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Licensing Acts.

RULES FOR TAKING A VOTE OF ELECTORS ON THE QUESTION
OF GRANTING OR REMOVING A LICENCE.

*At the Executive Council Chamber, Melbourne, the
eighteenth day of September, 1956.*

PRESENT:

His Excellency the Governor of the State of Victoria.

Mr. McArthur | Mr. Porter.

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 the Licensing Acts, doth hereby make the following Rules (that is to say):—

1. (1) These Rules may be cited as the "Licensing Poll Rules Citation. 1956" and shall apply to every vote of electors ordered by the Victorian Licensing Court to be taken under the provisions of the Licensing Acts.

(2) In these Rules, unless inconsistent with the context or subject matter—

"Chief Electoral Officer" means the Chief Electoral Officer appointed pursuant to section 188 of *The Constitution Act Amendment Act 1928*.

"Court" means the Victorian Licensing Court.

"Neighbourhood" means the neighbourhood surrounding the proposed site of the premises and delineated by the Court after consultation with the Chief Electoral Officer.

"Poll" or "vote" means a vote of electors ordered by the Court to be taken pursuant to the provisions of the Licensing Acts.

Any reference to a form shall be a reference to a form in the Schedules hereto or to any form to the like effect.

2. The directions contained in the forms prescribed by these Rules shall be of the same force as if they had been provisions contained in these Rules. Directions in forms part of Rules.

3. The Chief Electoral Officer shall be the returning officer at every poll.

4. The returning officer and every deputy returning officer is hereby empowered in respect of any poll to take such action (consistent with the provisions of these Rules and the Licensing Acts) as he deems proper to meet any contingency not provided for in these Rules and, in every such case, shall be guided as far as possible by the practice followed at elections for the Legislative Assembly.

Returning officer to proceed to taking of vote.

5. On receipt of a notice from the Chairman of the Court setting out the neighbourhood delineated in respect of any poll and the resolution to be submitted thereat, the Returning Officer shall proceed to the taking of a vote of electors in such neighbourhood, as hereinafter prescribed.

Rolls for purposes of poll.

6. (1) The returning officer shall cause to be prepared a roll of the names and addresses of all persons within the neighbourhood delineated who on the sixtieth day before the taking of the vote were entitled to be enrolled on an electoral roll for the Legislative Assembly.

Who may vote.

(2) Such roll signed by the returning officer and certified by him as correct shall be the roll for the neighbourhood for the purposes of the poll:

Provided that any elector on such roll who has changed his residence to another place within the said neighbourhood shall not be deemed by reason only of such change of residence to be dispossessed of his qualification to vote at the poll.

Names of married women.

(3) No female elector shall, for the reason only that her surname has been changed by marriage, be disqualified from voting under the name appearing on the said roll.

Chief Electoral Officer to appoint substitute.

7. (1) The Chief Electoral Officer shall, but only insofar as his duties under these Rules relate to his functions as the returning officer, appoint by writing under his hand some fit person to be the substitute returning officer.

Duties of substitute.

(2) If for any reason the returning officer is unable to do or suffer any acts or things relating to the conduct of the poll, then such substitute shall as and for the returning officer do and suffer any or all such acts or things as may be necessary as though he were the Returning Officer; and these Rules shall be construed accordingly.

Public notice by returning officer.

8. Not less than twenty-one days before the day of the polling, the returning officer shall give public notice in the *Government Gazette* and by advertisement in some daily newspaper circulating in the neighbourhood as to details of the poll, including—

- (a) the description of the neighbourhood;
- (b) the resolution to be submitted to the electors;
- (c) the fact that voting is compulsory;
- (d) the address to which applications for postal ballot-papers should be forwarded;
- (e) the day and hours of polling; and
- (f) the names and locations of the buildings to be used as polling booths.

Ballot papers to be printed.

9. The returning officer shall cause—

- (a) ballot-papers to be printed in accordance with Form A in the Second Schedule hereto; and
- (b) postal ballot-papers to be printed in accordance with Form E in the Second Schedule hereto.

Booths to be erected or rooms hired.

10. (1) The returning officer shall cause booths to be erected or rooms to be hired or otherwise provided and used as polling booths at each polling place as the occasion may require.

When more than one booth where electors to vote.

(2) In determining whether one, two or more booths shall be provided at any polling place, the returning officer shall be guided by the practice adopted to secure sufficient accommodation for voters at elections for the Legislative Assembly.

(3) If, under this Rule, there shall be more than one booth at any polling place, there shall be affixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as shall denote the booth at which each elector according to the initial letter of his surname is to vote.

(4) No elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname.

(5) 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.

No polling booth to be in any licensed premises.

11. (1) Each booth shall be so divided and 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.

How booths to be arranged and fitted.

(2) The returning officer or his deputy shall provide—

(a) in every such compartment pencils or pens and ink for the use of the voters; and

(b) for each booth a ballot-box having a lock and key and with a cleft or opening therein capable of receiving the ballot-papers.

12. (1) The returning officer shall preside and take the poll at some one booth of such polling place within the neighbourhood as he may see fit; and such polling place shall be deemed the principal polling place.

Returning officer to preside at one booth and appoint deputies at others.

(2) The returning officer shall by writing under his hand appoint a deputy to act for him and take the poll at each of the other booths of the several polling places and may also in like manner appoint one or more persons to be poll clerks and assist himself and his several deputies in taking the poll as he may see fit.

Poll clerks appointed.

13. (1) Before the day of polling the returning officer—

(a) shall deliver to each of the deputies for use at each polling booth a copy of the roll of voters for the neighbourhood in and for which the poll is to be taken thereat, certified under his hand to be a true copy; and

Deputy returning officers to be furnished with copies of rolls and ballot-papers.

(b) shall deliver to each deputy, and shall himself retain, such numbers respectively of the ballot-papers, as are in his opinion sufficient for the use of the electors entitled to vote at each booth at which such returning officer and deputies are to take the poll.

(2) The returning officer and every such deputy shall keep an exact count of all such ballot-papers.

14. The substitute for the returning officer and every deputy returning officer and poll clerk shall, before he enters upon any of the duties assigned to him under these Rules, make and sign before some justice a declaration in the form given in the First Schedule hereto.

Substitute deputy returning officer and poll clerk to make declarations.

15. Every poll shall be held on a Saturday.

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

Hours of polling.

