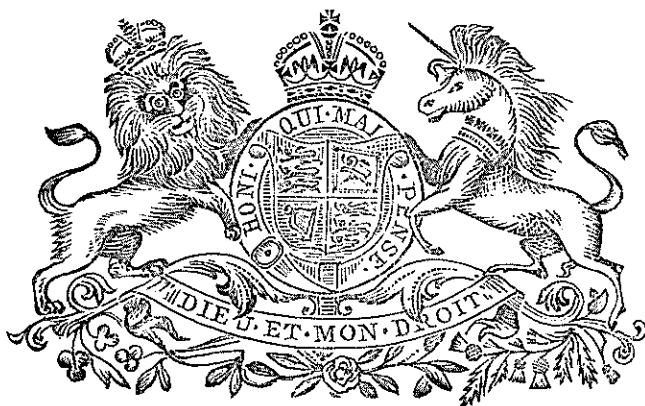


# WESTERN AUSTRALIA.



ANNO PRIMO

## GEORGII QUINTI REGIS,

LV.

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No. 44 of 1911.

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

[Assented to 16th February, 1911.]

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

1. This Act may be cited as the *Electoral Act Amendment Act*, 1911, and shall be read as one with the Electoral Act, 1907, hereinafter referred to as the principal Act, and shall come into operation on the first day of May, one thousand nine hundred and eleven. Short title and commencement.

2. Section four of the principal Act is amended as follows:— Amendment of sec. 4.

(a.) By omitting the interpretation of "Electoral Claims File."

(b.) By inserting after the interpretation of "Speaker," "Sub-district" means a portion of a District the boundaries of which have been defined under the provisions of section ninety-nine.

(c.) By adding to the interpretation of "Officer" the words "except as an honorary Government electoral agent."

3. Section six of the principal Act is amended by adding a subsection as follows:— Amendment of sec. 6.

(2.) A person appointed to be a Registrar, Returning Officer, or Assistant Returning Officer shall be deemed to have been appointed as from a date specified in his appointment or, if no such date is specified, as from the date of his appointment.

Amendment of sec. 8. **4.** Section eight of the principal Act is repealed, and a section is inserted in place thereof as follows:—

Registrars.

8. (1.) There shall be a Registrar for each Province and District and Sub-district.

(2.) The same person may be appointed Registrar for a Province and for a District and Sub-district or for two or more Provinces and Districts and Sub-districts.

Amendment of sec. 14. **5.** Section fourteen of the principal Act is amended by adding a subsection as follows:—

(2.) A writ may be lawfully executed and returned by the Returning Officer notwithstanding that the writ may, in the absence of the Returning Officer, have been issued to some other person appointed to be the Returning Officer in his place.

Amendment of sec. 17. **6.** Section seventeen of the principal Act is amended as follows:—

(a.) By substituting for the word “reside” the word “live,” and for the word “resided” the word “lived,” and for the words “place of residence” the words “place of living” wherever those words appear; and

(b.) By inserting after the word “District,” in paragraph (c), the words “or, when a District is divided into Sub-districts in the Sub-district”; and

(c.) By inserting in subsection one after the words “to vote” the words “at any polling-place in the District,” and

(d.) By inserting after the word “District,” in lines two and four of subsection two, the words “or subdistrict.”

Amendment of sec. 19. **7.** Section nineteen of the principal Act is amended by adding subsections as follows:—

(2.) The roll for any District may be divided into separate parts for each Sub-district, the parts into which a roll is so divided being hereinafter called a “Sub-district roll.”

(3.) All the Sub-district rolls for a District shall, together, form the roll for the District.

Amendment of sec. 23. **8.** Section twenty-three of the principal Act is amended by inserting the word “printed” before the word “roll,” in subsections two and three.

Amendment of sec. 24. **9.** Section twenty-four of the principal Act is amended by adding a subsection as follows:—

(2.) An amalgamation of each roll with its supplements, and a subsequent reprint of such amalgamated roll, shall be made once in every year.

