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[1955

LOCAL GOVERNMENT ACTS.

At the Executive Council Chamber, Melbourne,
the fifth day of July, 1955.

PRESENT:

His Excellency the Governor of Victoria.	
Mr. Rylah	Colonel Leggatt
Sir Thomas Maltby	Mr. Cameron.
Mr. Whately	

VOTING BY POST AT MUNICIPAL ELECTIONS (REGULATIONS WHICH MAY BE APPLIED TO ELECTIONS OF COUNCILLORS OF ANY MUNI- CIPALITY).

HIS Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, and in pursuance of the provisions of section 149 of the *Local Government Act 1946*, hereby makes the following Regulations which shall apply at all elections of councillors for every municipality to which such Regulations have been applied by an Order of the Governor in Council published in the *Government Gazette* under the powers conferred by the said section 149:

Obtaining of Forms of Application for Postal Ballot-papers.

1. Any person entitled to vote at an election about to be held in any municipality who satisfies the returning officer—

- (a) that he resides at least 5 miles from the nearest polling place at which he is entitled to vote; or
- (b) that he has reason to believe that on the polling day during the hours of polling he will not be within 5 miles of the nearest polling place at which he is entitled to vote; or
- (c) that on account of ill health or infirmity he will be prevented from voting personally at any such polling place,

may before the polling day make application in the form of the First Schedule hereto or to the like effect to the returning officer for such municipality for a postal ballot-paper or postal ballot-papers enabling him to vote through the post at such election instead of attending personally to tender his vote thereat.

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2. In the case of an application on the ground that he has reason to believe that on the polling day, during the hours of polling, he will not be within 5 miles of the nearest polling place at which he is entitled to vote, the applicant shall state in his application the reason for such belief.

Application to be Signed in Presence of Authorized Witness.

3. With respect to applications for postal ballot-papers the following provisions shall have effect:—

(a) The following directions with respect to such applications shall be substantially observed:—

- (i) When so much of the form of application as precedes the places for the signatures has been filled in and otherwise completed, the applicant shall exhibit his form of application to an authorized witness;
- (ii) The applicant shall then, in the presence of the authorized witness, sign his name in his own handwriting on the form of application in the place provided for the signature of the applicant; and
- (iii) The authorized witness shall then sign his name in his own handwriting in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness, his residence, and the date.

Authorized Witness to Satisfy Himself as to Application.

(b) An authorized witness shall not witness the signature of any applicant on any application for a postal ballot-paper or postal ballot-papers, unless the authorized witness—

- (i) has satisfied himself as to the identity of the applicant;
- (ii) has seen the applicant sign the application in his own handwriting; and
- (iii) knows that the statements contained in the application are true, or has satisfied himself (whether by inquiry from the applicant or otherwise) that the said statements are true.

Authorized Witness Not to Induce, &c., Persons to Apply for Postal Ballot-papers.

(c) An authorized witness shall not persuade or induce or associate himself with any person in persuading or inducing any person to make application for a postal ballot-paper or postal ballot-papers.

Authorized Witness Not to Visit Person to Witness Signature to Application except on Account of Ill Health or Infirmary.

(d) An authorized witness shall not—

- (i) visit any person for the purpose of witnessing the signature of such person to his application for a postal ballot-paper or postal ballot-papers; or
- (ii) witness the signature of any person to any such application in any place other than the ordinary residence or place of business of the authorized witness:

Provided that if any person desires to make application for a postal ballot-paper or postal ballot-papers and is unable on account of ill health or infirmity to present himself before an authorized witness, any authorized witness, when so requested by any such person, in writing, may visit such person for the purpose of witnessing his signature to such application.

Penalty.

(e) Every authorized witness guilty of any contravention of or failure to observe any of the provisions of this clause shall be liable to a penalty of not more than One hundred pounds, or to imprisonment for a term of not more than three months.

Posting of List of Applicants for Postal Ballot-Papers.

(f) A list containing the names of all applicants for postal ballot-papers, and the respective addresses to which they have been requested to be sent, shall be posted for public inspection outside the office of the returning officer.

On Application, Returning Officer to Supply Postal Ballot-Paper or Postal Ballot-papers.

4. (a) On receiving from any applicant an application for a postal ballot-paper or postal ballot-papers, the returning officer, having ascertained that the name of the applicant is upon the voters' roll to be used at the election for the municipality specified in the application, and that the applicant is not prohibited from voting, and if satisfied that the application is properly signed by the applicant and is properly witnessed, and that the applicant is entitled according to the statements contained in his application to a postal ballot-paper or postal ballot-papers, shall deliver to the applicant or post to him at the postal address named in the application a postal ballot-paper (with a counterfoil attached), or if such applicant appears by the voters' roll to be entitled to give more votes than one, then so many ballot-papers as may be equal to the number of votes not exceeding three which such applicant so appears to be entitled to give in the form of the Second Schedule hereto or to the like effect, together with an envelope addressed to such returning officer at the polling place, at which he intends to preside. Such envelope shall be marked "Postal Ballot-paper."

(b) If the returning officer is not satisfied that the application is properly signed by the applicant, or that the application is properly witnessed, or that the applicant is entitled to vote by post, he shall forthwith post to the applicant a notice in the form of the Third Schedule hereto or to the like effect.

Folding of Ballot-paper.

(c) Each ballot-paper before being enclosed shall be folded to the counterfoil.

Effect of Immaterial Error.

5. No application for a postal ballot-paper or postal ballot-papers shall, if properly signed by the applicant and properly witnessed, be deemed insufficient or invalid by reason only that in such application there is an omission or incorrect or insufficient description or misdescription in respect of any of the particulars required by law to be contained therein, if the returning officer is satisfied that the applicant is entitled to a postal ballot-paper or postal ballot-papers.

