

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 13 of 1928.

## AN ORDINANCE

To provide for the taking of a poll in relation to the possession or sale of liquor in the Territory for the Seat of Government.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910, as follows :—

### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Liquor Poll Ordinance* 1928. Short title.

2. This Ordinance is divided into Parts, as follows :— Parts

PART I.—Preliminary

PART II.—Provision for taking a Poll.

PART III.—Enrolment.

PART IV.—Objections.

PART V.—Voting by Post.

PART VI.—The Polling.

PART VII.—The Scrutiny.

PART VIII.—Offences.

PART IX.—Miscellaneous

3. In this Ordinance, unless the contrary intention appears :— Definitions.

“Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth appointed under the provisions of the *Commonwealth Electoral Act* 1918–1928 ;

“Liquor” means any spirituous or fermented liquor of an intoxicating nature used or intended to be used as a beverage ;

“Officer” includes the Chief Electoral Officer, Registrar, presiding officer, assistant presiding officer, poll clerk, and doorkeeper ;

“Voter” means any person whose name appears on the Roll of Voters in respect of the Liquor Poll to be taken pursuant to this Ordinance.

## PART II.—PROVISION FOR TAKING A POLL.

Taking of a poll.

4. On the first Saturday in September, One thousand nine hundred and twenty-eight, there shall be taken a vote by ballot of persons enrolled in pursuance of this Ordinance for the purpose of ascertaining the order of their preference in respect of the following methods of dealing with the liquor question :—

- (a) The prohibition of the possession of liquor in the Territory ;
- (b) The continuance of the present law in force in the Territory prohibiting the sale of liquor ;
- (c) The sale of liquor in the Territory under public control ;
- (d) The sale of liquor in the Territory in licensed premises.

Poll to be conducted by Chief Electoral Officer.

5. The Chief Electoral Officer shall have the conduct of the poll taken in pursuance of this Ordinance.

Notification of the taking of the poll.

6. The Chief Electoral Officer shall cause a notice to be published in the *Gazette* and in any newspaper published in the Territory, of the date of the taking of the poll.

Appointment of officers.

7. The Chief Electoral Officer may appoint a Registrar and such officers and persons as he thinks necessary for the purpose of assisting in the taking of the poll.

Polling places.

8. The poll shall, subject to this Ordinance, be taken at such polling places in the Territory as are appointed by the Chief Electoral Officer by notice in the *Gazette*.

Hours of voting.

9. The poll shall open at 8 o'clock in the morning and shall not close until all voters present in the polling booths at 8 o'clock in the evening and desiring to vote have voted.

## PART III.—ENROLMENT.

Qualifications for enrolment and voting.

10. Every person not under twenty-one years of age, whether male or female, married or unmarried—

- (a) who is a natural-born or naturalized subject of the King ;
- (b) who has lived in Australia for six months continuously ; and
- (c) who lives in the Territory and has so lived for a period of one month immediately preceding the date of his claim for enrolment in pursuance of this Part of this Ordinance,

shall be entitled to enrolment and to vote subject to the provisions of this Part and Parts IV., V. and VI. of this Ordinance.

The Roll.

11. For the purposes of this Ordinance there shall be a Roll of Voters for the Territory.

Form of Roll.

12. The Roll may be in accordance with Form 1 in the Schedule, and shall set out the surname, Christian names, place of living, occupation and sex of each voter.

Inclusion of names in Roll.

13—(1.) Names may be included in the Roll pursuant to claims for enrolment.

(2.) A claim may be in accordance with Form 2 in the Schedule and shall be signed by the claimant with his personal signature and attested by a voter or person qualified to be a voter who shall sign his name as witness in his own handwriting.

14—(1.) Every person who is entitled to have his name placed on the Roll shall forthwith fill in and sign a claim in accordance with Form 2 in the Schedule and send or deliver the claim to the Registrar appointed in that behalf by the Chief Electoral Officer. Compulsory enrolment.

(2.) Every person who is entitled to have his name placed on the Roll and whose name is not on the Roll upon the expiration of twenty-one days from the date upon which he became so entitled shall be guilty of an offence, unless he proves that his non-enrolment is not in consequence of his failure to send or deliver to the Registrar a claim for enrolment duly filled in, signed and witnessed in accordance with the directions thereon.

Penalty: Two pounds.

15. Upon receipt of a claim for enrolment the Registrar shall— Registration of claim.

(a) note on the claim the date of its receipt by him;

(b) if the claim is in order and he is satisfied that the claimant is entitled to be enrolled, forthwith—

(i) enter on the Roll the name of the claimant and the particulars relating to him; and

(ii) notify the claimant that he has been enrolled.

16.—(1.) The Registrar, on receipt of a claim, shall, if he is not satisfied that the claimant is entitled to be enrolled in pursuance of the claim, forthwith— Reference of claims to Chief Electoral Officer.

(a) refer the claim, with such observations as he thinks proper, to the Chief Electoral Officer for his decision; and

(b) send to the claimant a notification that the claim has been so referred.

(2.) After the Chief Electoral Officer has made such inquiry as is necessary to enable him to decide the claim, he shall forthwith return the claim to the Registrar, and notify the Registrar of his decision, and, if he decides to reject the claim, the reason for such decision.

(3.) If the Chief Electoral Officer decides that the claimant is entitled to enrolment pursuant to the claim, the Registrar shall forthwith enrol the claimant and send to him a notification that he has been so enrolled.

