



Western Australia

## **Electoral Distribution Act 1947**

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6 August 2004

Western Australia

## Electoral Distribution Act 1947

**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.]*

### **1. Short title and commencement**

This Act may be cited as the *Electoral Distribution Act 1947*, and shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

*[Section 1 amended by No. 40 of 1987 s. 86.]*

### **1A. Interpretation**

In this Act unless the contrary intention appears —

“**Commissioner**” means an Electoral Distribution Commissioner appointed by section 2(1) and includes a person appointed by or under section 2(2), (3) or (4) to act in the office of an Electoral Distribution Commissioner;

“**district**”, “**elections in districts**”, “**elections in regions**”, “**Electoral Commissioner**”, “**general election**” and “**region**” have the same meanings as they have, respectively, in the *Electoral Act 1907*;

“**Government Statistician**” means the Government Statistician appointed under the *Statistics Act 1907*;

**“Metropolitan Area”** means the part of the State that comprises —

- (a) the region that was, as at 1 January 1987, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and
- (b) Rottnest Island.

*[Section 1A inserted by No. 40 of 1987 s. 87; amended by No. 76 of 1987 s. 3.]*

**2. Electoral Distribution Commissioners**

- (1) For the purposes of this Act there shall be 3 Electoral Distribution Commissioners of whom —
  - (a) one shall be the Chief Justice of Western Australia who shall be chairman;
  - (b) one shall be the Electoral Commissioner; and
  - (c) one shall be the Government Statistician.
- (2) If the office of Chief Justice of Western Australia is vacant, or the Chief Justice is absent or is for any other reason unable to act as a Commissioner, the Governor may appoint another Judge of the Supreme Court to act in the office of Commissioner and as chairman under subsection (1)(a) during the vacancy, absence or inability.
- (3) A person acting in the office of the Electoral Commissioner under section 5D or 5H(2) of the *Electoral Act 1907* shall, while so acting, act in the office of Commissioner under subsection (1)(b).
- (4) If the office of the Government Statistician is vacant, or the holder of that office is absent or is for any other reason unable to act as a Commissioner, the Governor, on the recommendation of the Premier, may appoint a suitable person to act in the office of Commissioner under subsection (1)(c) during the vacancy, absence or inability.

- (5) Before making a recommendation under subsection (4) the Premier shall consult with the Parliamentary leader of each party in the Parliament.
- (6) The Commissioners shall meet as often as may be necessary for carrying out their duties under this Act.
- (7) For the purposes of this Act the Commissioners have the powers of a duly appointed Royal Commission and of a chairman thereof under the *Royal Commissions Act 1968*.
- (8) The moneys reasonably required for the purposes of the Commissioners shall be charged, on the certificate of the Auditor General, to the Consolidated Fund which, to the necessary extent, is hereby appropriated accordingly.

*[Section 2 inserted by No. 40 of 1987 s. 88; amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64.]*

**2A. Requirement for division of State into electoral districts and regions**

- (1) The State shall be divided into districts and regions in accordance with this Act as soon as practicable after the day of the commencement of the *Acts Amendment (Electoral Reform) Act 1987*<sup>1</sup>.
- (2) If the same division under this Act has applied in respect of 2 successive general elections for the Legislative Assembly the State shall be divided into districts and regions in accordance with this Act as soon as practicable after the day that is one year after the polling day for the second of those general elections.
- (3) The Governor may, by proclamation, direct that the State be divided into districts and regions in accordance with this Act as soon as practicable after the day of the issue of the proclamation.
- (4) A proclamation shall be made under subsection (3) if both Houses of Parliament pass a resolution to that effect.

- (5) The date used for determining the numbers of electors for the purpose of making a division required under subsection (1) or (2) or directed under subsection (3) shall be the day specified in subsection (1), (2) or (3) as the day as soon as practicable after which the division is to be carried out.

