

WESTERN AUSTRALIA.

ELECTORAL DISTRICTS.

11° and 12° Geo. VI., No. LI.

[As amended by Acts

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

No. 69 of 1963, assented to 17th December, 1963¹

No. 48 of 1965, assented to 8th November, 1965²;

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

No. 51 of 1947.³

AN ACT to make provision for the better representation of the people of Western Australia in Parliament.

Amended by
No. 48 of
1965, s. 3.

[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, 1947-1965*, and shall come into operation on a date to be fixed by proclamation.

Short title
and com-
mencement.
Amended by
No. 48 of
1965, s. 1.

¹ Came into operation 28th February, 1964, G.G. 28/2/64, p. 905.

² Came into operation 15th November, 1965, G.G. 12/11/65, p. 3913.

³ Came into operation 19th March, 1948, G.G. 19/3/48, p. 628.

Appointment of Commissioners. 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, 1907-1940.¹

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.

Commissioners' functions. Amended by No. 48 of 1965, s. 4.

3. (1) As from the date of the coming into operation of the Electoral Districts Act Amendment Act, 1965, 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-one 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.

¹ Now Electoral Act, 1907-1964.

- (d) to adjust the boundaries of the electoral provinces existing at the date of the coming into operation of the Electoral Districts Act Amendment Act, 1965; 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. Amended by No. 48 of 1965, s. 4.

(a) shall regard the State as divided into three areas as follows:—

- (i) The Metropolitan Area,
- (ii) the North - West - Murchison - Eyre Area, and
- (iii) the Agricultural, Mining and Pastoral Area; and

(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.

Number of districts in each of two areas—how ascertained. Amended by No. 48 of 1965, s. 6.

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:—

- (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) 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.

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.

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.

The quota.

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:

Matters to be considered in dividing State into districts. Amended by No. 69 of 1963, s. 4; No. 48 of 1965, s. 7.

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 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.

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.

Power of Commissioners to modify boundaries of electoral districts. Repealed and re-enacted by No. 48 of 1965, s. 8.

(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.

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—

Adjustments of Electoral Provinces. Repealed by No. 69 of 1963, s. 5, and No. 48 of 1965, s. 9. New section subs. by No. 48 of 1965, s. 9.

(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.

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 first referred to in section three of this Act forward to the Minister to whom the administration of the Electoral Act, 1907-1940,¹ 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

Report and
recom-
mendations
of Commis-
sioners.
Amended by
No. 48 of
1965, s. 10.

¹ Now Electoral Act, 1907-1964.

and at the preparation of such final report and final recommendations for signature by the Commissioners, all three Commissioners shall be present.

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.

Promulgation of final recommendations of Commissioners.
Repealed and re-enacted by No. 48 of 1965, s. 11.

(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.

11A. [*Repealed by No. 48 of 1965; s. 12.*]

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; No. 48 of 1965, s. 13.

(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.

(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.

(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 apply to such final recommendations in all respects as if such final recommendations were the final recommendations referred to in that section.

(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.

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

(7) [*Repealed by No. 48 of 1965, s 13.*]

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

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.

14. [*Repealed by No. 48 of 1965, s. 14.*]

15. [*Repealed by No. 48 of 1965, s. 15.*]

FIRST SCHEDULE.

[*Repealed by No. 48 of 1965, s. 16.*]

SECOND SCHEDULE.

[*Repealed by No. 48 of 1965, s. 17.*]