

## ELECTORAL.

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No. 28 of 1970.

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### AN ACT to amend the Electoral Act, 1907-1967.

[Assented to 20th May, 1970.]

**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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Electoral Act Amendment Act, 1970*.

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Reprinted  
Acts  
approved for  
reprint 9th  
February,  
1965, as  
amended by  
Act No. 33 of  
1967.

(2) In this Act the Electoral Act, 1907-1967, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Electoral Act, 1907-1970.

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

3. Section 4 of the principal Act is amended by adding after the definition "President" a definition as follows— Amendment to s. 4. (Interpretation.)

"print", "printed" or "printing" in relation to an electoral roll or a supplementary electoral roll means an electoral roll or supplementary roll printed under the authority of the Government Printer; .

4. Section 26 of the principal Act is repealed and re-enacted as follows— Repeal and re-enactment of s. 26. (Supplementary rolls.)

26. Supplementary rolls, setting out additions and alterations since the last print, shall be printed and issued under the hand of the Chief Electoral Officer whenever he thinks fit. . Supplementary rolls.

5. Section 32 of the principal Act is amended by deleting the words "printed or written" in line one. Amendment to s. 32. (The rolls.)

6. Section 45 of the principal Act is amended— Amendment to s. 45. (Compulsory enrolment.)  
(a) by substituting for the passage "Penalty: Two pounds." in line eight of subsection (2) a passage as follows—

Penalty: For a first offence, four dollars, and for a second or subsequent offence, ten dollars." ; and

(b) by repealing and re-enacting subsection (4) as follows—

(4) The Chief Electoral Officer or the registrar of the district to which a claim relates shall issue a receipt to an elector for each such claim received by that registrar from the elector. .

Amendment  
to s. 52.  
(Alteration  
of rolls.)

7. Subsection (1) of section 52 of the principal Act is amended by adding after paragraph (a) a paragraph as follows—

(aa) By altering the particulars of the enrolment of an elector so as to record any change therein resulting from—

- (i) the numbering or renumbering of a street or locality;
- (ii) the naming or renaming of a street or locality; or
- (iii) any other like circumstance. .

Amendment  
to s. 62.  
(Method for  
re-enrolment  
when elector  
no longer  
disqualified.)

8. Section 62 of the principal Act is amended by deleting the passage, “, fifty-eight,” in line four.

Amendment  
to s. 73.  
(Notice to  
Registrars of  
issue of  
Writ.)

9. Section 73 of the principal Act is amended by adding after the word “issued” being the last word in the section the passage “but where such a Registrar is employed in the Electoral Department in Perth, the notice shall be given to the Registrar forthwith by the Clerk of the Writs, by instrument in writing under his hand”.

Repeal of  
s. 80.  
(Nomina-  
tions may be  
telegraphed.)

10. Section 80 of the principal Act is repealed.

Amendment  
to s. 81.  
(Requisites  
for nomina-  
tion.)

11. Section 81 of the principal Act is amended—

- (a) by deleting the words “or nomination by telegraph” in lines one and two of paragraph (a); and
- (b) by repealing subparagraph (ii) of paragraph (b).

Amendment  
to s. 86.  
(Hour of  
nomination.)

12. Section 86 of the principal Act is amended—

- (a) by deleting the passage commencing “, and” in line six of subsection (2) and ending with the word “District” being the last word in the subsection;

- (b) by adding after subsection (2) subsections as follows—

(2a) The order of the names of the candidates as they shall be placed on the ballot papers shall be determined as follows—

- (a) the Returning Officer shall, at the place of nomination, immediately after the close of nominations and before all persons then present, make out in respect of each candidate, a slip bearing his name, enclose each one of the slips in separate blank envelopes of exact similarity and deposit the several envelopes in a locked ballot box;
- (b) the Returning Officer shall then shake and rotate the ballot box and shall permit any other person present to do likewise, if the person so desires;
- (c) the Returning Officer shall, before all persons then present—
  - (i) unlock the ballot box; and
  - (ii) take out, one by one, the envelopes contained therein;
- (d) the candidate whose name appears on the slip enclosed in the envelope first taken from the ballot box shall be placed first on the ballot papers, the candidate whose name appears on the slip enclosed in the envelope secondly taken from the ballot box shall be placed secondly on the ballot papers, and so on, until the placing of all the names of the candidates on the ballot papers has been determined.

