

17. Qualification of electors

- (1) Subject to the provisions of this Act, any person —
 - (a) who is —
 - (i) an Australian citizen; or
 - (ii) a person (other than an Australian citizen) who would, if the relevant citizenship law had continued in force, be a British subject within the meaning of that relevant citizenship law and who was at some time within 3 months, immediately preceding 26 January 1984, an elector of the Assembly or an elector, under a Commonwealth Act, of the Commonwealth Parliament;
 - (b) who has attained 18 years of age; and
 - (c) who has lived in the district or sub-district for which he claims to be enrolled as an elector for one month last past,

is entitled —

- (d) to be enrolled as an elector for the Council and the Assembly; and
 - (e) when so enrolled and while he continues to live in that district or sub-district, 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.
- (2) Subject to sections 145(7) and 172 (1) (c) where an elector changes his place of living to another district he may, until his name is transferred to another roll, vote at any election in the region or district in respect of which his name continues enrolled if the election is held within 3 months after he has so changed his place of living.
- (3) For the purposes of this Act a person shall be deemed to have lived within a district or sub-district, if he has his usual place of abode therein and notwithstanding his occasional absence from that district or sub-district and any period of absence from such usual place of abode by a person who is not disqualified by section 18 —
 - (a) while serving a sentence of imprisonment for an offence; or
 - (b) while otherwise in lawful custody or detention in relation to an offence,

shall be deemed to be such occasional absence, and that person shall be deemed not to have his usual place of abode at the place of imprisonment or custody or detention, as the case may be.

- (4) A member —
 - (a) of the Council and his spouse may claim to be enrolled for a district or sub-district that forms part of the region which that member represents; and
 - (b) of the Assembly and his spouse may claim to be enrolled for the district which that member represents,

and when so enrolled shall be deemed to live in that region or district and if —

- (c) that region or district is wholly or partly included, pursuant to the provisions of any Act, in another region or district, however named, that member and his spouse may claim to be enrolled as an elector in respect of that other region or district; and
- (d) that member is a candidate for election in respect of that other region or district, he and his spouse may, while they are enrolled therefor, vote at the general election next following the inclusion of the region or district in another region or district and while so enrolled and while the member is such a candidate they shall be deemed to live in that other region or district.

(4a) A person who —

- (a) has attained 17 years of age; and
- (b) would be entitled to be enrolled on a roll if he had attained 18 years of age,

is entitled to be enrolled on that roll as an elector.

(4b) Notwithstanding section 4, or subsection (4a), or an enrolment under subsection (4a), if a person who has been enrolled under subsection (4a) does not attain 18 years of age until after the date fixed for the polling in an election, that person —

- (a) is not entitled to vote at that election; and
- (b) shall not be taken to be —
 - (i) an elector;
 - (ii) entitled to be enrolled on a roll; or
 - (iii) enrolled on a roll,

for the purposes of this Act in relation to that election.

(4c) Subsection (4a) does not apply to a person who does not know his date of birth.

(5) Subject to subsection (4) a person is not entitled to be enrolled on any roll other than the roll for the district or sub-district in which he lives or for the district or sub-district of the region in which he lives.

[Section 17 inserted by No. 33 of 1964 s.6; amended by No. 33 of 1967 s.3; No. 94 of 1970 s.3; No. 39 of 1979 s.6; No. 9 of 1983 ss.4 and 30; No. 104 of 1985 s.4; No. 40 of 1987 ss.26 and 84; No. 79 of 1987 s.3; No. 36 of 2000 s.32(1).]