

ELECTORAL (No. 2).

No. 54 of 1983.

AN ACT to amend the Electoral Act 1907-1982.

[Assented to 13 December 1983.]

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 (No. 2) 1983*.

Short title
and citation.

(2) In this Act the Electoral Act 1907-1982 is referred to as the principal Act.

Reprinted as
approved
8 December
1981;
amended by
Acts Nos. 31
and 123 of
1982.

(3) The principal Act as amended by this Act may be cited as the Electoral Act 1907-1983.

Section 4
amended.

2. Section 4 of the principal Act is amended by inserting before the definition of "Returning Officer" the following definition—

" "referendum" means the submission of a question to the electors pursuant to an Act but does not include an election under this Act, and a reference to an election being held on the same day as a referendum is a reference to the polling at an election being conducted on the day on which the votes of the electors are taken for the purposes of a referendum; "

Section 5A
amended.

3. Section 5A of the principal Act is amended by inserting after "Officer" where it last occurs the following—

" under this Act or any other Act "

Section 7
amended.

4. Section 7 of the principal Act is amended—

(a) in subsection (1) by inserting after "officer" the following—

" under this Act or any other Act ";
and

(b) in subsection (3) by inserting after "acting" where it last occurs the following—

" under this Act or any other Act "

Section 24
amended.

5. Section 24 of the principal Act is amended in subsection (2) by inserting after "election" the following—

" or the writ for a referendum "

6. Section 47 of the principal Act is amended— Section 47
amended.

(a) in paragraph (f) of subsection (3)—

(i) by inserting before “, but” the following—

“ or between the day on which a writ is issued for a referendum and the close of voting at that referendum ”; and

(ii) by inserting after “be” where it last occurs the following—

“ , or a referendum ”;

(b) in paragraph (g) of subsection (3) by inserting before “and the” the following—

“ or a referendum ”; and

(c) in the proviso to paragraph (g) of subsection (3) by inserting after “election” the following—

“ or referendum ”.

7. Section 48 of the principal Act is amended— Section 48
amended.

(a) in paragraph (g) of subsection (2) by inserting before “and the” the following—

“ or a referendum ”;

(b) in paragraph (f) of subsection (3) by inserting before “the appeal” where it last occurs the following—

“ or a referendum ”; and

(c) in the proviso to paragraph (f) of subsection (3) by inserting after “election” the following—

“ or referendum ”.

Section 53
amended.

8. Section 53 of the principal Act is amended—

(a) by inserting before “except” the following—

“ or between the time of the issue of the writ for a referendum and the close of voting at the referendum ”; and

(b) in paragraph (e) by inserting after “election” the following—

“ or referendum ”.

Section 93
amended.

9. Section 93 of the principal Act is amended in subsection (3) by deleting “writs for an election and the return of the writs” and substituting the following—

“ writ for an election at which the elector is entitled to vote or for a referendum and the return of the writ ”.

Section 115
amended.

10. Section 115 of the principal Act is amended—

(a) by inserting after the section designation “115.” the subsection designation “(1)”; and

and

(b) by inserting the following subsection—

“ (2) Where an election is conducted on the same day as a referendum the reference in subsection (1) of this section to scrutineers shall be deemed to include a reference to scrutineers (if any) appointed under any Act for the purposes of the referendum. ”.

11. Section 125 of the principal Act is amended by inserting after subsection (3) the following subsection—

Section 125
amended.

“ (3a) Where an election is held on the same day as a referendum a ballot paper shall not be issued to a person for the election (other than by way of replacement for a spoilt ballot paper) unless a ballot paper is issued to the person for the referendum. ”.

12. The principal Act is amended by inserting before section 155A the following section—

Section
155AA
inserted.

“ 155AA. Notwithstanding sections 152, 154 and 155 of this Act, where books, documents or papers used in connection with an election were also used in connection with a referendum or another election—

Papers and
documents
used for
dual
purposes.

- (a) they shall be available for purposes connected with that referendum or other election; and
 - (b) they shall not be destroyed while that referendum or other election can be questioned. ”.
-