

No. 4691.

An Act to amend the Law relating to  
Parliamentary Elections.

[8th December, 1939.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Electoral Act 1939* and shall be read and construed as one with *The Constitution Act Amendment Act 1928* (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as The Constitution Act Amendment Acts.

Short title  
construction  
and citation.

Nos. 3660,  
4278, 4305,  
4334, 4350,  
4367, 4409,  
4468, 4533,  
4563, 4584.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Commencement.

2. In sub-section (2) of section one hundred and thirty-five of the Principal Act for the words "the said Divisions" there shall be substituted the words "this Part".

Amendment of  
No. 3660  
s. 135 (2).

Payment of  
expenses under  
Part III.

3. (1) Section

Repeal of  
No. 3660 s. 145  
as amended by  
Nos. 4574 s. 3,  
4629 s. 4 (2).

Abolition of  
property  
qualification  
for Assembly  
franchise.

Consequential  
amendments of  
No. 3660.

S. 160.

Claims for  
enrolment.

Repeal of  
s. 161.

Enrolment  
in respect  
of property  
qualification.

S. 236.

Prescribed  
questions.

S. 242.

Prescribed  
questions for  
absent voters.

S. 333.

Notices to  
electors who  
have not voted.

Twenty-fifth  
Schedule,  
Form B.

Application for  
postal  
ballot-paper.

3. (1) Section one hundred and forty-five of the Principal Act as amended by any Act is hereby repealed.

(2) The Principal Act is hereby amended as follows:—

(a) In sub-section (3) of section one hundred and sixty the words “Save as otherwise expressly provided” are hereby repealed;

(b) Section one hundred and sixty-one is hereby repealed;

(c) In paragraph (iii.) of sub-section (2) of section two hundred and thirty-six the expression “(*If the person claims for a residential qualification*)—” is hereby repealed;

(d) In paragraph (c) of sub-section (2) of section two hundred and forty-two the expression “(*If the person claims for a residential qualification*)—” is hereby repealed;

(e) Sub-section (2) of section three hundred and thirty-three is hereby repealed; and

(f) In paragraph (1) of Form B in the Twenty-fifth Schedule—

(i) the expression “\* (A)” is hereby repealed;

(ii) the expression commencing “\* (B)” and ending “by reason of a property qualification” is hereby repealed; and

(iii) the expression commencing “\* NOTE” and ending “to his case” is hereby repealed.

4. (1) In sub-section (1) of section one hundred and seventy-five of the Principal Act—

(a) in paragraph (b) for the words “on the thirtieth day before” there shall be substituted the words “at six o'clock in the afternoon on the day of”; and

(b) for paragraph (c) there shall be substituted the following paragraph:—

“(c) prepare certify sign and transmit to the said State returning officer a printed copy of a supplemental roll containing the names of all persons whose names pursuant to claims for enrolment or transfer received at any time up to six o'clock in the afternoon on the day of the issue of the writ have been added to the roll last printed”.

(2) Sub-section

Amendments  
of No. 3660  
s. 175 (1).

Rolls for  
Assembly  
election to  
close on day of  
issue of writ.

Comp. C'wealth  
Electoral Act  
1918-1934 s. 45.

(2) Sub-section (1) of section two hundred and forty-one of the Principal Act is hereby amended as follows:—

Consequential  
amendments of  
No. 3660  
s. 241 (1).

(a) In sub-paragraph (i.) of paragraph (a) for the words “the thirtieth day before” there shall be substituted the words “six o’clock in the afternoon on the day of”;

(b) In sub-paragraph (ii.) of paragraph (a) for the words “the first-mentioned day” there shall be substituted the words “six o’clock in the afternoon on the said day”; and

(c) In sub-paragraph (ii.) of paragraph (b) for the words “to the said first-mentioned day” there shall be substituted the words “until six o’clock in the afternoon on the said day”.

(3) At the end of sub-section (2) of section one hundred and sixty-three of the Principal Act there shall be inserted the words “and such removal shall be deemed to have been made at the time of the receipt of the claim for enrolment on the roll for the subdivision to which the elector’s name has been transferred”.

Amendment of  
No. 3660 s. 163.  
Removal from  
roll in case of  
transfer deemed  
simultaneous  
with receipt of  
application for  
enrolment on  
new roll.

(4) In paragraph (a) of section one hundred and ninety-eight of the Principal Act for the words “not less than five nor more than nine clear days” there shall be substituted the words “not less than seven nor more than twenty-one clear days”.