Initialling of Ballot-papers.

6. (a) The returning officer shall—

- (i) initial each postal ballot-paper issued; and
- (ii) keep and number the applications therefor in consecutive order, writing the corresponding number on the counterfoil of the ballot-paper.

(b) On the counterfoil the returning officer shall also write the number on the voters' roll of the person to whom the postal ballot-paper is issued.

(c) Every postal ballot-paper issued by a returning officer after four o'clock in the afternoon of the day of nomination shall have printed or written thereon, in

alphabetical order of surnames, the surnames and christian or other names of the candidates for election and, in the case of two or more candidates having the same surname and christian or other names, the residence and occupation of each such candidate: Provided that if no two candidates have the same surname, a postal ballot-paper so issued and upon which the candidates' names are written may have the surnames only of the candidates written thereon.

Record of Issue of Voting by Postal Ballot-paper or Postal Ballot-papers.

7. (a) The returning officer shall on the voters' roll to be used at the election for the municipality to which such postal ballot-paper or postal ballot-papers relate note opposite the applicant's name wherever it appears the fact that such postal ballot-paper has or postal ballot-papers have been issued to such applicant, and the date of such issue.

Notification to Presiding Officers.

(b) In case there is not time to note the fact of the issue of any postal ballot-paper or postal ballot-papers on every such roll on which such applicant's name appears which is to be used at the election, the returning officer shall in such manner as he thinks fit immediately notify such issue to the deputy returning officer at every polling place at which a roll is to be used on which such applicant's name appears.

Mode of Voting by Means of Postal Ballot-papers.

8. The following directions for regulating voting by means of postal ballot-papers shall be substantially observed:—

(a) The voter shall exhibit his postal ballot-paper unmarked to an authorized witness.

(b) The voter shall in the presence of the authorized witness but so that the witness cannot see the vote—

- (i) write on the ballot-paper the surnames of all the candidates (if the candidates' names are not already printed or written thereon when the ballot-paper is issued to him); and
- (ii) indicate the order of his preference by placing the figures 1, 2, 3, 4 and so on opposite the candidates' names:

Provided that where there are only two candidates, the provisions of paragraphs. (a) and (b) shall be deemed to be sufficiently complied with if the ballot-paper is inscribed or marked in any manner so as clearly to indicate for whom the voter votes.

(c) In the case of a ballot-paper upon which the candidates' names are not printed or written when issued to the voter the voter shall, if more candidates than one have the same surname, also insert in the ballot-paper the christian or other names of each such candidate, and if more candidates than one have the same surname and christian or other names the residence and occupation of each such candidate.

(d) If the voter's sight is so impaired that he is unable to vote without assistance, the authorized witness, at the request of the voter—

- (i) shall mark his vote on the ballot-paper and shall (if the voter so desires) mark the same in the presence of another person; or
- (ii) shall permit some other person appointed by the voter to mark the ballot-paper for him.

(e) The voter shall then refold the ballot-paper and fasten the same.

(f) The voter shall then sign his name in his own handwriting on the counterfoil in the place provided for the signature of the voter.

(g) The authorized witness shall then sign his name in his own handwriting in the place provided for the signature of the witness, and shall add the title under which he acts as an authorized witness, his residence, and the date.

(h) The voter shall then place the ballot-paper with the counterfoil attached, or ballot-papers each with counterfoil attached, into the envelope addressed to the returning officer, fasten the envelope in the presence of the authorized witness and post it.

Duty of Authorized Witness.

9. (a) The authorized witness shall—

- (i) see that the foregoing directions are substantially complied with;
- (ii) refrain from looking at the vote given by the voter except where the voter cannot vote without assistance and the voter requests his assistance;

- (iii) not disclose any knowledge officially acquired by him touching the vote of the voter 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 elections of councillors for municipalities.

Witnessing Signature to Postal Ballot-Paper or Counterfoil.

- (b) An authorized witness shall not—
- (i) visit any voter for the purpose of witnessing the signature of such voter to his postal ballot-paper or postal ballot-papers;
 - (ii) witness the signature of any voter to his postal ballot-paper or postal ballot-papers at any place other than the ordinary residence or place of business of the authorized witness; or
 - (iii) witness the signature of any voter to his postal ballot-paper or postal ballot-papers unless the authorized witness has satisfied himself as to the identity of the voter and has seen the voter sign the counterfoil or counterfoils in the voter's own handwriting.

Provided that if any voter has received a postal ballot-paper or postal ballot-papers, and is unable, on account of ill health or infirmity, to present himself before an authorized witness, any authorized witness when so requested by any such voter, in writing, may visit such voter for the purpose of witnessing his signature to such postal ballot-paper or postal ballot-papers.

Penalty.

(c) Every authorized witness guilty of any contravention of any of the provisions of this clause shall be liable to a penalty of not more than One hundred pounds, or to imprisonment, with or without hard labour, for a term of not more than three months.

Mistakes in Spelling Immaterial.

10. No postal ballot-paper shall be rejected because of any mistake in spelling the name of the candidate if the intention is clear.

Person who has Received Postal Ballot-paper or Postal Ballot-papers Not to Vote Personally Without Giving up Same.

11. (a) Except as provided in the next succeeding section, no person to whom a postal ballot-paper for any election has or postal ballot-papers have been sent shall be entitled to vote personally at any poll unless he previously gives up such postal ballot-paper or postal ballot-papers unmarked to the returning officer or deputy at the polling place at which he is entitled to vote.

