

Western Australia

Electoral Act 1907

Part IIA only

**Incorporating the amendments proposed by
the *Electoral Amendment Bill 2014 Pt. 2*
(Bill No. 59-1)**

Electoral Act 1907

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Defined terms

Western Australia

Electoral Act 1907

An Act to regulate parliamentary elections and for related purposes.

[Long title amended by No. 64 of 2006 s. 12.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Electoral Act 1907*¹.

2. Commencement

This Act shall come into operation on 1 March 1908.

[3. Deleted by No. 10 of 1998 s. 76.]

4. Terms used

(1) In this Act, unless the contrary intention appears —

absent voter means any person who votes under the provisions of section 99A;

approved form means a form that —

- (a) is approved by the Electoral Commissioner; and
- (b) has been published by the Electoral Commissioner by any means (including on an internet site maintained by the Electoral Commissioner) that the Electoral Commissioner thinks fit;

Assembly means the Legislative Assembly;

Australian citizen means a person who is an Australian citizen under the *Australian Citizenship Act 1948*² of the Commonwealth or any Act amending that Act or substituted therefor;

authorised witness has the meaning given by section 94;

candidate in Parts II and VII includes any person who, within 3 months before the day of election, offers himself for election as a member of the Council or Assembly;

christian name means the name or names prefixed to the surname of any person, whether received at Christian baptism or not;

conjoint election means a general election for the Council and the Assembly that are both to be held on the same day pursuant to writs issued on the same day;

constitution, in relation to a political party, means a written set of principles and rules (however described) under which the party is governed;

Council means the Legislative Council;

Deputy Electoral Commissioner means the person holding or acting in the office of Deputy Electoral Commissioner referred to in section 5A;

district, in relation to the Assembly, means an electoral district for the election of a member of the Assembly and, in relation to the Council, means an electoral district that forms part of a region;

early ballot paper means a ballot paper issued under section 90 and **early vote** has a corresponding meaning;

election means an election in a region or an election in a district;

election year, in relation to a periodic election, means the year in which the writ for the periodic election is issued;

elector means any person whose name appears on a roll as an elector;

electoral census means any enumeration of persons eligible as electors for the Council or Assembly, made under the provisions of Part III;

Electoral Commissioner means the Electoral Commissioner appointed under this Act;

enrolment information means a roll, information on a roll or other information relating to electors;

expiry year means a year in which an Assembly, if it is not previously dissolved, will expire by effluxion of time;

general election —

- (a) in relation to the Assembly, means the elections in the districts the writ for which is issued under section 64(1) or (2);
- (b) in relation to the Council, means the elections in the regions the writ for which is issued under section 64(3);

general polling place has the meaning given by section 100(3);

group means a group constituted in accordance with section 80;

hour of nomination means the hour fixed by section 85(2);

officer includes all persons appointed to any office under this Act or in the Western Australian Electoral Commission, or exercising any power or discharging any duty under this Act, except as an honorary Government electoral agent;

official paper means paper referred to in section 113(4);

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periodic election means —

- (a) a general election for the Assembly the writ for which is issued under section 64(2); or
- (b) any general election for the Council;

political party means —

- (a) a body corporate or other body or organisation (not being a body corporate or other body or organisation described in paragraph (b)) having as one of the objects or activities of the body or organisation the promotion of the election to the Parliament of this State of a candidate or candidates endorsed by it or by a body or organisation that forms part of it; or
- (b) the branch or division for this State of a body corporate or other body or organisation which —
 - (i) is organised on a basis that includes this State and another State or Territory or other States or Territories; and
 - (ii) has a branch or division for this State; and
 - (iii) has as one of the objects or activities of the body or organisation the promotion of the election to the Parliament of this State of a candidate or candidates endorsed by it or by a body or organisation that forms part of it;

polling place means any building or structure in which the polling at elections is appointed to take place;

President means the President of the Legislative Council;

prison means a prison within the meaning of that expression as defined by section 3 of the *Prisons Act 1981*;

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;

region means an electoral region for the election of members of the Council;

registered political party has the meaning given by section 62C;

relevant citizenship law means the *Australian Citizenship Act 1948*² of the Commonwealth, as amended and in force immediately before the day fixed by proclamation for the purposes of section 2(2) of the *Australian Citizenship*

Amendment Act 1984, of the Commonwealth, and the regulations in force immediately before that day under the *Australian Citizenship Act 1948*² of the Commonwealth, as so amended and in force;

relevant number, in relation to an election in a region, means the number of members of the Council that are to be returned at the election;

returning officer includes deputy returning officer;

roll means an electoral roll under this Act;

secretary, in relation to a political party, means the person who holds the office of secretary or chief administrative officer (however described) of the party;

single member election means —

- (a) an election in a district; or
- (b) an election in a region where the relevant number is one;

Speaker means the Speaker of the Legislative Assembly;

sub-district means a portion of a district the boundaries of which have been defined under the provisions of section 100;

voting ticket means a written statement of a particular order in which an elector might allocate preferences, in an election, being a statement for use under this Act in interpreting the votes of electors who choose to vote in accordance with the voting ticket;

voting ticket square means a square printed on a ballot paper to indicate in relation to the name of a candidate, or the names of candidates included in a group, that a voting ticket is registered in relation to that candidate or group;

writ means a writ directing the Electoral Commissioner to proceed with an election in a district, elections in all the districts, an election in a region or elections in all the regions.

- (2) A reference in this Act to a poll for a district or an election in or for a district is a reference to a poll or an election for the return by a district of a member of the Assembly.
- (3) A reference in this Act to a poll for a region or an election in or for a region is a reference to a poll or election for the return by a region of a member or members, as the case may require, of the Council but does not include the election of a member of the Council under sections 156C and 156D.