Amendment of  
No. 3660 s. 198.  
Alteration of  
period between  
issue of writ  
and day of  
nomination.

Comp. C’wealth  
Electoral Act  
1918–1934 s. 62.

5. (1) For paragraph (c) of sub-section (3) of section one hundred and ninety-three and for paragraph (c) of sub-section (4) of section one hundred and ninety-four of the Principal Act there shall be substituted the following paragraph:—

Amendments  
of No. 3660  
ss. 193, 194.  
Polling places  
not to be  
named in writ.  
Comp. C’wealth  
Electoral Act  
1918–1934 s. 59.

“(c) shall name the day of nomination and the day for taking the poll in the event of the election being contested”.

(2) Section one hundred and ninety-two of the Principal Act is hereby amended as follows:—

Amendments of  
No. 3660 s. 192.

(a) For paragraph (b) of the proviso to sub-section (1) there shall be substituted the following paragraph:—

No polling  
places to be  
appointed or  
revoked  
between  
nomination day  
and return of  
writ.

“(b) no appointment of any polling place in or for any division of a province or any subdivision of a district shall be made or revoked during the period commencing on the day of nomination

for

for any election for such province or district and ending on the day of the return of the writ for such election"; and

(b) In sub-section (2) after the words "aforesaid may" there shall be inserted the expression "(except during the period referred to in paragraph (b) of the proviso to the last preceding sub-section)".

Amendment of No. 3660 s. 200. Polling places not to be named in public notice of writ.

(3) In paragraph (b) of sub-section (1) and in paragraph (b) of sub-section (2) of section two hundred of the Principal Act the words "the polling places" are hereby repealed.

Amendment of No. 3660 s. 208 (2).

Publication of announcement of polling places after close of nominations.

(4) For paragraph (b) of sub-section (2) of section two hundred and eight of the Principal Act there shall be substituted the following paragraph:—

"(b) forthwith publish in some newspaper published in the province or district, or if none such is published then in a Melbourne daily newspaper—

(i) the like announcement; and

(ii) an announcement of the several polling places lawfully appointed for taking the poll at such election for the several divisions of the province or for the several subdivisions of the district (as the case may be)".

Amendment of No. 3660. Eighteenth Schedule.

Deletion from writ for Council election of reference to polling places.

Amendment of No. 3660.

Nineteenth Schedule.

Deletion from writ for Assembly election of reference to polling places.

(5) In the Eighteenth Schedule to the Principal Act the expression "at the Division, at (&c., &c.) and at Division of the said Province" is hereby repealed.

(6) In the Nineteenth Schedule to the Principal Act the expression "at Subdivision at (&c., &c.), and at Subdivision of the said District" is hereby repealed.

Re-enactment of No. 3660 ss. 203, 204.

6. (1) For sections two hundred and three and two hundred and four of the Principal Act there shall be substituted the following sections:—

Manner of nomination of candidate.

"203. (1) In order that any person may become or be a candidate at any election for the Council or the Assembly he shall be nominated by not less than

ten

ten persons entitled to vote at the election in the manner following:—

- (a) After the issue of the writ and before noon on the day of nomination there shall be delivered to the returning officer who shall if required give a receipt or receipts (as the case may require) for the same—

Delivery of nomination paper and statement of consent to nomination

- (i) a nomination paper in the form or to the effect specified under the heading '*Form of Nomination*' in the Twentieth Schedule; and
- (ii) a statement of consent to nomination of the person nominated in the form or to the effect specified under the heading '*Consent to Nomination*' in the said Schedule.

- (b) Such statement of consent may be made—

As to making of statement of consent.

- (i) (in any case) by writing signed by the person nominated; or
- (ii) (where the person nominated is absent from Victoria) by telegraphic message sent by the person nominated—

addressed to the returning officer; and the returning officer shall not be required to verify the signing of any such writing or the sending of any such telegraphic message purporting to be signed or sent by the person nominated:

Provided that no objection to the sufficiency of any such consent shall be taken by reason only that such statement of consent—

- (a) was signed or sent in anticipation of the holding of an election; or
- (b) was delivered to the returning officer within one month before the issue of the writ for such election.

- (c) The person nominated or some person for him or on his behalf shall at the time of the delivery of the nomination paper as aforesaid pay to the returning officer the sum of Fifty pounds to be dealt with as hereinafter provided.

