

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
THE SENATE

---

(Presented pursuant to leave granted and read 1<sup>o</sup>, 5 March 1981)

(SENATOR WALSH)

No. 35

**A BILL**

**FOR**

**An Act to ensure that Aboriginal Electors of the  
Commonwealth in Western Australia are not prevented from  
enrolling for elections for the Western Australian Parliament**

BE IT ENACTED by the Queen, and the Senate and the House  
of Representatives of the Commonwealth of Australia, as follows:

**Short title**

1. This Act may be cited as the *Western Australian Aboriginals (Right  
to Electoral Enrolment) Act 1981*.

**Commencement**

2. This Act shall come into operation on the day on which it receives  
the Royal Assent.

**Interpretation**

3. In this Act, unless the contrary intention appears—

“Aboriginal” means a person who is a member of the Aboriginal  
race of Australia;

“district” means an electoral division for the election of a member of  
the Legislative Assembly of Western Australia;

“province” means an electoral division for the election of a member  
of the Legislative Council of Western Australia;

“registrar” means a person empowered under a law of Western  
Australia to enrol electors.

**Act to bind the Commonwealth and Western Australia**

4. This Act binds the Commonwealth and Western Australia.

**Right of Aboriginal to enrol**

5. Every Aboriginal who is enrolled to vote on the roll of electors of the State of Western Australia pursuant to the *Commonwealth Electoral Act* 1918 shall be entitled as of right to be enrolled as an elector for the Legislative Council and the Legislative Assembly of the State of Western Australia. 5

**Registrars not to refuse enrolment**

6. Where an Aboriginal is enrolled to vote on the roll of the State of Western Australia pursuant to the *Commonwealth Electoral Act* 1918 a registrar shall not refuse the enrolment of that person as an elector for the Legislative Council and the Legislative Assembly of the State of Western Australia. 10

**Aboriginal voter to be enrolled in appropriate State division** 15

7. Where the name of an Aboriginal is, pursuant to the *Commonwealth Electoral Act* 1918, placed on the roll for the subdivision in respect of a particular address it shall be conclusively established for the purpose of the enrolment of that Aboriginal as an elector for the Legislative Council and the Legislative Assembly of the State of Western Australia that the Aboriginal lives at that address and he shall be entitled as of right to have his name placed on the roll for the division and province in which he lives. 20

**No condition or restriction to be placed on right of Aboriginal to enrol**

8. Where an Aboriginal is entitled to vote on the roll of the State of Western Australia pursuant to the *Commonwealth Electoral Act* 1918 no conditions or restrictions whatsoever shall be placed on the right of such an Aboriginal to enrol as an elector for the Legislative Council and the Legislative Assembly of the State of Western Australia and in particular no requirement for the witnessing of a signature on a claim for enrolment of a person by any other person shall be applicable to the enrolment of an Aboriginal to whom the section applies unless the Aboriginal chooses to comply with any such requirement. 25  
30