
COMPULSORY VOTING.

No. 36 of 1915.

An Act to provide for compulsory voting at the Referendums under the *Referendum (Constitution Alteration) Act 1906-1912* which are submitted to the electors during the year One thousand nine hundred and fifteen.

[Assented to 13th September, 1915.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Compulsory Voting Act 1915*. Short title.
2. This Act shall be incorporated and read as one with the *Referendum (Constitution Alteration) Act 1906-1912*. Incorporation.

Application of
Act.

3. This Act applies to the referendums under the *Referendum (Constitution Alteration) Act 1906-1912* which are submitted to the electors during the year One thousand nine hundred and fifteen.

Compulsory
voting.

4.—(1.) It shall be the duty of every elector residing within five miles of a polling place to record his vote at the referendums to which this Act applies.

(2.) It shall be the duty of each Divisional Returning Officer at the close of the referendums to which this Act applies to prepare a list (in duplicate) of the names and descriptions of the electors enrolled for his Division who have not voted at the referendums to which this Act applies, and to certify the list by statutory declaration under his hand.

(3.) The list so certified shall in all proceedings be *prima facie* evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the referendums.

(4.) Within the prescribed period after the close of the referendums the Divisional Returning Officer shall send by post to each elector whose name appears on the list prepared in accordance with sub-sections (1.) and (2.) of this section, at the address mentioned in that list, a notice, in the prescribed form, notifying the elector that he appears to have failed to vote at those referendums, and calling upon him to give a valid truthful and sufficient reason why he failed so to vote.

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

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

(7.) If any elector is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign, and post the form, duly witnessed, within the time allowed under sub-section (5.) of this section, any other elector who has personal knowledge of the facts may, subject to the regulations, fill up, sign, and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form may be treated as compliance by the first-mentioned elector with the provisions of sub-section (6.) of this section.

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

(9.) The Divisional Returning Officer shall also indorse on both copies of the list, opposite the name of each elector to whom a

notice under this section has been sent and from or on behalf of whom a form properly filled up signed and witnessed has not been received by him, a note to that effect.

(10.) Within three months after the expiration of the period prescribed under sub-section (4.) of this section, the Divisional Returning Officer shall send to the Commonwealth Electoral Officer for the State one copy of the list, with his indorsements thereon, certified by statutory declaration under his hand.

(11.) Each copy of the list prepared and indorsed by the Divisional Returning Officer, indicating—

- (a) the names of the electors who did not vote at the referendums to which this Act applies ;
- (b) the names of the electors from whom or on whose behalf the Divisional Returning Officer received, within the time allowed under sub-section (5.) of this section, forms properly filled up and signed ; and
- (c) the names of the electors who failed to reply within that time,

and any extract therefrom, certified by the Divisional Returning Officer under his hand, shall in all proceedings be *prima facie* evidence of the contents of such list or extract, and of the fact that the electors whose names appear therein did not vote at the referendums, and that the notice specified in sub-section (4.) of this section was received by those electors, and that those electors did, or did not (as the case may be), comply with the requisitions contained in the notice within the time allowed under sub-section (5.) of this section.

(12.) Non-compliance with the requisitions contained in a notice under sub-section (4.) of this section shall not have any effect where the elector is serving outside Australia with the forces of any part of the British Dominions or of an allied country.

(13.) Every elector who—

- (a) fails to vote at the referendums to which this Act applies, without a valid and sufficient reason for such failure ; or
- (b) on receipt of a notice in accordance with sub-section (4.) of this section, fails to fill up, sign, and post within the time allowed under sub-section (5.) of this section the form (duly witnessed) which is attached to the notice ; or
- (c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of sub-section (7.) of this section, states in such form a false reason why that other elector did not vote,

shall be guilty of an offence.

Penalty : One pound.

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

(15.) The name of any elector who, on receipt of a notice under sub-section (4.) of this section, fails to forward to the Divisional Returning Officer, within the time allowed under sub-section (5.) of this section, a form properly filled up and signed, may be objected to by the Divisional Returning Officer by objection in writing under Part VII. of the *Commonwealth Electoral Act 1902-1911*, and may be removed from the Roll unless the Divisional Returning Officer is satisfied, either by the reply of the elector to the objection, or otherwise, that the elector is still qualified for enrolment on the Roll upon which his name appears.

Regulations.

5. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing the procedure in relation to the recovery of penalties for offences against this Act.