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- (4) A reference in this Act to a full election in a region is a reference to an election in a region for the return of 6 members of the Council.
- (5) A reference in this Act to the functions of the Electoral Commissioner is a reference to his functions under this Act and other written laws.

[Section 4 amended by No. 44 of 1911 s. 2; No. 63 of 1948 s. 3; No. 34 of 1953 s. 2; No. 51 of 1962 s. 2; No. 33 of 1964 s. 4; No. 68 of 1964 s. 3; No. 28 of 1970 s. 3; No. 39 of 1979 s. 4 and 5; No. 9 of 1983 s. 3 and 29; No. 54 of 1983 s. 2; No. 66 of 1983 s. 3; No. 104 of 1985 s. 3; No. 40 of 1987 s. 17 and 84; No. 14 of 1996 s. 4; No. 43 of 1996 s. 4; No. 36 of 2000 s. 4, 28(1), 43, 62, 67 and 82; No. 64 of 2006 s. 13; No. 7 of 2009 s. 4; No. 49 of 2011 s. 4; No. 35 of 2012 s. 4.]

Part IIA — Representation in Parliament

[Heading inserted by No. 1 of 2005 s. 4.]

Division 1 — Preliminary

[Heading inserted by No. 1 of 2005 s. 4.]

16A. Terms used

In this Part —

average district enrolment has the meaning given to that term in section 16G(1);

Commissioners means the Electoral Distribution Commissioners appointed under section 16B including any person appointed under section 16B(2), (3) or (4) to act in the office of an Electoral Distribution Commissioner;

Government Statistician means the Government Statistician appointed under the *Statistics Act 1907*;

Land Information Authority means the [Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5](#);

person with judicial experience means a person who is or has been a judge of the Supreme Court of Western Australia;

relevant day, in relation to a division of the State into districts and regions in accordance with this Part, means the day specified in section 16E(a) or (b) as the day as soon as practicable after which the division is to be carried out.

[Section 16A inserted by No. 1 of 2005 s. 4; amended by No. 38 of 2008 s. 4; [Electoral Amendment Bill 2014 cl. 4](#).]

16B. Electoral Distribution Commissioners, appointment of etc.

- (1) For the purposes of this Part there shall be 3 Electoral Distribution Commissioners of whom —
 - (a) one shall be a person with judicial experience, appointed by the Governor on the recommendation of the Premier, who shall be chairman; and
 - (b) one shall be the Electoral Commissioner; and
 - (c) one shall be the Government Statistician.
- (2) If the person appointed an Electoral Distribution Commissioner under subsection (1)(a) is absent or is for any other reason unable to act as an Electoral Distribution Commissioner, the

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Governor, on the recommendation of the Premier, may appoint another person with judicial experience to act in the office of Electoral Distribution Commissioner and as chairman during the absence or inability.

- (3) A person acting in the office of the Electoral Commissioner under section 5D or 5H(2) shall, while so acting, act in the office of Electoral Distribution Commissioner under subsection (1)(b).
- (4) If the office of the Government Statistician is vacant, or the holder of that office is absent or is for any other reason unable to act as an Electoral Distribution Commissioner, the Governor, on the recommendation of the Premier, may appoint a suitable person to act in the office of Electoral Distribution Commissioner under subsection (1)(c) during the vacancy, absence or inability.
- (4A) Before making a recommendation under subsection (1)(a) or (2) that a judge of the Supreme Court of Western Australia be appointed, the Premier shall consult the Chief Justice of Western Australia.
- (5) Before making a recommendation under subsection (1)(a), (2) or (4) the Premier shall consult with, and seek the written views of, the parliamentary leader or representative of each party and Independent members in the Parliament.
- (5A) A person appointed under subsection (1)(a) shall hold office for such term, not exceeding 5 years, as is specified in his or her instrument of appointment, and is eligible for reappointment once.
- (5B) The appointment of a person who is a judge of the Supreme Court of Western Australia under subsection (1)(a) or (2) does not affect the person's tenure of office as, or status as, a judge of the Supreme Court of Western Australia nor the payment of the person's salary or allowances as a judge nor any other rights or privileges of the person as a judge.
- (5C) If a person appointed under subsection (1)(a) or (2) is not a judge of the Supreme Court of Western Australia, the person's conditions of service as an Electoral Distribution Commissioner, including remuneration and allowances, are to be determined by the Governor from time to time.

- (5D) Any remuneration and allowances paid to a person under subsection (5C) do not affect any entitlements the person may have under the *Judges' Salaries and Pensions Act 1950*.
- (6) The Commissioners shall meet as often as may be necessary for carrying out their duties under this Part.

(7) For the purposes of this Part —

- (a) the Commissioners have the powers, protections and immunities of a Royal Commission and the Chairman of a Royal Commission under the *Royal Commissions Act 1968*; and
- (b) the provisions of the *Royal Commissions Act 1968* have effect in relation to the Commissioners as if they were enacted in this Act and in terms made applicable to the Commissioners and the performance of the functions of the Commissioners under this Part.

~~(7) For the purposes of this Part the Commissioners have the powers of a duly appointed Royal Commission, and of a chairman of a Royal Commission, under the *Royal Commissions Act 1968*.~~

- (8) The moneys reasonably required for the purposes of the Commissioners shall be charged, on the certificate of the Auditor General, to the Consolidated Account, which this subsection appropriates to the necessary extent.