17. The claim of any person whose claim is received after twelve o'clock, noon, on the fourth day of August One thousand nine hundred and twenty-eight, shall not be included in the Roll. Closing of the Roll.

18.—(1.) Sub-section (1.) of section forty-seven of the *Commonwealth Electoral Act 1918-1928* shall, so far as applicable, apply, in relation to the poll taken under this Ordinance, to the extent that the Registrar may make such alterations or corrections in the Roll as are specified in that section. Correction of Roll.

(2.) For the purposes of the application of sub-section (1.) of section forty-seven of the *Commonwealth Electoral Act* 1918-1928 in relation to the Poll taken under this Ordinance any reference to a Divisional Returning Officer shall be read as a reference to the Chief Electoral Officer.

#### PART IV.—OBJECTIONS.

Names on Roll  
may be  
objected to.

19. Any name on the Roll may be objected to by objection in writing lodged with or made by the Registrar :

Provided that a sum of five shillings shall be deposited in respect of each objection lodged by any person other than the Registrar, to be forfeited to the King if the objection is held by the Chief Electoral Officer to be frivolous.

Objection.

20. The objection shall be signed by a voter enrolled on the Roll, or by the Registrar, as the case requires, and shall set out the ground of objection.

Notice of  
objection.

21.—(1.) When an objection is lodged with or made by the Registrar he shall forthwith transmit it to the Chief Electoral Officer, who shall give notice of the objection to the person objected to.

(2.) The notice may be served by being posted to the address, as appearing on the Roll, of the person objected to.

(3.) Where the Chief Electoral Officer is satisfied that the ground of objection stated in any objection is not a good ground of objection, he may dismiss the objection, in which case no notice of the objection need be given to the person objected to.

(4.) Objection on the ground that a person does not live in the Territory shall be deemed not to be good unless it alleges that the person objected to does not live in the Territory and has not so lived for at least one month immediately preceding the date of his claim.

Answer to  
objection.

22. The person objected to may orally or in writing answer the objection.

Determination  
of objection.

23.—(1.) The Chief Electoral Officer shall determine the objection forthwith on receipt of the answer of the person objected to, or if no answer is received within a period of five days after the posting of the notice, then after the expiration of that period, and if it appears that the person objected to is not entitled to be enrolled, the Chief Electoral Officer shall direct the Registrar to remove the name of that person from the Roll :

Provided that no name shall be removed from the Roll in pursuance of an objection lodged after 12 o'clock, noon, on the twentieth day of August One thousand nine hundred and twenty-eight.

#### PART V.—VOTING BY POST.

Application of  
*Commonwealth  
Electoral Act*  
1918-1928.

24.—(1.) The provisions of Part XII. of the *Commonwealth Electoral Act* 1918-1928, excepting section ninety-one A, shall, so far as applicable, apply to voting under this Ordinance for the purpose of enabling a voter to vote by post subject to the conditions of that Part.

(2.) For the purposes of the application of Part XII. to the Poll taken under this Ordinance—

- (a) any reference in that Part to a State shall be read as a reference to the Territory, and any reference to a Divisional Returning Officer or a Returning Officer, excepting the reference in sub-section (1.) of section eighty-six of the *Commonwealth Electoral Act 1918-1928*, shall be read as a reference to the Chief Electoral Officer;
- (b) any reference to an elector shall be read as a reference to a voter;
- (c) any reference to an election shall be read as a reference to the Poll to be taken in pursuance of this Ordinance;
- (d) any reference to a postal ballot-paper for a Senate election or a postal ballot-paper for a House of Representatives election shall be read as a reference to a postal ballot-paper for the Poll: and
- (e) any reference to a Certified List of Voters shall be read as a reference to the Certified Copy of the Roll.

(3) The form of application for a postal vote certificate and a postal ballot-paper shall be in accordance with Form 3 in the Schedule to this Ordinance.

(4.) The form of postal vote certificate shall be in accordance with Form 4 in the Schedule to this Ordinance.

(5.) The form of postal ballot-paper shall be in accordance with Form 5 in the Schedule to this Ordinance.

#### PART VI.—THE POLLING.

25.—(1.) The Chief Electoral Officer shall make all necessary arrangements for taking the Poll and in particular shall—

Chief Electoral Officer to make arrangements.

- (a) appoint a presiding officer to preside at each polling place and all necessary assistant presiding officers, poll-clerks and doorkeepers;
- (b) provide and furnish proper polling booths and ballot-boxes; and
- (c) provide ballot-papers and all necessary certified copies of the Roll.

(2.) Any person under the age of twenty-one years shall not be appointed to be a presiding officer or an assistant presiding officer.

(3.) Any assistant presiding officer may, subject to the direction of the presiding officer, exercise all or any of the powers of the presiding officer, and shall in respect of the exercise of those powers, be deemed to be a presiding officer.

26. Ballot-papers, other than postal ballot-papers, to be used in the Poll shall be in accordance with Form 6 in the Schedule.

Form of ballot-paper.

**Certified Rolls.** 27. The Chief Electoral Officer shall provide for each presiding officer at a polling place a certified copy of the Roll for the guidance of the presiding officer during the polling.

**Ballot-papers to be initialed.** 28.—(1) No ballot-paper shall be delivered to any voter unless it has been first initialed by the proper officer.

