

**Authorised Version No. 002**  
**City of Melbourne (Electoral)**  
**Regulations 2012**

**S.R. No. 30/2012**

Authorised Version incorporating amendments as at  
7 August 2016

**TABLE OF PROVISIONS**

| <i>Regulation</i>                                 | <i>Page</i> |
|---|-------------|
| <b>Part 1—Preliminary</b>                         | <b>1</b>    |
| 1 Objectives                                      | 1           |
| 2 Authorising provisions                          | 1           |
| 3 Commencement                                    | 1           |
| 4 Revocations                                     | 1           |
| 5 Definitions                                     | 2           |
| 6 Application                                     | 4           |
| <b>Part 2—Voters' rolls</b>                       | <b>5</b>    |
| <b>Division 1—Enrolment of voters</b>             | <b>5</b>    |
| 7 Interpretation                                  | 5           |
| 8 Enrolment application by property owner         | 5           |
| 9 Enrolment application by property occupier      | 6           |
| 10 Application by person appointed by corporation | 7           |
| 11 Request to vary owner enrolment                | 8           |
| 12 Request to vary occupier enrolment             | 9           |
| 13 Resignation of corporation appointment         | 9           |
| 14 Revocation of corporation appointment          | 10          |
| <b>Division 2—Silent voters</b>                   | <b>10</b>   |
| 15 Silent voter request                           | 10          |
| 16 Silent voter list                              | 10          |
| 17 Silent voter's details to be kept secure       | 11          |
| 18 Silent voter not required to provide address   | 11          |
| <b>Division 3—Form of voters' rolls</b>           | <b>12</b>   |
| 19 Voters' roll                                   | 12          |

| <i>Regulation</i>   | <i>Page</i> |
|---|-------------|
| <b>Part 3—Candidates</b>  | <b>13</b>   |
| <b>Division 1—Candidates and scrutineers—Lord Mayor and Deputy Lord Mayor</b> | <b>13</b>   |
| 20 Notice of candidature  | 13          |
| 21 Notice of withdrawal of candidature  | 14          |
| 22 Group name of Lord Mayor and Deputy Lord Mayor                             | 15          |
| 23 Appointment and declaration of scrutineer                                  | 15          |
| <b>Division 2—Candidates and scrutineers—Councillors</b>                      | <b>17</b>   |
| 24 Nomination for election  | 17          |
| 25 Notice of withdrawal of nomination   | 18          |
| 26 Appointment and declaration of scrutineer                                  | 18          |
| <b>Division 3—How-to-vote cards</b>   | <b>20</b>   |
| 27 Application of Division  | 20          |
| 28 Submission of how-to-vote card to returning officer                        | 20          |
| 29 Details to be included in how-to-vote card submission                      | 21          |
| 30 Registration or refusal of registration of how-to-vote card                | 22          |
| 31 Review of returning officer's decision                                     | 23          |
| 32 Provision of how-to-vote cards   | 24          |
| <b>Division 4—Candidate information</b>                                       | <b>25</b>   |
| 33 Application and interpretation of Division                                 | 25          |
| 34 Prescribed documents—candidate information                                 | 25          |
| 35 Joint statement—Lord Mayor and Deputy Lord Mayor                           | 25          |
| 36 Candidate statement—Ungrouped candidates                                   | 27          |
| 37 Group statement  | 29          |
| 37A Group voting tickets  | 30          |
| 37B Joint request for grouping of candidates                                  | 30          |
| 38 Reference to other candidates  | 31          |
| 39 Rejection and amendment of statements                                      | 32          |
| 40 Indication of preferences—Lord Mayor and Deputy Lord Mayor                 | 33          |
| 41 Indication of preferences—Ungrouped candidates                             | 34          |
| 42 Candidate information on the Internet                                      | 35          |
| 43 Publication of candidate information                                       | 35          |
| 44 Disclaimer on statements   | 37          |
| <b>Division 5—Candidate questionnaire</b>                                     | <b>37</b>   |
| 44A Application of Division   | 37          |
| 44B Lodgement of candidate questionnaire form                                 | 37          |
| 44C Publication of candidate questionnaire form                               | 38          |
| 44D Disclaimer on candidate questionnaire form                                | 40          |
| <b>Part 4—General election matters</b>  | <b>41</b>   |
| 45 Form of ballot-paper—Lord Mayor and Deputy Lord Mayor                      | 41          |

| <i>Regulation</i>   | <i>Page</i> |
|---|-------------|
| 46 Validity of ballot-paper—Lord Mayor and Deputy Lord Mayor    | 41          |
| 47 Validity of ballot-paper—Councillors                         | 43          |
| 48 Application of Local Government (Electoral) Regulations 2016 | 44          |
| <b>Schedule</b>   | <b>46</b>   |
| =====   |             |
| <b>Endnotes</b>   | <b>49</b>   |
| 1 General information   | 49          |
| 2 Table of Amendments   | 51          |
| 3 Amendments Not in Operation                                   | 52          |
| 4 Explanatory details   | 53          |

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**Part 1—Preliminary**

**1 Objectives**

The objectives of these Regulations are—

- (a) to make provision for elections conducted under the **City of Melbourne Act 2001**; and
- (b) to apply, with modifications, the Local Government (Electoral) Regulations 2016 to elections conducted under the **City of Melbourne Act 2001**.

Reg. 1(b)  
amended by  
S.R. No.  
97/2016 reg. 5.

**2 Authorising provisions**

These Regulations are made under section 243 of the **Local Government Act 1989** and section 29 of the **City of Melbourne Act 2001**.

**3 Commencement**

These Regulations come into operation on 8 May 2012.

**4 Revocations**

The following Regulations are **revoked**—

- (a) the City of Melbourne (Elections) Regulations 2001<sup>1</sup>;
- (b) the City of Melbourne (Elections) Amendment Regulations 2008<sup>2</sup>.

## 5 Definitions

In these Regulations—

*candidate information* means—

- (a) in relation to candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor, joint statements, photographs and indications of preferences;
- (b) in relation to a candidate for the office of Councillor who is a member of a group and in relation to the ward or municipal district for which the voter is entitled to vote, group statements, photographs of group members and one or more group voting tickets;
- (c) in relation to a candidate for the office of Councillor who is not a member of a group and in relation to the ward or municipal district for which the voter is entitled to vote, candidate statements, photographs and indications of preferences;

Reg. 5 def. of  
*candidate  
questionnaire  
form*  
inserted by  
S.R. No.  
97/2016  
reg. 6(2).

*candidate questionnaire form* means the form referred to in regulation 44B and set out in Form 2 in the Schedule;

*candidate statement* means a statement lodged under regulation 36;

*Councillor* means a Councillor referred to in section 6(1)(c) of the **City of Melbourne Act 2001**;

***election official*** for an election, means the returning officer for the election or an authorised person who has made a declaration under clause 2 of Schedule 2 to the **Local Government Act 1989** that is in accordance with regulation 20 of the Local Government (Electoral) Regulations 2016;

Reg. 5 def. of *election official* amended by S.R. No. 97/2016 reg. 6(1)(a).