[Section 16B inserted by No. 1 of 2005 s. 4; amended by No. 77 of 2006 s. 4; No. 38 of 2008 s. 5; [Electoral Amendment Bill 2014 cl. 5.](#)]

Division 2 — Districts, regions and representation

[Heading inserted by No. 1 of 2005 s. 4.]

16C. Electoral districts, number of and MLAs for

- (1) The State shall be divided into 59 electoral districts.
- (2) Each district will return one member to serve in the Assembly.

[Section 16C inserted by No. 1 of 2005 s. 4; amended by No. 2 of 2005 s. 4(2).]

16D. Electoral regions, number of and MLCs for

- (1) The State shall be divided into 6 electoral regions.

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- (2) Each region will return 6 members to serve in the Council.

[Section 16D inserted by No. 1 of 2005 s. 4.]

Division 3 — Division of State into districts and regions

[Heading inserted by No. 1 of 2005 s. 4.]

16E. Division into districts etc. required after each general election for Assembly

The State shall be divided into districts and regions in accordance with this Part —

- (a) as soon as practicable after 26 February 2007; and
- (b) as soon as practicable after the day that is 2 years after polling day for any subsequent general election for the Assembly.

[Section 16E inserted by No. 1 of 2005 s. 4.]

16F. Commissioners, functions of

- (1) The Commissioners shall divide the State into districts and regions in accordance with this Part whenever a division of the State is required under this Part.
- (2) For the purposes of carrying out their duty under subsection (1) the Commissioners shall —
 - (a) by notice published in the *Gazette* and in a newspaper circulating throughout the State —
 - (i) invite written suggestions relating to the division of the State as required by subsection (1) to be lodged with the Commissioners within 30 days from the day of the publication of the notice in the *Gazette*; and
 - (ii) invite written comments being comments on the suggestions lodged under subparagraph (i) to be lodged with the Commissioners within 14 days from the expiration of the period of 30 days referred to in that subparagraph;
 - and
 - (b) forthwith after the expiration of the period of 30 days referred to in paragraph (a)(i), cause copies of the suggestions lodged with the Commissioners under paragraph (a)(i) to be made available for perusal at the office of the Electoral Commissioner; and

- (c) consider all of the suggestions and comments lodged with the Commissioners under paragraph (a); and
 - (d) as soon as practicable after ~~within 42 days from~~ the expiration of the period of 14 days referred to in paragraph (a)(ii), formulate proposals for the division of the State in the manner required under subsection (1) and the names proposed to be assigned to the districts and publish in the *Gazette* and in a newspaper circulating throughout the State —
 - (i) a map or maps setting out those proposals; and
 - (ii) a statement of the Commissioners' reasons for making those proposals;and
 - (e) consider any objections in writing that may be lodged with the Commissioners within 30 days from the day of the publication of the map or maps and statement in the *Gazette* under paragraph (d); and
 - (f) as soon as practicable ~~practicable, but not more than 90 days~~ after the expiration of the period of 30 days referred to in paragraph (e), by notice published in the *Gazette*, divide the State in the manner required under subsection (1).
- (3) Any additional details and explanatory information that the Commissioners think appropriate may be included on or published with the map or maps mentioned in subsection (2)(d).
- (4) The notice mentioned in subsection (2)(f) shall set out —
- (a) the average district enrolment at the relevant day; and
 - (b) in respect of each of the districts —
 - (i) the name assigned to the district; and
 - (ii) a description of the boundaries fixed for the district; and
 - ~~(ii) the boundaries fixed for the district; and~~
 - (iii) the number of electors within the boundaries as so fixed;and
 - (c) the districts included in each of the regions,
- and shall include a map or maps showing the boundaries of the districts and the boundaries of the regions.

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(5A) For the purposes of subsection (4)(b)(ii), the boundaries may be described —

(a) by setting out in the notice a description of the boundaries by reference to any of the following —

(i) local government or other administrative boundaries;

(ii) cadastral, topographical or other spatial information;

(iii) such other matters as the Commissioners think appropriate;

or

(b) by referring in the notice to a version of a map or maps showing those boundaries that has been lodged with the Land Information Authority under section 16MA(1).

(5) Suggestions under subsection (2)(a)(i), comments under subsection (2)(a)(ii) and objections under subsection (2)(e) may be made by any person.

(6) In performing functions under this section, the Commissioners must ensure that the period beginning on the day on which the notice under subsection (2)(a) is published and ending on the day on which the notice under subsection (2)(f) is published does not exceed 8 months.

(7) The Commissioners may at any time publish in any manner the Commissioners think appropriate a consultation paper formulated by the Commissioners about any division of the State required under this Part.

[Section 16F inserted by No. 1 of 2005 s. 4; amended by No. 2 of 2005 s. 4(3); [Electoral Amendment Bill 2014 cl. 6.](#)]

16G. Districts, how State to be divided into

(1) For the purposes of this section the Commissioners shall divide the number of electors by the number of districts, and the result of that division is referred to as the *average district enrolment*.

(2) The Commissioners shall divide the State into districts in accordance with the principle that, for each district, the number of electors that the district would have had at the relevant day must not be more than 10% greater, or more than 10% less, than the average district enrolment at the relevant day.

- (3) If a district has an area of 100 000 square kilometres or more, subsection (2) does not apply but the sum of —
- (a) the number of electors that the district would have had at the relevant day; and
 - (b) the large district allowance,
- must not be more than 10% greater, or more than 20% less, than the average district enrolment at the relevant day.

- (4) In subsection (3) —

large district allowance means 1.5% of the number of square kilometres in the area of the district.