(b) Such officer shall immediately cancel any such postal ballot-paper and retain it.

Provision when Person claims to vote, although Postal Ballot-paper already issued.

12. (a) If a person to whom a postal ballot-paper appears to have been sent states that he has not received such postal ballot-paper and claims to vote personally at any polling place within the municipality to which such postal ballot paper relates, the returning officer or deputy at such booth may take from such person a declaration in the form of the Fourth Schedule hereto or to the like effect. Thereupon such person shall be entitled to vote personally at such poll and his vote shall be taken in the ordinary way.

(b) If such vote is received by the deputy returning officer he shall immediately advise the returning officer of the fact of such person having voted personally and shall forward the declaration to the returning officer with the ballot-papers, and if any postal ballot-paper purports to have been received from the same person such postal ballot-paper shall be rejected at the counting of the votes and the returning officer shall state thereon the reason of such rejection.

Additional Question to be put on Tender of Vote Personally.

13. (a) The returning officer or deputy shall before any person personally tendering his vote at any election for any municipality receives a ballot-paper or ballot-papers (but not afterwards), put to such person the following question in addition to any others he may lawfully put:—

Have you received a postal ballot-paper or postal ballot-papers enabling you to vote at the election for a councillor or councillors (as the case may be) for the Subdivision of the to-day? (In the case of an adjourned poll the day from which the poll was adjourned should also be named in the question.)

Refusal, &c., to Answer.

(b) Every person having tendered his vote when such question is put as aforesaid who refuses or omits distinctly to answer the same, and every person who answers the question in the affirmative but does not deliver up his postal ballot-paper or postal ballot-papers, unmarked, shall be and be deemed prohibited from voting then and afterwards at such election, and shall be guilty of an offence and shall be liable to a penalty of not more than Twenty pounds or to imprisonment with or without hard labour for a term of not more than one month.

Penalty for False Answer.

(c) Every person who wilfully makes a false answer to such question put as aforesaid shall be guilty of an offence, and shall be liable to a penalty of not more than Fifty pounds or to imprisonment with or without hard labour for a term of not more than three months.

Inclusion of Votes through the Post at close of Poll.

14. When immediately upon the close of any poll the returning officer is proceeding to ascertain the number of votes for each candidate, the returning officer shall produce unopened all envelopes containing postal ballot-papers received by him through the post up to the close of the poll, and such envelopes shall be opened in the presence of the scrutineers present and poll clerk (if any) but of no other person, and shall be dealt with as follows, namely:—

- (a) The returning officer shall produce all applications for postal ballot-papers;
- (b) The returning officer, without unfolding each postal ballot-paper or allowing it to be inspected, shall compare the signature of the voter on the counterfoil with the signature to the application and allow the scrutineers to inspect the same, and the returning officer shall determine whether or not the signature on the postal ballot-paper is that of the applicant;
- (c) If the postal ballot-paper is allowed by the returning officer he shall tear off the counterfoil without seeing the names of the candidate or candidates voted for, and shall insert the folded postal ballot-paper in a ballot-box separate from that used during the polling, and when all such postal ballot-papers have been so inserted the counting of the votes recorded therein shall commence;
- (d) Any postal ballot-paper not witnessed as required by these regulations shall be disallowed by the returning officer;
- (e) The returning officer shall attach all the counterfoils together;
- (f) The list of the number of votes received by each candidate shall show separately the votes tendered personally and the votes given by postal ballot-papers;
- (g) If the returning officer disallows a postal ballot-paper then such ballot-paper shall be included in a sealed parcel of ballot-papers which shall be set aside for separate custody and transmitted to the clerk of the municipality.

Applications and Counterfoils to be forwarded to the Clerk of the Municipality after Declaration of Poll.

15. Notwithstanding anything in the *Local Government Act 1946*—

(a) All applications for postal ballot-papers and all counterfoils of postal ballot-papers received by a returning officer—

- (i) shall not be made up or enclosed in the sealed parcels as required by sections 144 and 145 of the said Act, but shall be made up and enclosed in a special packet which shall be endorsed with a description of the contents and the name of the subdivision, the name of the municipality, and the date of the polling (which endorsement shall be signed by the returning officer), and forthwith after the declaration of the poll shall be forwarded by the returning officer to the clerk of the municipality;

Preservation of Applications and Counterfoils.

(ii) shall be safely kept by the clerk of the municipality for twelve months; and

Applications and Counterfoils Open to Public Inspection.

(iii) after receipt thereof by the clerk of the municipality shall be open to public inspection at all convenient times during office hours at the office of the municipality until the expiration of the said period of twelve months; and

(iv) after the period of twelve months referred to the applications for postal ballot-papers and counterfoils of ballot-papers shall be destroyed as provided by section 145 of the Local Government Act.

Clerk of the Municipality to give Receipt for Packet.

(b) the clerk of the municipality shall forthwith give or send to the returning officer a receipt under his hand for every such special packet received by him.

(c) The decision of the returning officer as to the allowance or disallowance of any postal ballot-paper shall be subject to review only by a Stipendiary Magistrate on a recount of votes pursuant to the Local Government Act 1946 or by the Supreme Court on proceedings under Part IV., of the Local Government Act 1946.

Production before Stipendiary Magistrate.

(d) the clerk of the municipality shall produce any such applications or counterfoils when required to do so by any stipendiary magistrate for the purposes of any recount of votes by such stipendiary magistrate.

Applications and Counterfoils to be Evidence.