***group*** means 2 or more candidates for Councillor who make a valid request under clause 3 of Schedule 1 to the **City of Melbourne Act 2001** for their names to be grouped on the ballot-paper;

***group statement*** means a statement lodged under regulation 37;

***group voting ticket*** means a group voting ticket registered under clause 6 of Schedule 1 to the **City of Melbourne Act 2001**;

***indication of preferences*** means a document containing an indication of the preferred order of voting of—

- (a) a candidate; or
- (b) a pair of candidates for the office of Lord Mayor and Deputy Lord Mayor;

***joint statement*** means a statement lodged under regulation 35;

***postal ballot envelope*** means an envelope issued to a voter under regulation 84 of the Local Government (Electoral) Regulations 2016;

Reg. 5 def. of *postal ballot envelope* amended by S.R. No. 97/2016 reg. 6(1)(b).

***registered officer*** has the same meaning as in section 44 of the **Electoral Act 2002**;

Reg. 5 def. of *registered officer* inserted by S.R. No. 97/2016 reg. 6(2).

Reg. 5 def. of  
*registered  
political party*  
inserted by  
S.R. No.  
97/2016  
reg. 6(2).

*registered political party* has the same meaning  
as in section 3 of the **Electoral Act 2002**;

Reg. 5 def. of  
*silent voter*  
amended by  
S.R. No.  
97/2016  
reg. 6(1)(c).

*silent voter* means—

- (a) a voter whose address is not shown on a voters' roll; or
- (b) an elector whose address is not shown on the relevant Roll under the Commonwealth Electoral Act 1918; or
- (c) a silent elector within the meaning of the **Electoral Act 2002**;

Reg. 5 def. of  
*voter notice*  
inserted by  
S.R. No.  
97/2016  
reg. 6(2).

*voter notice* means a notice that is referred to in regulation 48 of the Local Government (Electoral) Regulations 2016.

## 6 Application

If an Order in Council made under section 6B of the **City of Melbourne Act 2001** is in force in relation to an election of Councillors—

Reg. 6(a)  
amended by  
S.R. No.  
97/2016 reg. 7.

- (a) the Local Government (Electoral) Regulations 2016 apply to that election; and
- (b) these Regulations do not apply to that election.

## **Part 2—Voters' rolls**

### **Division 1—Enrolment of voters**

#### **7 Interpretation**

In this Division—

- (a) a reference to the *corporation details* of a corporation means the following—
  - (i) the corporation's name;
  - (ii) the ACN of the corporation;
  - (iii) the registered address of the corporation;
- (b) a reference to the *personal details* of a person means the following—
  - (i) the person's full name;
  - (ii) the person's date of birth;
  - (iii) the person's residential address;
  - (iv) the person's postal address.

#### **8 Enrolment application by property owner**

For the purposes of section 9(2)(b) of the **City of Melbourne Act 2001**, an application by an owner of any rateable property in the municipal district who is entitled under section 9B(1) of that Act to apply to be enrolled must be in writing and include the following details—

- (a) the address of the relevant rateable property;
- (b) the personal details of the person making the application;



- (c) if the property is jointly owned, the names of all the other joint owners of the relevant rateable property;
- (d) a declaration signed and dated by that person that the person—
  - (i) is an owner of the rateable property for which he or she is applying to be enrolled; and
  - (ii) would not be an elector in respect of an address in the municipal district if a roll of electors for the Legislative Assembly were compiled; and
  - (iii) is a resident of the municipal district.

#### **9 Enrolment application by property occupier**

For the purposes of section 9(2)(b) of the **City of Melbourne Act 2001**, an application by an occupier of any rateable property in the municipal district who is entitled under section 9B(1) of that Act to apply to be enrolled must be in writing and include the following details—

- (a) the address of the relevant rateable property;
- (b) the personal details of the person making the application;
- (c) the name of the property owner, if known;
- (d) a declaration signed and dated by that person that the person—
  - (i) is an occupier of the rateable property for which he or she is applying to be enrolled; and

- (ii) would not be an elector in respect of an address in the municipal district if a roll of electors for the Legislative Assembly were compiled; and
- (iii) is a resident of the municipal district.

#### **10 Application by person appointed by corporation**

For the purposes of section 9(2)(b) of the **City of Melbourne Act 2001**, an application by 2 people appointed to vote on behalf of a corporation or the joint owners or joint occupiers of any rateable property in the municipal district under section 9C(1) of that Act must be in writing and include the following details—

- (a) the address of the relevant rateable property;
- (b) the personal details of each person appointed under section 9C(1);
- (c) the corporation details of the corporation making the application;
- (d) a declaration signed and dated by each person appointed that—
  - (i) the person consents to the appointment; and
  - (ii) the person would not be an elector in respect of an address in the municipal district if a roll of electors for the Legislative Assembly were compiled; and
  - (iii) the corporation is an owner or joint owner or occupier or joint occupier of the rateable property (as the case may be); and

- (iv) each person named on the application as an appointee is a company secretary, public officer or director of the corporation (as the case may be) and is appointed a voting representative of the corporation.

## **11 Request to vary owner enrolment**

A written request made by an owner or 2 owners of a rateable property for the purposes of section 9F(2) or (3) of the **City of Melbourne Act 2001** must contain the following details—

- (a) the address of the relevant rateable property;
- (b) the names of all owners of the rateable property;
- (c) the name of each owner to be removed from the voters' roll;
- (d) the personal details of each owner requested to be enrolled on the voters' roll;
- (e) a declaration signed and dated by each owner requesting to be enrolled stating that he or she—
  - (i) is an owner of the rateable property; and
  - (ii) is not a resident of the municipal district; and
  - (iii) would not be an elector in respect of an address in the municipal district if a roll of electors for the Legislative Assembly were compiled;
- (f) the signed and dated authorisation of at least one joint owner of the property who is not requesting to be enrolled in relation to the property.

## **12 Request to vary occupier enrolment**

A written request made by an occupier or 2 occupiers of a rateable property for the purposes of section 9F(2) or (3) of the **City of Melbourne Act 2001** must contain the following details—

- (a) the address of the relevant rateable property;
- (b) the names of all occupiers of the rateable property;
- (c) the name of each occupier to be removed from the voters' roll;
- (d) the personal details of each occupier requested to be enrolled on the voters' roll;
- (e) a declaration signed and dated by each occupier requesting to be enrolled stating that he or she—
  - (i) is an occupier of the rateable property; and
  - (ii) is not a resident of the municipal district; and
  - (iii) would not be an elector in respect of an address in the municipal district if a roll of electors for the Legislative Assembly were compiled;
- (f) the signed and dated authorisation of at least one joint occupier of the property who is not requesting to be enrolled in relation to the property.

## **13 Resignation of corporation appointment**

A notice of resignation under section 9G(2)(a)(iii) of the **City of Melbourne Act 2001** must be in writing and include the following details—

- (a) the personal details of the person resigning his or her appointment;

- (b) the corporation details of the corporation that the person was appointed to represent;
- (c) a declaration signed and dated by the person that he or she resigns the appointment.

#### **14 Revocation of corporation appointment**

A notice of revocation under section 9G(2)(b) of the **City of Melbourne Act 2001** must be in writing and include the following details—

- (a) the corporation details of the corporation revoking the appointment;
- (b) the name of the person whose appointment is to be revoked;
- (c) a declaration signed and dated by the person authorised to make the notice of revocation on behalf of the corporation which includes a statement that the appointment of the person referred to in paragraph (b) is revoked.

### **Division 2—Silent voters**

#### **15 Silent voter request**

For the purposes of section 10(1) of the **City of Melbourne Act 2001**, the prescribed form is Form 1 in the Schedule.

