



LOCAL GOVERNMENT REORGANIZATION (TAMAR  
VALLEY) (POLL) ACT 1983

No. 70 of 1983

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**AN ACT to provide for the holding of a poll of certain municipal electors on the reorganization of local government in the Tamar Valley in the State and for related purposes.**

[Royal Assent 28 November 1983]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Local Government Reorganization (Tamar Valley) (Poll) Act 1983*. Short title.

Commence-  
ment.

**2**—This Act shall commence on the day on which it receives the royal assent.

Interpretation.

**3**—In this Act, unless the contrary intention appears—

“ Chief Electoral Officer ” means the person for the time being holding office as Chief Electoral Officer under section 6 of the *Electoral Act* 1907, and includes any person authorized to exercise and perform the powers, duties, and functions of the Chief Electoral Officer;

“ clerk ”, in relation to a prescribed municipality, means the town clerk or council clerk of the municipality;

“ elector ” means an elector within the meaning of the *Local Government Act* 1962 of a prescribed municipality;

“ electoral index ” means the index of electors maintained pursuant to section 66 of the *Local Government Act* 1962;

“ poll ” means a poll under this Act for taking the votes of electors with respect to the question;

“ prescribed municipality ” means—

(a) the city of Launceston;

(b) the municipality of Beaconsfield;

(c) the municipality of Evandale;

(d) the municipality of Lilydale;

(e) the municipality of St Leonards; or

(f) the municipality of Westbury;

“ the question ” means the question printed on the ballot-paper with respect to the proposal for a new local government area contained in the 1983 report of the Select Committee of the Legislative Council appointed to inquire into and report upon local government reorganization.

Poll to be  
held on  
question.

**4**—(1) The corporation of a prescribed municipality shall, on 17th December 1983 between the hours of 8 a.m. and 6 p.m., hold a poll as provided under section 5 on the question printed on each of the ballot-papers used in the poll.

(2) Voting at a poll is not compulsory.

(3) If the corporation of a prescribed municipality does not hold a poll as mentioned in subsection (1), each of the persons who are aldermen or councillors of that municipality on 17th December 1983 is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.

5—(1) A poll in the city of Launceston—

Method of  
holding poll.

(a) shall, notwithstanding section 27 of the *Launceston Corporation Act 1963*, be held by the town clerk of that city; and

(b) shall, subject to the rules, and the modifications of the *Local Government Act 1962*, specified in Schedule 1 and notwithstanding the provisions of the *Launceston Corporation Act 1963* relating to the holding of elections in that city and section 59 of the *Local Government Act 1962*, be held as nearly as possible as if the voting in favour of or against the proposal contained in the question were a municipal election conducted under Part IV of the *Local Government Act 1962* in which there was a poll.

(2) A poll in a prescribed municipality, other than the city of Launceston, shall, subject to the rules, and the modifications of the *Local Government Act 1962*, specified in Schedule 1, be held as nearly as possible as if the voting for or against the proposal contained in the question were a municipal election conducted under Part IV of that Act in which there was a poll.

(3) Where—

(a) there is a reference to a municipal election or election in Part IV of the *Local Government Act 1962*, that reference shall, for the purpose of the holding of a poll to which subsection (1) or (2) applies be read as a reference to such a poll; and

(b) in a provision of the *Local Government Act 1962* that is modified in Schedule 1, there is a reference to an expression that is defined in section 3, that reference shall be read as a reference to that expression as so defined.

(4) For the purposes of this section, the holding of a poll to which subsection (1) or (2) applies includes—

(a) the carrying out and performing of proceedings, matters, and things preliminary to holding the poll; and

- (b) the ascertainment of the result of the poll and other things and matters provided for in Division 6 of Part IV of the *Local Government Act 1962*.

Ballot-papers  
for poll.

**6**—(1) Each of the ballot-papers used in a poll in a prescribed municipality that, pursuant to section 88 (1) of the *Local Government Act 1962*, as applied by this Act, the clerk of the municipality causes to be printed or written shall—

- (a) be in accordance with the form set out in Schedule 2; and  
(b) not contain any printing or writing other than that required for the purposes of that form.

(2) The clerk of a prescribed municipality who causes to be printed or written a ballot-paper for use in a poll in that municipality that does not comply with subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.

