
ELECTORAL

EL301

Electoral Act 1907

Electoral Amendment Regulations 2022

SL 2022/195

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electoral Amendment Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Electoral Regulations 1996*.

4. Regulation 3 amended

In regulation 3 delete “corresponding region.” and insert:

whole of State electorate.

Note: The heading to amended regulation 3 is to read:

**Reference in declaration or statement to district includes
reference to whole of State electorate**

5. Regulation 4 amended

In regulation 4 delete “for a district or region”.

Note: The heading to amended regulation 4 is to read:

Regulations apply to more than one election held on same day

6. Regulation 14 amended

(1) In regulation 14(1):

- (a) in paragraph (d) delete “district or region in relation to” and insert:

election in

- (b) in paragraph (e) delete “his or her” and insert:

their

(2) In regulation 14(3):

- (a) in paragraph (b) delete “region or district in respect of which the ballot paper is issued; and” and insert:

district in respect of which the ballot paper is issued or the words “whole of State electorate”, as the case requires; and

- (b) in paragraph (c) delete “his or her” and insert:

their

7. Regulation 15 amended

In regulation 15:

- (a) in paragraph (c) delete “district or region for” and insert:

election in

- (b) in paragraph (d) delete “his or her” and insert:

their

8. Regulation 16 amended

In regulation 16(2)(a) and (b) delete “region” and insert:

the whole of State electorate,

9. Regulation 17 amended

- (1) In regulation 17(1):
- (a) in paragraph (a) delete “boxes; and” and insert:

box; and
 - (b) in paragraph (b) delete “districts or regions.” and insert:

districts.
- (2) In regulation 17(2)(a) and (b) delete “region” and insert:

the whole of State electorate,

10. Regulation 19 amended

In regulation 19(1)(b)(ii) delete “region” and insert:

the whole of State electorate, as the case requires,

11. Regulation 20 amended

In regulation 20(1)(c)(ii) delete “region” and insert:

the whole of State electorate, as the case requires,

12. Regulation 21 amended

In regulation 21(2) delete “district or region” and insert:

election

Note: The heading to amended regulation 21 is to read:

Ballot paper in envelope to be rejected if not ballot paper for relevant election

13. Regulation 22 amended

In regulation 22(2)(b) delete “his or her” and insert:

their

14. Regulations 22A and 22B inserted

After regulation 22 insert:

22A. Procedure if same person relied on as member by 2 or more political parties (Act s. 62CA)

- (1) This regulation applies if 2 or more political parties purport to rely on the same person (the *relevant person*) as a member for the purpose described in section 62CA(1) of the Act.
- (2) The Electoral Commissioner must, in writing —
 - (a) request the relevant person to nominate, within 30 days after receiving the request, the political party entitled to rely on the relevant person as a member; and
 - (b) advise the political parties that the Electoral Commissioner has made the request.
- (3) If, as a result of a nomination made by the relevant person or a failure by the relevant person to make a nomination, a political party ceases to qualify as an eligible political party, the Electoral Commissioner must —
 - (a) in writing, advise the political party of that fact; and
 - (b) give the political party at least 60 days in which to provide the name, address and declaration as to membership of any additional member of the party on whom it relies for the purpose of qualifying as an eligible political party.

22B. Manner of deposit (Act s. 81(1)(b))

For the purposes of section 81(1)(b) of the Act, the required deposit may be made by electronic funds transfer.

15. Regulation 25 amended

In regulation 25(a) delete “election in the region; or” and insert:

Council election; or

16. Regulation 28 amended

In regulation 28(1) delete the definition of *election*.

17. Part 6 inserted

After regulation 30 insert:

Part 6 — Transitional**31. Transitional provision for *Electoral Amendment Regulations 2022***

- (1) In this regulation —
commencement day means the day on which the *Electoral Amendment Regulations 2022* regulation 19(14) and (15) come into operation.
- (2) Despite the amendments made by the *Electoral Amendment Regulations 2022* regulation 19(14) and (15), Schedule 3 Forms 35 and 36 as in force immediately before commencement day continue to apply in respect of the filling of a vacancy in the Council under sections 156C and 156D of the Act before 22 May 2025.