(2.) An exact account shall be kept of all initialed ballot-papers.

(3.) The initials of the officer shall be placed on the back of the ballot-paper in such a position as to be seen easily when the ballot-paper is folded so as to conceal the vote.

**Scrutineers.** 29.—(1.) The president and secretary of any body of voters, not fewer than fifty in number, organized for the purpose of supporting or opposing any question submitted to the voters, may appoint scrutineers to represent them at the polling and at the scrutiny, but so that not more than one scrutineer shall be allowed to each such body of voters at each polling booth or subdivision of a polling booth or at the scrutiny.

(2.) Appointments of scrutineers shall be made by notice in writing signed by the president and secretary of the body of voters on whose behalf the appointments are being made, and addressed to the Chief Electoral Officer or presiding officer.

(3.) Any such notice shall contain a declaration that the body of voters in question consists of not less than fifty members, and is organized for the purpose of supporting or opposing a question submitted to the voters, and shall give the name and address of each scrutineer appointed on behalf of that body.

**Provision relating to scrutineers.**

30.—(1.) A scrutineer shall not—

(a) interfere with or attempt to influence any voter within the polling booth ; or

(b) communicate with any person in the polling booth, except so far as is necessary in the discharge of his functions as a scrutineer.

Penalty : Five pounds.

(2.) A scrutineer shall not be prevented from entering or leaving a polling booth during the polling, and, during his absence, a relieving scrutineer may act in his place, but so that only one scrutineer for each organized body of voters shall be entitled to be present in the polling booth or subdivision of the polling booth at any one time.

(3.) A scrutineer who commits any breach of this section, or who misconducts himself, or who fails to obey the lawful directions of the presiding officer, may be removed from the polling booth by any constable or person authorized by the presiding officer to remove him.

**Persons present at polling.**

31. No person other than the presiding officer, assistant presiding officers, poll clerks, doorkeepers and scrutineers, and the voters voting and about to vote shall be permitted to enter or remain in a polling booth during the polling except by permission of the presiding officer.

32. The polling shall be conducted as follows :—

The polling.

- (a) Before any vote is taken the presiding officer shall exhibit the ballot-box empty, and shall then securely fasten its cover ; and
- (b) At the close of the polling the presiding officer shall, in the presence of the poll clerk and of any scrutineers who may be in attendance, publicly close, fasten, seal and take charge of the ballot-box and with the least possible delay forward it to the Chief Electoral Officer for the purposes of the scrutiny and it shall on no account be opened except as allowed by this Ordinance.

33. Every person claiming to vote at any polling booth shall state his Christian names and surname, and, if so desired by the presiding officer, for the purpose of identifying the name under which the vote is claimed, any other particulars necessary to be stated in the Roll.

Persons claiming to vote to give names and other particulars.

34.—(1.) The presiding officer—

Questions to be put to voter.

(a) shall put to every person claiming to vote the following question—

(i) Have you already voted either here or elsewhere in this Poll ? and

(b) may, and at the request of any scrutineer, shall, also put all or any of the following questions :—

(i) Are you the person whose name appears as (here state name under which the person claims to vote) on the certified copy of the Roll ?

(ii) Are you of the full age of twenty-one years ?

(iii) Are you a natural-born or naturalized subject of the King ?

(iv) Are you qualified to vote ?

(2.) If any person refuses to answer fully any question put to him by the presiding officer under the authority of this section, or by his answer to any such question shows that he is not entitled to vote, his claim to vote shall be rejected.

35.—(1.) The presiding officer or an assistant presiding officer or a poll clerk shall at the polling hand to each person claiming to vote a ballot-paper initialed by the presiding officer or an assistant presiding officer—

Right of voter to receive ballot-paper.

(a) if the name under which he claims to vote is on the certified copy of the Roll and his right to vote is not challenged ; or

(b) if the name under which he claims to vote is on the certified copy of the Roll and his right to vote is challenged and his answers to the prescribed questions show that he is entitled to vote.

(2.) The presiding officer, at the request of a scrutineer, shall note any objections by the scrutineer to the right of any person to vote, and shall keep a record thereof.

(3.) If the presiding officer puts to any person all or any of the prescribed questions his right to vote shall be deemed to have been challenged.

Copy of roll to be marked on ballot-paper being issued.

36. Immediately upon handing the ballot-paper to the person claiming to vote, the presiding officer or a poll clerk shall place a mark against the person's name on the certified copy of the Roll.

Vote to be marked in private.

37. Except as otherwise prescribed, the voter, upon receipt of the ballot-paper, shall, without delay—

- (a) retire alone to some unoccupied compartment of the booth, and there, in private, mark his vote on the ballot-paper in the manner hereinafter described ;
- (b) fold the ballot-paper so as to conceal his vote and to show clearly the initials of the presiding officer, and exhibit it so folded to the presiding officer, and then forthwith openly, and without unfolding it, deposit it in the ballot-box ; and
- (c) quit the booth.

Assistance to certain voters.

38. If any voter satisfies the presiding officer that his sight is so impaired, or that he is so physically incapacitated or illiterate that he is unable to vote without assistance, the presiding officer, in the presence of such scrutineers as are present, or, if there be no scrutineers present, then in the presence of—

- (a) the poll clerk, or
- (b) if the voter so desires, in the presence of such person appointed by such voter instead of the poll clerk,

shall mark, fold and deposit his ballot-paper for him.