(e) any application for a postal ballot-paper and any counterfoil of a postal ballot-paper taken from any such special packet and having written thereon respectively under the hand of the clerk of the municipality a certificate of the several particulars required by this section to be endorsed upon such packet, and that the same was taken from such packet shall be evidence in any Court or before any justice—

- (i) that the same was so taken;
- (ii) that the same, if an application was received by the returning officer (at the election to which such endorsement and writing relate), and that a postal ballot-paper the counterfoil of which bears the application number corresponding with the application number written on the application, was issued by the returning officer to the applicant whose name appears on the application; and
- (iii) that the same, if a counterfoil, was the counterfoil of a postal ballot-paper used at the said election.

Certain Offences to be Bribery.

16. The following persons shall be deemed guilty of bribery:—

- (a) Every person who directly or indirectly makes overtures to any person for the acquiring by gift or purchase or who acquires by gift or purchase from any person any postal ballot-paper; and
- (b) every person who directly or indirectly makes overtures to any other person for the giving away or parting with the possession of or selling any postal ballot-paper or who gives away any such paper or who sells or (except as in these regulations provided) parts with the possession of any postal ballot-paper.

Making False Application a Misdemeanour.

17. If in any application for a postal ballot-paper any person makes any false statement or if any person applies for a postal ballot-paper to which some other person is entitled he shall be guilty of a misdemeanour and shall be liable to imprisonment with or without hard labour for a term of not more than two years.

False Declaration Perjury.

18. Every person who willfully makes and subscribes any declaration for the purposes of these regulations, the same being untrue or false in any particular, shall be liable to the penalties of perjury.

Inducing Disclosure of Vote by Post, &c., an Offence.

19. Every person who—

- (a) directly or indirectly requires, induces, or attempts to induce any person to show by producing his postal ballot-paper for whom he intends to vote at any election; or
- (b) unless authorized by these regulations writes the name or names of any candidate or candidates or marks any vote in any postal ballot-paper not issued to such person; or

(c) opens any envelope addressed to a returning officer not being duly authorized so to do by such returning officer—

shall be guilty of an offence, and shall be liable to imprisonment with or without hard labour for a term of not more than one year.

Inducing Persons to Vote for any Particular Candidate by Bribery or Intimidation.

20. (a) Every person who requires, induces, or attempts to induce any person in his employment to obtain a postal ballot-paper with the intention of influencing such person by bribery or intimidation to record his vote in favour of any particular candidate shall be guilty of an offence, and shall be liable to a penalty of not more than Fifty pounds, to be recovered in a summary way before a court of petty sessions by any person who sues for the same.

(b) Bribery or intimidation shall for the purposes of this section include any promise or threat either expressed, implied, or understood of any benefit or disadvantage to accrue directly or indirectly to such person from such first-mentioned person.

Authorized Witnesses.

21. The following persons being resident in Victoria shall be authorized witnesses in and for Victoria within the meaning of these regulations:

(a) All returning officers and electoral registrars appointed under any Act relating to elections for the Legislative Council or the Legislative Assembly; all postmasters or postmistresses or persons in charge of post offices; all stipendiary magistrates; all justices; all commissioners for taking declarations and affidavits; all head teachers of State schools; all members of the Police Force; all clerks of petty sessions; all railway stationmasters; all councillors of and the clerk or secretary of any city, town, borough, or shire; all barristers and solicitors; and all legally qualified medical practitioners.

(b) All persons or classes of persons employed in the Public Service of Victoria who are appointed by the Governor in Council to be authorized witnesses within the meaning of these regulations.

22. No person who is a candidate for any election shall be an authorized witness at or in connexion with that election.

FIRST SCHEDULE.

(Clause 1.)

Application for a Postal Ballot-paper or Postal Ballot-papers.

To the Returning Officer for the (a) Subdivision of (b) I, (c)

hereby apply for a postal ballot-paper (or postal ballot-papers).

(1) I am a person entitled to vote at an election about to be held for the (d) Subdivision (or Municipality).

(a) Here insert the name of Subdivision, (b) here insert name of municipality; (c) here insert christian or other name or names, surname, residence, and occupation; (d) here insert name of Subdivision or Municipality.

(2) The ground on which I apply for the postal ballot-paper (or postal ballot-papers) is—

* (a) That I reside at least 5 miles from the nearest polling place at which I am entitled to vote.

* (b) That I have reason to believe that on the polling day during the hours of polling I will not be within 5 miles of the nearest polling place at which I am entitled to vote.

My reasons for this belief are—

.....
.....
.....

* (c) That on account of ill health or infirmity I will be prevented from voting personally on polling day.

*NOTE.—The applicant will strike out any two of the above grounds which do not apply to his particular case, as only one ground is necessary for the application.

- (3) I request that the postal ballot-paper (or postal ballot-papers) may be forwarded to me at (e) or (as the case may be) be delivered to me personally.

(e) Here state address to which postal ballot-paper or postal ballot-papers are to be sent.

Signed by the applicant in his own handwriting in my presence—

Signature of applicant in own handwriting.

Signature of authorized witness in own handwriting.

Title under which witness acts as an authorized witness.

Residence of authorized witness.

Dated at this day of 19

CAUTION.—Any person making a false statement in an application is liable to imprisonment for a term of not more than two years.

Authorized Witnesses.

The following persons being resident in Victoria are authorized witnesses in and for Victoria:—

- (a) All returning officers and electoral registrars appointed under any Act relating to elections for the Legislative Council or the Legislative Assembly; all postmasters or postmistresses or persons in charge of post offices; all stipendiary magistrates; all justices; all commissioners for taking declarations and affidavits; all head teachers of State schools; all members of the Police Force; all clerks of petty sessions; all railway stationmasters; all councillors of and the clerk or secretary of any city, town, borough, or shire; all barristers and solicitors; and all legally qualified medical practitioners.

