineteen hundred and sixty-one;
- (c) “the Agricultural, Mining and Pastoral Area” means the area described as such in the final recommendations excluding the electoral district called and described therein as “Murchison”;
- (d) “the Metropolitan Area” means the area described as such in the final recommendations; and
- (e) “the North-West Area” means the area described as such in the final recommendations including the electoral district called and described therein as “Murchison”.

(2) As soon as practicable after the appointed day, Electoral Commissioners shall be appointed in accordance with section two of this Act.

(3) Subject to this section, the Electoral Commissioners appointed pursuant to subsection (2) of this section shall, within three months after the appointed day, make a written report on the redivision of the State into fifteen electoral provinces, so that—

- (a) the Metropolitan Area shall consist of five electoral provinces, each of which shall consist of at least four or not more than five complete and contiguous electoral districts as they existed in that area immediately before the appointed day;
- (b) the Agricultural, Mining and Pastoral Area shall consist of eight electoral provinces each one of which shall consist of

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<sup>2</sup> Came into operation 28th February, 1964, G.G. 28/2/64, p. 905.

*Electoral Districts.*

any three complete and contiguous electoral districts as they existed in that area immediately before the appointed day; and

- (c) the North-West Area shall consist of two electoral provinces each of which shall contain two complete and contiguous electoral districts, being two electoral districts as they existed in that area immediately before the appointed day and one such electoral district and the electoral district known as the Murchison as it existed immediately before the appointed day.

(4) The Electoral Commissioners shall send to the Governor within a period of seven days of its completion their report upon the redivision of the State into fifteen electoral provinces, together with a map signed by the Commissioners, showing the name allocated to each of those electoral provinces by the Commissioners and the boundaries thereof and the number of electors therein and shall within the period send a copy of the report and the map to the Minister.

(5) The Governor shall, as soon as practicable after the receipt by him from the Electoral Commissioners of their report and the map, cause a copy of the report and the map to be published in the *Government Gazette* and on a day to be fixed by proclamation,<sup>1</sup> which day shall not be earlier than the tenth day of December, nineteen hundred and sixty-four nor later than the thirty-first day of December, nineteen hundred and sixty-four, the electoral provinces referred to in the report shall be, by virtue of the proclamation, and notwithstanding the foregoing provisions of this Act or of any other Act, the electoral provinces in the State for the Legislative Council instead of the ten such electoral provinces existing before the appointed day and shall have the names and boundaries assigned to them in the report.

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<sup>1</sup> Proclaimed day 31st December, 1964.



(6) A person who is a member of the Legislative Council on the appointed day is entitled while he remains a member to sit and vote as a member of the Legislative Council as though the Electoral Districts Act Amendment Act, 1963, had not come into operation, and such entitlement is not affected by reason only of the fact that the State is redivided into fifteen electoral provinces pursuant to this section or by the provisions of section five of the Constitution Acts Amendment Act, 1899.

12. (1) The State may from time to time be wholly or partially redivided into Electoral Districts and Electoral Provinces by Commissioners appointed under this section in manner hereinafter provided whenever directed by the Governor by Proclamation.

Redivision when so directed by Proclamation. Amended by No. 4 of 1955, s. 2. No. 69 of 1963, s. 7.

(2) Such Proclamation shall be issued—

- (a) on a resolution being passed by the Legislative Assembly in that behalf; or
- (b) if in the report by the Chief Electoral Officer to the Minister to whom the administration of the Electoral Act, 1907-1940,<sup>1</sup> is for the time being committed, as to the state of the rolls made up for any triennial election it appears that the enrolment in not less than five Electoral Districts falls short of or exceeds by twenty per centum the quota as ascertained for such districts under this Act.

(3) For the purposes of this section the Governor, on or after the making of any such Proclamation, shall appoint three Electoral Commissioners in accordance with the provisions of section two of this Act, and it shall be the duty of such Commissioners, so soon as conveniently may be after the issue of the Proclamation, to perform and observe the several duties imposed by section three of this Act on the Commissioners appointed under section two of this Act.

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<sup>1</sup> Now Electoral Act, 1907-1964.