#### **16 Silent voter list**

- (1) The Chief Executive Officer must maintain a list of silent voters.

Reg. 15  
amended by  
S.R. No.  
97/2016 reg. 8.

Reg. 16  
(Heading)  
amended by  
S.R. No.  
97/2016  
reg. 9(1).

Reg. 16(1)  
substituted by  
S.R. No.  
97/2016  
reg. 9(2).

- (2) A person may be removed from the list of silent voters after the entitlement day if—
- (a) the person is no longer entitled to be enrolled under section 9A(3), 9A(5), 9B or 9C of the **City of Melbourne Act 2001** on the voters' roll; or
  - (b) the person has requested in writing no longer to be listed as a silent voter.

Reg. 16(2)  
amended by  
S.R. No.  
97/2016  
reg. 9(3)(a).

Reg. 16(2)(b)  
amended by  
S.R. No.  
97/2016  
reg. 9(3)(b).

### **17 Silent voter's details to be kept secure**

- (1) The Chief Executive Officer must ensure that only persons authorised by him or her have access to—
- (a) the address of a silent voter; or
  - (b) the information contained in a request made under section 10(1) of the **City of Melbourne Act 2001**.
- (2) A Registrar or returning officer must ensure that only persons authorised by him or her have access to the address of a silent voter.

### **18 Silent voter not required to provide address**

A silent voter is not required to provide the address for which the voter is enrolled on any application made or declaration given under Part 5 or 6 of the Local Government (Electoral) Regulations 2016.

Reg. 18  
amended by  
S.R. No.  
97/2016  
reg. 10.

### Division 3—Form of voters' rolls

Pt 2 Div. 3  
(Heading)  
amended by  
S.R. No.  
97/2016  
reg. 11.

#### 19 Voters' roll

Reg. 19  
(Heading)  
substituted by  
S.R. No.  
97/2016  
reg. 12(1).

(1) For the purposes of section 11D(2) of the **City of Melbourne Act 2001**, the following particulars are prescribed—

- (a) if the municipal district is divided into wards, the name of the relevant ward;
- (b) the year of the roll;
- (c) the full name of each voter;
- (d) except in the case of a silent voter—
  - (i) the address in respect of which the voter is entitled to be enrolled on the roll; and
  - (ii) if the voter has a different postal address, that postal address.

Reg. 19(1)  
amended by  
S.R. No.  
97/2016  
reg. 12(2).

Reg. 19(2)  
revoked by  
S.R. No.  
97/2016  
reg. 12(3).

\* \* \* \* \*

Reg. 19(3)  
amended by  
S.R. No.  
97/2016  
reg. 12(4).

(3) The voters' roll must not include—

- (a) the address of a silent voter; or
- (b) the date of birth of a voter.

## Part 3—Candidates

### Division 1—Candidates and scrutineers—Lord Mayor and Deputy Lord Mayor

#### 20 Notice of candidature

(1) A notice of candidature under section 15(2) of the **City of Melbourne Act 2001** for the office of Lord Mayor and Deputy Lord Mayor must be in writing and, for the purposes of clause 5(1)(a) of Schedule 2 to the **Local Government Act 1989**, include the following details—

- (a) the full name of the candidate seeking election as Lord Mayor and the full name of the candidate seeking election as Deputy Lord Mayor;
- (b) the address of each candidate in respect of which the candidate is enrolled on the voters' roll;
- (c) if different from the address mentioned in paragraph (b), each candidate's residential and postal addresses;
- (d) details of how each candidate may be contacted on short notice during business hours and during non-business hours, which may include—
  - (i) telephone numbers;
  - (ii) facsimile numbers;
  - (iii) email addresses;
- (e) the form in which each candidate's name is to appear on the ballot-paper.

Reg. 20(1)(b)  
substituted by  
S.R. No.  
97/2016  
reg. 13.



- (2) Each candidate for the office of Lord Mayor and Deputy Lord Mayor must include with the notice of candidature under section 15(2) of the **City of Melbourne Act 2001** a signed and dated declaration that states for the purpose of clause 5(1)(c) of Schedule 2 to the **Local Government Act 1989** that the candidate—
- (a) is applying to be a candidate for the office of Lord Mayor or Deputy Lord Mayor (as the case may be) at the election and the year of the election;
  - (b) is qualified to be a candidate under section 14A of the **City of Melbourne Act 2001**;
  - (c) is aware that it is an offence for a person who is not qualified to be a candidate or is not capable of becoming a Councillor to submit a notice of candidature.
- (3) The nomination fee under clause 5(1)(d) of Schedule 2 to the **Local Government Act 1989** is \$250.

## **21 Notice of withdrawal of candidature**

- (1) For the purposes of clause 7(2) of Schedule 2 to the **Local Government Act 1989**, a notice of withdrawal of candidature for the office of Lord Mayor and Deputy Lord Mayor must be in writing and must include the following details—
- (a) the date of the election;
  - (b) the full names of the withdrawing candidates.
- (2) The notice of withdrawal of candidature must be signed and dated by one of the withdrawing candidates.

## **22 Group name of Lord Mayor and Deputy Lord Mayor**

- (1) A pair of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor may make a joint request that their names appear on the ballot-paper together with a group name.
- (2) The request must—
  - (a) be in writing and must be signed by the candidates; and
  - (b) be delivered to the returning officer before noon on the 2nd day after nomination day.
- (3) A request under this regulation must also specify the group name under which the candidates wish to appear.
- (3A) A request must be lodged—
  - (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
  - (b) if the returning officer has advised candidates that the request is to be received at another place, at that other place; or
  - (c) by electronic communication in accordance with any conditions determined by the returning officer.
- (4) Clause 4(2), (3), (4), (5) and (6) of Schedule 1 to the **City of Melbourne Act 2001** apply to a request made under this regulation.

Reg. 22(3A)  
inserted by  
S.R. No.  
97/2016  
reg. 14.

## **23 Appointment and declaration of scrutineer**

- (1) For the purposes of clause 15(2A) of Schedule 2 to the **Local Government Act 1989**, a notice of appointment of a scrutineer by a candidate for the office of Lord Mayor or Deputy Lord Mayor must include the following details—

- (a) the full name and signature of the candidate who has appointed the scrutineer;
  - (b) the full name and residential address of the person appointed as the scrutineer.
- (2) For the purposes of clause 15(4) of Schedule 2 to the **Local Government Act 1989**, a declaration by a scrutineer appointed under subregulation (1) must include the following details—
- (a) the name of the candidate who appointed the scrutineer;
  - (b) the full name and residential address of the person appointed as the scrutineer;
  - (c) a declaration signed and dated by the scrutineer in the presence of an election official that states that the scrutineer—
    - (i) undertakes to be a scrutineer for the candidate; and
    - (ii) will not disclose any fact coming to his or her knowledge which he or she is required not to disclose under the **City of Melbourne Act 2001**, the **Local Government Act 1989** or any Regulations made under these Acts; and
    - (iii) is not a person who cannot be appointed as a scrutineer under the **Local Government Act 1989** or these Regulations.

## **Division 2—Candidates and scrutineers— Councillors**

### **24 Nomination for election**

(1) For the purposes of clause 5(1)(a) of Schedule 2 to the **Local Government Act 1989**, a nomination form of a candidate for election to the office of Councillor must be in writing and contain the following details—

Reg. 24(1)  
amended by  
S.R. No.  
97/2016  
reg. 15(1)(a).