- (b) All persons or classes of persons employed in the Public Service of Victoria who are appointed by the Governor in Council to be authorized witnesses.

No person who is a candidate at any election shall be an authorized witness at that election.

Instructions to Applicants and Authorized Witnesses.

- (a) When so much of the form of application as precedes the places for the signatures has been filled in and otherwise completed the applicant shall exhibit his form of application to an authorized witness.
- (b) The applicant shall then in the presence of the authorized witness sign his name in his own handwriting on the form of application in the place provided for the signature of the applicant.
- (c) The authorized witness shall then sign his name in his own handwriting in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness, his residence, and the date.

Offences and Penalties.

- (a) An authorized witness shall not witness the signature of any applicant on any application for a postal ballot-paper or postal ballot-papers unless the authorized witness—
- has satisfied himself as to the identity of the applicant;
 - has seen the applicant sign the application in his own handwriting; and
 - knows that the statements contained in the application are true or has satisfied himself (whether by inquiry from the applicant or otherwise) that the said statements are true.
- (b) An authorized witness shall not persuade or induce or associate himself with any person in persuading or inducing any person to make application for a postal ballot-paper or postal ballot-papers.
- (c) An authorized witness shall not—
- visit any person for the purpose of witnessing the signature of such person to his application for a postal ballot-paper or postal ballot-papers; or
 - witness the signature of any applicant to any such application in any place other than the ordinary residence or place of business of the authorized witness:

Provided that if any person desires to make application for a postal ballot-paper or postal ballot-papers, and is unable on account of ill health or infirmity to present himself before an authorized witness any authorized witness when so requested by any such person in writing may visit such person for the purpose of witnessing his signature to such application.

Every authorized witness guilty of any of these offences is liable to a penalty of not more than One hundred pounds, or to imprisonment for a term of not more than three months.

SECOND SCHEDULE.

(Clause 4.)

Postal Ballot-paper.

Subdivision of

(Before marking this ballot-paper exhibit it unmarked to an authorized witness and read carefully the Instruction to Voter printed hereon.)

Candidates' Names.

(a) Counterfoil—

Subdivision of

(b) No. of Application— Voter's Roll No.

(a) To be printed so that it shall be on the outside when the ballot-paper is folded, and so that it may be read and torn off without the names of candidates voted for being seen.

(b) To be filled in by the returning officer before posting.

I declare that I have not already posted a ballot-paper in respect of, or voted personally at the election in respect of which this vote is given.

Signature of voter—

Witness—

[Authorized witness to sign here and insert the title under which he acts as an authorized witness, his residence, and the date.]

Instructions to Voter.

(a) The voter shall exhibit his postal ballot-paper unmarked to an authorized witness.

(b) The voter shall in the presence of the authorized witness but so that the witness cannot see the vote—

(i) write the surnames of the candidates on the ballot-paper under the heading Candidates' Names (if such names are not already printed or written under that heading); and

(ii) place the figure 1 opposite the name of the candidate for whom the voter votes as his first preference and the figures 2, 3, 4 (and so on as the case requires) to indicate the order of the voter's preference for all the remaining candidates.

(c) If the candidates' names are not printed or written under the heading Candidates' Names when the ballot-paper is issued to the voter shall if more candidates than one have the same surname also insert in the ballot-paper the christian or other names of such candidates, and if more candidates than one have the same surname and christian or other names the residences and occupations of such candidates.

(d) If the voter's sight is so impaired that he is unable to vote without assistance, the authorized witness, at the request of the voter, shall mark his vote on the ballot-paper and shall (if the voter so desires) mark the same in the presence of another person, or shall (if the voter so desires) permit some other person appointed by the voter to mark the ballot-paper for him.

(e) The voter shall then re-fold the ballot-paper and fasten the same.

(f) The voter shall then sign his name in his own handwriting on the counterfoil in the place provided for the signature of the voter.

(g) The authorized witness shall then sign his name in his own handwriting in the place provided for the signature of the witness, and shall add the title under which he acts as an authorized witness, his residence, and the date.

(h) The voter shall then place the ballot paper, with the counterfoil attached, into the envelope addressed to the returning officer, fasten the envelope in the presence of the authorized witness, and post it.

(i) This ballot-paper cannot be counted in the election unless it is received by the returning officer before the closing of the poll.

Instructions to Authorized Witness.

The authorized witness shall—

- (a) see that the foregoing directions are substantially complied with;
- (b) refrain from looking at the vote given by the voter except where the voter cannot vote without assistance and the voter requests his assistance;
- (c) not disclose any knowledge officially acquired by him touching the vote of the voter 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 elections of councillors for municipalities.

An authorized witness shall not—

- (a) visit any voter for the purpose of witnessing the signature of such voter to his postal ballot-paper;
- (b) witness the signature of any voter to his postal ballot-paper at any place other than the ordinary residence or place of business of the authorized witness; or
- (c) witness the signature of any voter to his postal ballot-paper unless the authorized witness has satisfied himself as to the identity of the voter and has seen the voter sign the counterfoil in his own handwriting:

Provided that if any voter has received a postal ballot-paper and is unable on account of ill health or infirmity to present himself before an authorized witness, any authorized witness, when so requested by any such voter in writing, may visit such voter for the purpose of witnessing his signature to such postal ballot-paper.

Every authorized witness guilty of a contravention of any of these instructions to authorized witnesses is liable to a penalty of not more than One hundred pounds, or to imprisonment, with or without hard labour, for a term of not more than three months.

THIRD SCHEDULE.

(Clause 4.)