(2b) The Returning Officer shall forthwith after the order of the placing of the names of the candidates has been determined in accordance with subsection (2a) of this section, forward to the Chief Electoral Officer at Perth, by telegraph or other expeditious means, the names and other particulars of the several candidates in such order and also advertise those names and particulars in such order in a newspaper circulating within the Province or District for which the candidates have nominated. .

Amendment  
to s. 90.  
(Voting by  
post.)

13. Section 90 of the principal Act is amended—

(a) by substituting for the word “seven” in line four of paragraph (a) of subsection (1) the word “five”;

(b) by adding after the word “precluded” being the last word in paragraph (d) of subsection (1) a passage as follows—

;

(e) is, by reason of his membership of a religious order or his religious beliefs—

(i) precluded from attending at a polling place; or

(ii) precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours;

(c) by repealing and re-enacting subsection (1a) as follows—

(1a) Where the elector is either within or outside of the State at the time he makes an application for a postal ballot

paper, he may make the application at any time during the period referred to in subsection (1) of this section to—

- (a) the Chief Electoral Officer;
  - (b) the Assistant Chief Electoral Officer;
  - (c) a Returning Officer for any District or Province or the Registrar for any District;
  - (d) an officer of the Electoral Department appointed in writing by the Minister to issue postal ballot papers; or
  - (e) a person appointed under the Local Courts Act, 1904 as clerk or assistant clerk for a Local Court. ;
- (d) by repealing subsection (1b);
- (e) by repealing subsection (1c);
- (f) by substituting for the passage “and (d) of subsection (1a) of this section and paragraphs (a), (b) and (c) of subsection (1b)” in lines two, three and four of subsection (2) the passage “, (d) and (e) of subsection (1a)”.

14. Subsection (1) of section 113 of the principal Act is amended—

Amendment  
to s. 113.  
(Ballot  
papers.)

- (a) by deleting the word “alphabetically” in line four; and
- (b) by adding after the word “characters” in line four the passage “in the order determined in accordance with subsection (2a) of section eighty-six of this Act”.

Amendment  
to s. 153.  
(Production  
of rolls used  
at election.)

15. Subsection (1) of section 153 of the principal Act is amended—

- (a) by substituting for the words “five guineas” in line two the words “ten dollars”; and
- (b) by adding after the word “and” in line five the words “if the notice is so given after the day of the election and before the day when the election can no longer be questioned”.

Amendment  
to s. 156.  
(Compulsory  
voting.)

16. Section 156 of the principal Act is amended—

- (a) by substituting for the word “Within” in line one of subsection (4) the passage “Subject to subsection (4a) of this section, within”;
- (b) by adding after subsection (4) a subsection as follows—

(4a) The Chief Electoral Officer is not required to send a notice to an elector under subsection (4) of this section where he is satisfied that the elector—

- (a) is dead;
  - (b) was outside the State on polling day;
  - (c) was ineligible to vote at the election; or
  - (d) had a valid and sufficient reason for failing to vote. ;
- (c) by substituting for the words “ten shillings” in lines seventeen and eighteen of subsection (12) the words “two dollars”;
  - (d) by substituting for the words “two pounds” in lines eighteen and nineteen of subsection (12) the words “ten dollars”; and
  - (e) by substituting for the words “Two pounds” in the last line of subsection (16) the words “Ten dollars”.

17. The principal Act is amended by adding after section 192 a section as follows—

Section 192A  
added.

192A. During the hours of polling at any election—

Prohibition  
on dissemination of  
certain  
matter.

(a) no candidate shall use or permit to be used; and

(b) no other person shall use any loud speaker, public address system or amplifier whether fixed or mobile, broadcasting van sound system, radio apparatus or any other apparatus or device for the broadcasting or dissemination of any matter intended or likely to affect the result of the election; and

(c) no person shall make any public demonstration having reference to the election.

Penalty: One hundred dollars. .

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