(a) if the municipal district is divided into wards, the name of the relevant ward;

(b) the full name of the candidate;

(c) the address in respect of which the candidate is enrolled on the voters' roll;

Reg. 24(1)(c)  
substituted by  
S.R. No.  
97/2016  
reg. 15(1)(b).

(d) if different from the address mentioned in paragraph (c), the candidate's residential and postal addresses;

(e) details of how the candidate may be contacted on short notice during business hours and during non-business hours, which may include—

(i) telephone numbers;

(ii) facsimile numbers;

(iii) email addresses;

(f) the form in which the candidate's name is to appear on the ballot-paper.

(2) A candidate for the office of Councillor must include with the nomination form a declaration for the purposes of clause 5(1)(c) of Schedule 2 to the **Local Government Act 1989** that is signed and dated by the candidate and that states that the candidate—

- (a) is applying to be a candidate for the office of Councillor [*for the --- Ward of the Council*] at the election and the year of the election; and
  - (b) is qualified to be a candidate under section 14A of the **City of Melbourne Act 2001**; and
  - (c) is aware that it is an offence for a person who is not qualified to be a candidate or is not capable of becoming a Councillor to submit a nomination form.
- (3) The nomination fee for the purposes of clause 5(1)(d) of Schedule 2 to the **Local Government Act 1989** is \$250.

Reg. 24(3)  
amended by  
S.R. No.  
97/2016  
reg. 15(2).

## 25 Notice of withdrawal of nomination

- (1) For the purposes of clause 7(2) of Schedule 2 to the **Local Government Act 1989**, a notice of withdrawal of nomination for election to the office of Councillor must be in writing and must include the following details—
  - (a) the date of the election;
  - (b) if the municipal district is divided into wards, the name of the relevant ward;
  - (c) the full name of the withdrawing candidate.
- (2) A notice of withdrawal of nomination must be signed and dated by the withdrawing candidate.

## 26 Appointment and declaration of scrutineer

- (1) For the purposes of clause 15(2A) of Schedule 2 to the **Local Government Act 1989**, an appointment of a scrutineer by a candidate for the office of Councillor must be in writing and must include the following details—

- (a) if the municipal district is divided into wards, the name of the relevant ward;
  - (b) the full name and signature of the candidate who is appointing the scrutineer;
  - (c) the full name and residential address of the person being appointed as the scrutineer.
- (2) For the purposes of clause 15(4) of Schedule 2 to the **Local Government Act 1989**, a declaration by a scrutineer appointed under subregulation (1) must be in writing and include the following details—
- (a) if the municipal district is divided into wards, the name of the relevant ward;
  - (b) the name of the candidate who appointed the scrutineer;
  - (c) the full name and residential address of the person being appointed as the scrutineer;
  - (d) a declaration signed and dated by the scrutineer in the presence of an election official that states that the scrutineer—
    - (i) undertakes to be a scrutineer for the candidate; and
    - (ii) will not disclose any fact coming to his or her knowledge which he or she is required not to disclose under the **City of Melbourne Act 2001**, the **Local Government Act 1989** or any Regulations made under these Acts; and
    - (iii) is not a person who cannot be appointed as a scrutineer under the **Local Government Act 1989** or these Regulations.

### Division 3—How-to-vote cards

#### 27 Application of Division

Reg. 27  
amended by  
S.R. No.  
97/2016  
reg. 16(1).

This Division applies to attendance elections, being elections conducted in accordance with Part 5 of the Local Government (Electoral) Regulations 2016.

Note to reg. 27  
substituted by  
S.R. No.  
97/2016  
reg. 16(2).

#### Note

Regulation 46 of the Local Government (Electoral) Regulations 2016 provides that Part 5 of those Regulations applies if a Council does not decide that all voting at an election is to be by means of postal voting.

#### 28 Submission of how-to-vote card to returning officer

Reg. 28(2)(a)  
substituted by  
S.R. No.  
97/2016  
reg. 17(1).

- (1) A person may submit a how-to-vote card to the returning officer for registration at any time within the period that—
  - (a) starts on the 5th working day after the close of nominations; and
  - (b) ends at noon on the 6th working day before election day.
- (2) A how-to-vote card must be submitted for registration—
  - (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
  - (b) if the returning officer has advised candidates that how-to-vote cards will be received at another place, at that other place.
- (3) The returning officer may provide such assistance to the person wishing to submit a how-to-vote card as the returning officer considers appropriate before the person submits a how-to-vote card to the returning officer for registration.

Reg. 28(3)  
amended by  
S.R. No.  
97/2016  
reg. 17(2).

## **29 Details to be included in how-to-vote card submission**

- (1) A how-to-vote card submitted for registration must include—
  - (a) the full name and address of the person who authorised the how-to-vote card; and
  - (b) an endorsement in the following form—

*"Registered by the returning officer for [if applicable, insert the name of the ward of] the City of Melbourne".*
- (2) If a how-to-vote card contains a section in a language other than English, the person submitting the card for registration must submit with the card—
  - (a) an accurate translation into English of the section; and
  - (b) a declaration that the translation is accurate.
- (3) A person submitting a how-to-vote card to the returning officer must submit with the card a written declaration containing the following—
  - (a) in relation to an election of Councillors, if the municipal district is divided into wards, the name of the relevant ward;
  - (b) the full name and residential address of the person submitting the how-to-vote card for registration;
  - (c) if the how-to-vote card is submitted on behalf of another person, organisation or group—
    - (i) the full name of the other person, organisation or group; and
    - (ii) the capacity in which the person is submitting the how-to-vote card; and



(iii) a statement that the person is authorised to submit the how-to-vote card on behalf of the other person, organisation or group;

(d) a statement that—

(i) the details contained in the submitted how-to-vote card and the declaration are correct; and

Reg. 29(3)(d)(i)  
amended by  
S.R. No.  
97/2016  
reg. 18(a).

(ii) the person is aware that it is an offence for a person to knowingly make a false statement in a declaration.

Reg.  
29(3)(d)(ii)  
amended by  
S.R. No.  
97/2016  
reg. 18(b).

(4) A declaration under subregulation (3) must be witnessed by an election official.

### **30 Registration or refusal of registration of how-to-vote card**

(1) Before noon on the next working day after receiving a how-to-vote card under regulation 28, the returning officer must—

(a) register the how-to-vote card; or

(b) refuse to register the how-to-vote card—

and give the person who submitted the card for registration notice of the decision and the reasons for the decision.

(2) In deciding whether to register or to refuse to register a how-to-vote card, the returning officer must have regard to whether—

(a) the card clearly identifies the person, organisation or group on whose behalf the card is to be distributed;

- (b) the card—
  - (i) indicates the order of voting preference for all candidates, pairs of candidates standing for Lord Mayor and Deputy Lord Mayor or groups (as the case may be) listed on the card; or
  - (ii) contains a statement that a number must be placed against the name of each candidate, pair of candidates or group (as the case may be);
- (c) the card contains the details required by regulation 29(1);
- (d) the card is accompanied by the information required by regulation 29(2) and (3).
- (3) The returning officer must refuse to register a how-to-vote card if the returning officer is satisfied that the card—
  - (a) is likely to mislead or deceive a voter in casting his or her vote; or
  - (b) is likely to induce a voter to mark his or her vote otherwise than in accordance with the directions on the ballot-paper; or
  - (c) contains offensive or obscene material.
- (4) The returning officer must refuse to register a how-to-vote card submitted by or on behalf of a group or a member of a group if the card is inconsistent with the order of preferences in the group's group voting tickets.