Provided that any elector, who at the time appointed for finally closing the poll is in any polling booth, and is entitled to vote at such poll, shall be permitted to vote.

Electors in polling booth at time for closing poll to vote.

17. (1) With the approval of the returning officer obtained before the polling day, the applicants for a licence or removal thereof may be authorized to appoint under their hands one person to be a scrutineer on their behalf at each polling booth and any number of persons (not being less than five) entitled to vote at the poll, who may be opposed to the grant or removal of a licence, may be authorized to appoint under their hands one person to be a scrutineer on their behalf at each polling booth.

How scrutineers to be appointed.

(2) Every person so appointed shall be entitled to be present in that part of the booth in which the ballot-papers are received.

18. The appointment of scrutineers shall be optional and neither the absence of such scrutineers nor any defect or irregularity in the appointment of scrutineers under these Rules shall in any manner affect the validity of any poll held under these Rules.

19. Every scrutineer before he acts at any polling booth shall make and sign before the returning officer or deputy (as the case may be) who shall take the poll at such booth a declaration to the effect following:—

Scrutineer to make declaration.

I [A.B.] a scrutineer appointed at the present poll, held under the Licensing Acts, do solemnly declare that I will faithfully observe all the provisions of the said Acts and all

the Rules made thereunder which relate to my office of scrutineer. And I do further solemnly promise and declare that I will not, as such scrutineer at the said poll, attempt to ascertain in what manner, in reference to the resolution submitted at such poll, any person shall vote or have voted thereat; and that if, in the discharge of my duties at or concerning the said poll, I shall have learned, or have the means of learning, in what manner, in reference to the resolution submitted at such poll, any person shall vote or have voted thereat, I will not by word or act, or by 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.

Dated this _____ day of _____, 19____
(Signed) (A.B.)

Persons entitled to be present in polling booth.

20. The returning officer or deputy, the poll clerks, the scrutineers and any voters not exceeding six in number not being actually engaged in voting, to be designated if necessary by the returning officer or deputy, shall alone be permitted at any one time to enter or remain in the polling booth during the taking of the poll.

Returning officer to exhibit box before taking the poll.

21. Immediately before proceeding to take the poll at any booth, the returning officer or deputy shall satisfy himself, the poll clerks (if any), and the scrutineers, if they so desire, that the ballot-box is empty, and shall forthwith close and lock the same, being still empty, and set and keep the same unopened upon the table at which he is to preside, and in view of such persons as shall from time to time be present in the polling booth, and shall keep the key of the said box.

Voting at poll.

22. (1) Every person whose name is on the certified roll of electors for the neighbourhood for which the poll is being taken may vote at any polling place for such neighbourhood.

(2) It shall not be lawful for any person to vote more than once at the poll.

Penalty.

(3) Every person guilty of a contravention of this Rule shall be liable to a penalty of not more than Twenty pounds.

Effect on votes.

(4) Any vote given by any person contrary to the provisions of this Rule shall be utterly void and of no effect.

Power of returning officer or deputy.

(5) The returning officer and every deputy shall have power and authority to deal with any person reasonably suspected of committing or attempting to commit an offence against any of the provisions of this Rule.

How votes to be tendered.

23. Every person tendering his vote at any polling place shall do so in manner following:—

- (a) He shall state to the returning officer or deputy his surname and christian or other names and such other of the particulars as the returning officer or deputy may, for the purpose only of ascertaining upon the roll the name intended by such person, require; and
- (b) He shall demand a ballot-paper.

Duty of returning officer or deputy on vote being rendered.

24. When any person has so tendered his vote, the returning officer or deputy shall ascertain that the name given by such person is upon the certified roll for the neighbourhood for which such poll is being taken.

" Prescribed questions."

25. (1) The returning officer or deputy shall put to any person tendering his vote the following question:—

- (i) Have you already voted at the present poll?
- (2) The returning officer or deputy may, if he thinks fit, and shall if required by any scrutineer or by any two persons entitled to vote at the polling place at which he presides put to any person tendering his vote the following questions:—
 - (ii) Are you the person whose name appears as (A.B.No.) on the certified roll of electors for the delineated neighbourhood?
 - (iii) Do you now reside in the said neighbourhood?
 - (iv) If the answer to question numbered (iii) be in the negative:—Did you reside in the said neighbourhood at any time within the last three months?
 - (v) Are you a natural-born or naturalized subject of Her Majesty?

26. Every question which under the provisions of these Rules the returning officer or deputy is authorized or required to put to any person tendering his vote shall be put to such person before he has received a ballot-paper but not afterwards. Questions to be put before delivery of ballot-paper.
27. (1) Every person tendering his vote to whom any of the prescribed questions are so put and who— Refusal or omission to answer questions or not answering so as to show right to vote.
- (a) refuses or omits distinctly to answer the same and each part thereof; or
 - (b) does not answer the question numbered (i) absolutely in the negative; or
 - (c) does not answer the question numbered (ii) absolutely in the affirmative; or
 - (d) does not answer the question numbered (iii) absolutely in the affirmative; or if he answers the same in the negative does not answer the question numbered (iv) absolutely in the affirmative; or
 - (e) does not answer absolutely in the affirmative the question numbered (v) so far as it applies to his claim to vote—
- shall be and be deemed to be prohibited from voting then or afterwards at the poll; and shall be guilty of an offence, and shall be liable to a penalty of not more than Twenty pounds. Prohibition from voting. Penalty.
- (2) The returning officer and every deputy shall have power and authority to deal with any person reasonably suspected of committing or attempting to commit any such offence. Power of returning officer or deputy.
- (3) Any person tendering his vote who answers to the question numbered (v) that he is a naturalized subject of Her Majesty, but fails to produce his letters of naturalization on being required to do so by the returning officer or deputy shall be and be deemed to be prohibited from voting at such poll unless he makes and signs before the returning officer or deputy a declaration in accordance with Form B in the Second Schedule hereto. Naturalized person.
28. (1) The returning officer or deputy if he thinks fit may, and if called upon to do so by any scrutineer or by any two persons entitled to vote at the polling place at which he presides shall require any person tendering his vote before he receives a ballot-paper to sign his name in a book to be kept for that purpose. Voter required to sign book.
- (2) Every person having tendered his vote who being required to make any declaration as aforesaid or to sign his name as aforesaid refuses or omits so to do shall be and be deemed to be prohibited from voting then or afterwards at the poll; and shall be guilty of an offence, and shall be liable to a penalty of not more than Twenty pounds. Penalty for not making declaration or not signing name in book.
29. When any person has tendered his vote and the name in which he demands to vote appears on the certified roll for the delineated neighbourhood the returning officer or deputy shall unless such person is prohibited from voting for some of the causes mentioned in these Rules— Duty of returning officer when voter's name appears in roll.
- (a) initial a ballot-paper and deliver the same to such person; and
 - (b) forthwith mark upon a certified copy of such roll against the name of such person the fact of his having received such ballot-paper.
30. (1) Notwithstanding anything in these Rules contained if at the poll any person to whom a ballot-paper has been delivered at any polling booth satisfies the returning officer or deputy that he is blind or that his sight is so impaired or that he is otherwise so physically incapable that he is unable to vote without assistance or that he is unable to read or write such returning officer or deputy shall, at the request of such person and for him and in the presence of a witness if so desired by such person, mark the ballot-paper and fold and deposit the same in the ballot-box; or shall at the request of such person permit some other person appointed by him to mark, fold and deposit the ballot-paper in the ballot-box for him. How vote of blind disabled or uneducated voter &c. to be taken.
- (2) Notwithstanding anything in these Rules contained if at the poll any person satisfies the returning officer or deputy, before his ballot-paper is deposited in the ballot-box, that he has spoilt it by a mistake or accident he may, on giving it up, receive a new ballot-paper from the returning officer or deputy, who shall there and then cancel and retain the spoilt ballot-paper writing the word "Spoilt" thereon. Spoilt ballot-papers.