**10.** Section twenty-six of the principal Act is amended by omitting paragraph (a.) and inserting in place thereof:— Amendment of sec. 26.

(a.) As often as instructed by the Chief Electoral Officer, and

**11.** Section twenty-seven of the principal Act is repealed, and a section is inserted in place thereof as follows:— Amendment of sec. 27.

27. In the printing of a second or subsequent supplementary roll, all the names in the last preceding supplementary roll shall be incorporated in lexicographical order. Incorporation of supplementary rolls.

**12.** Section thirty-two of the principal Act is amended by omitting the words “together with the names for the time being enrolled upon the electoral claim file.” Amendment of sec. 32.

**13.** Section forty-two of the principal Act is repealed, and a section is inserted in place thereof as follows:— Amendment of sec. 42.

42. Claims—

(a.) may be in the prescribed form ;

(b.) shall be signed by the claimant in the presence of a person authorised by this Act to witness the signatures of claimants; and

(c.) shall be sent to the Registrar keeping the roll on which the claimant claims to be enrolled.

Claims.

**14.** Section forty-four of the principal Act is amended as follows:— Amendment of sec. 44.

(a.) By adding to paragraph (d) of subsection one, the words “with sufficient particulars to identify the qualifying property”; and

(b.) By inserting after the word “section,” in subsection four, the words “and paragraph (b) of section forty-two.”

**15.** Section forty-five of the principal Act is amended as follows:— Amendment of sec. 45.

(a.) By striking out paragraphs (b), (c), and (d), and inserting the following paragraphs:—

(b.) Enrol the claimant by entering his name and other prescribed particulars on the roll filed in the Registrar’s office under the provisions of section thirty-two;

(c.) Send the claim to the Chief Electoral Officer.

(b.) By adding subsections as follows:—

(2.) If the Registrar has reason to believe that the qualification of a claimant as set out in his claim is insufficient or incorrect he may, if he thinks fit, submit the claim to any officer referred to in section thirty-five, qualified in

his opinion to report thereon, and such officer shall forthwith make all necessary inquiries and report to the Registrar.

(3.) If such report is adverse to the claimant, the Registrar shall object to the claim, or, if the claim has been enrolled, to the enrolment, under the provisions of section forty-six, subsection three (a), or section forty-seven, subsection three (a), respectively.

Amendment of sec.  
19.

**16.** Section forty-nine of the principal Act is amended—

(a.) by striking out the words “in duplicate,” in subsection two, and

(b.) by striking out the word “duplicate,” in subsection three, and inserting “application form” in place thereof.

Amendment of sec.  
50.

**17.** Section fifty of the principal Act is amended by adding a subsection as follows:—

Change of  
electors from one  
roll to another  
on redistribution  
of seats.

(2.) Whenever under any Act for the redistribution of seats at Parliamentary elections, the State is redivided into Provinces or Districts, or the boundaries of Provinces or Districts are altered, the Minister may, by notification in the *Government Gazette*, give such directions to the Chief Electoral Officer as are thereby rendered necessary for the change of electors from one roll to another, and effect shall be given by the Chief Electoral Officer to such directions accordingly.

Amendment of sec.  
51.

**18.** Section fifty-one of the principal Act is amended by adding the following words to Part iii. of paragraph (e.):—“who are wholly dependent on relief from the State, except as a patient under treatment for accident or disease in a hospital,” and

(g.) By changing the address of an elector from that appearing on the claim, to the address inserted by the electoral canvasser on the roll revised by him after an electoral canvass or census taken by order of the Governor or the Minister, if the new address is within the boundaries of the same District.

Amendment of sec.  
53.

**19.** Subsection two of section fifty-three of the principal Act is repealed.

Amendment of  
sec. 57.

**20.** Section fifty-seven of the principal Act is amended by adding to it the following words:—“and is wholly dependent upon relief from the State.”

Amendment of sec.  
59 (2).

**21.** Subsection two of section fifty-nine is amended by striking out the words “or remove from the Electoral Claim file.”