[Section 16G inserted by No. 1 of 2005 s. 4.]

16H. Regions, how State to be divided into

- (1) The Commissioners shall divide the State into regions so that those regions generally reflect the recognised communities of interest and land use patterns in the State and so that —
- (a) 3 contiguous regions, to be known, respectively, as the North Metropolitan Region (being a region that is generally to the north of the Swan River), the South Metropolitan Region (being a region that is generally to the south of the Swan River) and the East Metropolitan Region (being a region that includes the hills and foothills of the Darling Escarpment) —
 - (i) each consist of approximately the same number of complete and contiguous districts; and
 - (ii) together form an area that is generally coextensive with the metropolitan area of Perth;and
 - (b) one region, to be known as the Mining and Pastoral Region, consists of complete and contiguous districts that together form an area that is remote from Perth and in which the land use is primarily for mining and pastoral purposes; and
 - (c) one region, to be known as the Agricultural Region, consists of complete and contiguous districts that together form an area that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region and in which the land use is primarily for agricultural purposes; and

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(d) one region, to be known as the South West Region (being a region that includes coastal and forest areas in the south-west of the State), consists of complete and contiguous districts.

(2) In subsection (1) —

metropolitan area of Perth means the part of the State that comprises —

- (a) the region that was, as at the relevant day, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*⁴; and
- (b) Rottnest Island.

[Section 16H inserted by No. 1 of 2005 s. 4.]

16I. Dividing State, matters Commissioners to consider when

In making the division of the State into regions and districts the Commissioners shall give due consideration to —

- (a) community of interest; and
- (b) land use patterns; and
- (c) means of [communication, means of travel](#) ~~communication~~ and distance from the capital; and
- (d) physical features; and
- (e) existing boundaries of regions and districts; and
- (f) existing local government boundaries; and
- (g) the trend of demographic changes.

[Section 16I inserted by No. 1 of 2005 s. 4; [amended by the Electoral Amendment Bill 2014 cl. 7.](#)]

16J. District boundaries etc., Commissioners may modify etc.

In the exercise of the powers conferred on the Commissioners by this Part, the boundaries of the districts may be modified by the Commissioners by excising portions from them, or by adding other portions to them and the districts may be designated and redesignated.

[Section 16J inserted by No. 1 of 2005 s. 4.]

16K. Notice under s. 16F(2)(f) of division of State, effect of

On and by virtue of a notice being published in the *Gazette* under section 16F(2)(f), the division of the State by the Commissioners into districts and regions [in accordance with as](#)

~~set out in~~ that notice takes effect and has the force of law and applies in respect of —

- (a) elections in districts held after the date of the publication of the notice other than elections held before the first general election for the Assembly held after that date; and
- (b) elections in regions held after the date of the publication of the notice other than elections held before the first general election for the Council held after that date,

unless and until a further division of the State into districts and regions takes effect under this section.

[Section 16K inserted by No. 1 of 2005 s. 4; [amended by the Electoral Amendment Bill 2014 cl. 8.](#)]

16L. Transitional provisions for amendments to law etc. in 2005

- (1) In this section —

previous electoral distribution means the division of the State into districts and regions for the election of members of the Assembly and the Council that was in effect on 26 February 2005.

- (2) Despite the repeal of the *Electoral Distribution Act 1947* by section 8 of the *Electoral Amendment and Repeal Act 2005*, the previous electoral distribution continues to apply in respect of —
- (a) elections in districts held before the first general election for the Assembly held after the commencement of the *Electoral Amendment and Repeal Act 2005*; and
 - (b) elections in regions held before the first general election for the Council held after the commencement of the *Electoral Amendment and Repeal Act 2005*; and
 - (c) the representation of electoral districts and electoral regions by members of the Assembly and the Council elected —
 - (i) before the commencement of the *Electoral Amendment and Repeal Act 2005*; or
 - (ii) at elections referred to in paragraphs (a) and (b); or
 - (iii) under sections 156C and 156D before 22 May next following the first general election for the

Council held after the commencement of the
Electoral Amendment and Repeal Act 2005.

[Section 16L inserted by No. 1 of 2005 s. 4.]

16MA. Map or maps of districts generated from digital or electronic record

- (1) For the purposes of preparing a notice for publication under section 16F(2)(f) that will describe the boundaries of the districts into which the State is divided in accordance with section 16F(5A)(b), the Commissioners must —
- (a) identify the boundaries of the districts by reference to any of the matters referred to in section 16F(5A)(a); and
 - (b) cause those boundaries to be recorded in digital or electronic form in such a way as to be capable of generating a digital, electronic or printed version of a map or maps showing the boundaries of each district; and
 - (c) lodge with the Land Information Authority a version of a map or maps showing the boundaries of each district that is generated from a record made under paragraph (b).
- (2) In any proceedings, the version of a map or maps lodged under subsection (1)(c) is, without proof of any appointment or signature, evidence of the boundaries of the districts fixed under a notice mentioned in section 16F(2)(f) if that notice describes those boundaries by reference to that version.

[Section 16MA inserted by by the Electoral Amendment Bill 2014 cl. 9.]

16M. One vote one value principle, absolute majorities required for Bills affecting

- (1) A Bill that repeals or alters any of the provisions of this Part, other than Division 2, section 16G(3) or (4) or section 16L, shall not be presented for assent by or in the name of the Queen unless the second and third readings of the Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Council and the Assembly, respectively.
- (2) A Bill assented to consequent upon its presentation in contravention of subsection (1) shall be of no effect as an Act.

[Section 16M inserted by No. 1 of 2005 s. 4.]