Duty of returning officer when a second vote is tendered for one name.

31. (1) If at any polling booth any ballot-paper has been delivered to any person having tendered his vote, and if any other person afterwards tenders his vote at such booth as the same person in whose name such first-mentioned person has received such ballot-paper, the returning officer or deputy shall put to the person so secondly tendering his vote such of the questions authorized or required by these Rules to be put as apply to the claim of such person to vote; and shall before such person receives a ballot-paper require him to sign his name in the book to be kept as provided in Rule 28 for signatures of persons claiming to vote.

"Set aside" ballot-papers.

(2) Such person shall be dealt with in all respects in like manner as any other person having tendered his vote; but the ballot-paper of such person shall not be deposited in the ballot-box or allowed by the returning officer or deputy, and shall be placed in an envelope in accordance with Form C in the Second Schedule hereto and shall be set aside by the returning officer or deputy for separate custody.

Penalty.

(3) Every person who being required to sign his name refuses or omits so to do shall be liable to a penalty of not more than Twenty pounds.

No ballot-paper to be taken out of polling booth.

32. (1) During the polling no person shall—

- (a) take any ballot-paper out of the polling booth or to any place in the polling booth save to one of the compartments aforesaid or the ballot-box; or
- (b) enter any such compartment while any other person is therein; or
- (c) being in such compartment remain there for a longer time than is reasonably required for the purpose of marking his ballot-paper.

Obstruction of proceedings an offence.

(2) Every person wilfully offending against the preceding provisions of this Rule or otherwise obstructing or unnecessarily delaying the proceedings at any such polling shall be liable to a penalty of not more than Twenty pounds.

Prohibition of canvassing near polling places.

33. (1) The following acts are on polling day, and on all days to which polling is adjourned, hereby prohibited within thirty feet of or at the entrance of or within a polling place, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) inducing any elector not to record his vote for or against the resolution submitted; or
- (d) inducing any elector not to vote at the poll.

(2) Every person guilty of a contravention of any of the provisions of this Rule shall be liable to a penalty of not more than Twenty pounds.

Power of returning officer or deputy.

(3) The returning officer and every deputy shall have power and authority to deal with any person reasonably suspected of committing or attempting to commit an offence against any of the provisions of this Rule.

Further powers of returning officer or deputy under these Regulations.

34. (1) The returning officer and every deputy shall have power and authority—

- (a) to maintain order and keep the peace at any polling held by him; and
- (b) to cause to be removed any person who obstructs the approaches to any polling booth or wilfully or unnecessarily obstructs or delays the proceedings at the polling or conducts himself in a disorderly manner or causes a disturbance at any poll.

(2) All members of the Police Force shall aid and assist the returning officer or any deputy in the performance of his duty.

Poll not to be void for want of or defect in title of officers.

35. (1) No poll shall 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 poll or any polling for the same 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 poll or polling.

(2) (a) Where any accidental or unavoidable impediment misfeasance or omission has happened, the Governor in Council may by Order—

Governor in Council to take measures to cure defect.

- (1) take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission; or

- (ii) declare any or all of the proceedings at or for the poll or any polling thereat valid as to and notwithstanding such impediment misfeasance or omission.
- (b) 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*.
36. Every person to whom a ballot-paper has been delivered shall—
- How vote to be recorded.
- (a) forthwith retire alone to some unoccupied compartment of the polling booth;
 - (b) there alone and without delay mark his vote on the ballot-paper in manner required by these Rules.
 - (c) forthwith fold up the ballot-paper in such manner as will conceal the vote; and
 - (d) deposit it in the ballot-box in the presence of the returning officer or deputy.
37. (1) Every elector shall record his vote by placing the number 1 in the square on the ballot-paper opposite the answer for which he desires to give his vote.
- Mode of voting.
- (2) Any ballot-paper which does not contain the number 1 in the square opposite one of the answers or which contains the number 1 in the square opposite each of the answers shall be informal and shall not be counted, but otherwise a ballot-paper shall not be rejected for informality.
- Informal votes.
38. The procedure by the returning officer and deputy returning officers to ascertain the number of votes for and against the resolution submitted shall be as follows:—
- Procedure to ascertain number of votes.
- (a) Immediately upon the close of the poll the returning officer and every deputy at the polling booth at which each presides shall in the presence and subject to the inspection of such of the scrutineers as choose to be present and the poll clerk (if any) and of no other persons—

The counting of votes at the polling booth.

 - (i) open each ballot-box at such polling booth;
 - (ii) count all votes given for and against the resolution; and
 - (iii) make and keep a record of the number of votes counted from each ballot-box.
 - (b) Each deputy shall in respect of the polling booth at which he presides—

Duties of deputies.