As returning officer for the Subdivision of the I desire to inform you that after perusing your application for a postal ballot-paper I am not satisfied—

- *that your application is properly signed; or
- *that your application is properly witnessed; or
- *that you are entitled to vote through the post at the forthcoming election of a councillor (or councillors) for Subdivision of the municipality of

Therefore, if you desire to vote at that election, you will have to attend personally at the polling booth and tender your vote.

Dated at this day of 19 .

*NOTE.—The returning officer will strike out any of these statements which is inapplicable to the particular case.

FOURTH SCHEDULE.

(Clause 12.)

Declaration of Person Claiming to Vote at Polling Booth.

I, , residing at , Subdivision of the , do hereby declare that my name is included in the voters' roll for the , and that I have not received a postal ballot-paper or postal ballot-papers entitling me to vote by post at the election of a councillor (or councillors) now being held in the said , and that I desire to vote personally at such election.

Signed and declared at
Polling booth this day of
in the presence of—

Returning Officer or Deputy Returning Officer.

CAUTION.—Any person who wilfully makes and subscribes a declaration which is untrue or false in any particular is deemed to be guilty of wilful and corrupt perjury, and is punishable accordingly.

And the Honorable Sir Thomas Karran Maltby, Her Majesty's Commissioner of Public Works for the State of Victoria, shall give the necessary directions herein accordingly.

A. MAHLSTEDT,
Clerk of the Executive Council.

LOCAL GOVERNMENT ACTS.

*At the Executive Council Chamber, Melbourne,
the fifth day of July, 1955.*

PRESENT:

His Excellency the Governor of Victoria.
Mr. Rylah | Colonel Leggatt
Sir Thomas Maltby | Mr. Cameron.
Mr. Whately

**COMPULSORY VOTING AT MUNICIPAL ELECTIONS
(REGULATIONS WHICH MAY BE APPLIED TO
ELECTIONS OF COUNCILLORS OF ANY MUNI-
CIPALITY).**

HIS Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, and in pursuance of the provisions of section 149 of the *Local Government Act 1946*, hereby makes the following regulations, which shall apply at all elections of councillors for every municipality to which such regulations have been applied by an Order of the Governor in Council published in the *Government Gazette* under the powers conferred by the said section 149:

1. Every person whose name is inscribed upon the voters' roll shall record the number of votes set opposite his name on such roll at every election for a councillor for which he is entitled to vote, except that this regulation shall not make it compulsory for any owner of vacant land, whose usual place of residence is outside the municipal district, to vote as such owner.

2. The returning officer, at the close of the poll at every election, shall—

- (a) from every roll used at the election, and from the counterfoils of all postal ballot-papers received before the close of the poll at the election, indicate by a distinguishing mark on a fair copy of the roll used at the election (which copy is hereinafter referred to as the "marked roll") the names of the persons required by clause 1 of these regulations to record their votes at the election for which he is returning officer and who have not recorded such votes;
- (b) certify the marked roll by statutory declaration under his hand in accordance with Form A. of the schedule hereto; and
- (c) forthwith forward such marked roll to the clerk of the municipality.

3. Within three months after the close of the poll at every election the clerk of the municipality—

- (a) shall send by post to each person whose name indicated as aforesaid appears on any such marked roll, at the address therein mentioned, a notice in accordance with Form B. of the Schedule hereto, notifying him that he has failed to record his vote or votes (as the case may be) as required by these regulations at the election specified therein, and requiring him to state the true reason why he failed so to vote; and
- (b) before sending such notice, shall insert therein—
 - (i) the full name of the person as appearing on the roll, and his address as therein mentioned, and the names of the subdivisions (if any) in which he was required to vote but did not vote, and his number on the roll, or (as the case may be) his number on the roll of each such subdivision; and
 - (ii) a date (not being less than twenty-one days after the date of the posting of the notice) before or on which the form at the foot of the notice, duly filled up and signed by the person, is to be in the hands of the clerk of the municipality.

4. (1) Every person to whom such a notice has been sent shall—

- (a) fill up the Form C. at the foot of the notice by stating in it the true reason why he failed so to record his vote or votes (as the case may be);
- (b) sign the form; and
- (c) post or deliver the same so as to reach the clerk of the municipality not later than the date inserted in the notice.

(2) If the person is unable, by reason of absence from his residence or physical incapacity, to fill up, sign, and post or deliver the form within the time allowed pursuant to these regulations—

- (a) any other person over the age of twenty-one years, and who has personal knowledge of the facts, may fill up, sign, and post or deliver within that time the form, duly witnessed by another person over the age of twenty-one years; and
 - (b) such filling up, signing, and delivery or posting of the form may be treated as compliance by the first-mentioned person with the provisions of this clause.
- (3) Upon receipt within the time allowed, pursuant to these regulations, of any such form properly filled up and signed and witnessed (if so required) the clerk of the municipality shall—
- (a) make on the marked roll or rolls opposite the name of the person to whom the form refers a note to that effect; and
 - (b) indicate in writing on the marked roll or rolls opposite the name of the person his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the person to record his vote or votes at the election.

(4) If in the case of any person to whom a notice as aforesaid has been sent such form is not received by the clerk of the municipality within the time allowed pursuant to these regulations, the clerk of the municipality shall make on the marked roll or rolls opposite the name of such person a note to that effect.

(5) Where the reply of any person states for his failure to record his vote or votes a reason which, in the opinion of the clerk of the municipality, is not a valid and sufficient reason for that failure, the clerk of the municipality shall notify such person in accordance with Form D. of the Schedule hereto of his opinion, and inform him that he has the option of having the matter dealt with by the municipal council or by a Court of Petty Sessions. Before sending such notice, the clerk of the municipality shall insert therein a date (not being less than twenty-one days after the date of the posting of the notice) before or on which the form at the foot of the notice duly filled up and signed by the person and witnessed is to be in the hands of the clerk of the municipality.