(4) For the purposes of this section, the provisions of this Act relating to the discharge of the duty imposed by section three of this Act upon the Commissioners appointed under section two of this Act and to the appointment of such Commissioners, so far as the same can, with necessary adaptations and modifications, be made to apply to the carrying out by the Commissioners appointed under this section of the duties aforesaid, and to the appointment of such Commissioners, shall apply thereto.

(5) After the receipt by the Governor of the final report and final recommendations of the Commissioners appointed under this section, the provisions of section eleven of this Act and of the proviso thereto shall, except as the provisions of that section are modified by subsection (6) of this section, apply to such final recommendations in all respects as if such final recommendations were the final recommendations referred to in that section.

(6) Where after the coming into operation of the Electoral Districts Act Amendment Act, 1955, final recommendations of Commissioners appointed under this section are promulgated by Order in Council published in the *Government Gazette*, the final recommendations have the force of law and are as effective as if enacted by Parliament on the day on which the Order in Council is published in the *Government Gazette*, anything in the Constitution Acts Amendment Act, 1899, to the contrary notwithstanding.

(7) Where at any time after the Electoral Commissioners have redivided the State into fifteen electoral provinces pursuant to section eleven A of this Act, when and as often as a proclamation is issued pursuant to this section, directing that the State be wholly or partially redivided into electoral districts and electoral provinces for the purpose of redividing the State into electoral provinces the following provisions apply—

- (a) the area referred to in section four of this Act as the North-West Area, shall for that purpose, be the area described as such in section eleven A of this Act;

- (b) the Metropolitan Area shall be redivided into electoral provinces consisting of five electoral provinces each of which shall consist of at least four or not more than five complete and contiguous electoral districts contained in that area;
- (c) the Agricultural, Mining and Pastoral Area shall be redivided into electoral provinces consisting of eight electoral provinces each of which shall, as far as possible, consist of an equal number of complete and contiguous electoral districts contained in that area;
- (d) the North-West Area shall consist of two electoral provinces each of which shall contain two complete and contiguous electoral districts contained in that area;
- (e) the foregoing provisions of this Act, apply with such modifications as circumstances require.

13. It shall not be lawful to present to the Governor for His Majesty's assent any Bill to amend this Act, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

Amendments to be passed by absolute majority of members of Council and Assembly. cf. 23 of 1889, s. 73.

14. At the expiration of the period of three months after the publication of the Order in Council referred to in section eleven of this Act, the Acts referred to in the First Schedule to this Act shall thereupon, without reference to Parliament, by force of this Act, be and become repealed.

Repeal.

First Schedule.

15. The Governor may make regulations for the purposes of this Act, and such regulations may provide that any two Commissioners shall be a quorum.

Regulations.

## Section 14.

## FIRST SCHEDULE.

Redistribution of Seats Act, 1911 (No. 6 of 1911).

Electoral Districts Act, 1922 (No. 10 of 1923).

Electoral Districts Act Amendment Act, 1928 (No. 25 of 1928).

Redistribution of Seats Act, 1929 (No. 1 of 1929) as amended by Act No. 26 of 1929.

Section 4  
(b).

## SECOND SCHEDULE.

## Area and Electoral District.

Metropolitan.—Canning; Claremont; Fremantle; Fremantle, North-East; Fremantle, South; Guildford-Midland; Leederville; Maylands; Middle Swan; Mount Hawthorn; Nedlands; Perth; Perth, East; Perth, North; Perth, West; Subiaco; Victoria Park.

North-West.—Gascoyne; Kimberley; Pilbara; Roebourne.

Agricultural, Mining and Pastoral.—Albany; Avon; Beverley; Boulder; Brown Hill-Ivanhoe; Bunbury; Collie; Forrest; Geraldton; Greenough; Hannans; Irwin-Moore; Kalgoorlie; Kanowna; Katanning; Mount Magnet; Mount Marshall; Murchison; Murray-Wellington; Nelson; Northam; Pingelly; Sussex; Swan; Toodyay; Wagin; Williams-Narrogin; Yilgarn-Coolgardie; York.