

Approved for reprint 14th July, 1977.

WESTERN AUSTRALIA.

ELECTORAL DISTRICTS.

11° and 12° Geo. VI., No. LI.

No. 51 of 1947.¹

[As amended by Acts

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

No. 69 of 1963, assented to 17th December, 1963;²

No. 48 of 1965, assented to 8th November, 1965;³

No. 63 of 1975, assented to 24th October, 1975;

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

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

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

[Assented to 19th December, 1947.]

BE it enacted—

1. This Act may be cited as the *Electoral Districts Act, 1947-1975*, and shall come into operation on a date to be fixed by proclamation.¹

Short title
and com-
mencement.
Amended by
No. 63 of
1975, s. 1.

¹ Came into operation 19th March, 1948, G.G. 19/3/48, p. 628.

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

³ Came into operation 12th November, 1965, G.G. 12/11/65, p. 3913.

Appointment
of Commis-
sioners.
Amended by
No. 69 of
1963, s. 3.
Cf. 10 of
1923 s. 2.

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.

(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 Commissions Act, 1968.

Commis-
sioners'
functions.
Amended by
No. 48 of
1965, s. 4;
No. 63 of
1975, s. 2.

3. (1) As from the date of the coming into operation of the Electoral Districts Act Amendment Act, 1975, 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-five 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;

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

¹ Now Electoral Act, 1907-1976.

- (c) to consider any objections in writing which may be lodged with the Commissioners within two months from the date of such publication;
- (d) to adjust the boundaries of the electoral provinces; 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; No. 63 of 1975, s. 3.

- (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 in the Schedule to this Act;
 - (ii) the North - West - Murchison - Eyre Area as the area described as the North-West area in the final recommendations of the Commissioners published in the *Government Gazette* dated the fourteenth day of December, nineteen hundred and sixty-one, 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 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 whole of the State excluding the Metropolitan Area and the North - West - Murchison - Eyre Area as described in the preceding provisions of this paragraph.

5. [Repealed by No. 63 of 1975, s. 4.]

Division of Metropolitan Area and Agricultural, Mining and Pastoral Area into districts, and the quota therefor.

Repealed and re-enacted by No. 63 of 1975, s. 5.

6. The Commissioners shall—

- (a) divide the Metropolitan Area into twenty-seven electoral districts;
- (b) divide the Agricultural, Mining and Pastoral Area into twenty-four electoral districts,

and shall, for the purpose of dividing each such area into electoral districts, fix a quota of electors for the electoral districts for each such area as follows, namely, the total number of enrolled electors within each area shall be divided by the number of electoral districts into which the area is to be divided 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; No. 48 of 1965, s. 7; No. 63 of 1975, s. 6.

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 in the case of the division of the Metropolitan Area into electoral districts or to a greater extent than fifteen per centum more or less in the case of the division of the Agricultural, Mining and Pastoral Area into electoral districts:

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.

Power of Commissioners to modify boundaries of electoral districts. Repealed and re-enacted by No. 43 of 1965, s. 8.

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.

Electoral Provinces. Repealed and re-enacted by No. 63 of 1975, s. 7.

9. 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, 1975, the Commissioners shall divide the State into sixteen electoral provinces, and shall from time to time in accordance with this Act adjust the boundaries of the sixteen electoral provinces so referred to, having regard to their proposed division of the State into fifty-five electoral districts, so that—

- (a) there shall be six electoral provinces in the Metropolitan Area as referred to in section four of this Act, each of which shall consist of four or five complete and contiguous electoral districts contained in that area;

- (b) there shall be eight electoral provinces in the Agricultural, Mining and Pastoral Area referred to in section four of this Act, each of which shall—
 - (i) consist, as far as possible, of three complete and contiguous electoral districts contained in that area; and
 - (ii) contain, to the extent considered practicable by the Commissioners, approximately the same area as it contained immediately prior to that date; 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.

10. (1) The Commissioners shall, on or before the first day of June, nineteen hundred and seventy-six, forward to the Minister to whom the administration of the Electoral Act, 1907 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.

Report and recommendations of Commissioners. Repealed and re-enacted by No. 63 of 1975, s. 8.

(2) 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 thirtieth day of September, nineteen hundred and seventy-five.

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

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.

11A. [*Added by No. 69 of 1963 s. 6. Repealed by No. 48 of 1965, s. 12.*]

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; No. 63 of 1975, s. 9.