*[Section 2A inserted by No. 40 of 1987 s. 89.]*

**3. Commissioners' functions**

- (1) The Commissioners shall divide the State into districts and regions in accordance with this Act whenever a division of the State is required under section 2A(1) or (2) or directed under section 2A(3).
- (2) For the purposes of carrying out their duty under subsection (1) the Commissioners shall —
- (a) by notice published in the *Gazette* and in a newspaper circulating throughout the State —
    - (i) invite written suggestions relating to the division of the State as required by subsection (1) to be lodged with the Commissioners within 30 days from the day of the publication of the notice in the *Gazette*; and
    - (ii) invite written comments being comments on the suggestions lodged under subparagraph (i) to be lodged with the Commissioners within 14 days from the expiration of the period of 30 days referred to in that subparagraph;
  - (b) forthwith after the expiration of the period of 30 days referred to in subparagraph (i) of paragraph (a), cause copies of the suggestions lodged with the Commissioners under that subparagraph to be made available for perusal at the office of the Electoral Commissioner;
  - (c) consider all of the suggestions and comments lodged with the Commissioners under paragraph (a);



- (d) within 42 days from the expiration of the period of 14 days referred to in paragraph (a)(ii), formulate proposals for the division of the State in the manner required under subsection (1) and the names proposed to be assigned to the districts and publish in the *Gazette* and in a newspaper circulating throughout the State —
  - (i) a map or maps setting out those proposals; and
  - (ii) a statement of the Commissioners' reasons for making those proposals;
- (e) consider any objections in writing that may be lodged with the Commissioners within 30 days from the day of the publication of the map or maps and statement in the *Gazette* under paragraph (d); and
- (f) within 60 days from the expiration of the period of 30 days referred to in paragraph (e), by notice published in the *Gazette*, divide the State in the manner required under subsection (1).

*[(3) repealed]*

- (4) Such additional details and explanatory information (if any) as the Commissioners think appropriate may be included on or published with the map or maps mentioned in subsection (2)(d).
- (5) The notice mentioned in subsection (2)(f) shall set out —
  - (a) the quotients obtained under this Act for the purposes of dividing the State into 57 districts;
  - (b) in respect of each of the 57 districts —
    - (i) the name assigned to the district;
    - (ii) the boundaries fixed for the district; and
    - (iii) the number of electors within the boundaries as so fixed;and

(c) the districts included in each of the regions,  
and shall include a map or maps showing the boundaries referred to in paragraph (b)(ii) and the boundaries of the regions.

- (6) Submissions under subsection (2)(a)(i), comments under subsection (2)(a)(ii) and objections under subsection (2)(e) may be made by any person.

*[Section 3 inserted by No. 62 of 1985 s. 4; amended by No. 40 of 1987 s. 90.]*

*[4. Repealed by No. 40 of 1987 s. 91.]*

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

**6. Basis for division of the State into districts**

- (1) The Commissioners shall —
- (a) divide the Metropolitan Area into 34 districts; and
  - (b) divide the area comprising the remainder of the State into 23 districts.
- (2) The Commissioners shall make the division of an area mentioned in subsection (1)(a) or (b) into districts in accordance with the principle that the number of enrolled electors comprised in any district in the area must not be more than 15% greater, or more than 15% less, than the quotient obtained by dividing the total number of enrolled electors in the area by the number of districts into which the area is to be divided.

*[Section 6 inserted by No. 40 of 1987 s. 92.]*

**7. Matters to be considered in dividing the State into regions and districts**

In making the division of the State into regions and districts the Commissioners shall give due consideration to —

- (a) community of interest;

- (b) means of communication and distance from the capital;
- (c) physical features;
- (d) existing boundaries of regions and districts;
- (e) existing local government boundaries;
- (f) the trend of demographic changes,

and where the State is divided for the first time —

- (g) boundaries of the electoral provinces and electoral districts into which the State was divided prior to the division.

