

Electoral Amendment (Constitutional Provisions) Bill 2000

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Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon John Cowdell)

**Electoral Amendment (Constitutional
Provisions) Bill 2000**

A Bill for

An Act to amend the *Electoral Act 1907*.

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Electoral Amendment (Constitutional Provisions) Act 2000*.

5 **2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

Part 2 — Amendments to the *Electoral Act 1907*

3. Princial Act

In this Part, the *Electoral Act 1907* is referred to as the principal Act.

5 4. Section 77 of principal Act amended

Section 77 of the principal Act is amended —

- (a) by deleting in subsection (1) the word “elected” and substituting the words “chosen or sitting”;
- (b) by deleting in subsection (4) —
 - 10 (i) the word “is” where it first appears and substituting the words “would be, if elected”;
 - (ii) the word “elected” and substituting the word “chosen”;
 - 15 (iii) the word “being” where it appears a second time and substituting the words “sitting as”.

5. Part V A inserted

After section 173 of the principal Act the following Part is inserted —

“

20 Part VA — Eligibility for Election to Parliament

174A. Interpretation

In this Part —

- 25 (a) “**disqualified for membership of the Parliament**” means disqualified for membership of the Legislative Council and for membership of Legislative Assembly;

- (b) **“member of the Parliament”** means a member of the Legislative Council or the Legislative Assembly;
- (c) a reference to the holding of any office or place is a reference to the holding of that office or place in a permanent, temporary or acting capacity on a full-time, part-time or casual basis.

174B. Eligibility for election to Parliament

Subject to this Part, any person who —

- (a) has resided in Western Australia for one year; and
- (b) is an Australian citizen; and
- (c) is 18 or more years of age; and
- (d) is entitled or qualified to vote in an election for a member of Parliament,

is qualified to be elected a member of the Parliament.

174C. Disqualification by reason of bankruptcy or convictions

A person is disqualified for membership of the Parliament if he —

- (a) is, or becomes, an undischarged bankrupt, or a debtor against whose estate there is a subsisting receiving order in bankruptcy; or
- (b) has been in any part of Her Majesty's dominions attainted or convicted of treason or felony.

174D. Disqualification of certain office-holders and members of other Parliaments or Houses

- (1) A person is disqualified from being chosen as a member of the Parliament if that person —
- 5 (a) holds any office removal from which vests exclusively in either or both the Legislative Council or the Legislative Assembly, or by the Governor; or
- 10 (b) is a member of the Parliament of the Commonwealth or the legislature of a Territory or another State of the Commonwealth.
- (2) A member of one House of the Parliament cannot be chosen as a member of the other House.

174E. Election of unqualified or disqualified person void

- 15 (1) The election as a member of the Parliament of a person —
- (a) who does not satisfy the requirements of section 174B; or
- (b) to whom section 174C applies; or
- 20 (c) to whom section 174D(1) or (2) applies, is void.

”.

Part 3 — Amendments to the *Constitution Acts Amendment Act 1899*

6. Principal Act

5 In this Part, the *Constitution Acts Amendment Act 1899* is referred to as the principal Act.

7. Sections repealed and Schedule V amended

Sections 7, 20, 32, 34 and 35 and Part 1 of Schedule V of the principal Act are repealed.

8. Section 33 amended

10 Section 33 of the principal Act is amended by inserting after the words “by the succeeding sections of this Part” the words “or in Part VA of the *Electoral Act 1907*”.

9. Section 37 amended

15 Section 37 of the principal Act is amended by deleting the words “mentioned in Part 1 of Schedule V” and substituting the words “referred to in section 174D of the *Electoral Act 1907*”.

10. Section 40 amended

Section 40 of the principal Act is amended —

- 20
- (a) in paragraph (a) by deleting the words “section 7 or section 20” and substituting the words “section 174B of the *Electoral Act 1907*”;
 - (b) in paragraph (b) by deleting the words “section 32 or section 34” and substituting the words “section 174C or section 174D of the *Electoral Act 1907*”.

11. Section 41 amended

Section 41(1) of the principal Act is amended by deleting in paragraph (a) the number “35” and substituting the words “174E of the *Electoral Act 1907*.”

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