 - (i) certify a list of the number of such votes given for and against the resolution, verified as well by the signature of the deputy and the poll clerk (if any) as by the signatures of such of the scrutineers as are present and consent to sign the same;
 - (ii) make out an account verified as aforesaid in which such deputy shall charge himself with the number of ballot-papers originally delivered to him specifying therein the number thereof delivered to and used by voters and the number not so delivered or left unused and the number set aside for separate custody and the number cancelled as spoilt;
 - (iii) make up in one parcel the ballot-papers which have been used in voting at the said polling booth during the polling; in another separate parcel the ballot-papers which have remained unused thereat; in another separate parcel the ballot-papers which have been set aside for separate custody thereat and also the ballot-papers cancelled as spoilt; and in another separate parcel the certified copy of the roll supplied to the said deputy (which shall be signed by him) and all books rolls and papers kept or used by him during the polling;
 - (iv) seal up the said several parcels and permit any scrutineer who desires so to do to affix his seal to such parcels;

- (v) endorse the said parcels severally with a description of the contents thereof and with the name of the polling booth and the date of polling and sign his name to such endorsement; and
- (vi) transmit such list and such account and such sealed parcels to the returning officer.

Duties of returning officer at the booth at which he presides.

- (c) The returning officer shall in respect of the polling booth at which he presides—

- (i) make out a list of votes given for and against the resolution and a like account of the ballot-papers as herein required in the case of deputies duly verified by the signatures of the returning officer, the poll clerk (if any) and of such of the scrutineers as are present and consent to sign the same; and
- (ii) seal up in separate parcels in respect of the said polling booth the ballot-papers books rolls and papers used by him during the polling and endorse the same in like manner as is herein required in the case of deputies.

Further general duties of returning officer to ascertain the result of the voting.

- 39. The returning officer shall as soon as practicable—

- (i) ascertain from the list made out by himself as aforesaid and the certified lists received from the deputies the number of votes given for and against the resolution; and
- (ii) add the votes so given to the votes given by the allowed postal ballot-papers so as to ascertain the total number of votes given for and against the resolution respectively.

Adjournment of count of votes.

- 40. (1) If on the date of the polling the count of the votes by the returning officer cannot be completed he shall adjourn such count and inform the scrutineers and the officers appointed to assist him at such count as regards the time and place when and where such count will be continued and conducted by him.

Further adjournments.

- (2) The count of the votes may from time to time be adjourned as the returning officer deems necessary until it has been duly completed; and each adjournment shall be announced by the returning officer to the scrutineers and the officers assisting him.

Before adjournment ballot-papers &c. to be sealed in ballot-boxes.

- (3) Before every adjournment of the count of the votes—

- (a) all ballot-papers and other documents connected with such count shall be placed in one or more ballot-boxes; and
- (b) the returning officer shall then in the presence of such scrutineers and officers as are present seal such ballot-box or boxes; and before recommencing the count the seal on such ballot-box or boxes shall be exhibited unbroken to such of the scrutineers and officers as are present.

Recount of votes.

- 41. (1) At any time before the result of the voting is notified by the Chief Electoral Officer in the *Government Gazette* pursuant to the provisions of the Licensing Acts, the Chief Electoral Officer in the presence of any scrutineer (if present) appointed pursuant to these Rules, may, if he thinks fit, and shall, if directed by the Chief Secretary, open all or any of the sealed parcels containing ballot-papers and recount the votes contained therein.

- (2) In conducting such a recount the Chief Electoral Officer shall have all of the powers conferred by these Rules upon the returning officer or any deputy returning officer in relation to the ascertainment of the number of votes polled for or against the resolution and may reverse any decision in relation to such ascertainment as to the allowance and admission or disallowance and rejection of any ballot-paper.

- (3) The decision of the Chief Electoral Officer as to whether any ballot-paper is to be allowed and admitted or disallowed and rejected at a recount shall be final and binding.

Separate parcels to be enclosed in packets according to class and sealed &c.

- 42. (1) The returning officer shall as soon as practicable after the date of the polling enclose in separate packets all the parcels transmitted to him as provided in these Rules and those made up and sealed by himself in respect of the polling booth at which he has presided.

(2) He shall enclose in one separate packet all parcels of used ballot-papers except used ballot-papers herein specifically provided for; in another all parcels of unused ballot-papers including all ballot-papers which have been printed for the poll and not distributed for use to his deputies; in another all parcels of ballot-papers set aside under these Rules and also all ballot-papers cancelled as spoilt; and in another all parcels containing copies of rolls books and other papers.

(3) He shall seal up the several packets and endorse the same with a description of the contents thereof respectively and the date of the polling and sign his name to such endorsement.

(4) Such packets shall be safely kept by the Chief Electoral Officer for such period as the Chief Secretary directs.

(5) Any ballot-paper, and any copy of a roll, and any book purporting to be taken from any such parcel and having written thereon respectively under the hand of the Chief Electoral Officer a certificate of the several particulars required by these Rules to be endorsed upon such parcel and that the same was so taken from such parcel shall be evidence in any court or before any justice that the same was so taken and that the same if a ballot-paper was deposited and if a roll or book was kept or used at the poll and booth to which such endorsement and writing relate.

Ballot-papers and copies of rolls and books to be evidence.

43. (1) Any person entitled to vote at a poll about to be held who satisfies the returning officer—

Applications for postal ballot-papers.

- (a) that he has reason to believe that on the polling day during the hours of polling he will not be within five miles of the nearest polling place at which he is entitled to vote; or
- (b) 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 but not earlier than the twenty-first day before such polling day make application in accordance with Form D in the Second Schedule hereto to the returning officer for a postal ballot-paper enabling him to vote through the post at the poll instead of attending personally to tender his vote thereat:

Provided that every application for a postal ballot-paper shall, where the postal ballot-paper is to be forwarded to the applicant, require that it be posted addressed to him at his place of living at the time when it would be delivered in the ordinary course of post (which place shall be specified in the application), and every postal ballot-paper posted to an applicant shall be addressed accordingly.

(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 five 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.

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

Application to be signed in presence of authorized witness.

(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 elector shall exhibit his form of application to an authorized witness;
- (ii) the elector 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 elector; 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.