*[Section 7 inserted by No. 40 of 1987 s. 92.]*

**8. Power of Commissioners to modify boundaries of electoral districts**

- (1) In the exercise of the powers conferred on the Commissioners by this Act, the boundaries of the districts 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) repealed]*

*[Section 8 inserted by No. 48 of 1965 s. 8; amended by No. 13 of 1981 s. 15; No. 40 of 1987 s. 93.]*

**9. Basis for division of the State into regions**

The Commissioners shall divide the State into 6 regions so that —

- (a) 3 regions, to be known, respectively, as the North Metropolitan Region, the South Metropolitan Region and the East Metropolitan Region, each consist of complete and contiguous districts that together form the Metropolitan Area;
- (b) one region, to be known as the Mining and Pastoral Region, consists of complete and contiguous districts

**s. 11**

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that are remote from the capital and where the land use is primarily for mining and pastoral purposes;

- (c) one region, known as the Agricultural Region, consists of complete and contiguous districts that together form an area that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region; and
- (d) the remaining region, to be known as the South West Region, consists of complete and contiguous districts.

*[Section 9 inserted by No. 40 of 1987 s. 94.]*

*[10. Repealed by No. 62 of 1985 s. 8.]*

**11. Effect of notice dividing the State into districts and regions**

On and by virtue of a notice being published in the *Gazette* under section 3(2)(f), the division of the State by the Commissioners into districts and regions as set out in that notice takes effect and has the force of law and applies in respect of —

- (a) elections in districts held after the date of the publication of the notice other than elections held before the first general election for the Legislative Assembly held after that date; and
- (b) elections in regions held after the date of the publication of the notice other than elections held before the first general election for the Legislative Council held after that date,

unless and until a further division of the State into districts and regions takes effect under this section.

*[Section 11 inserted by No. 40 of 1987 s. 95.]*

*[12. Repealed by No. 62 of 1985 s. 10.]*

**13. Amendments to be passed by absolute majorities of members of Council and Assembly**

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.*]

*[Schedules 1 and 2 repealed by No. 40 of 1985 s. 96.]*

## Notes

- <sup>1</sup> This reprint is a compilation as at 6 August 2004 of the *Electoral Distribution Act 1947* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Electoral Districts Act 1947</i> <sup>2</sup>	51 of 1947	19 Dec 1947	19 Mar 1948 (see s. 1 and <i>Gazette</i> 19 Mar 1948 p. 628)
<i>Electoral Districts Act Amendment Act 1955</i>	4 of 1955	13 Oct 1955	13 Oct 1955
<i>Electoral Districts Act Amendment Act 1963</i>	69 of 1963	17 Dec 1963	28 Feb 1964 (see s. 2 and <i>Gazette</i> 28 Feb 1964 p. 905)
<b>Reprint of the <i>Electoral Districts Act 1947</i> approved 15 Jan 1965 in Volume 20 of Reprinted Acts</b> (includes amendments listed above)			
<i>Electoral Districts Act Amendment Act 1965</i>	48 of 1965	8 Nov 1965	12 Nov 1965 (see s. 2 and <i>Gazette</i> 12 Nov 1965 p. 3913)
<b>Reprint of the <i>Electoral Districts Act 1947</i> approved 25 Jul 1966 in Volume 21 of Reprinted Acts</b> (includes amendments listed above)			
<i>Electoral Districts Act Amendment Act 1975</i>	63 of 1975	24 Oct 1975	24 Oct 1975
<b>Reprint of the <i>Electoral Districts Act 1947</i> approved 14 Jul 1977</b> (includes amendments listed above)			
<i>Acts Amendment (Electoral Provinces and Districts) Act 1981 Pt. II</i>	13 of 1981	22 May 1981	22 May 1981
<i>Electoral Districts Amendment Act 1985</i>	62 of 1985	5 Nov 1985	5 Nov 1985 (see s. 2)
<i>Acts Amendment (Electoral Reform) Act 1987 Pt. V</i>	40 of 1987	12 Jul 1987	30 Oct 1987 (see s. 2 and <i>Gazette</i> 30 Oct 1987 p. 3977)
<i>Electoral Distribution (Rottnest Island) Amendment Act 1987</i>	76 of 1987	26 Nov 1987	26 Nov 1987 (see s. 2)
<b>Reprint of the <i>Electoral Distribution Act 1947</i> as at 26 Nov 1987</b> (includes amendments listed above)			
<i>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))

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<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<b>Reprint 5: The Electoral Distribution Act 1947 as at 6 Aug 2004</b> (includes amendments listed above)			

<sup>2</sup> Now known as the *Electoral Distribution Act 1947*; short title changed (see note under s. 1).