

Electoral Amendment (Miscellaneous) Bill 2008

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Western Australia

LEGISLATIVE COUNCIL

Electoral Amendment (Miscellaneous) Bill 2008

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 is the *Electoral Amendment (Miscellaneous) Act 2008*.

2. Commencement

5 This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

Part 2 — *Electoral Act 1907* amended

3. Act amended

This Part amends the *Electoral Act 1907*.

4. Section 4 amended

5 Delete section 4(4) and insert:

(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.

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5. Section 17 amended

In section 17(5) delete “and section 17A” and insert:

and sections 17A and 17B

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6. Section 17B inserted

After section 17A insert:

17B. Electors with no fixed address enrolled under Commonwealth Act

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(1) If —

(a) a person fulfils the requirements of section 17(1)(a) and (b) but does not live in any particular district or sub-district in the State; and

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(b) the person’s name appears on a roll maintained under the *Commonwealth Electoral Act 1918* in respect of an address in a Commonwealth subdivision in the State with which the person

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has established a connection under section 96 of that Act; and

- (c) the Commonwealth roll referred to in paragraph (b) is annotated to indicate that the person is an itinerant elector under the *Commonwealth Electoral Act 1918* section 96,

the person is to be enrolled on the roll for the district or sub-district in which the address referred to in paragraph (b) is situated.

- (2) While the name of the person continues to be included on the Commonwealth roll referred to in subsection (1)(b) with the annotation referred to in subsection (1)(c), the person is entitled —

- (a) to remain enrolled on the roll for the district or sub-district referred to in subsection (1); and

- (b) to vote at —

- (i) any election in the region of which the district or sub-district forms part; and

- (ii) any election in the district or the district of which the sub-district forms part.

7. Section 18 amended

In section 18(1):

- (a) delete paragraph (c) and insert:

- (c) is serving or is yet to serve a sentence of detention (imposed under the *Young Offenders Act 1994*), or imprisonment, of one year or longer; or

(b) after each of paragraphs (b), (ca), (cb) and (cc) insert:

or

5 **8. Section 25A amended**

In section 25A(1a) in the definition of *prescribed information*:

(a) in paragraph (c) delete “situated.” and insert:

situated; and

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(b) after paragraph (c) insert:

(d) the elector’s date of birth.

15 **9. Section 40 amended**

In section 40(1a) delete “section 17(4) or 17A.” and insert:

section 17(4), 17A or 17B.

20 **10. Section 59 amended**

(1) In section 59(1) in the definition of *prisoner* delete
“section 18(b) to (cd)” and insert:

section 18(1)(b) to (cd)

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(2) After section 59(3) insert:

(4) If required information is forwarded to the Electoral
Commissioner under subsection (2)(a)(i) or (3)(a)(i) in
relation to a person referred to in section 18(1)(c), the

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chief executive officer, prisons must include in the list containing the required information the length of the term of detention or imprisonment of the person.

5 **11. Section 62 deleted**

Delete section 62.

12. Section 90 amended

After section 90(1)(db) insert:

- 10 (dc) is by reason of —
- (i) serving a sentence of detention (imposed under the *Young Offenders Act 1994*) or imprisonment; or
 - (ii) being otherwise in lawful custody or
- 15 detention,
precluded from attending at a polling place; or

13. Section 93 amended

In section 93(1):

- 20 (a) in paragraph (c) delete “disabled,” and insert:
- disabled; or
- (b) after paragraph (c) insert:
- 25 (d) who is entitled to vote under section 17A(2),

(c) after each of paragraphs (a) to (ab) insert:

or

5 **14. Section 175C amended**

In section 175C(2) delete “election, the candidate is the agent in relation to the election.” and insert:

election —

- 10 (a) if the candidate has been endorsed by a political party, the agent of the political party is the agent of the candidate in relation to the election; or
- 15 (b) if paragraph (a) does not apply, the candidate is the agent in relation to the election.

15. Section 183 amended

Delete section 183(6).

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