Notes

- ¹ This is a compilation of the *Electoral Act 1907* and includes the amendments made by the other written laws referred to in the following table^{1a, 6}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Electoral Act 1907</i>	27 of 1907 (7 Edw. VII No. 27)	20 Dec 1907	1 Mar 1908 (see s. 2)
<i>Electoral Act Amendment Act 1911</i>	44 of 1911 (1 Geo. V No. 55)	16 Feb 1911	1 May 1911 (see s. 1)
<i>Electoral Act Amendment Act 1912</i>	56 of 1912 (3 Geo. V No. 37)	30 Dec 1912	30 Dec 1912
<i>Electoral Act Amendment Act 1918</i>	5 of 1918 (8 Geo. V No. 19) (as amended by No. 59 of 1919 s. 6)	18 Mar 1918	18 Mar 1918
<i>Electoral Amendment Act 1919</i>	59 of 1919 (10 Geo. V No. 47)	17 Dec 1919	17 Dec 1919
<i>Electoral Act Amendment Act 1921</i>	7 of 1921 (12 Geo. V No. 7)	26 Oct 1921	26 Oct 1921
Reprint of the <i>Electoral Act 1907</i> in Appendix Session Volume 1928 (includes amendments listed above)			
<i>Electoral Act Amendment Act 1931</i>	38 of 1931 (22 Geo. V No. 38)	3 Dec 1931	3 Dec 1931
<i>Electoral Act Amendment Act 1934</i>	39 of 1934 (25 Geo. V No. 38)	4 Jan 1935	4 Jan 1935
<i>Electoral Act Amendment Act 1936</i>	10 of 1936 (1 Edw. VIII No. 10)	3 Dec 1936	3 Dec 1936
<i>Electoral Act Amendment Act 1940</i>	18 of 1940 (4 Geo. VI No. 18)	29 Nov 1940	29 Nov 1940
<i>Electoral Act Amendment Act 1940 (No. 3)</i>	47 of 1940 (4 & 5 Geo. VI No. 47)	30 Dec 1940	30 Dec 1940

Short title	Number and year	Assent	Commencement
Reprint of the <i>Electoral Act 1907</i> in Volume 2 of Reprinted Acts ⁶ (includes amendments listed above)			
<i>Electoral Act Amendment Act 1948</i>	63 of 1948 (12 & 13 Geo. VI No. 63)	21 Jan 1949	27 May 1949 (see s. 1 and <i>Gazette</i> 27 May 1949 p. 1133)
Reprint of the <i>Electoral Act 1907</i> approved 21 Oct 1949 (not in a Volume) (includes amendments listed above and in the <i>Electoral Act Amendment Act 1949</i>)			
<i>Electoral Act Amendment Act 1949</i>	26 of 1949 (13 Geo. VI No. 112)	22 Oct 1949	22 Oct 1949
<i>Electoral Act Amendment Act 1951</i>	58 of 1951 (15 & 16 Geo. VI No. 58)	7 Jan 1952	7 Jan 1952
<i>Electoral Act Amendment Act 1952</i>	57 of 1952 (1 Eliz. II No. 57)	23 Dec 1952	23 Dec 1952
<i>Electoral Act Amendment Act (No. 2) 1953</i>	34 of 1953 (2 Eliz. II No. 34)	18 Dec 1953	18 Dec 1953
Reprint of the <i>Electoral Act 1907</i> approved 19 Mar 1956 in Volume 9 of Reprinted Acts (includes amendments listed above)			
<i>Electoral Act Amendment Act (No. 2) 1957</i>	53 of 1957 (6 Eliz. II No. 53)	6 Dec 1957	14 Feb 1958 (see s. 2 and <i>Gazette</i> 14 Feb 1958 p. 244)
<i>Electoral Act Amendment Act (No. 3) 1959</i>	59 of 1959 (8 Eliz. II No. 59)	3 Dec 1959	15 Jan 1960 (see s. 2 and <i>Gazette</i> 15 Jan 1960 p. 35)
Reprint of the <i>Electoral Act 1907</i> approved 26 Feb 1962 (not in a Volume) (includes amendments listed above)			
<i>Electoral Act Amendment Act 1962</i>	51 of 1962 (11 Eliz. II No. 51)	20 Nov 1962	20 Nov 1962
<i>Electoral Act Amendment Act 1964</i>	33 of 1964 (13 Eliz. II No. 33)	3 Nov 1964	31 Dec 1964 (see s. 2 and <i>Gazette</i> 24 Dec 1964 p. 4094)
<i>Electoral Act Amendment Act (No. 3) 1964</i>	68 of 1964 (13 Eliz. II No. 68)	4 Dec 1964	31 Dec 1964 (see s. 2 and <i>Gazette</i> 24 Dec 1964 p. 4094)
Reprint of the <i>Electoral Act 1907</i> approved 9 Feb 1965 in Volume 19 of Reprinted Acts (includes amendments listed above)			
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))