Payment of deposit.

(2) No

Declaration as  
to property  
qualification in  
case of council  
election.

(2) No person who has not been so-nominated or by or for whom or on whose behalf such payment has not been so made shall be or be deemed to be a candidate at any election.

204. (1) In the case of an election for the Council there shall in addition to the nomination paper and statement of consent aforesaid be delivered to the returning officer after the issue of the writ and before noon on the day of nomination a declaration by the person nominated—

- (a) to the effect that he is legally or equitably seized of or entitled to lands or tenements in Victoria sufficient to qualify him under the provisions of this Act to be a member of the Council, and that he has not colorably or collusively obtained a title to or become possessed of the said lands or tenements or any of them or any part of any of them for the purpose of enabling him to be elected a member of the Council; and
- (b) specifying the municipal district or districts in which such lands or tenements are situate.

As to making  
of declaration  
&c.

(2) Any such declaration may be made—

- (a) (in any case) by writing signed by the person nominated and bearing the date of the signing thereof; or
- (b) (where the person nominated is absent from Victoria) by telegraphic message sent by the person nominated bearing the date of the sending thereof and addressed to the returning officer—

and the returning officer shall not be required to verify the signing of any such writing or the sending of any such telegraphic message purporting to be signed or sent by the person nominated:

Provided that no objection to the sufficiency of any such declaration shall be taken by reason only that such declaration—

- (a) was signed or sent in anticipation of the holding of an election; or
- (b) was delivered to the returning officer within one month before the issue of the writ for such election:

Provided

Provided further that where any such declaration bears a date prior to the day of the issue of the writ there shall be delivered to the returning officer before noon on the day of nomination a statutory declaration by any one of the persons nominating as aforesaid declaring that to the best of the knowledge and belief of such person the person nominated was on the day of the issue of the writ seised of or entitled to lands or tenements in Victoria sufficient to qualify him to be a member of the Council and specifying the municipal district or districts in which such lands or tenements are situate.

(3) No nomination shall be valid unless a declaration as aforesaid and where necessary a statutory declaration as aforesaid has or have been so delivered to the returning officer.

(4) Every such declaration and any statutory declaration as aforesaid shall when received be forthwith transmitted by the returning officer to the Clerk of the Council, who shall file the same with the other records in his office.

(5) Every person who knowingly makes any false declaration respecting his qualification and every person who knowingly makes any false statutory declaration respecting the qualification of any other person shall be guilty of a misdemeanour and liable to the penalties of perjury."

Penalty for making false declaration.

(2) In the Twentieth Schedule to the Principal Act for the expression—

"And I, the above-named do hereby consent to such nomination.

(Signed)

there shall be substituted the expression—

"Consent to Nomination.

To the Returning Officer for the province [or district] of

I [state christian or other name or names and surname] of [state address] [state occupation] do hereby consent to nomination for the office of member of the Legislative Council [or Legislative Assembly] for the province [or district] of at the election

Consequential amendment of No. 3660 Twentieth Schedule. Form of consent to nomination.

to

to be held for the said province [or district] in pursuance of a writ issued the                      day of 19                      [or (as the case requires) at the next election for the said province (or district).]

Dated the                      day of                      19                      .  
(Signed)                      ."

Consequential  
repeal of  
No. 3660  
Twenty-first  
Schedule.

(3) The Twenty-first Schedule to the Principal Act is hereby repealed.

Re-enactment  
of No. 3660  
s. 206.

7. For section two hundred and six of the Principal Act there shall be substituted the following section :—

Keeping of  
separate  
accounts of  
elections and  
forwarding  
summaries  
thereof to  
Auditor-General.

“ 206. (1) Every returning officer shall—

(a) keep a separate account for each election held by him of all moneys advanced to or received by him and of all moneys expended or repaid by him at and about such election ; and

(b) not more than three months after the day named in the writ for the polling at such election, send to the Auditor-General—

(i) a summary of the transactions shown in such separate account and relating to all moneys so advanced to or received by 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 returning 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.”

Amendment of  
No. 3660 s. 209.  
No retirement  
from candidature  
after  
nomination  
hour.

8. (1) In sub-section (1) of section two hundred and nine of the Principal Act for the words “ the fourth day before the day of polling ” there shall be substituted the words “ noon on the day of nomination ”.

Comp. C'wealth  
Electoral Act  
1918-1934 s. 80.