Spoilt ballot-papers.

39. If any voter, before depositing his ballot-paper in the ballot-box, satisfies the presiding officer that he has spoilt the ballot-paper through a mistake or accident, he may, on giving it up, receive a new ballot-paper from the presiding officer, who shall there and then cancel the spoilt ballot-paper, and deal with it as directed by the Chief Electoral Officer.

Marking of votes.

40. A voter shall mark his vote on his ballot-paper as follows :—

- (a) Where his ballot-paper is a ballot-paper in accordance with Form 6 in the Schedule—he shall place the number 1 in the square opposite the question for which he votes as his first preference, and shall give contingent votes in respect of all the remaining questions by placing the numbers 2, 3, and 4 respectively, in the squares opposite those questions so as to indicate the order of his preference for them ; and
- (b) Where he votes by post—he shall mark his vote on his ballot-paper in the manner set out in the directions to voters printed on that ballot-paper.

Compulsory voting.

41.—(1.) It shall be the duty of every voter to record his vote at the Poll.

(2.) It shall be the duty of the Chief Electoral Officer, at the close of the Poll, to prepare a list of the names and descriptions of the voters enrolled under this Ordinance who have not voted at the Poll and to certify the list by statutory declaration under his hand.

(3.) The list so certified and any extract therefrom certified by the Chief Electoral Officer under his hand shall in all proceedings be prima facie evidence of the contents thereof and of the fact that the voters whose names appear therein did not vote at the Poll.

(4.) Within one month after the close of the Poll the Chief Electoral Officer shall send by post to each voter whose name appears on the list prepared in accordance with sub-sections (1.) and (2.) of this section, at the address mentioned in that list, a notice, notifying the voter that he appears to have failed to vote at the Poll, and calling upon him to give a valid, truthful and sufficient reason why he failed so to vote.

(5.) Before sending any such notice, the Chief Electoral Officer shall insert therein a date, not being less than twenty-one days after the date of posting of the notice, on which the form attached to the notice, duly filled up and signed by the voter, is to be in the hands of the Chief Electoral Officer.

(6.) Every voter to whom a notice under this section has been sent shall fill up the form at the foot of the notice by stating in it the true reason why he failed so to vote, sign the form, and post it so as to reach the Chief Electoral Officer not later than the date inserted in the notice.

(7.) If any voter is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign and post the form, within the time allowed under sub-section (5.) of this section, any other voter 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 may be treated as compliance by the first-mentioned voter with the provisions of sub-section (6.) of this section.

(8.) Upon receipt of a form referred to in either of the last two preceding sub-sections, the Chief Electoral Officer shall endorse on the list prepared in accordance with sub-section (2.) of this section, opposite the name of the voter, his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the voter to vote.

(9.) The Chief Electoral Officer shall also endorse on the list, opposite the name of each voter to whom a notice under this section has been sent and from or on behalf of whom a form properly filled up, signed and witnessed has not been received by him a note to that effect.

(10.) Every voter who—

- (a) fails to vote at the Poll without a valid and sufficient reason for such failure ;

(b) on receipt of a notice in accordance with sub-section (4.) of this section, fails to fill up, sign and post within the time allowed under sub-section (5.) of this section the form (duly witnessed) which is attached to the notice ; or

(c) states in such form a false reason for not having voted, or, in the case of a voter filling up or purporting to fill up a form on behalf of any other voter, in pursuance of sub-section (7.) of this section, states in such form a false reason why that other voter did not vote,

shall be guilty of an offence.

Penalty : Two pounds.

(11.) Proceedings for an offence against this section shall not be instituted except by the Chief Electoral Officer or an officer thereto authorized in writing by the Chief Electoral Officer.

#### PART VII.—THE SCRUTINY.

Scrutiny.

42. The result of the Poll shall be ascertained by scrutiny.

Scrutiny, how conducted.

43.—(1.) The scrutiny shall commence as soon as practicable after the conclusion of the polling and may be adjourned from time to time as is necessary until the counting of the votes is complete.

(2.) Any scrutineer who has been duly appointed for the purpose of the scrutiny pursuant to this Ordinance, and any person approved by the Chief Electoral Officer, may be present at the scrutiny.

(3.) All the proceedings at the scrutiny shall be open to the inspection of the scrutineers.

Application of Electoral and Referendum Regulations.

44. The provisions of the Electoral and Referendum Regulations relating to the scrutiny of postal ballot-papers used in a House of Representatives election shall apply as far as they are applicable to the scrutiny of postal ballot-papers used in the Poll.

Informal ballot-papers.

45. A ballot-paper shall be informal—

(a) if it is not authenticated by the initials of the presiding officer or by an official mark as prescribed ;

(b) if it has no vote marked on it, or it does not indicate the voter's preference for one question, and does not indicate the voter's contingent preferences for all the remaining questions on the ballot-paper ; or

(c) if it has upon it any mark or writing (not authorized by this Ordinance to be put upon it) by which, in the opinion of the Chief Electoral Officer, the voter can be identified :

Provided that paragraph (c) shall not apply to any mark or writing placed on the ballot-paper by an officer, notwithstanding that the placing of a mark or writing upon the ballot-paper is a contravention of this Ordinance.

