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SUPPLEMENT

TO THE

VICTORIA

GOVERNMENT GAZETTE

OF FRIDAY, JULY 7, 1899.

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FRIDAY, JULY 7. . .

[1899.

ACT OF PARLIAMENT.

PROCLAMATION

By His Excellency the Right Honorable Thomas, Baron Brassey, Knight Commander of the Most Honorable Order of the Bath ; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

I, THE Governor of Victoria, do hereby declare that I have this day assented, in Her Majesty's name, to the Bill passed by the Parliament of Victoria, the title whereof is hereinafter set forth, that is to say :—

“An Act to amend the *Australasian Federation Enabling Act (Victoria) 1896.*”

Given under my Hand and the Seal of the Colony, at Melbourne, this seventh day of July, in the year of our Lord One thousand eight hundred and ninety-nine, and in the sixty-third year of Her Majesty's reign.

(L.S.)

BRASSEY.

—By His Excellency's Command,

GEORGE TURNER.

GOD SAVE THE QUEEN!

*Australasian Federation Enabling Act 1896 and the Australasian Federation
Enabling Act 1899.*

REGULATIONS RELATING TO THE SUBMISSION TO THE
ELECTORS OF VICTORIA OF THE AUSTRALASIAN FEDERAL
CONSTITUTION AS PROPOSED TO BE AMENDED.

At the Executive Council Chamber, Melbourne, the seventh day of July, 1899.

PRESENT :

His Excellency the Governor.

Mr. Peacock
Mr. Gavan Duffy

Mr. Best.

WHEREAS by the *Australasian Federation Enabling Act 1896*, and the *Australasian Federation Enabling Act 1899*, it is among other things enacted that the Governor, with the advice of the Executive Council, may make Regulations prescribing the mode of submitting to the electors the acceptance or rejection of the Constitution as proposed to be amended, and generally for the purpose of carrying into effect such provisions of the said Acts as relate to Victoria: Now therefore His Excellency the Governor, with the advice of the Executive Council, pursuant to the powers contained in the said Acts, doth hereby make the Regulations following, that is to say:—

REGULATIONS.

Interpretation.

1. In these Regulations unless inconsistent with the context—

“Acts” means the *Australasian Federation Enabling Act 1896* and the *Australasian Federation Enabling Act 1899*.

“Constitution” means the Federal Constitution as proposed to be amended in the particulars appearing in the First Schedule to the *Australasian Federation Enabling Act 1899*.

“Electoral District” means an electoral district as defined in the Seventeenth Schedule to *The Constitution Act Amendment Act 1890*.

“Returning Officer” means the person for the time being appointed under the provisions of the Acts as returning officer for the purpose of the submission to the electors of the Constitution.

Returning officer to make declaration.
First Schedule.

2. The returning officer, before he enters upon any of his duties as returning officer at the polling for the acceptance or rejection of the Constitution, shall make and sign before some justice a declaration in the form in the First Schedule to these Regulations, and such declaration, when duly made and attested, shall be forwarded to the Chief Secretary.

Writ.

3. The writ issued to the returning officer under the provisions of the Acts shall be made returnable within twenty-one days after the day fixed by proclamation for the polling.

Notification of day of polling.

4. Forthwith on the receipt by the returning officer of such writ the returning officer shall indorse thereon the date of such receipt, and shall also give public notice, by advertisement in some Melbourne daily newspaper, of the purport of the said writ and of the day for the polling.

Substitute.

5. The returning officer may by writing under his hand appoint some one of the deputy returning officers appointed pursuant to the provisions of the Acts to be the substitute of the returning officer.

Powers of the substitute.

6. Such substitute shall have the like powers of doing, acting, or suffering any act or thing relating to the polling aforesaid as and for the returning officer that a substitute for a returning officer for an electoral district has at an election of a member of the Legislative Assembly.

Where poll to be taken.

7. The poll shall be taken at every polling place appointed under *The Constitution Act Amendment Act 1890* for the purpose of elections of members of the Legislative Assembly.

Deputy returning officers.

8. Deputy returning officers shall be appointed to act for the returning officer and take the poll at each booth of the several polling places, and may likewise be appointed to act for and take the poll at any polling booths during the temporary absence of the returning officer or the deputy presiding at any of such booths or in the absence through illness or other unavoidable cause of any such deputy. As many of such deputy returning officers as there are electoral districts shall be designated chief deputies and be appointed each for some one electoral district. Each such chief deputy shall, in addition to the powers and duties of a deputy returning officer, have the powers and carry out the duties hereinafter mentioned in these Regulations. Such poll clerks shall be appointed as may be necessary to assist the returning officer and his deputies to take the poll.

Chief deputies.

Poll clerks

Powers and duties of deputies, &c.

