

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

REGULATIONS UNDER THE LIQUOR POLL ORDINANCES 1928.

I, THE DEPUTY OF THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Liquor Poll Ordinances 1928*, to come into operation forthwith.

Dated this twenty-seventh day of July, 1928.

D. R. S. de CHAIR
Deputy of the Governor-General.

By His Excellency's Command,
C. W. C. MARR
for Minister of State for Home and Territories.

LIQUOR POLL REGULATIONS.

1. These Regulations may be cited as the Liquor Poll Regulations. Short title.
2. In these regulations, 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 1918-1925*;
 - "Ordinance" means the *Liquor Poll Ordinances 1928*, as amended from time to time;
 - "Poll" means the poll to be taken pursuant to Part II. of the Ordinance;
 - "Registrar" means the officer appointed by the Chief Electoral Officer under Part II. of the Ordinance to be the Registrar for the purpose of the Ordinance;
 - "Voter" means any person whose name appears on the Roll of Voters in respect of the Liquor Poll to be taken pursuant to the Ordinance.
3. Subject to such directions as are issued by the Chief Electoral Officer, the Registrar shall, if satisfied that a qualified person has failed to comply with the requirements of section 14 of the Ordinance, forthwith notify him of such failure, and inform him that he may reply by declaration to be witnessed by a voter or an elector of the Commonwealth setting out any facts relevant to the matter, and that he has the option of having the matter dealt with either by the Chief Electoral Officer, or by a Court of Summary Jurisdiction. Notification in respect of offence. Sec. 14.
4. Any person to whom a notification has been sent pursuant to the last preceding regulation, who desires the matter to be dealt with by the Chief Electoral Officer, and who is prepared to abide by the decision of that officer, may notify the Registrar to that effect, and may deposit with him such sum as that officer determines, to be appropriated in payment of the penalty, if any, which the Chief Electoral Officer imposes upon him. Consent to matter being dealt with by Chief Electoral Officer. Sec. 14.
5. Upon the receipt from a person who has failed to comply with the requirements of section 14 of the Ordinance— Proceedings upon receipt of consent to matter being dealt with by Chief Electoral Officer. Sec. 14.
 - (a) of a notification consenting to the matter being dealt with by the Chief Electoral Officer and undertaking to abide by the decision of that officer; and
 - (b) of the deposit specified in the last preceding regulation,the Registrar shall consider the statements contained in the declaration (if any) submitted by the person, make such further inquiry as he deems necessary, and unless he decides to withdraw the case, transmit the declaration (if any) and the notification consenting to the matter being dealt with by the Chief Electoral Officer, with a report as to the facts and his opinion thereon, to the Chief Electoral Officer.

Action by Chief Electoral Officer upon receipt of report from Registrar.
Sec. 42.

6. (1) The Chief Electoral Officer shall, upon the receipt of a report from the Registrar in respect of an alleged contravention of Section 14 of the Ordinance, consider all the facts, and if satisfied that the person concerned is in default or has contravened the provisions of the Section, may make an order imposing upon that person a penalty not exceeding Two pounds, and notify the Registrar thereof and of the time allowed for payment.

(2) Any penalty imposed by the Chief Electoral Officer in pursuance of this Regulation shall be a debt due to the Commonwealth, and in default of payment within the time allowed, may be recovered in accordance with the provisions of regulation 7 of these Regulations.

Notification of imposition of penalty.
Sec. 14.

7. The Registrar, upon receipt of advice from the Chief Electoral Officer that a penalty has been imposed upon any person for a contravention of section 14 of the Ordinance, may appropriate the deposit or portion thereof in payment of the penalty, and shall notify the person of the amount of the penalty and refund to him the balance, if any, of the deposit.

Proceedings where matter not dealt with by Chief Electoral Officer.
Sec. 14.

8. (1) Where any person to whom a notification pursuant to regulation 3 has been sent fails, within the time allowed, to reply thereto, or does not within that time intimate to the Registrar that he consents to the matter being dealt with by the Chief Electoral Officer and deposit with the Registrar the sum specified in regulation 4, the Registrar shall, subject to such directions as he receives from the Chief Electoral Officer, if he is satisfied that such person has contravened section 14 of the Ordinance, cause proceedings to be instituted against him in a Court of Summary Jurisdiction.