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Short title	Number and year	Assent	Commencement
<i>Electoral Act Amendment Act 1967</i>	33 of 1967	17 Nov 1967	24 Nov 1967 (see s. 2 and <i>Gazette</i> 24 Nov 1967 p. 3195)
<i>Electoral Act Amendment Act 1970</i>	28 of 1970	20 May 1970	1 Nov 1970 (see s. 2 and <i>Gazette</i> 30 Oct 1970 p. 3343)
<i>Electoral Act Amendment Act (No. 2) 1970</i>	94 of 1970	30 Nov 1970	5 Dec 1970 (see s. 2 and <i>Gazette</i> 4 Dec 1970 p. 3705)
Reprint of the Electoral Act 1907 approved 12 Jan 1971 (not in a Volume) (includes amendments listed above)			
<i>Metric Conversion Act 1972</i>	94 of 1972	4 Dec 1972	Relevant amendments (see First Sch. ⁷) took effect on 1 Jan 1974 (see s. 4(2) and <i>Gazette</i> 7 Dec 1973 p. 4490)
<i>Electoral Act Amendment Act (No. 2) 1973</i>	70 of 1973	6 Dec 1973	1 Jan 1974 (see s. 2 and <i>Gazette</i> 28 Dec 1973 p. 4725)
<i>Electoral Act Amendment Act (No. 2) 1976</i>	129 of 1976	9 Dec 1976	9 Dec 1976
<i>Electoral Act Amendment Act (No. 2) 1979</i>	39 of 1979	25 Oct 1979	23 Nov 1979 (see s. 2 and <i>Gazette</i> 23 Nov 1979 p. 3635)
<i>Acts Amendment (Master, Supreme Court) Act 1979 Pt. XI</i>	67 of 1979	21 Nov 1979	11 Feb 1980 (see s. 2 and <i>Gazette</i> 8 Feb 1980 p. 383)
<i>Electoral Amendment Act 1980</i>	52 of 1980	19 Nov 1980	19 Nov 1980
Reprint of the Electoral Act 1907 approved 8 Dec 1981 (includes amendments listed above)			
<i>Electoral Amendment Act 1982</i>	31 of 1982	27 May 1982	11 Oct 1982 (see s. 2 and <i>Gazette</i> 10 Sep 1982 p. 3637)
<i>Electoral Amendment Act (No. 2) 1982</i>	123 of 1982	10 Dec 1982	10 Dec 1982
<i>Electoral Amendment Act 1983</i>	9 of 1983	29 Sep 1983	s. 5: 7 Oct 1983 (see s. 2 and <i>Gazette</i> 7 Oct 1983 p. 4066); s. 1-4 and 6-28: 1 Nov 1983 (see s. 2 and <i>Gazette</i> 14 Oct 1983 p. 4147); s. 29-31: 26 Jan 1984 (see s. 2 and <i>Gazette</i> 18 Nov 1983 p. 4559)
<i>Electoral Amendment Act (No. 2) 1983</i>	54 of 1983	13 Dec 1983	13 Dec 1983
<i>Electoral Amendment Act (No. 3) 1983</i>	66 of 1983	22 Dec 1983	26 Jan 1984 (see s. 2 and <i>Gazette</i> 20 Jan 1984 p. 119)
<i>Health Legislation Amendment Act 1984 Pt. VI</i>	28 of 1984	31 May 1984	1 Jul 1984 (see s. 2 and <i>Gazette</i> 15 Jun 1984 p. 1629)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment and Repeal (Disqualification for Parliament) Act 1984 Pt. VII</i>	78 of 1984	14 Nov 1984	1 Jul 1985 (see s. 2 and <i>Gazette</i> 17 May 1985 p. 1671)
<i>Electoral Amendment Act 1984</i>	76 of 1984	26 Nov 1984	s. 1 and 2: 26 Nov 1984; Act other than s. 1 and 2: 24 Dec 1984 (see s. 2 and <i>Gazette</i> 21 Dec 1984 p. 4173)
<i>Electoral Amendment Act (No. 2) 1985</i>	104 of 1985 (as amended by No. 1 of 1987)	7 Dec 1985	s. 1 and 2: 7 Dec 1985; Act other than s. 1 and 2: 1 May 1987 (see s. 3 of Act No. 1 of 1987 and <i>Commonwealth Special Gazette</i> 68 of 1987)
Reprint of the Electoral Act 1907 as at 16 Jun 1986 (includes amendments listed above except those in the <i>Electoral Amendment Act (No. 2) 1985</i>)			
<i>Acts Amendment (Electoral Reform) Act 1987 Pt. IV</i> ^{8,9}	40 of 1987	12 Jul 1987	30 Oct 1987 (see s. 2 and <i>Gazette</i> 30 Oct 1987 p. 3977)
<i>Electoral (Procedures) Amendment Act 1987</i>	79 of 1987	1 Dec 1987	s. 1 and 2: 1 Dec 1987; Act other than s. 1 and 2: 16 Feb 1988 (see s. 2 and <i>Gazette</i> 16 Feb 1988 p. 477)
<i>Electoral Amendment Act 1988</i>	20 of 1988	9 Sep 1988	9 Sep 1988 (see s. 2)
<i>Electoral Amendment Act (No. 2) 1988</i>	58 of 1988	8 Dec 1988	s. 1 and 2: 8 Dec 1988; Act other than s. 1 and 2: 27 Jan 1989 (see s. 2 and <i>Gazette</i> 27 Jan 1989 p. 264)
Reprint of the Electoral Act 1907 as at 1 Jan 1989 (includes amendments listed above except those in the <i>Electoral Amendment Act (No. 2) 1988</i>)			
<i>Guardianship and Administration Act 1990</i> s. 123	24 of 1990	7 Sep 1990	20 Oct 1992 (see s. 2 and <i>Gazette</i> 2 Oct 1992 p. 4811)
<i>Electoral Amendment Act 1990</i>	66 of 1990	17 Dec 1990	14 Jan 1991
<i>Criminal Law Amendment Act (No. 2) 1992</i> s. 16(4)	51 of 1992	9 Dec 1992	6 Jan 1993
<i>Electoral Amendment (Political Finance) Act 1992</i> ¹⁰	75 of 1992 (as amended by No. 43 of 1996 Pt. 3; No. 64 of 2006 s. 55)	16 Dec 1992	s. 1 and 2: 16 Dec 1992; Act other than s. 1, 2, 5 and 6: 9 Nov 1996 (see s. 2 and <i>Gazette</i> 8 Nov 1996 p. 6265); s. 5 and 6 repealed by No. 64 of 2006 s. 55