9. Every deputy returning officer and poll clerk shall be under the direction of the returning officer, and shall act at the polling booth which the returning officer or the chief deputy returning officer shall assign to him. Every deputy returning officer shall, in addition to the powers conferred and the duties imposed by these Regulations, have the powers and carry out the duties *mutatis mutandis* of a deputy returning officer at elections of members of the Legislative Assembly.

July 7, 1899.

10. (a) Every deputy returning officer shall, before he enters upon any of the duties assigned to him, make and sign before some justice a declaration in the form in the Second Schedule to these Regulations. Declaration. Second Schedule.

(b) Every poll clerk shall, before he enters upon any of the duties assigned to him, make and sign before some justice or deputy returning officer a like declaration.

(c) The said justice or deputy returning officer shall attest the declaration, and every such declaration when duly made and attested shall be forwarded to the returning officer or chief deputy returning officer.

11. The returning officer shall cause ballot-papers in accordance with the provisions of the Acts to be printed; and shall, by himself or his chief deputies, sign or initial a sufficient number of such ballot-papers to be used as hereinafter mentioned. The returning officer or his chief deputies shall before the day of polling forward to each deputy and himself or themselves retain a sufficient number of such ballot-papers for the use of the electors. Ballot-papers.

12. The returning officer or chief deputy returning officers shall obtain as polling booths the use of suitable rooms or buildings by hiring or otherwise, or, if he or they deem it necessary, may cause to be erected booths for the purpose of taking the said poll. In determining whether one, two, or more booths shall be provided at one polling place regard shall be had to the number of electors who may reasonably be expected to vote at such polling place, and if under this Regulation there shall be more than one booth at any polling place there shall be indicated over the entrance of each booth the class of voters who shall vote at such booth, and such indication shall consist of letters of the alphabet or of words denoting the qualification of the voters, or of both letters and words, such as "Ratepayers A—J," or "Ratepayers K—P," or "Holders of Electors' Rights," and in such case no voter shall vote in any booth, save that corresponding to his qualification, and which is denoted by letters which include the initial letter of his surname. Provided always that no polling booth shall be in any house licensed for the sale of fermented or spirituous liquors, or upon the premises appertaining to such house. Booths to be provided.

13. Each booth shall be so divided or arranged that there shall be in the same one or more inner compartments opening only into that part of the booth in which the ballot-box is kept; and the deputy returning officer shall provide in every such compartment pencils, or pens and ink, for the use of the voters; and shall also provide for each booth a ballot-box having a lock and key and with a cleft or opening therein capable of receiving the ballot-papers herein mentioned. How booths to be arranged and fitted.

14. The returning officer shall cause to be advertised in some newspaper circulating in each electoral district, and where he considers it necessary in some newspaper circulating in a division of a district, the polling booths in such district or division at which the poll will be taken. Notification of polling booths.

15. Before the day of polling the returning officer or the chief deputy returning officer shall cause to be delivered to each of the deputies for use at each polling booth copies of all rolls in force for the division of the electoral district within which such booth is situated, certified under the hand of the returning officer or of his substitute, or that of such chief-deputy, to be true copies. Deputies to be furnished with rolls.

16. The polling shall commence on the day appointed for the same at eight o'clock in the forenoon and shall, unless lawfully adjourned, close at seven o'clock in the afternoon of the same day. Hours of polling.

17. Except as provided in the *Australasian Federation Enabling Act 1899* the polling place at which any person qualified and entitled to vote shall record his vote shall be a polling place at which such person would be entitled to vote at a general election of members of the Legislative Assembly. Where vote is to be recorded.

18. Except as provided in the Acts and in the next following Regulation the practice in respect to the manner of tendering a vote, the duty of the returning officer or deputy when a vote is tendered, the questions (in addition to the question specified in section 39 of the *Australasian Federation Enabling Act 1896*) to be put to an elector by a returning officer or deputy, the marking of the ballot-paper the roll and the elector's right, and the recording of an elector's vote shall be that followed in the election of members of the Legislative Assembly. Procedure at polling, &c.

19. The returning officer or deputy returning officer shall write or cause to be written on the certified copies of the roll of ratepaying electors used at the booth the name of every person voting as a ratepaying elector in virtue of a voter's certificate under section 7 of the *Australasian Federation Enabling Act 1899*, and shall initial every such entry, and the voter's certificate shall be attached to such roll. Record of voting under voters' certificates.

20. Every deputy returning officer presiding at any polling booth shall immediately upon the close of the poll ascertain the number of votes recorded at such booth for the acceptance and for the rejection of the Constitution, and transmit a list thereof, with separate sealed parcels of the ballot-papers, rolls, and papers used by him, to the chief deputy returning officer of the electoral district in which such polling booth is situated in like manner as a deputy is required to make out and transmit to the returning officer of an electoral district a list and parcels at an election of a member of the Legislative Assembly. Duty of deputy after close of poll.