**22.** Subsections two and three of section sixty of the principal Act are repealed, and subsections are inserted in place thereof, as follows:—

Amendment of sec. 60.

(2.) He shall thereupon issue to every such elector a form of claim to be made out in her married name, and signed by her in the presence of a person authorised by this Act to witness the signatures of claimants, and returned to the Chief Electoral Officer.

(3.) On receipt of any such claim the Chief Electoral Officer shall forward it, if in order, to the proper Electoral Registrar who shall enrol the claimant forthwith.

(4.) The Chief Electoral Officer shall direct the proper Electoral Registrar to remove the maiden name of any such elector from any roll on which it appears, and such name shall be removed accordingly.

**23.** Section sixty-three of the principal Act is amended by striking out the words “seven days” in subsection one, and inserting “twenty-one days” in place thereof.

Amendment of sec. 63.

**24.** Subsections two and three of section sixty-six of the principal Act are repealed, and the following subsections are inserted in place thereof:—

Amendment of sec. 66.

(2.) In the case of any such vacancy when Parliament is not in session, or when the vacancy occurs during any adjournment for a longer period than seven days of the House affected, the President or Speaker may, without such preceding resolution, by warrant under his hand in the prescribed form, direct the Clerk of the Writs to issue a writ to supply the vacancy.

(3.) If at the occurrence of any such vacancy there is no President or Speaker of the House affected, and Parliament is not in session, or if the President or Speaker of the House affected is absent from the State, the Governor shall, if satisfied of the existence of such vacancy, by warrant under his hand direct the Clerk of the Writs to issue a writ for the election of a member for the seat so vacated.

Paragraph (b.) of subsection four of section sixty-six is amended by striking out the words “office as aforesaid,” in the first line thereof, and inserting the following words:—“any of the principal executive offices of the Government liable to be vacated on political grounds.”

**25.** Subsection one of section eighty-nine of the principal Act is amended by omitting the words, “the issue of the writ” and inserting in place thereof “the nominations have been declared.”

Amendment of sec. 89.

**26.** Section ninety-two of the principal Act is amended as follows:—

Amendment of sec. 92.

(a.) Subsections two and three thereof are repealed, and subsections are inserted in place thereof as follows:—

(2.) At elections where there are more than two candidates, the elector shall insert in the postal ballot-paper the surname of the candidate for whom he votes as a first preference, and he shall also insert in the ballot-paper the surnames of and give further contingent votes for all the remaining candidates.

(3.) The voting under subsection two shall be as follows:—The voter shall first write on the ballot-paper the surname of the candidate for whom he votes as a first preference, and he shall mark the numeral 1 against such name, and he shall then write on the ballot-paper the surnames of all the other candidates, and he shall mark the numerals 2, 3, and so on, against each name respectively in the order of his preference.

(b.) A subsection is added as follows:—

(5.) A postal vote shall not be invalid by reason only of the name appearing thereon of a candidate who, after nomination-day and before polling-day, has withdrawn his nomination; but effect shall be given to the preference shown on the postal vote according to the arithmetical sequence of the marking after the exclusion of the number set against the name of the candidate who has withdrawn his nomination.

Amendment of sec.  
93.

**27.** Section ninety-three is amended by striking out the words “and the written applications received by him for postal vote ballot papers.”

Amendment of sec.  
95.

**28.** Subsection two of section ninety-five of the principal Act is repealed.

Amendment of sec.  
99.

**29.** Section ninety-nine of the principal Act is amended—

(a.) By adding a paragraph as follows:—

(d.) Establish Sub-districts and fix the boundaries thereof, and abolish Sub-districts; and

(b.) By adding a subsection as follows:—

(2.) When a Sub-district is established or abolished the Minister may, by notification in the *Government Gazette*, give such directions as are thereby rendered necessary or expedient for the change of electors from one roll to another roll, and effect shall be given forthwith to such directions in the manner prescribed by such notice.

Amendment of sec.  
116.