5. The marked roll or rolls indicating—

- (a) the names of persons required by clause 1 of these regulations to vote at such election who did not vote thereat;
- (b) the names of persons from whom or on whose behalf the clerk of the municipality received within the time allowed pursuant to these regulations forms properly filled up and signed;
- (c) the names of persons from whom or on whose behalf the clerk of the municipality did not within that time receive forms properly filled up and signed; and
- (d) the opinions of the clerk of the municipality, or a copy of any such marked roll, or any extract therefrom certified by the clerk of the municipality under his hand, shall in all proceedings be prima facie evidence of the contents of such marked roll or extract, and of the fact that the persons whose names appear therein marked as aforesaid did not vote at the election and that the notice specified in these regulations was received by those persons and that those persons did or did not (as the case may be) comply with the requisitions contained in the notice within the time allowed pursuant to these regulations.

6. Every person required by clause 1 of these regulations to vote at any election for a councillor who—

- (a) fails to record his vote or votes (as the case may be) at such election without a valid and sufficient excuse for such failure (in this clause the expression "valid and sufficient excuse" includes an honest belief on the part of the person that abstention from voting is part of his religious duty); or
- (b) on receipt of the notice in accordance with Form B. aforesaid, fails, neglects, or refuses to fill up and sign, and post or deliver to the clerk of the municipality so as to reach him within the time allowed pursuant to these regulations the form at the foot of the notice; or
- (c) states in such form a false reason for not having recorded his vote or votes, or in the case of a person filling up or purporting to fill up a form on behalf of any other person pursuant to these regulations states in such form a false reason why the other person did not vote—

shall for each such offence be liable to a penalty of not more than Two pounds, and proceedings for the enforcement of the penalty may be commenced within six months

after the date of the election by the council of the municipality or by some person authorized pursuant to the Local Government Acts.

Provided that—

- (a) any person to whom a notice under these regulations has been posted who desires the matter to be dealt with by the council of the municipality, and is prepared to abide by the decision of the council, may notify the clerk of the municipality in accordance with Form E. of the Schedule hereto;
- (b) in any such case the council may make an order in accordance with Form F., requiring the person to pay a sum not being more than Ten shillings; and
- (c) if the said sum is not paid within fourteen days after the date of the order, the clerk of the municipality may forward to the clerk of a Court of Petty Sessions a certificate under his hand in accordance with Form G. of the Schedule hereto, setting out the substance of the order, and stating that the said sum has not been paid; and thereupon payment of the said sum shall be enforceable in the same manner as if the said sum—
 - (i) were a fine adjudged by such Court of Petty Sessions to be paid which the Act of Parliament under which such fine is imposed provides no means of enforcing; and
 - (ii) were ascertained by a conviction.

7. For the purposes of these regulations the returning officer at any election—

- (a) with the assistance of such of the deputy returning officers and poll clerks as he deems necessary shall in the presence of such deputy returning officers and poll clerks, but of no other person, open and, if necessary, break the seal of any parcel containing the rolls used at the election and examine the same for the purpose of indicating on the marked roll aforesaid the names of the persons who have not voted at the election; and
- (b) at the conclusion of the said examination and marking shall replace such rolls in the parcels from which they were taken and re-seal the same and then comply with the provisions of section One hundred and forty-five of the *Local Government Act 1946*.

SCHEDULE.

FORM A. Compulsory Voting.

Municipality of _____ of _____ in the State of Victoria, do solemnly and sincerely declare—

1. That I am the Returning Officer for the subdivision of the _____ of _____ at the election for councillors held on the _____ day of _____ 19____

*2. That now produced and shown to me and marked "A" is a fair copy—

*2. That the within fair copy—
of the roll for the above-mentioned _____, with distinguishing marks indicating the names of persons required by the regulations relating to compulsory voting at municipal elections to record their votes at the election held on _____ the _____ who have not recorded such votes was prepared by me pursuant to clause 2 of such regulations.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Returning Officer for the
subdivision of the _____ of _____
Declared before me, at _____ in the State aforesaid,
the _____ day of _____ 19____
Justice of the Peace.

*If the declaration is endorsed on the fair copy of the roll, use the words "That the within fair copy, &c." If the declaration is not so endorsed, use the words "That now produced, &c."

†Clause 7 of the said regulations provides that the Returning Officer may employ the assistance of Deputy Returning Officers and Poll Clerks to examine rolls for the purpose of indicating on the marked roll the names of the persons who have not voted at the election.

FORM B.

Compulsory Voting.

Municipality of
Subdivisions in which person did not vote
Nos. on rolls

*To

You are notified that an inspection of the rolls used at the election held on the day of 19 shows that being a person required to vote at the election you failed to vote thereat and you are required to give the true reason why you failed so to vote.

You are therefore requested to—

- (a) fill in the particulars at the foot of this notice—
(i) by stating the true reason why you failed so to vote, or
(ii) by inserting a true statement concerning your alleged failure to vote;
(b) complete and personally sign the form and have it witnessed by some other person over the age of twenty-one years; and
(c) fold the form so that the address of the municipal office shall be visible, and post or deliver it so as to reach me on or before the

Municipal Clerk,
Address,
Date 19

Note.—If the person to whom this notice is addressed is unable by reason of absence from his residence or physical incapacity to fill up, sign, and post or deliver the form at the foot hereof within the time specified above, any other person over the age of twenty-one years and who has personal knowledge of the facts may fill up, sign, and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form will be treated as compliance by the first-mentioned person with the requirements of this notice.