(2) If, in any case in which proceedings are instituted in a Court of Summary Jurisdiction, the Registrar has received from the person concerned a Declaration in pursuance of regulation 3 he shall, as far as it is practicable and necessary for him to do so, inquire into the truth of the statements therein set out, and shall, unless he withdraws the prosecution, cause the declaration to be brought to the notice of the Court.

(3) The Court shall at the hearing of the case consider the declaration (whether the defendant is present or not) as if the matter therein set out had been given in evidence before it.

Declaration of prosecuting officer to be considered by Court.

9. (1) In any prosecution in respect of any contravention of Section 14 of the Ordinance the prosecuting officer may lodge with the Court a statutory declaration in support of the charge, and it shall not then be necessary for him to attend the hearing.

(2) Where a statutory declaration has been lodged as provided by this regulation and the prosecuting officer is not present at the hearing, the Court shall proceed with the hearing and determination of the case in his absence, and shall consider the statutory declaration as if the matter set out therein had been given in evidence before it.

(3) For the purposes of this regulation any document purporting to be a statutory declaration shall be accepted as such by the Court without proof of the signatures thereon or proof of the authority of the person before whom it purports to have been made to take statutory declarations.

List of electors who failed to vote.

10. The list of the names and descriptions of the voters, who did not vote at the Poll which is required to be prepared by the Chief Electoral Officer, under the provisions of sub-section (2) of section 41 of the Ordinance, may be prepared by indicating upon a copy of the Roll of Voters, the names of voters who failed to vote at the Poll.

Notice to elector under section 41, sub-section (4), and reply of elector.

11. The notice to be sent under the provisions of sub-section (4) of section 41 of the Ordinance shall contain a form for the reply of the voter, which shall be filled up and signed by the voter in the presence of a witness, who shall be a voter, or an elector of the Commonwealth.

Action where reason considered insufficient.

12. (1) Where the reply of the voter states a reason for his failure to vote which, in the opinion of the Chief Electoral Officer, is not a valid and sufficient reason for that failure, the Chief Electoral Officer shall, after endorsing on the list prepared by him his opinion in accordance with sub-section (8) of section 41 of the Ordinance, notify the voter of his opinion, and inform him that he has the option of having the matter dealt with by the Chief Electoral Officer or by a Court of Summary Jurisdiction.

(2) Any voter to whom a notification has been sent pursuant to the last preceding sub-regulation, who desires the matter to be dealt with by the Chief Electoral Officer, and who is prepared to abide by the decision of that officer, may notify the Chief Electoral Officer accordingly, and may deposit with the Chief Electoral Officer such sum as that officer determines, to be appropriated in payment of the penalty, if any, which the Chief Electoral Officer imposes upon him.

13. (1) Upon the receipt from a voter who has failed to vote at the Poll—

Action where voter consents to be dealt with by Chief Electoral Officer.

(a) of a notification consenting to the matter being dealt with by the Chief Electoral Officer and to abide by the decision of that officer, and

(b) of the deposit specified in the last preceding sub-regulation, the Chief Electoral Officer shall consider all the facts, and if satisfied that the voter concerned has failed to vote at the Poll without a valid and sufficient reason for that failure, may make an order imposing upon that voter a penalty not exceeding Two pounds.

(2) Any penalty imposed by the Chief Electoral Officer in pursuance of this regulation shall be a debt due to the Commonwealth, and in default of payment within the time allowed, may be recovered in accordance with the provisions of the last preceding regulation.

14. The Chief Electoral Officer may, when a penalty has been imposed upon any voter for a contravention of paragraph (a) of sub-section (10) of section 41 of the Ordinance, appropriate the deposit or portion thereof in payment of the penalty, shall notify the voter of the amount of the penalty, and refund to him the balance, if any, of the deposit.

Notification of imposition of penalty. Section 41, sub-section (10).