### **31 Review of returning officer's decision**

- (1) Any person may apply to VCAT for review of a returning officer's decision under regulation 30.

- (2) An application under subregulation (1) must be made no later than whichever of the following occurs first—
- (a) noon on the 2nd working day after the day on which the returning officer gives notice under regulation 30(1); or
  - (b) noon on the 4th working day before the election day.

### **32 Provision of how-to-vote cards**

Reg. 32(1)  
amended by  
S.R. No.  
97/2016  
reg. 19(1).

- (1) As soon as practicable after registering a how-to-vote card, the returning officer must—
- (a) make a copy of the card available for inspection at the returning officer's office; and
  - (b) on an Internet site maintained by or on behalf of the returning officer that is not the Internet site of the Council, publish, in relation to each how-to-vote card registered under regulation 30(1)(a)—
    - (i) the name of the person who submitted the how-to-vote card for registration; and
    - (ii) if the how-to-vote card was submitted on behalf of another person, organisation or group, the name of that person, organisation or group.

Reg. 32(2)  
amended by  
S.R. No.  
97/2016  
reg. 19(2).

- (2) If a how-to-vote card is registered under regulation 30(1)(a), the person who submitted the card for registration must, as soon as practicable, provide the returning officer with 3 additional how-to-vote cards.

## **Division 4—Candidate information**

### **33 Application and interpretation of Division**

- (1) This Division applies to postal elections, being elections held in accordance with Part 6 of the Local Government (Electoral) Regulations 2016.

Reg. 33(1)  
amended by  
S.R. No.  
97/2016  
reg. 20(1).

#### **Note**

Regulation 80 of the Local Government (Electoral) Regulations 2016 provides that Part 6 of those Regulations applies if a Council decides that all voting at an election is to be by means of postal voting.

Note to reg.  
33(1)  
substituted by  
S.R. No.  
97/2016  
reg. 20(2).

- (2) In this Division, a reference to *another candidate* includes a reference to a particular candidate, a pair of candidates or a group or a class of candidate by name or description.

### **34 Prescribed documents—candidate information**

For the purposes of section 41A(2)(b)(vi) of the **Local Government Act 1989**, the following are prescribed documents—

- (a) candidate statements;
- (b) joint statements;
- (c) group statements;
- (d) indications of preferences;
- (e) group voting tickets.

### **35 Joint statement—Lord Mayor and Deputy Lord Mayor**

- (1) A pair of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor may lodge a joint statement for inclusion in the postal ballot envelope.

- (2) A joint statement may only include—
- (a) a written statement of no more than 250 words; and
  - (b) a recent passport-size photograph of one or each candidate.
- (3) A candidate must—
- (a) write his or her name on the back of any photograph of the candidate provided for the purposes of this regulation; or
  - (b) if the photograph is provided in electronic format, include his or her name in the electronic file name.
- (4) A joint statement must be accompanied by a declaration signed and dated by both candidates which states—
- "We declare that our joint statement is true and correct, that it does not contain any matter that may mislead or deceive a voter in the casting of his or her vote and that we are aware we may be liable to prosecution if our joint statement contains matter that may mislead or deceive a voter in the casting of his or her vote".
- (5) A joint statement must be lodged with the returning officer before noon on the 4th day after the close of nominations.
- (6) A joint statement must be lodged—
- (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
  - (b) if the returning officer has advised candidates that joint statements are to be received at another place, at that other place; or

Reg. 35(6)  
substituted by  
S.R. No.  
97/2016  
reg. 21(1).

(c) by electronic communication in accordance with any conditions determined by the returning officer.

(7) A joint statement may only be lodged by either candidate or by a person authorised in writing by one or both candidates.

Reg. 35(7)  
amended by  
S.R. No.  
97/2016  
reg. 21(2).

(8) If a joint statement is lodged by a person authorised by one or both candidates, the signed and dated authorisation must be lodged together with the joint statement.

### **36 Candidate statement—Ungrouped candidates**

(1) A candidate for the office of Councillor who is not a member of a group may lodge a candidate statement for inclusion in the postal ballot envelope.

(2) A candidate statement may only include—

(a) a written statement of no more than 200 words; and

Reg. 36(2)(a)  
amended by  
S.R. No.  
97/2016  
reg. 22(1).

(b) a recent passport-size photograph of the candidate.

(3) A candidate must—

(a) write his or her name on the back of any photograph of the candidate provided for the purposes of this regulation; or

(b) if the photograph is provided in electronic format, include his or her name in the electronic file name.

- (4) A candidate statement must be accompanied by a signed and dated declaration by the candidate which states—

"I declare that my candidate statement is true and correct, that it does not contain any matter that may mislead or deceive a voter in the casting of his or her vote and that I am aware I may be liable to prosecution if my candidate statement contains matter that may mislead or deceive a voter in the casting of his or her vote".

- (5) A candidate statement must be lodged with the returning officer before noon on the 4th day following the close of nominations.

- (6) A candidate statement must be lodged—

- (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
- (b) if the returning officer has advised candidates that candidate statements are to be received at another place, at that other place; or
- (c) by electronic communication in accordance with any conditions determined by the returning officer.

- (7) A candidate statement may only be lodged by the candidate or by a person authorised in writing by the candidate.

- (8) If a candidate statement is lodged by a person authorised by the candidate, the signed and dated authorisation must be lodged together with the candidate statement.

Reg. 36(6)  
substituted by  
S.R. No.  
97/2016  
reg. 22(2).

Reg. 36(7)  
amended by  
S.R. No.  
97/2016  
reg. 22(3).

### **37 Group statement**

- (1) A group may lodge a group statement for inclusion in the postal ballot envelope.
- (2) A group statement may only include—
  - (a) a written statement of no more than 250 words; and
  - (b) a recent passport-size photograph of one member of the group or individual recent passport-size photographs of several members of the group.
- (3) Each member of the group whose photograph is lodged must—
  - (a) write his or her name on the back of the photograph of the member provided for the purposes of this regulation; or
  - (b) if the photograph is provided in electronic format, include his or her name in the electronic file name.
- (4) A group statement must be accompanied by a signed and dated declaration by the person referred to in subregulation (5) which states—

"We declare that our group statement is true and correct, that it does not contain any matter that may mislead or deceive a voter in the casting of his or her vote and that we are aware we may be liable to prosecution if our group statement contains matter that may mislead or deceive a voter in the casting of his or her vote."
- (5) A group statement must be lodged with the returning officer before noon on the 4th day following the close of nominations by a person authorised to sign an application to register a group voting ticket under clause 6 of Schedule 1 of the **City of Melbourne Act 2001**.



Reg. 37(6)  
substituted by  
S.R. No.  
97/2016  
reg. 23.

- (6) A group statement must be lodged—
- (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
  - (b) if the returning officer has advised candidates that group statements are to be received at another place, at that other place; or
  - (c) by electronic communication in accordance with any conditions determined by the returning officer.

Reg. 37A  
inserted by  
S.R. No.  
97/2016  
reg. 24.

### **37A Group voting tickets**

A group voting ticket must be lodged—

- (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
- (b) if the returning officer has advised candidates that group voting tickets are to be received at another place, at that other place; or
- (c) by electronic communication in accordance with any conditions determined by the returning officer.

Reg. 37B  
inserted by  
S.R. No.  
97/2016  
reg. 24.