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

- (i) has satisfied himself as to the identity of the elector;
- (ii) has seen the elector sign the application in the elector's own handwriting; and

- (iii) knows that the statements contained in the application are true or has satisfied himself (whether by inquiry from the elector or otherwise) that the said statements are true.
- (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.
- (d) An authorized witness shall not—
- (i) visit any elector for the purpose of witnessing the signature of such elector to his application for a postal ballot-paper; or
 - (ii) witness the signature of any elector to any such application in any place other than the ordinary residence or place of business of the authorized witness:
- Provided that if any elector desires to make application for a postal ballot-paper and is unable on account of ill health or infirmity to present himself before an authorized witness any member of the Police Force or other authorized witness when so requested by any such elector in writing may visit such elector for the purpose of witnessing his signature to such application.
- (e) Every authorized witness guilty of any contravention of or failure to observe any of the provisions of this Rule shall be liable to a penalty of not more than Twenty pounds.
- (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 at the office of the returning officer.

Authorized witness not to induce &c. persons to apply for postal ballot-papers. Authorized witness not to visit elector to witness signature to application except on account of ill health or infirmity.

Proviso.

Penalty.

On application returning officer to supply postal ballot-paper.

44. (1) (a) On receiving from an elector an application for a postal ballot-paper the returning officer having ascertained that the name of the applicant is upon the roll to be used at the poll 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, shall, but not earlier than the twenty-first day before the polling day, deliver to the applicant or post to him at the postal address named in the application a postal ballot-paper (with a counterfoil attached) in accordance with Form E in the Second Schedule hereto together with an envelope addressed to such returning officer. 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 accordance with Form F in the Second Schedule hereto.

Folding of ballot-paper.

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

Effect of immaterial error.

45. No application for a postal ballot-paper 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 these Rules to be contained therein if the returning officer is satisfied that the applicant is entitled to a postal ballot-paper:

Proviso.

Provided that every application for a postal ballot-paper shall, where the postal ballot-paper is to be forwarded to the applicant, require that it be posted addressed to him at his place of living at the time when it would be delivered in the ordinary course of post (which place shall be specified in the application), and every postal ballot-paper posted to an applicant shall be addressed accordingly.

Initialing of ballot-papers.

46. (1) The returning officer shall—

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

(2) On the counterfoil the returning officer shall also write the number on the roll of the elector to whom the postal ballot-paper is issued.

47. (1) The returning officer shall on the rolls to be used at the poll note opposite the applicant's name wherever it appears the fact that such postal ballot-paper has been issued to such applicant and the date of such issue. Record of issue of postal ballot-paper.

(2) In case there is not time to note the fact of the issue of any postal ballot-paper on every such roll on which such applicant's name appears which is to be used at the poll 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. Notification to deputy returning officers.

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

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

(2) The elector shall in the presence of the authorized witness but so that the witness cannot see the vote mark his vote on such postal ballot-paper.

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

(a) shall mark his vote on the ballot-paper and shall (if the elector so desires) mark the same in the presence of another person; or

(b) shall permit some other person appointed by the elector to mark the ballot-paper for him.

(4) The elector shall then refold the ballot-paper and fasten the same.

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

(6) 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.

(7) The elector 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.

49. The authorized witness shall—

(a) see that the foregoing directions are substantially complied with; Duty of authorized witness.

(b) refrain from looking at the vote given by the elector except where the elector cannot vote without assistance and the elector requests his assistance;

(c) not disclose any knowledge officially acquired by him touching the vote of the elector, save in answer to some question which he is legally bound to answer.

50. (1) An authorized witness shall not—

(a) visit any elector for the purpose of witnessing the signature of such elector to his postal ballot-paper; Witnessing signature to postal ballot-paper or counterfoil.

(b) witness the signature of any elector 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 elector to his postal ballot-paper unless the authorized witness has satisfied himself as to the identity of the elector and has seen the elector sign the counterfoil in the elector's own handwriting:

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

(2) Every authorized witness guilty of any contravention of any of the provisions of this Rule or the next preceding Rule shall be liable to a penalty of not more than Twenty pounds. Penalty.

Elector who has received postal ballot-paper not to vote personally without giving up such paper.

51. (1) Except as provided in the next succeeding Rule no elector to whom a postal ballot-paper for the poll has been sent shall be entitled to vote personally at such poll unless he previously gives up such postal ballot-paper unmarked to the returning officer or deputy at the polling place at which he is entitled to vote.

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

Provision when elector claims to vote although postal ballot-paper already issued.

52. (1) If an elector 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 delineated neighbourhood the returning officer or deputy at such booth may take from such elector a declaration in accordance with Form G in the Second Schedule hereto. Thereupon such elector shall be entitled to vote personally at the poll and his vote shall be taken in the ordinary way.

(2) If such vote is received by the deputy returning officer he shall immediately advise the returning officer of the fact of such elector 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 elector 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.

53. (1) The returning officer or deputy shall before any person personally tendering his vote at the poll receives a ballot-paper (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 enabling you to vote at this poll to-day?

Refusal &c. to answer.

(2) 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 unmarked shall be and be deemed prohibited from voting then and afterwards at the poll, and shall be guilty of an offence, and shall be liable to a penalty of not more than Twenty pounds.

Penalty for false answer.

(3) 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 Twenty pounds.

Inclusion of votes through the post at close of poll.

54. When upon the close of the poll the returning officer is proceeding to ascertain the number of votes for and against the resolution submitted, 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 vote 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) The provisions of Rule 37 in regard to the rejection of invalid ballot-papers shall apply to postal ballot-papers.
- (e) Any postal ballot-paper not witnessed as required by these Rules shall be disallowed by the returning officer.
- (f) The returning officer shall attach all the counterfoils together.
- (g) The list of the number of votes given for and against the resolution shall show separately the votes tendered personally and the votes given by postal ballot-papers.

(h) If the returning officer disallows a postal ballot-paper then such ballot-paper shall be included in the sealed parcel of ballot-papers set aside for separate custody.

55. Notwithstanding anything in these Rules—

(a) all applications for postal ballot-papers and all counter-foils of postal ballot-papers received by the returning officer—

Preservation
of
applications
and
counterfoils.

(i) shall not be made up or enclosed in the separate parcels or separate packets otherwise required to be sealed up in accordance with these Rules but shall be made up and enclosed in a special packet which shall be endorsed with a description of the contents and the date of the polling (which endorsement shall be signed by the returning officer);

(ii) shall be safely kept by the Chief Electoral Officer for such period as the Chief Secretary directs; and

(iii) shall be open to public inspection at all convenient times during office hours at the office of the Chief Electoral Officer until the expiration of such period as aforesaid;

Applications
and
counterfoils
open to
public
inspection.