46. Except as authorized by this Ordinance or the Regulations, an officer shall not place upon any ballot-paper any roll-number or any mark or writing which would enable any person to identify the voter by whom it is used.

Officer not to mark ballot-paper so that vote can be identified.

Penalty : Ten pounds.

47.—(1.) The Chief Electoral Officer shall open all ballot-boxes and shall—

Counting of the votes.

- (a) count the first preference votes given in respect of each question on all unrejected ballot-papers ; and
- (b) place in a separate parcel all the ballot-papers which have been rejected as informal.

(2.) If an absolute majority of first preference votes has been given in favour of any question, that question shall be deemed to have been affirmed, and the Chief Electoral Officer shall not proceed further with the scrutiny and counting of the votes.

(3.) If an absolute majority of first preference votes has not been given in favour of any question the Chief Electoral Officer shall proceed with the scrutiny and the counting of the votes as follows :—

- (a) The question in respect of which the fewest first preference votes have been cast shall be excluded and each ballot-paper counted to that question shall be counted to the question next in the order of the voter's preference ;
- (b) If then there is not an absolute majority of votes in respect of any question, the process of excluding the question in respect of which the fewest votes have been cast, and counting each of the ballot-papers counted in respect of that question, to the unexcluded question next in the order of the voter's preference, shall be repeated.

(4.) The question in respect of which an absolute majority of votes has been given shall be deemed to have been affirmed.

(5.) In this section "an absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal ballot-papers.

(6.) If on any count an equal number of votes has been given in favour of two or more questions, and one of them has to be excluded, the Chief Electoral Officer shall decide which question shall be excluded; and if in the final count an equal number of votes has been given in favour of the two remaining questions, the Chief Electoral Officer shall decide by his casting vote which question shall be affirmed and which shall be excluded; but, except as provided in this sub-section, he shall not vote at the polling.

(7.) Forthwith after the conclusion of the scrutiny, the Chief Electoral Officer shall—

- (a) place the unrejected ballot-papers in a separate parcel and endorse on the parcel a description of its contents ;
- (b) prepare and transmit to the Minister of State for Home and Territories a statement setting out the result of the Poll ; and
- (c) insert a copy of the statement in the *Gazette*.

Determination  
to have effect  
until further  
poll taken.

48. The determination of the voters at the Poll held in pursuance of this Ordinance shall have full force and effect until a further poll of voters is taken at such time as the Governor-General determines after the expiration of five years from the date of the first poll.

#### PART VIII.—OFFENCES.

Offences.

49. To secure the due execution of this Ordinance and the purity of the Poll, the following acts are hereby prohibited and penalized:—

- (i) Illegal practices, including—
  - (a) bribery ;
  - (b) undue influence ; and
- (ii) Offences.

Bribery.

50. Any person who—

- (a) promises, or offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for or on account of any vote or omission to vote, or any support of, or opposition to any question submitted to the voters, or any promise of any such vote, omission, support or opposition ;
- (b) gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such vote, omission, support, or opposition or promise thereof ; or
- (c) promises, offers or suggests any valuable consideration, advantage, recompense, reward or benefit, for bribery, or gives or takes any valuable consideration, advantage, recompense, reward or benefit for bribery,

shall be guilty of bribery.

Definition.

51. Without limiting the effect of the general words in the preceding section, “ bribery ” particularly includes the supply of meat, drink, or entertainment after the passing of this Ordinance with a view to influencing the vote of any voter.

Undue  
influence.

52. Any person who—

- (a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage for or on account of any vote, or any omission to vote, or any support or opposition to any question submitted to the voters, or any promise of any vote, omission, support, or opposition ; or
- (b) uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such vote, omission, support, or opposition,

shall be guilty of undue influence.

53. Without limiting the effect of the general words in the preceding section, “undue influence” includes every interference or attempted interference with the free exercise of the franchise of any voter. Definition.

54. In addition to bribery and undue influence, the following shall be illegal practices :— Illegal practices.

- (a) Any publication of any advertisement, handbill or pamphlet or any issue of any notice relating to any question submitted to the voters (other than the announcement by advertisement in a newspaper of the holding of a meeting) without at the end thereof the name and address of the person authorizing the same ;
- (b) Printing or publishing any printed advertisement, handbill or pamphlet relating to any question submitted to the voters (other than an advertisement in a newspaper) without the name and place of business of the printer being printed at the foot of it ;
- (c) Printing, publishing, or distributing any advertisement, notice, handbill, pamphlet, or card containing any representation of a ballot-paper or any representation apparently intended to represent a ballot-paper, and having thereon any directions intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote ;
- (d) Printing, publishing, or distributing any advertisement, notice, handbill, pamphlet, or card containing any untrue or incorrect statement intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote :

Provided that nothing in paragraphs (c) and (d) of this section shall prevent the printing, publishing, or distributing of any card, not otherwise illegal, which contains instructions how to vote in respect of any particular question, so long as those instructions are not intended or likely to mislead any voter in or in relation to the casting of his vote.

55. Any illegal practice shall be punishable as follows :— Punishment.

- (a) Bribery or undue influence, by a penalty not exceeding Two hundred pounds, or by imprisonment not exceeding one year ;
- (b) any other illegal practice, by a penalty not exceeding One hundred pounds, or by imprisonment not exceeding six months.

Articles to be signed.