Powers of  
the Chief  
Electoral  
Officer in  
relation  
to poll.

**7**—(1) Notwithstanding that the clerk of a prescribed municipality is responsible under the *Local Government Act 1962*, as applied by this Act, for conducting a poll in the municipality, the Chief Electoral Officer or a person authorized, in writing, by him may, at any time during the period commencing on the day on which this Act commences and ending on the day on which the clerk gives his certificate of the result of the poll under section 105 of that Act, as applied by this Act—

- (a) issue to any person apparently employed by the corporation of a prescribed municipality directions with respect to any matter relating to a poll in the municipality;  
(b) enter and remain, with such assistants as he considers necessary, in any premises occupied by the corporation of a prescribed municipality or any premises at which that corporation is holding a poll;  
(c) request any person apparently employed by the corporation of a prescribed municipality to produce any document or record which relates to a poll in that municipality or the persons entitled to vote at that poll and which, at the time of the request, is in the possession or under the control of that person;

- (d) request any person apparently employed by the corporation of a prescribed municipality to answer any question with respect to any matter relating to a poll in that municipality or the persons entitled to vote at it; and
- (e) inspect, or take copies of, or make notes in respect of, any document or record referred to in this subsection or any part of any such document or records.

(2) In subsection (1), "clerk" includes a person who is, pursuant to section 78 (2) of the *Local Government Act* 1962, as applied by this Act, appointed by the council to act as clerk for the purposes of a poll.

(3) A person who—

- (a) obstructs, hinders, delays, threatens, or assaults the Chief Electoral Officer or another person in the exercise of his powers under this section;
- (b) fails to comply with a request of the Chief Electoral Officer or another person, or to answer questions asked by the Chief Electoral Officer or other person, made under any such power when it is within his power to comply with the request; or
- (c) gives an answer to such a question which, to his knowledge, is false or misleading in a material particular,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(4) On receiving all the copies of the certificates given to him pursuant to section 105 of the *Local Government Act* 1962, as applied by this Act to the holding of a poll, the Chief Electoral Officer shall supply the Minister with written particulars of the results of the polls in all the prescribed municipalities.

**8**—The costs and expenses incurred in or in connection with holding a poll in a prescribed municipality are a charge on the Consolidated Revenue Fund and are payable out of that Fund without further appropriation than this section. Costs.

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## SCHEDULE 1 Section 5 (1) and (2)

## RULES AND MODIFICATIONS IN RESPECT OF THE HOLDING OF POLLS

Interpretation. 1—In this Schedule, “the Act” means the *Local Government Act 1962*.

Notice of holding of poll. 2—(1) The clerk of a prescribed municipality shall, as soon as possible after the commencement of this Act—

(a) prepare a notice of the holding of the poll in the municipality and a notice of the question; and

(b) cause a copy of each of those notices to be advertised in a newspaper circulating in the municipality at least twice before the closing of the electoral index as provided in section 77 of the Act, as modified by clause 4.

(2) A notice under subclause (1) (a) of the holding of a poll shall include—

(a) the day on which and the hours between which the poll will be held;

(b) the day and time on which the electoral index closes as provided by section 77 of the Act, as modified by clause 4; and

(c) particulars of the polling-places at which the poll will be held.

(3) The clerk of a prescribed municipality shall cause a copy of each of the notices under subclause (1) to be posted on or near the door of each polling-place while polling is going on there.

3—The Act applies as if the following section were inserted after section 63:—

Subdivided municipalities.

63A—Where a poll is held under this Part for a subdivided municipality, the like proceedings shall be taken in respect of each ward for the purpose of that poll and the results of that poll shall be determined by bringing together the ballot-papers of each ward.

The electoral index.

4—Section 77 of the Act applies as if subsection (3) were omitted and the following subsection were substituted:—

(3) The electoral index shall be closed at 4 p.m. on 1st December 1983 and no further entries or deletions shall be made in it until after 17th December 1983.

Proceedings preliminary to the poll, &c.

5—The Act applies as if Division 4 of Part IV were repealed.

Ballot-papers.

6—Section 88 of the Act applies as if subsections (2) and (3) were omitted.

7—The Act applies as if section 91 were repealed.

Time of  
taking poll.

8—Section 94 (1) of the Act applies as if paragraph (e) were omitted and the following paragraph were substituted:—

Voting at  
poll.