(b) any application for a postal ballot-paper and any counter-foil of a postal ballot-paper taken from any such special packet and having written thereon respectively under the hand of the Chief Electoral Officer a certificate of the several particulars required by this Rule 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—

Applications
and
counterfoils
to be
evidence.

(i) that the same was so taken;

(ii) that the same, if an application, was received by the returning officer (at the poll 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 counter-foil of a postal ballot-paper used at the said poll.

56. (1) The following persons shall be deemed guilty of bribery:—

Certain
offences to
be 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.

(b) Every elector who directly or indirectly makes overtures to any 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 Rules provided) parts with the possession of any postal ballot-paper.

(c) Every person who directly or indirectly by himself or by any other person on his behalf gives or lends or agrees to give or lend, or offers, promises or procures or promises or endeavours to procure, any money or valuable consideration to or for any elector or any other person on behalf of any elector in order to induce any elector to vote or refrain from voting, or knowingly does any such act as aforesaid on account of such elector having voted or refrained from voting at the poll.

(d) Every person who directly or indirectly by himself or by any other person on his behalf gives or procures or agrees to give or procure or offers promises or promises to procure or to endeavour to procure any office place or employment to or for any elector or any other person, or who retains or dismisses any elector or other person in or from any office place or employment in order to induce such elector to vote or refrain from voting or knowingly does any such act as aforesaid on account of any elector having voted or refrained from voting at the poll.

- (e) Every person who directly or indirectly by himself or by any other person on his behalf makes any such gift loan offer promise procurement or agreement as aforesaid to or for any person in order to induce such person to procure the vote of any elector at the poll.
- (f) Every person who upon or in consequence of any such gift loan offer promise procurement or agreement procures or engages promises or endeavours to procure the vote of any elector at the poll.
- (g) Every person who advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at the poll or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at the poll.
- (h) Every elector who before or during the poll directly or indirectly by himself or by any other person on his behalf receives agrees or contracts for any money or valuable consideration office place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting or for inducing any other person to vote or to refrain from voting at such poll.
- (i) Every person who before during or after the poll directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any person to vote or to refrain from voting at such poll.

Bribery on
the part of
electors.

Penalty.

(2) Every elector or person so offending shall be liable to a penalty of not more than Twenty pounds and shall also be incapable of voting at the poll.

Making false
application
an offence.

57. 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 liable to a penalty of not more than Twenty pounds.

False
declaration
perjury.

58. Every person who wilfully makes and subscribes any declaration in relation to postal voting 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.

59. Every person who—

- (a) directly or indirectly requires induces or attempts to induce any person to show by producing his postal ballot-paper how he intends to vote at the poll; or
- (b) unless authorized by these Rules marks any postal ballot-paper not issued to such person; or
- (c) opens any envelope addressed to the returning officer not being duly authorized so to do by such returning officer—

shall be guilty of an offence and shall be liable to a penalty of not more than Twenty pounds.

Inducing
persons to
vote for or
against the
resolution by
bribery or
intimidation.

60. (1) 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 for or against the resolution submitted shall be guilty of an offence and shall be liable to a penalty of not more than Twenty pounds to be recovered in a summary way before a court of petty sessions by any person who sues for the same.

(2) Bribery or intimidation shall for the purposes of this Rule 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.

61. The following persons being resident in Victoria shall be authorized witnesses in and for Victoria in relation to postal voting:—

All returning officers and electoral registrars appointed under any Act relating to elections for the Legislative Council or the Legislative Assembly; all substitute returning officers; 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 commissioned officers of the naval, military or air forces of the Commonwealth; 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.

62. Every person who gives or causes to be given to any elector during the poll on account of such elector having voted or being about to vote any meat drink or entertainment by way of refreshment or any money or ticket to enable such elector to obtain refreshment shall be liable to a penalty of not more than Twenty pounds, and shall also be incapable of voting at such poll. Penalty for treating.

63. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force violence or restraint, or inflicts or threatens the infliction by himself or by or through any other person of any injury damage harm or loss, or in any other manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at the poll, or who by abduction duress or any fraudulent device or contrivance impedes prevents or otherwise interferes with the free exercise of the franchise by any elector, or thereby compels or induces or prevails upon any elector either to give or refrain from giving his vote at such poll shall be liable to a penalty of not more than Twenty pounds. Intimidation.

64. (1) Every person who makes any wager bet or other risk of any nature whatsoever upon the result of the poll shall be liable to a penalty of not more than Twenty pounds. Wagers &c. on result of poll prohibited.

(2) Every such wager bet or other risk shall be an illegal act.

65. (1) Every person not being duly authorized who wears carries or has on or about his person any gun pistol sword bludgeon or other offensive weapon at the poll, shall be liable to a penalty of not less than Two nor more than Twenty pounds. Carrying offensive weapons at the poll punishable.

(2) Every person so offending shall be liable to be apprehended by a member of the Police Force either upon the view of such member or by direction of the returning officer or any deputy returning officer, and when so apprehended shall be conveyed to any place of confinement until he can be brought before a justice to be dealt with according to law.

66. Every person who at the poll—

- (a) knowingly makes a false answer to any question put to him in accordance with the provisions of these Rules or to any part of such question; or False answers to questions &c. or double voting an offence.
 - (b) being required to sign his name as in these Rules provided wilfully writes as his own name the name of any other person or any name not being his own name; or
 - (c) personates any elector for the purpose of voting; or
 - (d) votes twice; or
 - (e) knowingly deposits in the ballot-box at any polling place more ballot-papers than one—
- shall be liable to a penalty of not more than Twenty pounds.

67. Save in compliance with the express provisions of these Rules every person who without the lawful command of some competent court wilfully breaks the seal of or opens any sealed parcel or sealed packet of ballot-papers, certified copies of rolls books rolls and papers which have been sealed in accordance with the provisions of these Rules shall be liable to a penalty of not more than Twenty pounds. Penalty for breaking seal of or opening parcel or packet.