(2) The



(2) The Principal Act as amended by any Act is hereby amended as follows:—

(a) In sub-section (2) of section two hundred and nine for the words “or if any of such papers have been printed shall erase such name therefrom” there shall be substituted the words “and shall forthwith repay to such person the moneys paid to such returning officer by or on behalf of such person”;

(b) Sub-section (4) of section two hundred and nine is hereby repealed; and

(c) In sub-section (2) of section two hundred and five the words “or who has retired from his candidature under the provisions of this Part” are hereby repealed.

Consequential amendments of No. 3660.

S. 209 (2).

Return of deposit upon retirement.

S. 209 (4).

S. 205 (2) as amended by No. 4409 s. 13 (2).

9. (1) At the end of section two hundred and nine of the Principal Act as amended by any Act there shall be inserted the following sub-sections:—

“(6) If any candidate dies after noon on the day of nomination and before the polling day the election shall wholly fail and the returning officer shall forthwith return to all the candidates the moneys paid to him by or on behalf of such candidates; and in the case of moneys paid by or on behalf of the deceased candidate such moneys shall be returned to his personal representative.

Amendment of No. 3660 s. 209 as amended by No. 4409 s. 13 (2).

Failure of election where candidate dies after nomination hour and before polling day.

Comp. C'wealth Electoral Act 1918-1934 ss. 81, 83, 84.

(7) The returning officer shall indorse the writ to the effect that the election has failed and shall return the same; and a new writ for a supplementary election shall forthwith be issued by the Governor the President or the Speaker whoever issued the writ for the election which has failed: Provided that if there is no President or the President is incapable from illness or absent from Victoria without leave granted to him by the Council, or (as the case may be) if there is no Speaker and the Assembly is not in session or the Speaker is absent from Victoria such new writ shall be issued by the Governor.

New writ for supplementary election to be issued.

(8) Such supplementary election shall be held upon the roll which was prepared for the purpose of the election which has failed; and the persons entitled and the persons required to vote at such supplementary election shall be those persons who would have been entitled or required (as the case may be) to vote at the election

Roll upon which supplementary election to be held, voters thereat and necessary modifications of Acts.

which

which has failed; and the Governor in Council may by proclamation published in the *Government Gazette* make such modifications and adaptations of any of the provisions of The Constitution Act Amendment Acts as are necessary by reason of the fact that the poll for such supplementary election will be taken on a day later than the day upon which the poll would have been taken for the election which has failed.

No voting by absent voters at supplementary elections for an election for any other province or district.

(9) The provisions of The Constitution Act Amendment Acts with respect to voting by absent voters shall not in the case of a supplementary election enable any person to vote thereat as an absent voter for an election for any other province or district."

Consequential amendment of heading preceding No. 3660 s. 209.

(2) In the heading preceding section two hundred and nine of the Principal Act for the words "RETIREMENT OF CANDIDATES" there shall be substituted the words "RETIREMENT OR DEATH OF CANDIDATES."

Consequential amendment of No. 3660 s. 1.

(3) In section one of the Principal Act for the expression "Division 8.—Retirement of Candidates s. 209" there shall be substituted the expression "Division 8.—Retirement or Death of Candidates s. 209."

Amendment of No. 3660 s. 242.  
Repeal of provision for rejection of claim to vote as absent voter.

10. Sub-section (5) of section two hundred and forty-two of the Principal Act is hereby repealed.

Amendment of No. 3660 s. 265.  
Declaration of elected member in certain cases before completion of count &c.

11. (1) At the end of section two hundred and sixty-five of the Principal Act there shall be inserted the following proviso :—

Comp. C'wealth Electoral Act 1918-1934 ss. 136A, 142 (2).

"Provided that, where the returning officer is satisfied that any votes which have not yet been received by him cannot possibly affect the result of the election, such returning officer, with the concurrence of the Chief Electoral Officer, may by notice signed exhibited and published as aforesaid declare the candidate who according to the provisions aforesaid is certain to receive the greatest number of votes to be duly elected as a member for the province or district, and in any such case the returning officer shall, as soon as conveniently may be after the completion of the count, by a supplementary notice signed exhibited and published as aforesaid announce the number of first preference votes given for each candidate and the details of distribution as aforesaid."