(e) the voter shall immediately take his ballot-paper into one of the inner rooms or compartments provided for the purpose and there without delay—

(i) if he agrees with the proposal contained in the question on the ballot-paper, write the word “YES” in the space provided opposite that question; or

(ii) if he does not agree with the proposal contained in that question, write the word “NO” in the space so provided,

and shall make no other mark or writing on the ballot-paper;

9—Section 100 of the Act applies as if paragraph (d) were omitted.

Informal  
ballot-papers.

10—Section 101 of the Act applies as if—

Duties of  
presiding  
officer.

(a) paragraph (a) were omitted and the following paragraph were substituted:—

(a) count the number of votes recorded in favour of the proposal contained in the question and the number of votes recorded against that proposal and place them in separate parcels, rejecting all informal ballot-papers;

(b) subparagraph (i) of paragraph (c) were omitted and the following subparagraph were substituted:—

(i) the number of votes recorded in favour of the proposal contained in the question and the number of votes recorded against that proposal; and

11—Section 102 of the Act applies as if—

The scrutiny.

(a) paragraph (b) of subsection (1) were omitted and the following paragraph were substituted:—

(b) he shall then count the number of votes recorded in favour of the proposal contained in the question and the number of votes recorded against that proposal; and

(b) subsections (2) and (3) were omitted.

12—The Act applies as if section 103 were repealed.

Equality  
of votes.

**Declaration of the poll.** 13—(1) Section 104 (1) of the Act applies as if “the names of the persons elected at the election” were omitted and “the number of votes recorded in favour of the proposal contained in the question and the number of votes recorded against that proposal” were substituted.

(2) Section 104 (2) of the Act applies as if paragraphs (b), (c), and (d) were omitted and the following paragraph were substituted:—

(b) the number of votes recorded in favour of the proposal contained in the question and the number of votes recorded against that proposal; and

**Certificate of election.** 14—Section 105 of the Act applies as if the following subsection were inserted after subsection (2):—

(2A) The clerk shall forthwith send to the Chief Electoral Officer a copy of the certificate of the result of a poll given by him in accordance with subsection (1).

**Forms.** 15—The Act applies as if Form 11 in Part I of Schedule 2 were omitted and the following form were substituted:—

FORM 11 Section 105

CERTIFICATE OF POLL

City [*or* Municipality] of

Certificate of the poll held the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

I, the clerk of the city [*or* municipality] of \_\_\_\_\_, hereby certify that, at the poll for the said city [*or* municipality] held on the \_\_\_\_\_ day of \_\_\_\_\_ 1983—

- (a) the number of votes recorded in favour of the proposal contained in the question set out in the ballot-papers for the poll was \_\_\_\_\_ ;
- (b) the number of votes recorded against that proposal was \_\_\_\_\_ ; and
- (c) the number of ballot-papers rejected as informal was \_\_\_\_\_

Given under my hand and seal at \_\_\_\_\_ in the State of Tasmania this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in the presence of \_\_\_\_\_, in the said State, \_\_\_\_\_  
*(Occupation)*

(Signed) A.B.  
 Town Clerk [*or* Council Clerk]  
 (L.S.)

(Signed) \_\_\_\_\_

**Regulations.** 16—The power of the Governor to make regulations under section 61 of the Act includes a power to make regulations for the purposes of this Act with respect to the matters specified in section 61 (1) (b) and (d) of the Act.



SCHEDULE 2

Section 6 (1)

BALLOT-PAPER

Local Government Reorganization (Tamar Valley) (Poll) Act 1983

POLL ON REORGANIZATION OF LOCAL GOVERNMENT IN THE  
TAMAR VALLEY

DIRECTIONS TO THE ELECTOR

City [*or Municipality*] of

1. Please indicate your vote as follows:—

If you agree with the proposal contained in the question set out below, please write the word "Yes" in the space provided opposite the question.

If you do not agree with the proposal contained in the question set out below, please write the word "No" in the space provided opposite the question.

2. If you make a mistake, ask for another ballot-paper.

QUESTION

Do you agree with the proposal for a Greater Launceston, as proposed by the 1983 Report of the Legislative Council Select Committee into Local Government Reorganization, Recommendation 3.12.3 (7.4 in Summary of Recommendations)?