### **37B Joint request for grouping of candidates**

For the purposes of clause 3 of Schedule 1 to the **City of Melbourne Act 2001**, a joint request made by 2 or more candidates that their names be grouped on a ballot-paper must be lodged—

- (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or

- (b) if the returning officer has advised candidates that the joint request is to be received at another place, at that other place; or
- (c) by electronic communication in accordance with any conditions determined by the returning officer.

### **38 Reference to other candidates**

- (1) A joint statement, candidate statement or group statement must not include the following—
  - (a) a reference to another candidate standing for an election in the City of Melbourne without the written consent of that other candidate;
  - (b) unless subregulation (2) applies, a claim of endorsement or support from a party, organisation or person.
- (2) A joint statement, candidate statement or group statement may include a claim of endorsement or support from a party, organisation or person if, at the time of lodging the statement under regulation 35, 36 or 37 (as the case may be), a document was lodged containing the written consent of the party, organisation or person to include the claim of endorsement or support on the statement.
- (3) The returning officer may specify formatting limitations that will apply to the publication of joint statements, candidate statements or group statements and may alter the format of submitted statements to comply with those limitations.

### **39 Rejection and amendment of statements**

- (1) The returning officer must reject a joint statement, candidate statement or group statement if—
  - (a) in the opinion of the returning officer, the statement contains any of the following—
    - (i) material that is offensive or obscene;
    - (ii) material that is likely to mislead or deceive a voter in the casting of the voter's vote;
    - (iii) a reference to another candidate that has been included without the written consent of that candidate;
    - (iv) a claim of endorsement or support from a party, organisation or person that has not been supported by the written consent referred to in regulation 38(2);
  - (b) the declaration required under regulation 35(4), 36(4) or 37(4) (as the case may be) is absent or not in the form set out in that regulation.
- (2) If the returning officer believes that a joint statement, candidate statement or group statement may be in breach of an Act or Regulation, the returning officer may so advise—
  - (a) in the case of a joint statement, either of the candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor; or
  - (b) in the case of a candidate statement, the candidate; or
  - (c) in the case of a group statement, any member of the group—

and allow that person to resubmit the statement up until noon on the day following the last day for lodgement of the statement under this Division.

- (3) A person who submits a statement under subregulation (2) may only amend the section or sections of the statement that need to be amended for it to be accepted.
- (4) The returning officer must keep a record of all amendments made to a joint statement, candidate statement or group statement.

**40 Indication of preferences—Lord Mayor and Deputy Lord Mayor**

- (1) A pair of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor may lodge an indication of preferences for inclusion in the postal ballot envelope.
- (2) An indication of preferences must be lodged—
  - (a) with the returning officer no later than noon on the 4th day after the close of nominations; and
  - (b) by either candidate or by a person authorised in writing by one or both candidates.

Reg. 40(2)  
substituted by  
S.R. No.  
97/2016  
reg. 25(1).

- (2A) An indication of preferences must be lodged—
  - (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
  - (b) if the returning officer has advised candidates that joint statements are to be received at another place, at that other place; or
  - (c) by electronic communication in accordance with conditions determined by the returning officer.

Reg. 40(2A)  
inserted by  
S.R. No.  
97/2016  
reg. 25(1).

Reg. 40(3)(a)  
amended by  
S.R. No.  
97/2016  
reg. 25(2)(a).

(3) An indication of preferences must—

(a) be in the form of a ballot-paper and identify each pair of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor and the order in which they appear on the ballot-paper;

Reg. 40(3)(b)  
amended by  
S.R. No.  
97/2016  
reg. 25(2)(b).

(b) place a number 1, 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the pairs of candidates so as to indicate the candidates' order of preference for them.

(4) The returning officer must reject an indication of preferences that does not comply with this regulation.

#### 41 Indication of preferences—Ungrouped candidates

Reg. 41(1)  
amended by  
S.R. No.  
97/2016  
reg. 26(1).

(1) A candidate for the office of Councillor who is not a member of a group or a person authorised in writing by such a candidate may lodge an indication of preferences for inclusion in the postal ballot envelope.

Reg. 41(2)  
substituted by  
S.R. No.  
97/2016  
reg. 26(2).

(2) An indication of preferences must be lodged with the returning officer no later than noon on the 4th day after the close of nominations.

Reg. 41(2A)  
inserted by  
S.R. No.  
97/2016  
reg. 26(2).

(2A) An indication of preferences must be lodged—

- (a) at the place specified under clause 3(2) of Schedule 2 to the **Local Government Act 1989** for the receipt of nominations; or
- (b) if the returning officer has advised candidates that candidate statements are to be received at another place, at that other place; or

- (c) by electronic communication in accordance with conditions determined by the returning officer.
- (3) An indication of preferences must—
- (a) be in the form of a ballot-paper and identify each candidate for the office of Councillor and the order in which they appear on the ballot-paper; **Reg. 41(3)(a) amended by S.R. No. 97/2016 reg. 26(3)(a).**
- (b) place a number 1, 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the candidates so as to indicate the candidate's preference for them. **Reg. 41(3)(b) amended by S.R. No. 97/2016 reg. 26(3)(b)(i).<sup>3</sup>**
- (4) The returning officer must reject an indication of preferences that does not comply with this regulation.

#### **42 Candidate information on the Internet**

As soon as practicable after a candidate's candidate information is accepted by the returning officer, the returning officer must ensure that it is published in accordance with regulation 43 on an Internet site maintained by or on behalf of the returning officer that is not the Internet site of the Council and may publish it in printed form in accordance with regulation 43.

**Reg. 42 amended by S.R. No. 97/2016 reg. 27.**

#### **43 Publication of candidate information**

- (1) This regulation applies to the publication of candidate information by the returning officer in printed form or on an Internet site. **Reg. 43(1) amended by S.R. No. 97/2016 reg. 28(1).**
- (2) The returning officer must not publish a joint statement, candidate statement or group statement—
- (a) that has been rejected under regulation 39; or

Reg. 43(3)  
amended by  
S.R. No.  
97/2016  
reg. 28(2).

Reg. 43(4)  
substituted by  
S.R. No.  
97/2016  
reg. 28(3).

- (b) that has been resubmitted under regulation 39 but still fails to satisfy the requirements of regulation 39.
- (3) In the case of a joint statement or a group statement, the returning officer must only publish the first 250 words of a joint statement or group statement.
- (4) In the case of a candidate statement, the returning officer may only publish the first 200 words of a candidate statement.
- (5) The returning officer must not publish an indication of preferences if the indication of preferences has been rejected by the returning officer under these Regulations.
- (6) The returning officer must not publish a group voting ticket if it has not been registered under clause 6 of Schedule 1 to the **City of Melbourne Act 2001**.
- (7) If a candidate has not lodged his or her candidate information, or a group of candidates or pair of candidates standing jointly for Lord Mayor and Deputy Lord Mayor has not lodged their candidate information, or any part of that candidate information that may be published under these Regulations, the returning officer must publish a notice stating that the candidate, group or pair of candidates (as the case may be) has not provided the candidate information.
- (8) A notice under subregulation (7) must be published in place of the relevant candidate information of the candidate to whom the notice relates.

- (9) Candidate information and any notice under subregulation (7) must be published in the order in which the candidates appear on the ballot-paper and clearly identify the relevant candidate in each case.

Reg. 43(9)  
amended by  
S.R. No.  
97/2016  
reg. 28(4).