56.—(1.) After the date of the passing of this Ordinance and before the taking of the Poll, every article, report, letter, or other matter commenting upon the issues being submitted to the voters, printed and published in any newspaper, circular, pamphlet, or “ dodger ” shall be signed by the author or authors, giving his or their true name and address or names and addresses at the end of the said article, report, letter, or other matter, or where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet, or “ dodger ”, at the end of that part.

Penalty : Fifty pounds.

(2.) Any newspaper editor or proprietor who permits, in any newspaper which he edits or owns, the publication of any unsigned article, report, letter, or other matter commenting upon the issues being submitted to the voters after the date of the passing of this Ordinance and before the taking of the Poll, shall be guilty of an offence.

Penalty : Fifty pounds.

Cards in polling booth.

57.—(1.) A person shall not exhibit or leave in any polling booth any card or paper having thereon any direction or instruction as to how a voter should vote or as to the method of voting.

Penalty : Twenty pounds.

(2.) This section shall not apply to any official instructions exhibited by proper authority at any polling booth.

Untrue statements in forms.

58. A person shall not make any untrue statement in any form prescribed by this Ordinance.

Penalty : Twenty pounds.

Signature to electoral paper.

59.—(1.) Every form which by this Ordinance has to be signed by any person shall be signed by that person with his personal signature.

(2.) Where a person who is unable to sign his name in writing makes his mark as his signature to a form, the mark shall be deemed to be his personal signature if it is identifiable as such, and is made in the presence of a witness who signs the form as such witness :

Provided that nothing in this section shall authorize any person to sign a form by a mark or otherwise than in his own handwriting where the Ordinance or the Regulations require him to sign the form in his own handwriting.

Penalty : Fifty pounds.

Offences.

60. The matters mentioned in the first column of the table at the foot of this section are offences punishable as provided in the second column of the table opposite the statement of the offence.

*Table of Offences and Punishments.*

First Column. Offence.	Second Column. Punishment.
Falsely personating any person to secure a ballot-paper to which the personator is not entitled, or personating any other person for the purpose of voting	Imprisonment not exceeding two years
Taking any ballot-paper out of any polling booth	Penalty not exceeding Fifty pounds
In any polling booth on polling day misconducting himself or failing to obey the lawful directions of the presiding officer	Penalty not exceeding Fifty pounds, or imprisonment not exceeding one month
Canvassing for votes on polling day, in any public or private place within twenty feet of the entrance to a polling booth	Penalty not exceeding Twenty-five pounds
Being an officer—	
(i) attempting to influence the vote of any voter	Penalty not exceeding Fifty pounds
(ii) failing, contrary to his duty, to initial any ballot-paper, correctly mark any certified copy of the roll, or properly attest any declaration	Penalty not exceeding Ten pounds
Being an officer or a scrutineer—	
disclosing any knowledge officially acquired by him touching the vote of any voter	Penalty not exceeding Fifty pounds
Voting more than once in respect of the poll taken under this Ordinance	Penalty not exceeding Fifty pounds or imprisonment not exceeding three months
Any contravention of this Ordinance for which no other punishment is provided	Penalty not exceeding Fifty pounds

## PART IX.—MISCELLANEOUS.

61. Strict compliance with the forms in the Schedule shall not be required, and substantial compliance therewith shall suffice for the purposes of this Ordinance. Forms.

62. All ballot-papers, certified copies of the roll and declarations used at or in connexion with the poll, shall be preserved for a period of at least three months from the date of the taking of the Poll. Preservation of ballot-papers.

63. The official mark for the authentication of ballot-papers shall be a water-mark in the paper thereof, consisting of a representation of a shield having therein the letters "C A" inter-twined. Undertaking by officers and scrutineers.

64. Each presiding officer, assistant presiding officer, poll clerk and doorkeeper, and each person appointed as a scrutineer, shall make and subscribe an undertaking that he will faithfully perform the duties of his office to the best of his understanding and ability, and that he will not directly or indirectly attempt to influence the vote of any voter, or, except by recording his vote as allowed by law, the result of the Poll, and that he will not disclose any knowledge officially acquired by him touching the vote of any voter. Official mark.

## Regulations.

65. The Governor-General may make regulations not inconsistent with this Ordinance, prescribing all matters which by this Ordinance, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Ordinance and in particular prescribing penalties not exceeding Two pounds for any contravention of any regulation made in pursuance of this Ordinance.

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THE SCHEDULE.

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## Form 1.

Commonwealth of Australia.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*The Liquor Poll Ordinance 1928.*

## ROLL OF VOTERS.

No. Name in Full, Place of Living, Occupation, and Sex of each Voter.

*[Here follow Names, &c.]*

Footnote—M signifies Male, F signifies Female.

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Form 2.
*[Front of Form.]*

Commonwealth of Australia.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*The Liquor Poll Ordinance 1928.*

## CLAIM FOR ENROLMENT.

To the Registrar for the Territory for the Seat of Government—

1. I am an inhabitant of Australia and have lived therein for six months continuously.

2. I am a natural-born or naturalized subject of the King, am not under the age of twenty-one years, and am qualified to be enrolled as a voter at the Poll to be taken pursuant to the above-mentioned Ordinance.

3. I claim to have my name and particulars for enrolment, as set out on the back hereof, placed on the Roll of Voters for the Territory in which I now live and have lived for a period of not less than one month immediately preceding the date of this Claim.