68. (1) The returning officer or the substitute of the returning officer or any deputy returning officer, poll clerk or scrutineer who in the discharge of his duties under these Rules at or concerning the poll learns or has the means of learning how any person votes or has voted at such poll, shall 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 he is legally bound to answer or in compliance with the express provisions of these Rules. Violation of secrecy by officers &c.

(2) If the returning officer or the substitute of the returning officer or any deputy poll clerk or scrutineer knowingly offends against the provisions of this Rule he shall be liable to a penalty of not more than Twenty pounds.

Application of No. 3560, Part V, Division 20, and regulations.

69. The provisions of Division 20 of Part V. of *The Constitution Act Amendment Act* 1928 and the regulations made thereunder relating to compulsory voting at elections for the Legislative Assembly shall with such adaptations as are necessary apply to the taking of the vote at the poll.

Provision for persons unable to write.

70. Except as provided in this Rule any person who is in effect required by or under these Rules to sign his name and who is unable to write may make his distinguishing mark which shall save as otherwise expressly provided be attested by some other person:

Provided that where any person is required to sign as a witness or as an official or where any person is required to sign in his own handwriting he shall not sign by means of a distinguishing mark.

False statements or declarations.

71. Every person who knowingly makes a false statement in any claim application or declaration under these Rules shall save as otherwise expressly provided in these Rules be liable to a penalty of not more than Twenty pounds.

Limitation of time.

72. Save where it is otherwise provided no person shall be liable to any penalty or forfeiture imposed by the provisions of these Rules unless the prosecution for the offence committed is commenced against such person within the space of three months next after such offence has been committed.

Appropriation of moneys.

73. All moneys received by the Chief Electoral Officer under the provisions of these Rules with respect to compulsory voting shall be deemed to be received on account of and be paid to the Licensing Fund.

Expense rate.

74. Subject to the provisions of the Licensing Acts and these Rules, the Chief Electoral Officer is hereby authorized to pay all reasonable costs and expenses incurred by him in connexion with the conduct of any poll and the determination of the result thereof:

Provided that, without derogating therefrom in any other respects, the authority of the Chief Electoral Officer under this Rule shall include—

- (a) the payment to deputy returning officers and poll clerks of fees and allowances in accordance with the scale of payments for the time being prescribed by the Victorian Parliamentary Elections Regulations in respect of elections for the Legislative Assembly;
- (b) the payment of such allowances as may be approved by the Chief Secretary—
 - (i) to any Electoral Registrar for the Legislative Assembly for work performed in connexion with the compilation of any roll of electors for the purpose of the poll;
 - (ii) to the returning officer for duties performed outside normal office hours or to his substitute for duties performed on behalf of the returning officer.

Keeping of separate account and forwarding summary thereof and receipts to Auditor-General.

75. (1) The Chief Electoral Officer shall—

- (a) keep a separate account of all moneys advanced to him and of all moneys expended by him at and about any poll; and
- (b) not more than two months after the day of polling, send to the Auditor-General—
 - (i) a summary of the transactions shown in such separate account and relating to all moneys so advanced to him; and
 - (ii) all receipts accounts and vouchers relating to the same.

Duties of Auditor-General with respect to accounts &c.

(2) (a) The Auditor-General shall forthwith examine and compare the same respectively, and shall immediately after such examination and comparison sign and send to the Chief Electoral Officer an acquittance for so much of such moneys as has been ascertained by him to have been duly and properly expended.

(b) For the said purposes the Auditor-General shall have all the powers conferred upon him by any Act relating to the collection and audit of the public moneys and accounts.

FIRST SCHEDULE.

See Rule 14.

LICENSING POLL RULES 1956.

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 Licensing Acts. as substitute of the returning officer (or deputy returning officer or relieving deputy returning officer or poll clerk as the case may be) with regard to the poll to be taken in the.....neighbourhood on Saturday, the.....day of.....19....., and I do further solemnly promise and declare that I will not at the said poll attempt to ascertain (add in the case of a substitute or of a deputy returning officer or of a relieving deputy returning officer save in the cases in which I am expressly authorized by law so to do) how any person shall vote or have voted at the said poll; and that if in the discharge of my duties at or concerning the said poll I learn or have the means of learning how any person shall vote or have voted thereat, I will not by word or act or by 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 Licensing Poll Rules 1956.

Dated this.....day of.....19.....

(Signed) (A.B.).....

SECOND SCHEDULE.

See Rule 9.

FORM A.

LICENSING POLL RULES 1956.

Form of Ballot-Paper.

Resolution—That a.....licence be granted in (or, removed to) the neighbourhood of.....in the.....Licensing Area.

YES
NO

Directions to the Voter.

If you desire to vote FOR the grant (or removal) of a.....licence place the number 1 in the square opposite the word "YES".

If you desire to vote AGAINST the grant (or removal) of a.....licence place the number 1 in the square opposite the word "NO".

The ballot-paper when you have indicated thereupon your vote must be folded up so as to conceal the vote and dropped into the ballot-box. You must not take the ballot-paper out of the polling booth.

FORM B.

See Rule 27 (3).

LICENSING POLL RULES 1956.

State of Victoria.

DECLARATION BY NATURALIZED PERSON FAILING TO PRODUCE LETTERS OF NATURALIZATION.

I,.....of.....do solemnly and sincerely declare that—

- (1) I am a naturalized subject of Her Majesty.
- (2) I was naturalized at.....in the year.....
- (3) I am unable to produce my Letters of Naturalization for the following reason:—

(Signed).....

Signed and declared at.....polling booth this.....day of.....19....., before me—

Returning Officer or Deputy Returning Officer.

Any person who knowingly makes a false statement in any declaration shall be liable to a penalty of not more than Twenty pounds.

FORM C.

See Rule 31.

LICENSING POLL RULES 1956.

State of Victoria.

.....Polling Booth.....neighbourhood.

This envelope contains the ballot-paper of a person who tendered his vote as No. (number on Roll).....(full name).....on the Roll used at the Poll held on the.....day of.....19..... for the above-mentioned neighbourhood, such person being the second person who tendered a vote in that name.

Returning Officer or Deputy Returning Officer.

See Rule 43.

FORM D.

LICENSING POLL RULES 1956.

Application for a Postal Ballot-paper.

To the Returning Officer for the Poll for the.....neighbourhood.
I, (insert Christian or other name or names, and surname)

.....
of (insert residence and occupation).....
hereby apply for a postal ballot-paper.

(1) I am an elector for the.....neighbourhood.