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Short title	Number and year	Assent	Commencement
<i>Financial Administration Legislation Amendment Act 1993</i> s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Acts Amendment (Ministry of Justice) Act 1993</i> Pt. 8 ¹¹	31 of 1993	15 Dec 1993	1 Jul 1993 (see s. 2)
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 11	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Sentencing (Consequential Provisions) Act 1995</i> Pt. 26 and s. 147	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Electoral Legislation Amendment Act 1996</i> Pt. 2	43 of 1996	16 Oct 1996	9 Nov 1996 (see s. 2(2) and <i>Gazette</i> 8 Nov 1996 p. 6265)
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Mental Health (Consequential Provisions) Act 1996</i> Pt. 6	69 of 1996	13 Nov 1996	13 Nov 1997 (see s. 2)
Reprint of the Electoral Act 1907 as at 22 Apr 1997 (includes amendments listed above except those in the <i>Electoral Amendment (Political Finance) Act 1992</i> s. 5 and 6 and the <i>Mental Health (Consequential Provisions) Act 1996</i>)			
<i>Equal Opportunity Amendment Act (No. 3) 1997</i> s. 8	42 of 1997	9 Dec 1997	6 Jan 1998 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Act 1998</i> s. 11	40 of 1998	30 Oct 1998	14 Apr 1999 (see s. 2 and <i>Gazette</i> 9 Apr 1999 p. 1433)
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 50	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)

Short title	Number and year	Assent	Commencement
<i>Electoral Amendment Act 2000</i> ¹²	36 of 2000	10 Oct 2000	s. 1 and 2: 10 Oct 2000; Act other than s. 1, 2, 28 and Pt. 5: 21 Oct 2000 (see s. 2 and <i>Gazette</i> 20 Oct 2000 p. 5899); s. 28 and Pt. 5: 11 Nov 2000 (see s. 2 and <i>Gazette</i> 10 Nov 2000 p. 6193)
Reprint of the Electoral Act 1907 as at 15 Dec 2000 (includes amendments listed above except those in the <i>Electoral Amendment (Political Finance) Act 1992</i> s. 5 and 6)			
<i>Corporations (Consequential Amendments) Act 2001</i> s. 220	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 56	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 47	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Criminal Code Amendment Act 2004</i> s. 58	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
<i>Children and Community Services Act 2004</i> Sch. 2 cl. 8	34 of 2004	20 Oct 2004	1 Mar 2006 (see s. 2 and <i>Gazette</i> 14 Feb 2006 p. 695)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> s. 468 ¹³	55 of 2004	24 Nov 2004	24 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80 and 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Electoral Amendment and Repeal Act 2005</i> Pt. 2	1 of 2005	20 May 2005	20 May 2005 (see s. 2)
<i>Constitution and Electoral Amendment Act 2005</i> s. 4	2 of 2005	23 May 2005	23 May 2005 (see s. 2)
Reprint 13: The Electoral Act 1907 as at 9 Sep 2005 (includes amendments listed above except those in the <i>Electoral Amendment (Political Finance) Act 1992</i> s. 5 and 6 and the <i>Children and Community Services Act 2004</i>)			
<i>Electoral Reform (Electoral Funding) Act 2006</i>	55 of 2006	26 Oct 2006	27 Oct 2006 (see s. 2)

Electoral Act 1907

Short title	Number and year	Assent	Commencement
<i>Electoral Legislation Amendment Act 2006 Pt. 3</i> ¹⁴	64 of 2006	8 Dec 2006	5 Mar 2007 (see s. 2(2) and <i>Gazette</i> 2 Mar 2007 p. 689)
<i>Financial Legislation Amendment and Repeal Act 2006 s. 4 and Sch. 1 cl. 51</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
Reprint 14: The Electoral Act 1907 as at 7 Dec 2007 (includes amendments listed above)			
<i>Criminal Law Amendment (Homicide) Act 2008 s. 32</i>	29 of 2008	27 Jun 2008	1 Aug 2008 (see s. 2(d) and <i>Gazette</i> 22 Jul 2008 p. 3353)
<i>Electoral Amendment Act 2008</i>	38 of 2008	3 Jul 2008	s. 1 and 2: 3 Jul 2008 (see s. 2(a)); Act other than s. 1 and 2: 30 Apr 2010 (see s. 2(b) and <i>Gazette</i> 23 Apr 2010 p. 1523)
<i>Electoral Amendment (Miscellaneous) Act 2009</i>	7 of 2009	21 May 2009	Pt. 1: 21 May 2009 (see s. 2(a)); Act other than Part 1: 1 Oct 2009 (see s. 2(b) and <i>Gazette</i> 1 Sep 2009 p. 3393)
<i>Acts Amendment (Bankruptcy) Act 2009 s. 34</i>	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
Reprint 15: The Electoral Act 1907 as at 23 Jul 2010 (includes amendments listed above)			
<i>Electoral and Constitution Amendment Act 2011 Pt. 2</i>	49 of 2011	11 Nov 2011	21 Dec 2011 (see s. 2(b) and <i>Gazette</i> 20 Dec 2011 p. 5373)
<i>Electoral Amendment Act 2012</i>	35 of 2012	5 Nov 2012	s. 1 and 2: 5 Nov 2012 (see s. 2(a)); Act other than s. 1 and 2: 5 Dec 2012 (see s. 2(b) and <i>Gazette</i> 4 Dec 2012 p. 5907)
Reprint 16: The Electoral Act 1907 as at 11 Jan 2013 (includes amendments listed above)			
Electoral Amendment Bill 2014 Pt. 2		Current Bill (No. 59-1)	