(2) At

(2) At the end of section two hundred and seventy-two of the Principal Act as re-enacted by sub-section (1) of section thirteen of *The Constitution Act Amendment Act 1936* there shall be inserted the following proviso :—

Amendment of  
No. 3660 s. 272  
as re-enacted  
by No. 4409  
s. 13 (1).

Declaration of  
members  
elected at  
general election  
for Council  
before  
completion of  
count &c.

“ Provided that, where the returning officer is satisfied that any votes which have not yet been received by him cannot possibly affect the result of the election, such returning officer, with the concurrence of the Chief Electoral Officer, may by notice signed exhibited and published as aforesaid, declare the candidates who in accordance with the provisions of this Division are certain to fill the first and second vacancies to be duly elected as members for the province, and in any such case the returning officer shall as soon as conveniently may be after the completion of the count by a supplementary notice signed exhibited and published as aforesaid announce the number of first preference votes given for each candidate and the result of the final count in the filling of each vacancy.”

(3) In section two hundred and fifty-three of the Principal Act for the words “ In every such case ” there shall be substituted the words “ Except as is otherwise expressly provided in this Act, in every such case ”.

Consequential  
amendment  
of No. 3660  
s. 253.

12. (1) At the end of section two hundred and seventy-eight of the Principal Act there shall be inserted the following sub-section :—

Amendment of  
No. 3660 s. 278.

“ (3) Every postal ballot-paper issued by a returning officer after noon on the day of nomination shall have printed or written thereon, in alphabetical order of surnames, the surnames and christian or other names of the candidates for election and, in the case of two or more candidates having the same surname and christian or other names, the residence and occupation of each such candidate: Provided that if no two candidates have the same surname a postal ballot-paper so issued and upon which the candidates' names are written may have the surnames only of the candidates written thereon.”

Postal  
ballot-papers  
issued after  
close of  
nominations  
to show  
candidates'  
names.

(2) In sub-section (1) of section two hundred and eighty of the Principal Act for the expression “ (in blank) ” there shall be substituted the word “ unmarked ”.

Consequential  
amendment of  
No. 3660  
s. 280 (1).

Exhibiting  
ballot-paper  
unmarked.

(3) For

Consequential  
amendments of  
No. 3660  
s. 280 (2), (3),  
as amended by  
No. 4409 s. 13  
(2).

Marking  
postal  
ballot-paper.

(3) For sub-sections (2) and (3) of section two hundred and eighty of the Principal Act as amended by any Act there shall be substituted the following sub-sections:—

“(2) The elector shall in the presence of the authorized witness but so that the witness cannot see the vote—

(a) write on the ballot-paper the surnames of all the candidates (if the candidates' names are not already printed or written thereon when the ballot-paper is issued to him); and

(b) indicate the order of his preference by placing the figures 1, 2, 3, 4, and so on opposite the candidates' names:

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

Provision where  
candidates  
have same  
names.

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

Amendment of  
No. 3660  
s. 210 (1).

Postal  
ballot-papers  
to be printed  
with  
candidates'  
names thereon.

(4) For paragraph (b) of sub-section (1) of section two hundred and ten of the Principal Act there shall be substituted the following paragraph:—

“(b) cause postal ballot-papers to be printed with the surnames and christian or other names in full of all candidates at such election in alphabetical order of surnames and of no other persons in the form provided by section two hundred and seventy-six”.

Consequential  
amendments  
of No. 3660  
ss. 283, 285.

(5) In sub-section (1) of section two hundred and eighty-three and in sub-section (2) of section two hundred and eighty-five of the Principal Act for the words “in blank form” there shall be substituted the word “unmarked”.

Consequential  
amendment of  
No. 3660 s. 292.

(6) In paragraph (b) of section two hundred and ninety-two of the Principal Act after the word “candidates” there shall be inserted the words “or marks any vote”.

(7) In

(7) In the Twenty-sixth Schedule to the Principal Act—

Consequential  
amendments  
of No. 3660  
Twenty-sixth  
Schedule.

Form of postal  
ballot-paper.

- (a) for the expression “ (Below write the surnames of all candidates and indicate your order of preference by placing the figures 1, 2, 3, 4, and so on opposite such names) ” there shall be substituted the expression :—

“ (Before marking this ballot-paper exhibit it unmarked to an authorized witness and read carefully the Instructions to Elector printed on the back)

CANDIDATES’ NAMES ” ;

- (b) in paragraph (a) under the heading *Instructions to Elector* for the expression “ (in blank) ” there shall be substituted the word “ unmarked ” ; and

- (c) for paragraphs (b) and (c) under the said heading there shall be substituted the following paragraphs :—

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

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

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

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

candidates

candidates and if more candidates than one have the same surname and christian or other names the residences and occupations of such candidates."