15. The Chief Electoral Officer shall—

Proceedings in a Court of Summary Jurisdiction.

(a) if he is satisfied that there has been a contravention of paragraph (a) of sub-section (10) of section 41 of the Ordinance by a voter, and the voter has not within the time allowed intimated that he consents to the matter being dealt with by the Chief Electoral Officer, and deposited the sum specified in sub-regulation (2) of regulation 12 of these Regulations;

(b) if he is satisfied that there has been a contravention of paragraph (b) of sub-section (10) of section 41 of the Ordinance by a voter; or

(c) if he is satisfied that there has been a contravention of paragraph (c) of sub-section (10) of section 41 of the Ordinance by a voter,

forthwith cause proceedings to be taken against the voter in a Court of Summary Jurisdiction.

16. (1) In any proceedings which are instituted in a Court of Summary Jurisdiction, pursuant to paragraph (a) of the last preceding regulation, the Chief Electoral Officer shall send to the Court the voter's reply, if any, stating his reason for having failed to vote.

Proceedings in Court on failure of elector to vote.

(2) The Court shall, whether the defendant is present or not, consider the contents of the reply as if it were given in evidence before the Court.

(3) If the defendant attends the Court, and sets up a defence differing in substance from the statement contained in his reply, the Court shall, if it dismisses the information, do so without awarding the defendant the costs of his defence.

(4) A copy of this regulation shall be printed on the back of the form of summons.

17. (1) In any proceedings in a Court of Summary Jurisdiction against a voter for a contravention of paragraph (b) of sub-section (10) of section 41 of the Ordinance, there shall be served on the defendant a notice that the defendant may attend the Court and answer the charge in person, or may, at any time, not less than seven days before the date fixed for the hearing, lodge with or send by post to the prosecuting officer a statutory declaration setting out any matter which he desires to set out in answer to the charge, and that, unless the prosecuting officer withdraws the charge, the declaration will be sent to the Court for consideration of the matter set out therein as if it were given in evidence before the Court, subject to any evidence in reply adduced by the prosecuting officer. The notice may be printed or written on the summons or may be by separate document served therewith.

Proceedings in Court on failure of elector to send reply to Chief Electoral Officer's notification.

(2) Where a statutory declaration is received by the prosecuting officer, in pursuance of the last preceding sub-regulation, he shall, as far as it is practicable for him to do so, inquire into the truth of the statements therein set out, and shall, unless he withdraws the prosecution, bring the declaration to the notice of the Court.

(3) The Court shall, at the hearing of the case, consider the statutory declaration (whether the defendant is present or not) as if the matter therein set out were given in evidence before it, but if the defendant attends the Court, and sets up a defence differing in substance from the statement contained in his declaration, the Court shall, if it dismisses the prosecution, do so without awarding the defendant the costs of his defence.

(4) The Court may, in its discretion, on the application of the prosecuting officer, adjourn the hearing for any period it thinks fit, to enable that officer to answer the declaration.

Evidence in
Court of
Summary
Jurisdiction.

18. (1) In any prosecution in a Court of Summary Jurisdiction in respect of any contravention of sub-paragraphs (a) or (b) of subsection (10) of section 41 of the Ordinance, the prosecuting officer may lodge with the Court a statutory declaration, together with a certified extract from the list prepared by him, and it shall not then be necessary for him to attend at the hearing.

(2) Where a statutory declaration and certified extract have been lodged as provided by this regulation, and the prosecuting officer is not present at the hearing, the Court shall proceed with the hearing and determination of the case in his absence, and shall consider the statutory declaration and certified extract as if the matter set out therein had been given in evidence before it, and shall, notwithstanding the absence of the prosecuting officer, permit evidence to be given for the prosecution by any witness who is summoned by, or attends on behalf of, the prosecuting officer.

(3) For the purposes of this regulation any document purporting to be a statutory declaration shall be accepted as such by the Court without proof of the signature thereon or proof of the authority of the person before whom it purports to have been made to take statutory declarations.

Copies of
Roll.

19. Printed copies of the Roll may be purchased from the Registrar at the price of One shilling per copy.