

## Electoral Amendment Bill (No. 2) 2008

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Western Australia

LEGISLATIVE ASSEMBLY

*(As amended during consideration in detail)*

**Electoral Amendment Bill (No. 2) 2008**

**A Bill for**

**An Act to amend the *Electoral Act 1907* and the *Electoral (Political Finance) Regulations 1996*.**

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short title**

This is the *Electoral Amendment Act (No. 2) 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) sections 14, 15, 17 and Part 3 — on the day after that day;
- 10 (c) the rest of the Act — on a day fixed by proclamation.

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**Part 2 — *Electoral Act 1907* amended**

**3. The Act amended**

The amendments in this Part are to the *Electoral Act 1907*.

**4. Section 4 amended**

5 Section 4(4) is repealed and the following subsection is inserted instead —

“

(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  
10 6 members of the Council.

”.

**5. Section 17 amended**

Section 17(5) is amended by deleting “and section 17A” and  
inserting instead —

15 “ and sections 17A and 17B ”.

**6. Section 17B inserted**

After section 17A the following section is inserted —

“

20 **17B. Electors with no fixed address enrolled under  
Commonwealth Act**

(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  
25 State; and

(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**

Section 18(1) is amended as follows:

- (a) by deleting paragraph (c) and inserting instead —

“

- (c) is serving or is yet to serve a sentence of  
detention (imposed under the *Young Offenders  
Act 1994*), or imprisonment, of 3 years or  
longer; or

”;

- (b) after each of paragraphs (b), (ca), (cb) and (cc) by inserting —  
“ or ”.

**8. Section 25A amended**

- 5 Section 25A (1a) is amended in the definition of “prescribed information” by deleting the full stop and inserting instead —  
“  
; and  
10 (d) the elector’s date of birth.  
”.

**9. Section 40 amended**

- Section 40(1a) is amended by deleting “or 17A.” and inserting instead —  
“ , 17A or 17B. ”.

15 **10. Section 59 amended**

- (1) Section 59(1) is amended in the definition of “prisoner” by deleting “section 18(b) to (cd)” and inserting instead —  
“ section 18(1)(b) to (cd) ”.
- (2) After section 59(3) the following subsection is inserted —  
20 “  
(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 chief executive officer, prisons must include in the list  
25 containing the required information the length of the term of detention or imprisonment of the person.  
”.

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**11. Section 62 repealed**

Section 62 is repealed.

**12. Section 90 amended**

After section 90(1)(db) the following is inserted —

5

“

(dc) is by reason of —

(i) serving a sentence of detention  
(imposed under the *Young Offenders  
Act 1994*) or imprisonment; or

10

(ii) being otherwise in lawful custody or  
detention,

precluded from attending at a polling place; or

”.

**13. Section 93 amended**

15

Section 93(1) is amended as follows:

(a) after paragraph (c) by deleting the comma and inserting  
instead —

“

; or

20

(d) who is entitled to vote under section 17A(2),

”;

(b) after each of paragraphs (a) to (ab) by inserting —

“ or ”.

**14. Section 175 amended**

25

Section 175 is amended in the definition of “specified amount”  
by deleting “\$1 500” and inserting instead —

“ \$1 000 ”.



**15. Section 175A amended**

After section 175A(5) the following subsection is inserted —

“

5 (6A) The amount of \$1 000 mentioned in the definition of  
“specified amount” in section 175 becomes the  
specified amount —

10 (a) in relation to sections 175O, 175P, 175Q and  
175R(1)(b), (c) and (d) — from the end of the  
period of 30 days after the polling day in the  
next general election to occur after the coming  
into operation of the *Electoral Amendment Act*  
(No. 2) 2008 section 14; and

(b) in relation to sections 175N, 175R(1)(a)  
and 175ZE — on and from 1 July 2009,

15 and until then the amount of \$1 800 published by the  
Electoral Commissioner in the *Gazette* on  
18 March 2005 remains the specified amount.

”.

**16. Section 175C amended**

20 Section 175C(2) is amended by deleting “, the candidate is the  
agent in relation to the election.” and inserting instead —

“

—

25 (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

(b) if paragraph (a) does not apply, the candidate is  
the agent in relation to the election.

”.

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**17. Section 175ZF amended**

Section 175ZF(2)(a) is amended as follows:

- (a) by deleting “\$1 500” and inserting instead —  
“ \$1 000 ”;
- 5 (b) by deleting “*Electoral Amendment (Political Finance) Act 1992*” and inserting instead —  
“  
10 *Electoral Amendment Act (No. 2) 2008*  
section 14  
”.

**18. Section 183 amended**

Section 183(6) is repealed.

**Part 3 — *Electoral (Political Finance)*  
Regulations 1996 amended**

**19. The regulations amended**

5 The amendments in this Part are to the *Electoral (Political Finance) Regulations 1996*.

**20. Regulation 3 amended**

(1) Regulation 3(2) is amended as follows:

- (a) in the formula, by deleting “\$1 500” and inserting  
10 “ \$1 000 ”;
- (b) in the definition of “B”, by deleting “these regulations”  
and inserting instead —  
“  
15 the *Electoral Amendment Act (No. 2) 2008*  
section 14  
”.

(2) Regulation 3(4) is amended by deleting “\$1 500” and inserting  
instead —  
“ \$1 000 ”.

- 20 (3) After regulation 3(4) the following subregulation is inserted —  
“  
(5) A calculation that the Electoral Commissioner would  
otherwise be required by subregulation (2) to perform  
at any time between the coming into operation of the  
25 *Electoral Amendment Act (No. 2) 2008* section 14 and  
1 July 2009 is not to be performed.  
”.