Every person required by the regulations relating to compulsory voting at municipal elections to record his vote or votes at any election for a councillor who—

- (a) fails to record his vote or votes without a valid or sufficient excuse for such failure; or
(b) on receipt of a notice in accordance with such regulations fails, neglects, or refuses to fill up, sign, and post or deliver to the clerk of the municipality so as to reach him within the time specified in the notice the form (duly witnessed) attached thereto; or
(c) states in such form a false reason for not having recorded his vote or votes, or in the case of a person filling up or purporting to fill up a form on behalf of any other person, states in such form a false reason why the other person did not vote—

is guilty of an offence and liable to a penalty not exceeding Two pounds.

*Here insert the full name of the person as appearing on the roll and his address as therein mentioned.

†Not being less than twenty-one days after the posting of this notice.

FORM C.

Statement to be Completed and Returned to the Municipal Clerk.

I, do hereby state:—

That the following is the true reason why I,* failed to vote as required by the regulations relating to compulsory voting at municipal elections at the election on the day of 19 :—

Or—

That in regard to my alleged failure to vote on the day of 19, the

following is a true statement:—

† Personal Signature.

I, the undersigned, being a person over the age of twenty-one years, certify that I have seen the above-named person sign the above statement.

Signature of Witness
(In own handwriting.)
Occupation
Address
Date

(Not to be detached.)

*Where this form is filled up on behalf of an absent or physically incapacitated person, the word "I" must be struck out and the name of such person inserted.

†Here set out briefly the true reason for having failed to vote, or a true statement concerning the alleged failure to vote.

(Back of Forms B. and C.)
The Municipal Clerk,

FORM D.
Compulsory Voting.

Municipality of
Subdivisions in which person did not vote
Nos. on rolls.

Notification to Person whose Reason for Failing to Vote is held not to be a Valid and Sufficient Excuse.

*To

You are hereby notified—

- (1) that the reason given by you in your statement dated the 19 is not, in my opinion, a valid and sufficient excuse for your failure to record your votes at the election held on the day of 19; and
(2) that you have the option of having the matter dealt with by the municipal council (thus avoiding costs of court) or by a Court of Petty Sessions.

If you desire to have the matter dealt with by the municipal council, you must fill in and sign, in the presence of a witness, the form of consent at the foot hereof and send or deliver it to me so as to reach me not later than the

In the event of the form not reaching me on or before the date set out in the preceding paragraph, it will be taken that you desire to have the matter dealt with by a Court of Petty Sessions.

Municipal Clerk.
Address
Date 19

*Here insert the full name of the person as appearing on the roll and his address.

†Not being less than twenty-one days after the posting of this notice.

FORM E.

Form of Consent to be used by a Person who Desires to have his Case dealt with by the Municipal Council.

I, of , being a person required by the regulations relating to compulsory voting at municipal elections to vote at the election held on the day of having failed to record my vote(s) at such election and having been notified by you that the reason given by me for such failure to record my vote(s) is not, in your opinion, a valid and sufficient excuse for such failure, do hereby notify you that I consent to have the matter dealt with by the municipal council and to abide by its decision.

Personal Signature.

I, the undersigned, being a person over the age of twenty-one years, certify that I have seen the above-named person sign the above form.

Signature of Witness.
(In own handwriting.)
Occupation
Address
Date 19

(Not to be detached.)

(Back of Forms D. and E.)
The Municipal Clerk.

FORM F.
Compulsory Voting.

Municipality of
Subdivisions in which persons did not vote
Nos. on roll
Order Requiring a Person to Pay a Sum for Failure to Vote.

To
You are notified that, pursuant to your notification of consent, dated the _____ day of _____ the municipal council has dealt with the matter of your failure to record your votes* for the above-mentioned subdivisions of the municipality.

The municipal council makes this order requiring you to pay to the municipal clerk at the address hereunder the sum of _____ shillings.†

Councillor.
Councillor.
Municipal Clerk.

(SEAL)
Address of Municipal Clerk,

Date
*If only one vote, make the necessary alteration.

†If the said sum is not paid within fourteen days after the date of this order, the matter will be referred to a Clerk of a Court of Petty Sessions for the enforcement of this order.

FORM G.
Compulsory Voting.

Municipality of
Memorandum—
To the Clerk of Petty Sessions at

In accordance with the provisions of the regulations relating to compulsory voting at municipal elections, made applicable under the powers contained in section 149 of the Local Government Act 1946, to elections of councillors for the municipality of _____ of _____, by an order of the Governor in Council made the _____ day of _____ 19____, I hereby certify that the schedule hereto

contains a list of the names and enrolment particulars of persons against whom the council of the municipality has made an order, pursuant to the said regulations for the payment of the sums respectively specified.

As the said sums have not been paid within fourteen days after the date of the order in each case, I have to request that steps be taken to enforce payment.

I shall be pleased if you will state on the schedule whether or not the payment has been enforced and return it to me.

Given under my hand this _____ day of _____ 19____
Municipal Clerk.

Schedule.

Municipality of _____
Year of print of roll— _____

Number on Roll.	Sub-division.	Surname.	Christian or other Name or Names.	Residence.	Sum which Elector has been Ordered to Pay.	Date of Order.

Municipal Clerk.
Date,

And the Honorable Sir Thomas Karran Maltby, Her Majesty's Commissioner of Public Works for the State of Victoria, shall give the necessary directions herein accordingly.

A. MAHLSTEDT,
Clerk of the Executive Council.