**30.** Section one hundred and sixteen of the principal Act is amended by adding a subsection as follows:—

(5.) Any scrutineer present may affix his seal to the inner and outer cover of the ballot-box.

31. Section one hundred and eighteen of the principal Act is repealed and a section is inserted in place thereof as follows:—

Amendment of sec. 118.

118. (1.) The presiding officer shall put to any person claiming to vote at any Assembly election the following question:—

Questions to be put to voters.

(a.) Do you live in this electoral district?

And if such question is answered in the negative, the following additional questions:—

(b.) Have you within the last preceding three months *bona fide* lived within this electoral district?

(c.) Where was your place of living in this electoral district?

(2.) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote at any election all or any of the following additional questions:—

(d.) Are you the person whose name appears as.....  
.....[*here state name under which the person claims to vote*] on the roll for this Province [or District]?

(e.) Are you of the full age of 21 years?

(f.) Are you a natural born or naturalised subject of the King?

(g.) Have you lived in Western Australia for six months continuously?

(h.) Have you already voted either here or elsewhere at this election?

(i.) Are you disqualified from voting?

And at any Assembly election the following additional question:—

(j.) Where is your place of living in this electoral district?

(3.) The presiding officer shall make a note in writing of the name and number on the roll of each elector questioned under Subsection two, and of each elector under whose name any person questioned claimed to vote, and of each reply or refusal to reply on the part of such elector or person.

(4.) The presiding officer may and shall, when requested by a scrutineer, require any person claiming to vote to make a declaration in the prescribed form before receiving a ballot paper.

(5.) The electoral roll in force at the time of the election shall be conclusive evidence of the right of each person enrolled thereon to vote as an elector, unless he refuses to answer fully any such question put to him by the presiding

officer, or to make the declaration requested of him, or fails by his answer to satisfy the presiding officer that he is entitled to vote.

Amendment of  
sec. 127 (2).

**32.** Subsection two of section one hundred and twenty-seven is repealed, and a subsection is inserted in place thereof, as follows:—

(2.) If there are more than two candidates the elector shall mark the ballot-paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and he shall give contingent votes for all the remaining candidates by placing the numerals 2, 3, and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of his preference.

Amendment of sec.  
133.

**33.** Section one hundred and thirty-three of the principal Act is amended by omitting the words “the scrutineers,” in line three, and inserting in place thereof “any candidate or scrutineer that may be present.”

Amendment of  
sec. 138.

**34.** Section one hundred and thirty-eight is amended as follows:—

By inserting in paragraph (b) after the word “if” the words “subject as hereinafter provided,” and by omitting paragraph (d), and inserting the following in place thereof:—

(d.) If it does not indicate the elector’s vote, or if, when there are more than two candidates, it is not marked as prescribed by sections ninety-two and one hundred and twenty-seven respectively, so as to indicate by numerical sequence the voter’s preference as regards all the candidates.

Provided that if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral shall be deemed to be placed opposite the name of the remaining candidate.

Amendment of sec.  
141.

**35.** Section one hundred and forty-one of the principal Act is amended by adding a paragraph to subsection six, as follows:—

(c.) The packet containing the used ballot-papers shall be sealed before the scrutineers, if any, present at the count, and any scrutineer who desires so to do shall be permitted by the Deputy or Assistant Returning Officer to affix his seal upon such packet.

Amendment of sec.  
145.

**36.** Section one hundred and forty-five of the principal Act is amended by adding a subsection as follows:—

(2.) The Returning Officer conducting the recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the



scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper.

**37.** Section one hundred and sixty-one of the principal Act is amended by adding a subsection as follows:— Amendment of sec. 161.

(2.) The qualification of any person enrolled shall not be questioned; and no election shall be declared void on the ground that any person whose name appears on the roll for a Province or District, and who has voted as an elector for such Province or District, was not qualified to be enrolled or to continue enrolled as an elector for such Province or District.

**38.** Subsection one of section two hundred and four of the principal Act is repealed, and a subsection is inserted in place thereof as follows:— Amendment of sec. 204.