21. Every chief deputy returning officer shall likewise ascertain the number of votes recorded for the acceptance and for the rejection of the Constitution at the booth at which he presides, and from the list made out by him and the lists received from the deputy returning officers make out a general list showing the total number of votes recorded for the acceptance and also for the rejection of the Constitution at all the polling booths in the electoral district for which he is appointed, and shall transmit such general list to the returning officer with the several lists relating to each polling booth within the electoral district, and shall likewise forward to the returning officer the several sealed parcels of ballot-papers, rolls, and papers relating to the polling booth at which such chief deputy took the poll, and likewise those which have been transmitted to him by the deputy returning officers within the district. Duty of chief deputy after close of poll.

Duties of returning officer.

22. The returning officer or his substitute shall preside and take the poll at some one booth as he shall think fit, and immediately after the close of the poll shall make out a list of the votes recorded as aforesaid at such booth, and shall seal up separate parcels of the ballot-papers, rolls, and papers relating to such booth.

Report and publication of result of poll. Fourth Schedule.

23. The returning officer shall make up from the list made out as provided in the preceding Regulation, and from the general lists transmitted to him by the chief deputy returning officers, the general state of the poll, and shall as soon as conveniently may be after the taking of the poll report to the Chief Secretary in the form in the Fourth Schedule to these Regulations the result of the poll throughout Victoria, and shall publish in some Melbourne daily newspaper a copy of such report; and the result of the poll shall likewise be indorsed on the writ by the returning officer; and such writ shall thereupon be returned by the returning officer.

Certificate of result. Fifth Schedule.

24. As soon as conveniently may be after the return of the writ and the receipt by the Chief Secretary of such report the Chief Secretary shall, in the form in the Fifth Schedule to these Regulations, certify the result of such poll, and a copy of such certificate shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within seven days if Parliament be then sitting, or if not sitting, then within seven days of the next meeting thereof.

Provision as to persons unable to vote during fixed hours.

25. When at the hour for closing the poll there are persons within or outside any polling booth waiting to record their votes, who through no default on their part have been unable to record their votes during the hours fixed for taking the poll, the returning officer or deputy shall take down in writing the names of such persons, if so requested by them at the time, and shall either forthwith or during specified hours on the day following allow such persons if duly qualified to record their votes. Notwithstanding anything contained in these Regulations the result of the poll shall not be ascertained until opportunity has been given to such persons to record their votes as herein provided.

Disposal of papers.

26. The packets of parcels which, in the case of an election of a member of the Legislative Assembly are required to be forwarded to the Clerk of the Legislative Assembly, shall be forwarded by the returning officer to the Clerk of the Legislative Assembly, to be by him safely kept for six months.

Penalty for neglect, &c., by deputy returning officer, &c.

27. If any person having been appointed to act as a deputy returning officer or as a poll clerk at the polling, and undertaken so to act is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of these regulations, or by word or act or any other means whatsoever directly or indirectly divulges or discovers or aids in divulging or discovering how any person has voted at the polling, save in answer to some question which he is legally bound to answer or in compliance with the express provisions of the law relating to such polling, he shall upon conviction be liable for every such offence to a penalty not exceeding Fifty pounds, or at the option of the court to be imprisoned for any term not exceeding six months; and the court may and shall hear and determine such charge in a summary way.

Polling not to be void for want of or defect in title of officers. Nor for omission, &c., of a formal nature.

Governor in Council to take measures to cure defect.

28. The result of the polling shall not be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such polling has been held, if such person has been actually appointed to preside or has been acting in the office giving the right so to preside at such polling. The polling shall not be void in consequence only of there having been no returning officer at the time of the issue of the writ or of any delay in the return of the writ; and where any accidental or unavoidable impediment, misfeasance, or omission shall have happened, the Governor in Council may take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission; or may declare any or all of the proceedings at or for the polling valid as to and notwithstanding such impediment, misfeasance or omission; and every such Order in Council shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith published in the *Government Gazette*.

SCHEDULES.

FIRST SCHEDULE.

DECLARATION BY RETURNING OFFICER.

Regulation 2.

I [A.B.] do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment exercise and perform all the powers authorities and duties reposed in or required of me by the *Australasian Federation Enabling Act 1896* and the *Australasian Federation Enabling Act 1899* and the regulations thereunder as returning officer at the polling to be taken under the said Acts for the acceptance or rejection of the Australasian Federal Constitution as proposed to be amended; and I do further solemnly promise and declare that I will not at such polling attempt to ascertain, save in cases in which I am expressly authorized or required by law so to do, how any person shall vote or have voted; and that if in the discharge of my said duties at or concerning such polling I shall have learned or have the means of learning how any person shall vote or have voted thereat I will not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same, save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the law relating to such polling.

Declared before me this

day of

1899.

(Signature)

Justice of the Peace.