#### **44 Disclaimer on statements**

The returning officer must ensure that on any Internet site or printed form where a joint statement, candidate statement or group statement is published, the following disclaimer is prominently displayed—

"The contents of candidate information are provided by the candidates. Any enquiries about candidate information should be directed to the relevant candidate. Candidate statements are not verified or endorsed by the returning officer."

Reg. 44  
substituted by  
S.R. No.  
97/2016  
reg. 29.

### **Division 5—Candidate questionnaire**

Pt 3 Div. 5  
(Heading  
and regs  
44A–44D)  
inserted by  
S.R. No.  
97/2016  
reg. 30.

#### **44A Application of Division**

This Division applies to postal elections and attendance elections.

Reg. 44A  
inserted by  
S.R. No.  
97/2016  
reg. 30.

#### **44B Lodgement of candidate questionnaire form**

- (1) A candidate for the office of Lord Mayor or Deputy Lord Mayor or for the office of Councillor may lodge with the returning officer a completed candidate questionnaire form.
- (2) The candidate questionnaire form is Form 2 in the Schedule.

Reg. 44B  
inserted by  
S.R. No.  
97/2016  
reg. 30.



- (3) A candidate questionnaire form must be lodged before noon on the 4th day after nominations close—
- (a) at the place that nominations are received under clause 3(2) of Schedule 2 to the **Local Government Act 1989**; or
  - (b) if the returning officer has advised candidates that joint statements, candidate statements or group statements (as the case may be) are to be received at another place, at that other place; or
  - (c) by electronic communication in accordance with conditions determined by the returning officer.
- (4) A lodged candidate questionnaire form must be accompanied by a declaration signed and dated by the candidate which states that the answers provided are true and correct.
- (5) If the lodged candidate questionnaire form includes a claim of endorsement by a registered political party, the candidate must lodge a document containing the written consent of the registered officer of the party to the claim of endorsement with the completed candidate questionnaire form.

Reg. 44C  
inserted by  
S.R. No.  
97/2016  
reg. 30.

#### **44C Publication of candidate questionnaire form**

- (1) The returning officer must not publish an answer contained in a lodged candidate questionnaire form if the form—
- (a) contains material that is offensive or obscene; or
  - (b) is not completed in accordance with the instructions in the form; or
  - (c) contains material that is unrelated to a question; or

- (d) includes a claim of endorsement from a registered political party that is supported by the written consent referred to in regulation 44B(5).
- (2) As soon as practicable after the lodged candidate questionnaire form is accepted by the returning officer, the returning officer must—
- (a) ensure that the questions in the candidate questionnaire form and the answers given by the candidate (other than an answer to which subregulation (1) applies), are published on an Internet site maintained by or on behalf of the returning officer that is not an Internet site of the Council; and
  - (b) provide the questions and answers referred to in paragraph (a) in printed form or by electronic communication to any person on request.
- (3) The returning officer must publish a notice in place of the questions and answers published under subregulation (2) to the effect that the candidate has not lodged the candidate questionnaire form or has not given the relevant answer (as the case may be) if the candidate—
- (a) has not lodged the candidate questionnaire form in accordance with regulation 44B; or
  - (b) has not given an answer to a question that is in the candidate questionnaire form; or
  - (c) has given an answer to which subregulation (1) applies.
- (4) A notice referred to in subregulation (3) and an answer given by a candidate referred to in subregulation (2)(a) must be published in the order in which the candidates appear on the ballot-paper and must clearly identify the relevant candidate in each case.
-

- (5) The returning officer must ensure that at a postal election, each postal ballot envelope that is sent or delivered in respect of the ward for which the candidate has nominated contains a statement about how the questions and answers referred to in subregulation (2) may be accessed.
- (6) The returning officer must ensure that at an attendance election, each voter notice that is sent or delivered in respect of the ward for which the candidate has nominated contains a statement about how the questions and answers referred to in subregulation (2)(a) may be accessed.

Reg. 44D  
inserted by  
S.R. No.  
97/2016  
reg. 30.

#### **44D Disclaimer on candidate questionnaire form**

The returning officer must ensure that on any Internet site or printed form where answers contained in a lodged candidate questionnaire form are published by the returning officer, the following disclaimer is prominently displayed—

"Answers to questions contained in lodged candidate questionnaires are provided by the candidates. Any enquiries about a candidate's answers should be directed to the relevant candidate. Answers to candidate questionnaires are not verified or endorsed by the returning officer."

## **Part 4—General election matters**

### **45 Form of ballot-paper—Lord Mayor and Deputy Lord Mayor**

For the purpose of clause 14(1) of Schedule 2 to the **Local Government Act 1989**, a ballot-paper for the election of the Lord Mayor and the Deputy Lord Mayor must include the following details—

- (a) with respect to each pair of candidates—
  - (i) the names of the candidates;
  - (ii) which candidate is seeking election as Lord Mayor and which candidate is seeking election as Deputy Lord Mayor;
  - (iii) if a valid request was made under regulation 22, the group name of the candidates;
- (b) a box opposite the names of each pair of candidates;
- (c) instructions to the voter on how to mark the voter's ballot-paper, being instructions in the form of words or a statement to the following effect—

"Number the boxes 1 to [2, 3, 4, 5...as the case may be] in the order of your choice. Number every box to make your vote count."

Reg. 45(c)  
amended by  
S.R. No.  
97/2016  
reg. 31.

### **46 Validity of ballot-paper—Lord Mayor and Deputy Lord Mayor**

- (1) A ballot-paper for the election of Lord Mayor and Deputy Lord Mayor is taken to be valid and must be counted in an election if it is—
  - (a) issued by an election official in accordance with these Regulations; and

- (b) completed in accordance with this regulation; and
  - (c) lodged in accordance with these Regulations.
- (2) A voter must mark the voter's vote on the ballot-paper by placing—
  - (a) the number 1 opposite the name of the pair of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor for whom the voter votes as first preference; and
  - (b) contingent votes for all the remaining pairs of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor by placing the numbers 2, 3, 4 (and so on as the case requires) opposite their names so as to indicate by an unbroken numerical sequence the order of preference.
- (3) If there are only 2 pairs of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor, the requirements of subregulation (2) are sufficiently complied with in the case of any ballot-paper marked with the number 1 opposite the name of only one pair of candidates to indicate the voter's first preference.
- (4) If there are more than 2 pairs of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor, the requirements of subregulation (2) are sufficiently complied with in the case of any ballot-paper marked with the numbers 1, 2, 3, 4 (and so on as the case requires) opposite the names of all the pairs of candidates on the ballot-paper except one.
- (5) Despite subregulation (2) a ballot-paper is not invalid by reason only that any or all of the figures have not been placed in the squares.

#### **47 Validity of ballot-paper—Councillors**

- (1) A ballot-paper in relation to an election of Councillors is taken to be valid and must be counted in an election if it is—
  - (a) issued by an election official in accordance with these Regulations; and
  - (b) completed in accordance with this regulation; and
  - (c) lodged in accordance with these Regulations.
- (2) A voter must mark the voter's vote on the ballot-paper by placing—
  - (a) the number 1 opposite the name of the candidate for whom the voter votes as first preference; and
  - (b) contingent votes for all the remaining candidates by placing the numbers 2, 3, 4 (and so on as the case requires) opposite their names so as to indicate by an unbroken numerical sequence the order of preference.
- (3) If there are only 2 candidates, the requirements of subregulation (2) are sufficiently complied with in the case of any ballot-paper marked with the number 1 opposite the name of only one candidate to indicate the voter's first preference.
- (4) If there are more than 2 candidates, the requirements of subregulation (2) are sufficiently complied with in the case of any ballot-paper marked with the numbers 1, 2, 3, 4 (and so on as the case requires) opposite the names of all the candidates on the ballot-paper except one.
- (5) Despite subregulation (2) a ballot-paper is not invalid by reason only that any or all of the figures have not been placed in the squares.