(1.) The signatures to claims or other forms may be witnessed by an elector, or person qualified to be enrolled as an elector of the Commonwealth Parliament or of the Legislative Assembly of Western Australia.

Any person who witnesses the signature of a claimant without being personally acquainted with the facts, or satisfying himself by inquiry from the claimant or otherwise that the statements contained in the claim are true, is guilty of an offence and liable to a penalty of not exceeding fifty pounds.

**39.** Section two hundred and eight of the principal Act is amended by striking out the word "officer," in lines two and three, and inserting "attesting witness" in place thereof. Amendment of sec. 208.

**40.** Section two hundred and nine of the principal Act is amended by striking out the words "forms in the Schedule," in subsection one, and inserting "prescribed forms" in place thereof, and by striking out subsection two. Amendment of sec. 209.

**41.** Subsection one of section two hundred and ten is amended by adding the words "and prescribing forms for use under this Act." Amendment of sec. 210.

**42.** The Schedule to the principal Act is repealed. Repeal of Schedule.

**43.** The principal Act is further amended in the manner set forth in the Schedule to this Act. Further amendment.

**44.** All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act, under the supervision of the Clerk of the Parliaments, and reference shall be made in the margin of the principal Act to the sections of this Act by which such amendments are made. Manner of showing amendments.

Section 43.

## THE SCHEDULE.

- Section 12.—*Omit* “form numbered (1) in the Schedule,” and *insert* prescribed form.
- Section 22.—*Omit* “forms numbered (2) and (3) respectively in the Schedule,” and *insert* prescribed form.
- Section 42.—*Omit* “form numbered (4) in the Schedule,” and “form numbered (5) in the Schedule,” and *insert* prescribed form.
- Section 44.—*Omit* “form numbered (6) in the Schedule,” and *insert* prescribed form.
- Section 45.—*Omit* “form numbered (7) in the Schedule,” and *insert* prescribed form.
- Section 46.—*Omit* “form numbered (8) in the Schedule,” “form numbered (9) in the Schedule,” and “form numbered (10) in the Schedule,” and *insert* prescribed form.
- Section 47.—*Omit* “form numbered (11) in the Schedule,” and “form numbered (12) in the Schedule,” and “form numbered (9) in the Schedule,” and *insert* prescribed form.
- Section 49.—*Omit* “form numbered (13) in the Schedule,” and “form numbered (14) in the Schedule,” and *insert* prescribed form.
- Section 51.—*Omit* “form numbered (15) in the Schedule,” and *insert* prescribed form.
- Section 63.—*Omit* “form numbered (16) in the Schedule,” and *insert* prescribed form.
- Section 66.—*Omit* “form numbered (17) in the Schedule,” and “form numbered (18) in the Schedule,” and *insert* prescribed form.
- Section 68.—*Omit* “form numbered (19) in the Schedule,” and *insert* prescribed form.
- Section 77.—*Omit* “form numbered (20) in the Schedule,” and *insert* prescribed form.
- Section 90.—*Omit* “form numbered (21) in the Schedule,” and *insert* prescribed form.
- Section 91.—*Omit* “form numbered (21) in the Schedule,” and *insert* prescribed form.
- Section 103.—*Omit* “form numbered (22) in the Schedule,” and “form numbered (23) in the Schedule,” and *insert* prescribed form.
- Section 112.—*Omit* “form numbered (24) in the Schedule,” and *insert* prescribed form.
- Section 113.—*Omit* “form numbered (25) in the Schedule,” and *insert* prescribed form.
- Section 118.—*Omit* “form numbered (9) in the Schedule,” and *insert* prescribed form.
- Section 121.—*Omit* “form numbered (9) in the Schedule,” and *insert* prescribed form.
- Section 150.—*Omit* “form numbered (9) in the Schedule,” and *insert* prescribed form.
- Section 175.—*Omit* “form numbered (26) in the Schedule,” and *insert* prescribed form.