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 75</i> ¹⁵	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))

- ² Repealed by the *Australian Citizenship (Transitional and Consequentials) Act 2007* Sch. 1 Part 2. Now see the *Australian Citizenship Act 2007* (Cwlth).
- ³ The *Superannuation and Family Benefits Act 1938* was repealed by the *State Superannuation Act 2000* s. 39 but its provisions continue to apply to and in relation to certain schemes because of the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 26 and those provisions may be amended by regulations under subsection (3) of that section. See also endnote 15.
- ⁴ Repealed by the *Planning and Development (Consequential and Transitional Provisions) Act 2005* s. 4. The part of the State that was, as at 1 June 1988, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959* is also described in the *Planning and Development Act 2005* Sch. 3 as it was enacted on 12 December 2005.
- ⁵ Under the *Public Sector Management Act 1994* s. 112(1), a reference to the *Public Service Act 1978* is, unless the contrary is intended, to be read and construed as a reference to the *Public Sector Management Act 1994*.
- ⁶ In this reprint the renumbering of sections effected in the 1943 reprint (in Volume 2 of the Reprinted Acts of the Parliament of Western Australia) and retained in subsequent reprints has again been retained. References to the original numbering are contained in the 1943 reprint.
- ⁷ The Schedule to the *Metric Conversion Act 1972* was redesignated as the First Schedule by the *Metric Conversion Act Amendment Act 1973*.
- ⁸ The *Acts Amendment (Electoral Reform) Act 1987* s. 19(2) reads as follows:
- (2) References to the Chief Electoral Officer in any written law shall, unless because of the context it would be inappropriate so to do, be read and construed as references to the Electoral Commissioner.
- ⁹ The *Acts Amendment (Electoral Reform) Act 1987* s. 21(2) reads as follows:
- (2) A Registrar or returning officer holding office immediately before the commencement of this Act shall, on and from that commencement, be deemed to have been appointed by the Electoral Commissioner.

¹⁰ The *Electoral Amendment (Political Finance) Act 1992* s. 8 is a transitional provision of no further effect.

¹¹ The *Acts Amendment (Ministry of Justice) Act 1993* Pt. 19 is a savings and transitional provision that is of no further effect.

¹² The *Electoral Amendment Act 2000* s. 81(2) reads as follows:

- (2) The repeal of Schedule 3 does not affect the operation of the *Electoral (Ballot Paper Forms) Regulations 1990*.

¹³ The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

¹⁴ The *Electoral Legislation Amendment Act 2006* s. 27(2)-(4) read as follows:

- (2) A person who is a member of the Legislative Assembly or the Legislative Council immediately before the commencement —
- (a) does not become disqualified, on the commencement, for membership of the Legislative Assembly or the Legislative Council for the purposes of the *Constitution Acts Amendment Act 1899* section 38(a) or 40(a); and
- (b) is not prevented from completing his or her current term as a member,

by reason only of not being an Australian citizen as defined in the *Electoral Act 1907* section 4(1).

- (3) A person who has been elected as a member of the Legislative Council but has not begun his or her term as a member before the commencement —

- (a) does not become disqualified, on the commencement for membership of the Legislative Assembly or the Legislative Council for the purposes of the *Constitution Acts Amendment Act 1899* section 38(a) or 40(a); and
- (b) is not prevented from beginning and completing his or her term as a member,

by reason only of not being an Australian citizen as defined in the *Electoral Act 1907* section 4(1).

- (4) In subsections (2) and (3) —

commencement means the coming into operation of this section.

¹⁵ On the date as at which this reprint was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 75 had not come into operation. It reads as follows:

75. Various provisions repealed

The provisions listed in the Table to this section are repealed.

Table of provisions repealed

Act	Provision
.....
<i>Electoral Act 1907</i>	s. 5E(2)
.....

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
absent voter	4(1)
approved form	4(1)
Assembly	4(1)
Australian citizen	4(1)
authorised witness	4(1)
average district enrolment	16A, 16G(1)
candidate	4(1)
christian name	4(1)
Commissioners	16A
conjoint election	4(1)
constitution	4(1)
Council	4(1)
Deputy Electoral Commissioner	4(1)
district	4(1)
early ballot paper	4(1)
early vote	4(1)
election	4(1)
election year	4(1)
elector	4(1)
electoral census	4(1)
Electoral Commissioner	4(1)
enrolment information	4(1)
expiry year	4(1)
general election	4(1)
general polling place	4(1)
Government Statistician	16A
group	4(1)
hour of nomination	4(1)
Land Information Authority	16A
large district allowance	16G(4)
metropolitan area of Perth	16H(2)
officer	4(1)
official paper	4(1)
periodic election	4(1)
person with judicial experience	16A
political party	4(1)
polling place	4(1)
President	4(1)
previous electoral distribution	16L(1)
prison	4(1)
referendum	4(1)
region	4(1)
registered political party	4(1)
relevant citizenship law	4(1)
relevant day	16A
relevant number	4(1)
returning officer	4(1)
roll	4(1)

Defined terms

secretary 4(1)
single member election 4(1)
Speaker..... 4(1)
sub-district 4(1)
voting ticket 4(1)
voting ticket square 4(1)
writ 4(1)