Reg. 48  
substituted by  
S.R. No.  
97/2016  
reg. 32.

#### **48 Application of Local Government (Electoral) Regulations 2016**

Subject to regulation 6 of these Regulations, regulations 20 and 23 and Parts 5 to 10 of the Local Government (Electoral) Regulations 2016 apply to elections at the City of Melbourne as if—

- (a) a reference in regulation 48(2)(d) to "regulation 44(6)" were a reference to "regulation 44C(6) of the City of Melbourne (Electoral) Regulations 2012"; and
- (b) a reference in regulation 56(2) to "on the day after the close of nominations" were a reference to "on the 5th working day after the close of nominations"; and
- (c) regulation 84(4)(b) were replaced by—
  - "(b) candidate information within the meaning of regulation 5 of the City of Melbourne (Electoral) Regulations 2012; and"; and
- (d) a reference in regulation 84(4)(c) to "regulation 44(5)" were a reference to "regulation 44C(5) of the City of Melbourne (Electoral) Regulations 2012"; and
- (e) a reference in regulation 88(1) to "section 24A of the Act" were a reference to "section 11E of the **City of Melbourne Act 2001**"; and
- (f) a reference in regulation 89(4) to "candidate statements" were a reference to "joint statements, candidate statements or group statements"; and
- (g) regulation 90(2)(a) were replaced by—
  - "(a) the day on which the voters' roll is certified under section 11D(5) of the **City of Melbourne Act 2001**; or"; and

- (h) a reference in regulation 119(1) to "section 40(1) of the Act" were a reference to "section 19 of the **City of Melbourne Act 2001**"; and
- (i) after regulation 119(2)(c) there was included—
  - "(ca) the voter was enrolled under section 9A(2), (3) or (5), 9B, 9C or 9D of the **City of Melbourne Act 2001** and the voter's postal address listed on the voters' roll is an address not located in Australia;" and
- (j) a reference in regulation 122 to—
  - (i) "section 40(3A) of the Act" were a reference to "section 19(8) of the **City of Melbourne Act 2001**"; and
  - (ii) "section 40(1A)" were a reference to "section 19(2) of the **City of Melbourne Act 2001**".



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## Schedule

### FORM 1

Regulation 15

Sch. Form 1  
(Heading)  
inserted by  
S.R. No.  
97/2016  
reg. 33(1).

### SILENT VOTER REQUEST FORM

City of Melbourne Act 2001

Section 10

**A person must use this form to lodge a request with the Chief Executive Officer that the person's address not be shown on any voters' roll.**

| General Details  |  |
|--|--|
| Address of rateable property for which you are enrolled to vote: |  |

| Details of person making request: |  |
|-----------------------------------|--|
| Surname:                          |  |
| Given names:                      |  |
| Date of birth:                    |  |
| Address for correspondence:       |  |

|   |  |
|---|--|
| Particulars of the risk to yourself or your family: |  |
|---|--|

|   |  |
|---|--|
| I request that my address not be shown on the voters' roll for the Melbourne City Council.<br>Having my residential address shown on a voters' roll would place the personal safety of myself or members of my family at risk for the reasons described on this form and as declared on the statutory declaration accompanying this form. |  |
| Signature of voter:   |  |
| Date:   |  |

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**FORM 2**

Regulation 44B

Sch. Form 2  
inserted by  
S.R. No.  
97/2016  
reg. 33(2).

**CANDIDATE QUESTIONNAIRE**

**A candidate may provide answers to the following questions. Answers in response to this questionnaire lodged with the returning officer before noon on the 4th day after nominations close may be published on the Victorian Electoral Commission's Internet site and be made available to any person on request.**

*Name:*

*Ward (if applicable):*

*Instructions to complete the questionnaire are in italics below.*

Have you undertaken training<sup>1</sup> to help prepare you to take on the responsibility of being a Councillor? \* Yes / \* No

*If yes, provide the name of the course and the course provider.*

*Maximum 40 words*

Have you read the (name of Council) Council's current Council Plan? \* Yes / \* No

Have you read the (name of Council) Council's current Councillor Code of Conduct? \* Yes / \* No

Are you endorsed by a registered political party<sup>2</sup>? \* Yes / \* No

*If yes, provide the name of the registered political party.*

Are you currently a Councillor? \* Yes / \* No

*If yes, what has been your attendance record at Council meetings<sup>3</sup> during your current term of office?*

*< 50% / 50 – 75% / 75 – 90% / > 90%*

*Indicate one*

What are your contact details (so that voters can contact you)?

*Provide details*

*\* Delete if not applicable.*

**Notes**

<sup>1</sup> Examples of training include training provided by the Melbourne City Council, the Victorian Local Governance Association, the Municipal Association of Victoria or the Australian Institute of Company Directors.

City of Melbourne (Electoral) Regulations 2012  
S.R. No. 30/2012  
Schedule

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- <sup>2</sup> ***Registered political party*** has the same meaning as in Part 4 of the **Electoral Act 2002**.
- <sup>3</sup> ***Council meetings*** means ordinary meetings and special meetings of the Council referred to in section 83 of the **Local Government Act 1989** but does not include meetings held for which a Councillor has been granted leave from attending by the Council.
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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The City of Melbourne (Electoral) Regulations 2012, S.R. No. 30/2012 were made on 8 May 2012 by the Governor in Council under section 243 of the **Local Government Act 1989**, No. 11/1989 and section 29 of the **City of Melbourne Act 2001**, No. 5/2001 and came into operation on 8 May 2012: regulation 3.

The City of Melbourne (Electoral) Regulations 2012 will sunset 10 years after the day of making on 8 May 2022 (see section 5 of the **Subordinate Legislation Act 1994**).

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

## 2 Table of Amendments

This publication incorporates amendments made to the City of Melbourne (Electoral) Regulations 2012 by statutory rules, subordinate instruments and Acts.

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City of Melbourne (Electoral) Amendment Regulations 2016, S.R. No. 97/2016

*Date of Making:* 2.8.16

*Date of Commencement:* Regs 5–33 on 7.8.16: reg. 3

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### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### 4 Explanatory details

<sup>1</sup> Reg. 4(a): S.R. No. 39/2001 as amended by S.R. Nos 98/2005 and 70/2008.

<sup>2</sup> Reg. 4(b): S.R. No. 70/2008.

<sup>3</sup> Reg. 41(3)(b): The amendment to regulation 41(3)(b) by regulation 26(3)(b)(ii) of the City of Melbourne (Electoral) Amendment Regulations 2016, S.R. No. 97/2016 is not included in this publication because "candidates" does not appear in regulation 41(3)(b).

Regulation 26(3)(b)(ii) reads as follows:

#### **26 Indication of preferences—Ungrouped candidates**

(3) In regulation 41(3) of the Principal Regulations—

(b) in paragraph (b)—

(ii) after "candidates" **insert** "order of".