4. I declare that the whole of the statements made in this Claim (including those set forth on the back hereof) are true to the best of my knowledge and belief.

Personal Signature of Claimant—

The signature of the Claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.

Dated the                      day of                      1928.

THE SCHEDULE—*continued.*

I, the undersigned, being a voter or person qualified to be a voter at the Poll to be taken pursuant to the above-named Ordinance, certify that I have seen the above-named Claimant in the above Claim, and that I either know the statements contained in the Claim to be true or have satisfied myself by inquiry of the Claimant or otherwise that the said statements are true.

Personal Signature of Witness in own handwriting—

Occupation—

Place of living—

[Back of Form.]

Particulars for Enrolment.

{ Surname—  
Christian Names—  
(in full)  
Place of Living—  
(Full address)  
Occupation—

Sex—

Personal Signature of Claimant—

The particulars within this space are to be filled in by the Registrar.  
Received (date)—  
Registered (date)—  
Acknowledged (date)—  
Initials of Registrar—

Form 3.

Commonwealth of Australia.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*The Liquor Poll Ordinance 1928.*

Number.....  
Postal Vote Certificate  
and Postal Ballot-paper  
issued / / 1928.  
Initials of the  
Chief Electoral Officer.

APPLICATION FOR A POSTAL VOTE CERTIFICATE AND A POSTAL BALLOT-PAPER.

This application should be made and sent, before polling day, to the Chief Electoral Officer, Canberra.

An application shall not be deemed to have been duly made, and a Postal Vote Certificate or Postal Ballot-paper shall not be issued in respect of it, unless the application reaches the Chief Electoral Officer before six o'clock in the afternoon of the day immediately preceding polling day.

In order that a Postal Ballot-paper may be admitted to the scrutiny the envelope in which it is contained must be received, prior to the close of the Poll, by the Chief Electoral Officer.

1017.—2

THE SCHEDULE—continued.

To the Chief Electoral Officer, Canberra.

(1) Here insert Christian names, surname, place of living, and occupation as appearing on the Roll. I, (1) \_\_\_\_\_, hereby apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the Liquor Poll to be held on 1st September, 1928.

- on I declare—
1. That I am a voter enrolled on the Roll for the Territory ; and
  2. That the ground on which I apply to vote by post is—
    - (a) That I will not throughout the hours of polling on polling day be within the Territory ;
    - (b) That I will not throughout the hours of polling on polling day be within ten miles by the nearest practicable route of any polling booth open in the Territory ;
    - (c) That I am seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth in the Territory to vote ; or
    - (d) That I will, by approaching maternity, be precluded from attending at any polling booth in the Territory to vote.

NOTE.—The Voter will strike out any of the above grounds which do not apply to his or her particular case.

3. That my place of living at the time when the postal vote certificate and the postal ballot-paper would be delivered in the ordinary course of post, will be as follows :—

.....

.....

.....

A Voter shall not make, and a person shall not induce a voter to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY : Fifty pounds, or imprisonment for one month.

Signed by the Voter in his own handwriting in my presence—  
Signature of Authorized Witness—

Signature of Voter—

.....  
(in own handwriting).  
(Title under which witness acts as Authorized Witness.)

.....  
(in own handwriting).

Address—

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 1928.

OBLIGATIONS OF AUTHORIZED WITNESSES.

An authorized witness shall not witness the signature of any Voter to an application for a Postal Vote Certificate and a Postal Ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant ;
- (b) he has seen the applicant sign the application in his (the applicant's) own handwriting ; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true.

Penalty : Fifty pounds, or imprisonment for one month.

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 Vote Certificate and a Postal Ballot-paper.

Penalty : Fifty pounds, or imprisonment for one month.

The authorized witness shall sign his name in his own handwriting on the application in the space provided for the purpose, and shall add the title under which he acts as an Authorized Witness, and the date.

The following persons are authorized witnesses, namely :—[Here insert the List of Persons who are prescribed to be authorized witnesses.]

THE SCHEDULE--continued.

Form 4.

Commonwealth of Australia.

No.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The Liquor Poll Ordinance 1928.

POSTAL VOTE CERTIFICATE.

I hereby certify that \_\_\_\_\_ of \_\_\_\_\_ is entitled (subject to the provisions of the *Liquor Poll Ordinance 1928*), to vote by post at the Liquor Poll to be held on Saturday, the 1st day of September, 1928.

Chief Electoral Officer—

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1928.

Signed by the Voter (*in his own handwriting*) in my presence—

Signature of Voter (*in his own handwriting*)—

Signature of Authorized Witness (*in his own handwriting*)—

Title under which Witness acts as Authorized Witness—

Address—

Date \_\_\_\_\_ 1928.

**AUTHORIZED WITNESSES.**—The following persons are authorized witnesses, namely :—[Here Insert the List of Persons who are prescribed to be authorized witnesses.]

**NOTES.**—(1) *The attention of the Voter and authorized witness is specially directed to the necessity of strictly observing the instructions indorsed on the back of the postal ballot-paper, and to the fact that this envelope containing the postal ballot-paper (after having been marked by the voter) must be forthwith posted or delivered to the Chief Electoral Officer, by the Voter, or by the person to whom it is entrusted by the Voter for the purpose of posting or delivery.*

(2) *Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivery to the Chief Electoral Officer and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.*

*Penalty: Fifty pounds, or imprisonment for One month.*

Form 5.