18. Schedule 2 amended

- (1) In Schedule 2 Form 1 item 3(c) delete “region in, or respect of which,” and insert:

the whole of State electorate in respect of which

- (2) In Schedule 2 Form 3 delete “District (or Region),” and insert:

District/whole of State electorate*

19. Schedule 3 amended

- (1) In Schedule 3 Form 1 delete the passage that begins with “District” and ends with “in that”.
- (2) In Schedule 3 Form 2:
 - (a) delete “he or she is unable to sign his or her” and insert:

the applicant is unable to sign their

- (b) delete “he or she is unable to sign his or her” and insert:

the applicant is unable to sign their

- (3) In Schedule 3 Form 3 delete the passage that begins with “State” and ends with “Region” and insert:

..... District

- (4) In Schedule 3 Form 10 delete the passage that begins with “Statutory declaration as to risk” and ends with “1913” and insert:

Statutory declaration as to risk

I [*name, address and occupation of person making the declaration*] sincerely declare that the risk referred to in **8** above is as follows:

.....

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at [*place*] on [*date*] by —

[*Signature of person making the declaration*]

in the presence of —

[*Signature of authorised witness*]

[*Name of authorised witness and qualification as such a witness*]

For a list of people who are authorised to witness statutory declarations, see the *Oaths, Affidavits and Statutory Declarations Act 2005* Schedule 2.

- (5) In Schedule 3 Form 17:
 - (a) delete “elections in all the electoral regions” and insert:

an election in the whole of State electorate

- (b) delete the passage that begins with “elections in” and ends with “South West Region.” and insert:

an election in the whole of State electorate to elect 37 members of the Legislative Council.

- (c) delete the passage that begins with “I certify” and ends with “*each region*” and insert:

I certify that the result of the election held under this writ was as follows:

Elected candidates	Date of declaration
.....
.....	
.....	
.....	
.....	
.....	

- (6) In Schedule 3 Form 21:

- (a) delete “**an electoral region**” and insert:

the whole of State electorate

- (b) delete the passage that begins with “in the” and ends with “region.” and insert:

in the whole of State electorate to elect a member of the Legislative Council.

- (7) In Schedule 3 Form 23:

- (a) delete “**an electoral region**” and insert:

the whole of State electorate

- (b) delete the passage that begins with “in the” and ends with “region.” and insert:

in the whole of State electorate to elect a member of the Legislative Council.

- (c) delete “candidate(s)” and insert:

candidate

- (d) delete “[*continue as required*]”.

(8) In Schedule 3 Form 23B:

- (a) delete “
- an electoral region**
- ” and insert:

the whole of State electorate

- (b) delete the passage that begins with “in the” and ends with “region.” and insert:

in the whole of State electorate to elect member(s) of the Legislative Council.

(9) In Schedule 3 Form 23C:

- (a) delete “
- an electoral region**
- ” and insert:

the whole of State electorate

- (b) delete the passage that begins with “in the” and ends with “region.” and insert:

in the whole of State electorate to elect member(s) of the Legislative Council.

(10) In Schedule 3 Form 23E:

- (a) delete “
- an electoral region**
- ” and insert:

the whole of State electorate

- (b) delete the passage that begins with “in the” and ends with “region.” and insert:

in the whole of State electorate to elect member(s) of the Legislative Council.

(11) In Schedule 3 Form 25:

- (a) delete “\$250” and insert:

\$.....

- (b) delete “Commissioner*” and insert:

Commissioner/electronic funds transfer*

(c) delete:

.....
District or Region

(12) In Schedule 3 Form 32 delete “Region))” and insert:

Whole of State electorate))

(13) In Schedule 3 Forms 33 and 34 delete:

Payment by mail	Using the reply paid envelope provided, return this notice with a cheque or money order made payable to the Western Australian Electoral Commission. Do not send cash in the mail.
Payment in person	Cash or cheque payments can be made at the Western Australian Electoral Commission <i>[insert address]</i> .

and insert:

Payment by mail	<i>[insert information about payment]</i>
Payment in person	<i>[insert information about payment]</i>

(14) In Schedule 3 Form 35 delete “in the.....Region”.

(15) In Schedule 3 Form 36 delete “consent to act as a member of the Legislative Council in the Region” and insert:

nominate as a candidate for the vacancy in the Legislative Council

V. MOLAN, Clerk of the Executive Council.