

ELECTORAL.

No. 76 of 1984.

AN ACT to amend the Electoral Act 1907.

[Assented to 26 November 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Electoral Amendment Act 1984*.

Short title
and principal
Act.

(2) In this Act the Electoral Act 1907 is referred to as the principal Act.

Reprinted as
approved
8 December
1981 and
amended by
Acts Nos. 31
and 123 of
1982, 9,
54 and 66 of
1983 and
28 of 1984.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 22
amended.

3. Section 22 of the principal Act is amended by deleting “Rolls” and substituting the following—

“ Subject to section 51B, rolls ”.

Section 31
amended.

4. Section 31 of the principal Act is amended in subsection (6) by deleting “section 31A of this Act” and substituting the following—

“ sections 31A and 31B ”.

Section 31A
amended.

5. Section 31A of the principal Act is amended—

(a) in subsection (1) by deleting “shown for him in the roll” and substituting the following—

“ in respect of which he was enrolled ”;
and

(b) in subsection (3)—

(i) by deleting paragraph (b) and substituting the following paragraph—

“ (b) is enrolled under this Act as living at the address referred to in the notice, ”; and

(ii) by deleting “that District or Sub-district” and substituting the following—

“ the District or Sub-district for which that person is enrolled ”.

6. After section 31A of the principal Act, the following section is inserted—

Section 31B
inserted.

“ 31B. (1) The Governor may arrange with the Governor General of the Commonwealth for the Australian Electoral Officer to perform the functions of the receipt, assessment and grant or refusal of requests under section 51B.

Arrangement
with Com-
monwealth
in relation to
addresses
on roll.

(2) An arrangement entered into under subsection (1) may provide that—

- (a) the Australian Electoral Officer shall be the officer to whom a person shall send a request under section 51B, but that a request may be sent, or in specified circumstances and cases may be sent, to a Divisional Returning Officer or an Electoral Officer (within the meaning of those terms in the Commonwealth Electoral Act 1918) acting on behalf of the Australian Electoral Officer;
- (b) the Australian Electoral Officer shall have the powers, functions and duties conferred on a Registrar by section 51B; and
- (c) a request under section 51B shall be in a form provided by the Chief Electoral Officer and the Australian Electoral Officer for putting into effect a single procedure for the purpose of making a request under section 51B of this Act and section 46A of the Commonwealth Electoral Act 1918.

(3) Where an arrangement is entered into under subsection (1) the Governor may by order, which shall be published in the *Gazette*, declare that a single procedure is in operation for the purpose of making a request under

section 51B of this Act and section 46A of the Commonwealth Electoral Act 1918 from such date as is specified in the order.

(4) An order under subsection (3)—

- (a) shall be accompanied by an explanatory note indicating briefly the requirements of the procedure insofar as it affects the making of a request under section 51B;
- (b) may contain such incidental or transitional provisions as the Governor considers necessary to give effect to this section;
- (c) may be revoked by the Governor by further order published in the *Gazette*.

(5) An order under subsection (3) of this section, and the arrangement to which it relates, shall have effect notwithstanding anything in this Act. ”.

Section 38
amended.

7. Section 38 of the principal Act is amended in the third paragraph by deleting “, so as to render a change in his enrolment necessary”.

Section 45
amended.

8. Section 45 of the principal Act isⁱ amended in subsection (2) by inserting after “Every person” the following—

“ (including a person whose residence, in pursuance of a request made under section 51B, is not entered on a roll) ”.

9. After section 51A of the principal Act the following section is inserted—

Section 51B
inserted.

“ 51B. (1) Where a person claiming enrolment under this Act considers that having a residence shown on a roll would place the personal safety of that person or members of the family of that person, at risk, that person may lodge with the claim a request, in the prescribed form, that the residence not be entered on the rolls.

Request for
address not
to be shown
on roll.

(2) Where—

- (a) the residence of a person is included in the particulars relating to the person that are entered on a roll; and
- (b) the person considers that having the residence so shown places the personal safety of that person, or members of the family of that person, at risk,

the person may lodge with the Registrar keeping the roll a request, in the prescribed form, that the residence be deleted from the particulars that are entered on the roll.

(3) A request under subsection (1) or (2) shall give particulars of the relevant risk and shall be verified by statutory declaration by the person making the request or some other person.

(4) Where—

- (a) a request has been made under subsection (1) or (2); and
- (b) the Registrar to whom the request was made is satisfied that having the residence of the person making the request shown on a roll would place

or places the personal safety of the person or members of the family of that person, at risk,

the Registrar—

(c) where the request is lodged under subsection (1), shall not include the residence of the person in the particulars that are entered on a roll; and

(d) where the request is lodged under subsection (2), subject to section 53, shall delete the residence of the person from the particulars that are entered on the roll.

(5) Where a Registrar grants or refuses a request made by a person under subsection (1) or (2), the Registrar shall notify the person in writing of the decision.

(6) Notwithstanding anything contained in section 54, where a residence is deleted from a roll under subsection (4), the particulars so deleted shall be obliterated.

(7) A Registrar for a District or Sub-district shall, when directed to do so by the Chief Electoral Officer, conduct a review of the roll for that District or Sub-district in relation to electors whose residences are not shown on the roll by virtue of this section and, upon completion of the review, shall make such alterations to the roll as the Registrar thinks necessary to ensure that the only electors whose residences are not shown on the roll by virtue of this section are electors the personal safety of whom or of whose family, the Registrar is satisfied, would be at risk if their address were shown on the roll. ”.