(Signature)

Returning Officer.

July 7, 1899.

SECOND SCHEDULE.

Regulation 10.

DECLARATION BY DEPUTY RETURNING OFFICERS AND POLL CLERKS.

I [A.B.] do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment exercise and perform all the powers authorities and duties reposed in or required of me by the *Australasian Federation Enabling Act 1896* and the *Australasian Federation Enabling Act 1899* and the regulations thereunder as deputy returning officer [or poll clerk, as the case may be], with regard to the polling to be taken under the said Acts for the acceptance or rejection of the Australasian Federal Constitution as proposed to be amended; and I do further solemnly promise and declare that I will not at such polling attempt to ascertain, save in cases in which I am expressly authorized or required by law so to do, how any person shall vote or have voted; and that if in the discharge of my said duties at or concerning such polling I shall have learned or have the means of learning how any person shall vote or have voted thereat I will not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same, save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the law relating to such polling.

Declared before me at _____ this _____ day of _____, 1899.

(Signature) or	Justice of the Peace. Deputy Returning Officer.	(Signature)	Deputy Returning Officer. [or Poll Clerk, as the case may be.]
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FOURTH SCHEDULE.

Regulation 23.

REPORT BY RETURNING OFFICER OF THE RESULT OF THE POLLING IN VICTORIA FOR THE ACCEPTANCE OR REJECTION OF THE AUSTRALASIAN FEDERAL CONSTITUTION AS PROPOSED TO BE AMENDED IN THE PARTICULARS APPEARING IN THE FIRST SCHEDULE TO THE AUSTRALASIAN FEDERATION ENABLING ACT 1899.

I, _____, being the returning officer appointed under the provisions of the *Australasian Federation Enabling Act 1896* and the *Australasian Federation Enabling Act 1899*, hereby report that at the polling held on the _____ day of _____, 1899, pursuant to the said Acts the number of votes recorded was as stated hereunder, namely:—

For the acceptance of the Constitution as proposed to be amended	_____
For the rejection of the Constitution as proposed to be amended	_____

Dated at _____ this _____ day of _____, 1899.

(Signature) _____ Returning Officer for Victoria.
To the Honorable the Chief Secretary.

FIFTH SCHEDULE.

Regulation 24.

CERTIFICATE OF RESULT OF POLLING IN VICTORIA FOR THE ACCEPTANCE OR REJECTION OF THE AUSTRALASIAN FEDERAL CONSTITUTION AS PROPOSED TO BE AMENDED IN THE PARTICULARS APPEARING IN THE FIRST SCHEDULE TO THE AUSTRALASIAN FEDERATION ENABLING ACT 1899.

I, the undersigned _____, being the Chief Secretary for Victoria, hereby certify that at the polling held in accordance with the provisions of the *Australasian Federation Enabling Act 1896* and the *Australasian Federation Enabling Act 1899* on the _____ day of _____, 1899, the number of votes recorded for the acceptance of the Australasian Federal Constitution as proposed to be amended was _____; and that the number of votes recorded for the rejection of such Constitution was _____.

Dated at _____ this _____ day of _____, 1899.

(Signature) _____ Chief Secretary for Victoria.

And the Honorable Alexander James Peacock, Her Majesty's Chief Secretary for Victoria, shall give the necessary directions herein accordingly.

THOS. BRISBANE,
Acting Clerk of the Executive Council.

July 7, 1899.

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The *Australasian Federation Enabling Act 1896* and the *Australasian Federation Enabling Act 1899*.
SUBMISSION OF THE FEDERAL CONSTITUTION AS PROPOSED TO BE AMENDED TO THE ELECTORS
OF VICTORIA.

APPOINTMENT OF RETURNING OFFICER.

WHEREAS by the *Australasian Federation Enabling Act 1896* and the *Australasian Federation Enabling Act 1899* it is enacted that for the purpose of submitting to the electors for acceptance or rejection the Federal Constitution as proposed to be amended in the particulars appearing in the First Schedule to the last-mentioned Act, the Governor, with the advice of the Executive Council, may appoint a Returning Officer and such deputies, clerks, and assistants as may be necessary, or, instead of appointing such deputies, clerks, and assistants, may empower the Returning Officer to appoint or authorize the appointment of such deputies, clerks, and assistants; the Governor in Council has, by an Order made on the 7th day of July, 1899, pursuant to the said powers, been pleased to appoint

CHARLES ALFRED TOPP, Esquire (Under-Secretary of Victoria),

to be the Returning Officer for the purpose of the said submission, and has empowered the said Charles Alfred Topp, Esq., as Returning Officer to appoint or authorize the appointment of such deputies, clerks, and assistants as may be necessary.

THOS. BRISBANE,
Acting Clerk of the Executive Council.

At the Executive Council Chamber,
Melbourne, the 7th July, 1899.