Amendment of  
No. 3660 s. 306.

13. At the end of section three hundred and six of the Principal Act there shall be inserted the following sub-section :—

Gifts to clubs  
&c. by  
candidate  
deemed  
bribery.  
Comp. C'wealth  
Electoral Act  
1918-1934  
s. 150.

"(2) Every candidate for election who after the dissolution or vacancy in consequence of which the writ for the election is issued and before or on the day of polling offers promises or gives directly or indirectly to or for any club or other association any gift donation or prize shall be deemed guilty of bribery within the meaning of this Part."

Amendment of  
No. 3660 s. 323.  
Extension of  
time for  
transmission of  
return of  
electoral  
expenses.

14. In sub-section (1) of section three hundred and twenty-three of the Principal Act for the words "thirty-one days" there shall be substituted the words "eight weeks".

Comp. C'wealth  
Electoral Act  
1918-1934  
s. 151 (1).

15. Section three hundred and twenty-six of the Principal Act is hereby amended as follows:—

Amendment of  
No. 3660 s. 326  
(1).

False  
statements  
likely to  
mislead  
electors in  
voting to be an  
illegal  
practice.

(a) In sub-section (1) after the words "of such candidate" there shall be inserted the words "or any false statement of fact intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote"; and

(b) In sub-section (3) the words "in relation to such candidate" are hereby repealed.

Comp. C'wealth  
Electoral Act  
1918-1934  
s. 161 (e).

Consequential  
amendment of  
No. 3660  
s. 326 (3).

Electoral matter  
in newspaper  
to be preceded  
by word  
"Advertisement"  
where  
insertion is  
paid for.

Comp. C'wealth  
Electoral Act  
1918-1934  
s. 163.

16. (1) (a) Where any article or paragraph containing any electoral matter is printed or published in any newspaper, then, unless such article or paragraph is preceded by the word "Advertisement" printed as a headline in letters not smaller than ten point or long primer, the printer publisher and proprietor of such newspaper shall be severally liable to a penalty of not more than Fifty pounds.

(b) In this sub-section "electoral matter" means any matter intended or likely to affect the result of any election for the Council or the Assembly or any report of the speech of a candidate for election to the Council or the Assembly where the insertion of such matter or report is or is to be paid for or any reward or compensation or promise of reward or compensation is or is to be made for such insertion.

(2) (a) Where

(2) (a) Where on or after the date of issue and before the return of the writ for any election for the Council or the Assembly any article report letter or other matter commenting upon any candidate or political party is printed or published in any newspaper circular pamphlet "dodger" or other printed matter and the true full name and place of residence of the author of such article report letter or other matter is not printed at the foot thereof, the printer publisher and proprietor of such newspaper circular pamphlet "dodger" or other printed matter shall be severally liable to a penalty of not more than Fifty pounds.

Article &c. in newspaper &c. commenting on candidate or political party to show name of author.

Comp. C'wealth Electoral Act 1918-1934 s. 164.

(b) This sub-section shall not apply to the publication in a newspaper of—

- (i) a leading article or other article purporting to express the political policy or views of the newspaper or of the proprietor thereof; or
- (ii) an article which consists solely of a report of a meeting and does not contain any comment (other than comment made by a speaker at the meeting) upon any candidate or political party.

(3) (a) Where on or after the date of issue and before the return of the writ for any election for the Council or the Assembly any speech or discussion commenting upon any candidate or political party or any electoral matter is broadcast by any broadcasting station, then, unless an announcement of the true name and place of residence of the person by whom the speech discussion or electoral matter is made or authorized is broadcast both immediately before and immediately after the broadcasting of such speech discussion or electoral matter, the proprietor of such station and the manager or other person controlling the broadcasts by such station shall be severally liable to a penalty of not more than Fifty pounds.

Broadcasts of certain political speeches or electoral matter to be preceded and followed by announcement of name &c. of person making or authorizing same.

(b) This sub-section shall not apply to the broadcast of a report of a meeting which does not contain any comment (other than comment made at the meeting by a speaker whose name is specified in the broadcast) upon any candidate or political party.

Report of meeting not to be broadcast if it contains comment upon candidate or political party.