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

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

My reasons for this belief are:—

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

* NOTE.—The elector will strike out whichever of the above grounds does not apply to his particular case, as only one ground is necessary for the application.

(3) I request that the postal ballot-paper may be forwarded to me at my place of living at the time when the postal ballot-paper would be delivered in the ordinary course of post which will be (state address to which postal ballot-paper is to be sent) or (as the case may be) be delivered to me personally.

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

Signature of }
Authorized Witness } (in own handwriting.)

.....
(Title under which witness acts as an Authorized Witness.)

Residence of Authorized Witness

Signature }
of Elector } (in own handwriting.)

Dated at.....this.....day of..... 19.....

Caution.—Any person making a false statement in an application is liable to a penalty of not more than Twenty pounds.

Authorized Witnesses.

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

All returning officers and electoral registrars appointed under any Act relating to elections for the Legislative Council or the Legislative Assembly; all substitute returning officers; 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 commissioned officers of the Naval, Military, or Air Forces of the Commonwealth; 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.

Instructions to Elector and Authorized Witness.

(a) When so much of the form of application as precedes the places for the signatures has been filled in and otherwise completed, the elector shall exhibit his form of application to an authorized witness.

(b) The elector 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 elector.

(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 elector on any application for a postal ballot-paper unless the authorized witness—

(i) has satisfied himself as to the identity of the elector;

(ii) has seen the elector sign the application in the elector's own handwriting; and

(iii) knows that the statements contained in the application are true or has satisfied himself (whether by inquiry from the elector 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.

- (c) An authorized witness shall not—
- (i) visit any elector for the purpose of witnessing the signature of such elector to his application for a postal ballot-paper; or
 - (ii) witness the signature of any elector to any such application in any place other than the ordinary residence or place of business of the authorized witness:

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

Any authorized witness guilty of any of these offences is liable to a penalty of not more than Twenty pounds.

FORM E.
LICENSING POLL RULES 1956.
Form of Postal Ballot-paper.

See Rules 9,
44 (1).

Resolution.—That a..... licence be granted in (or removed to) the neighbourhood of..... in the..... Licensing Area.

YES
NO

Directions to the Voter.

If you desire to vote FOR the grant (or removal) of a..... licence place the number 1 in the square opposite the word "YES".

If you desire to vote AGAINST the grant (or removal) of a..... licence place the number 1 in the square opposite the word "NO".

Counterfoil.

..... Neighbourhood.

No. of Application.

Roll No.

I declare that I have not already posted a ballot-paper in respect of the present poll and that I am a natural-born or naturalized subject of Her Majesty.

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 Elector.

- (a) The elector shall exhibit his postal ballot-paper (unmarked) to an authorized witness.
- (b) The elector shall in the presence of the authorized witness but so that the witness cannot see the vote record his vote on such ballot-paper.
- (c) If the elector's sight is so impaired that he is unable to vote without assistance the authorized witness, at the request of the elector, shall mark his vote on the ballot-paper and shall (if the elector so desires) mark the same in the presence of another person or shall (if the elector so desires) permit some other person appointed by the elector to mark the ballot-paper for him.
- (d) The elector shall then refold the ballot-paper and fasten the same.
- (e) The elector shall then sign his name in his own handwriting on the counterfoil in the place provided for the signature of the voter.
- (f) 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.
- (g) The elector 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.
- (h) This ballot-paper cannot be counted at the poll unless it is received by the Returning Officer through the post 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 elector except where the elector cannot vote without assistance, and the elector requests his assistance.
- (c) Not disclose any knowledge officially acquired by him touching the vote of the elector, save in answer to some question which he is legally bound to answer.

An authorized witness shall not—

- (a) Visit any elector for the purpose of witnessing the signature of such elector to his postal ballot-paper.
- (b) Witness the signature of any elector to his postal ballot-paper at any place other than the ordinary residence or place of business of the authorized witness.

- (c) Witness the signature of any elector to his postal ballot-paper unless the authorized witness has satisfied himself as to the identity of the elector and has seen the elector sign the counterfoil in his own handwriting:

Provided that if any elector has received a postal ballot-paper and is unable on account of ill-health or infirmity to present himself before an authorized witness any member of the Police Force or other authorized witness when so requested by any such elector in writing may visit such elector 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 Twenty pounds.

See Rule 44
(1) (b).

FORM F.
LICENSING POLL RULES 1956.
State of Victoria.

As Returning Officer for the poll for the _____ neighbourhood I desire to inform you that, on the basis of your application for a postal ballot-paper, I am not satisfied that you are entitled to vote by post at the poll to be held on the _____ day of _____ 19 _____ because—

- *1. The application is not signed by you.
- *2. The application is not properly witnessed.
- *3. Your name does not appear on the certified roll in respect of the place of residence stated in your application.
- *4. The application does not indicate the ground or grounds on which you apply to vote by post.
- *5. You have not filled in Paragraph (3) of your application which requires you to state therein a forwarding address being your place of living for the time being.
- *6. The forwarding address given by you in Paragraph (3) of your application does not appear to me to be your place of living for the time being.

Therefore, in order to vote at the poll—

(if circumstances permit) you will have to attend personally at a polling booth and tender your vote.

(if time and circumstances permit) you may complete and return to me a fresh form of application for a postal ballot-paper.

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

Dated at _____ this _____ day of _____, 19 _____
Returning Officer.

NOTE.—(1) The Licensing Poll Rules 1956 preclude an elector from voting whilst absent from Victoria.

(2) An application for a postal ballot-paper cannot be granted unless it reaches the Returning Officer before the polling day.

(3) Unless a completed postal ballot-paper is received through the post before 8 p.m. on polling day, it cannot be admitted to the count.

See Rule 52
(1).

FORM G.
LICENSING POLL RULES 1956.
State of Victoria.

Declaration of Elector to whom a Postal Ballot-paper has been issued claiming to Vote at Polling Booth.

I, _____, residing at _____, do hereby declare that my name is included in the certified roll for the _____ neighbourhood, and that I have not received a postal ballot-paper entitling me to vote by post at the poll and that I desire to vote personally at such poll.

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 Murray Victor Porter, for and on behalf of Her Majesty's Chief Secretary for the State of Victoria, shall give the necessary directions herein accordingly.

A. MAHLSTEDT,
Clerk of the Executive Council.