[Front of Form.]

Commonwealth of Australia.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The Liquor Poll Ordinance 1928.

The Voter should carefully read the directions for his guidance printed on the back of this ballot paper, and in particular note that he must not mark his vote thereon until after he has first exhibited the ballot-paper (unmarked) to the authorized witness.

POSTAL BALLOT-PAPER.

The order of my preference in respect of the questions submitted to the voters is as follows :—

THE PROHIBITION OF THE POSSESSION OF LIQUOR IN THE TERRITORY.

THE CONTINUANCE OF THE PRESENT SYSTEM OF PROHIBITING THE SALE OF LIQUOR IN THE TERRITORY, BUT NOT PROHIBITING THE POSSESSION OF LIQUOR.

THE SALE OF LIQUOR IN THE TERRITORY BY PUBLIC AUTHORITIES.

THE SALE OF LIQUOR IN THE TERRITORY BY LICENSED PERSONS.

[Back of Form.]

Directions to Voter and Authorized Witness.



## THE SCHEDULE—continued.

(a) The voter shall exhibit his unmarked postal ballot-paper and his postal vote certificate to the authorized witness.

(b) The voter shall then and there, in the presence of the authorized witness, sign his name in his own handwriting on the postal vote certificate, in the place provided for the signature of the voter.

(c) The authorized witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness and the date.

(d) The voter shall then and there, in the presence of the authorized witness, but so that the authorized witness cannot see the vote, mark his vote on this ballot-paper by placing the number 1 in the square opposite the question for which he votes as his first preference; and must give contingent votes in respect of all the remaining questions by placing the numbers 2, 3, 4 respectively in the squares opposite those questions, so as to indicate the order of his preference for them, and shall fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorized witness.

(e) The authorized witness shall then and there place the ballot-paper in the envelope addressed to the Chief Electoral Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Chief Electoral Officer.

(f) If the voter's sight is so impaired that he cannot vote without assistance, the authorized witness, if so requested by the voter, shall mark the voter's vote on the ballot-paper in the presence of a witness, direct the witness that he must refrain from disclosing any knowledge of the vote of the voter, and shall then and there fold the ballot-paper so that the vote cannot be seen, place the ballot-paper in the envelope addressed to the Chief Electoral Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Chief Electoral Officer.

*Further Directions to Authorized Witness.*

The authorized witness shall not, unless the voter's sight is so impaired that he cannot vote without assistance, look at or make himself acquainted with the vote given by the voter, and, except as provided in paragraph (f) of the preceding Directions, shall not suffer or permit any person (other than the voter) to see or become acquainted with the voter's vote, or to assist the voter to vote, or to interfere in any way with the voter in relation to his vote.

Every authorized witness shall—

- (a) comply with the preceding directions in so far as they are to be complied with on his part;
- (b) see that the preceding directions are complied with by every voter voting by post before him, and by every person present when the voter votes; and
- (c) refrain from disclosing any knowledge of the vote of any voter voting by post before him.

Penalty: One hundred pounds, or imprisonment for three months.

*Duty of Persons Present when a Voter Votes by Post.*

Any person present when a voter is before an authorized witness for the purpose of voting by post shall—

- (a) obey all directions of the authorized witness;
- (b) refrain from making any communication whatever to the voter in relation to his vote;
- (c) refrain from assisting the voter or in any manner interfering with him in relation to his vote; and
- (d) except as provided in paragraph (f) of the Directions to Voter and Authorized Witness, refrain from looking at the voter's vote or from doing anything whereby he might become acquainted with the voter's vote.

Penalty: One hundred pounds, or imprisonment for three months.

*Penalty for Unlawfully marking Ballot-paper.*

No person other than—

- (a) a voter to whom a postal ballot-paper has been issued, or
- (b) an authorized witness, acting in pursuance of paragraph (f) of the Directions to Voter and Authorized Witness, assisting a voter whose sight is so impaired that he cannot vote without assistance,

shall mark a vote upon a postal ballot-paper.

Penalty: One hundred pounds, or imprisonment for six months.

THE SCHEDULE—*continued.*

## Form 6.

*Ballot-paper.*

Commonwealth of Australia.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*The Liquor Poll Ordinance 1928.*

*Directions.*—The voter should mark his vote on this ballot-paper by placing the number 1 in the square opposite the Question for which he votes as his first preference; and must give contingent votes in respect of all the remaining questions by placing the numbers 2, 3, 4 respectively, in the squares opposite the questions, so as to indicate the order of his preference for them.

The order of my preference in respect of the following methods of dealing with the liquor question is as follows:—

THE PROHIBITION OF THE POSSESSION OF LIQUOR IN THE TERRITORY.

THE CONTINUANCE OF THE PRESENT LAW IN FORCE IN THE TERRITORY PROHIBITING THE SALE OF LIQUOR.

THE SALE OF LIQUOR IN THE TERRITORY UNDER PUBLIC CONTROL.

THE SALE OF LIQUOR IN THE TERRITORY IN LICENSED PREMISES.

Dated this twenty-ninth day of June, One thousand nine hundred and twenty-eight.

STONEHAVEN

Governor-General.

By His Excellency's Command,

S. M. BRUCE

for Minister of State for Home and Territories.

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 By Authority: H. J. GREEN, Government Printer, Canberra.