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.

(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 of 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 section 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 Her 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.*]

SCHEDULE.

Metropolitan Area.

All that portion of land bounded by lines starting from a point on the Low Water Mark of the Indian Ocean situate in prolongation westerly of the southern boundary of Lot M1722 of Swan Location 1370 and extending easterly to and along the last mentioned boundary and the southernmost boundary of State Forest Number 69 and onwards to the centre line of Okely Road; thence generally south-easterly along that centre line to the centre line of Mullaloo Drive; thence generally north-easterly and generally south-easterly along that centre line and onwards to the centre line of Wanneroo Road; thence generally south-easterly along that centre line to the prolongation westerly of the centre line of Gnangara Road; thence easterly to and easterly, generally north-easterly, again easterly, again generally north-easterly, again easterly, again generally north-easterly and again easterly along that centre line to a western boundary of the Municipality of the Shire of Swan; thence southerly along that boundary to the northern boundary of Location I; thence easterly along that boundary to the north-eastern corner of Lot 109 of Location I as shown on Land Titles Office Plan 4948; thence southerly along the eastern boundaries of that lot and Lots 110 to 112 inclusive and onwards to the centre line of Road Number 809; thence generally easterly along that centre line and onwards to the centre line of West Swan Road; thence generally southerly along that centre line to the prolonga-

S. 4.
Schedule
added by
No. 63 of
1975, s. 16.

tion westerly of the centre line of Middle Swan Road; thence easterly to and generally easterly along that centre line and onwards to the centre line of the Great Northern Highway; thence northerly along that centre line to the centre line of Jane Brook; thence generally easterly upward along that centre line to the centre line of Toodyay Road; thence generally north-easterly along that centre line to its intersection with the northern boundary of Swan Location 1253; thence easterly along that boundary to a north-western corner of the Municipality of the Shire of Mundaring; thence southerly and generally south-westerly along boundaries of that Shire to the prolongation westerly of the centre line of Tunnel Road; thence easterly to and along that centre line to the centre line of Viveash Road; thence southerly along that centre line and onwards to the centre line of Morrison Road; thence westerly along that centre line to the prolongation northerly of the centre line of Stirling Road; thence southerly to and along that centre line to the northern boundary of Class 'A' Reserve 25313 (Greenmount National Park); thence westerly and southerly along boundaries of that Reserve to the prolongation easterly of the northern side of Frederic Street; thence westerly along that prolongation to the centre line of Scott Street; thence generally southerly along that centre line and onwards to the centre line of Clayton Street; thence generally easterly along that centre line to the prolongation northerly of the centre line of Ridge Hill Road; thence southerly to and generally southerly and generally south-westerly along that centre line to the prolongation northerly of the centre line of Watsonia Road; thence southerly to and generally southerly along that centre line and onwards to the centre line of Mead Road; thence generally south-westerly along that centre line and onwards to the centre line of Kalamunda Road; thence north-westerly along that centre line to the prolongation northerly of the centre line of Albina Road; thence southerly to and along that centre line to the prolongation easterly of the centre line of Norwood Road; thence westerly to and along that centre line to the prolongation northerly of the centre line of Holmes Road; thence southerly to and generally southerly along that centre line and onwards to the northern boundary of Swan Location 1148; thence easterly along that boundary and onwards to its intersection with the centre line of Panoramic Terrace; thence south-westerly along that centre line to its intersection with the centre line of Lewis Road; thence southerly, north-westerly and generally south-westerly along that centre line and onwards to the centre line of Welshpool Road; thence easterly along that centre line to its intersection with the north-western boundary of Canning Location 706; thence south-westerly along that boundary to the western corner of that location, a present northern corner of the Municipality of the Town of Gosnells; thence generally south-

easterly, generally southerly and generally westerly along boundaries of that Town to the centre line of the Perth-Armadale Railway Reserve; thence generally southerly along that centre line to the prolongation westerly of the centre line of Forrest Road; thence westerly to and generally westerly along that centre line to its intersection with an eastern boundary of the Municipality of the Town of Cockburn; thence generally southerly along that boundary to the northernmost north-eastern corner of the Municipality of the Shire of Kwinana; thence generally southerly and generally westerly along eastern and southern boundaries of that Shire to the Low Water Mark of the Indian Ocean and thence generally northerly along that mark to the starting point. Including Rottnest Island.
