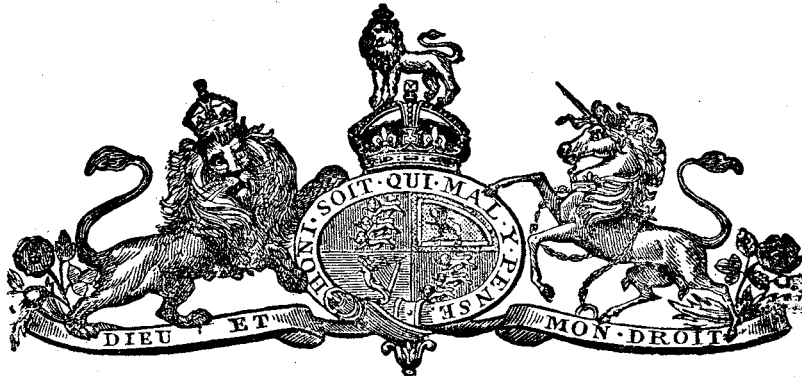


TASMANIA.

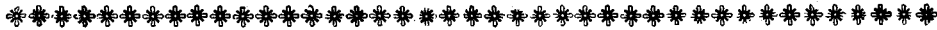


1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 42.



AN ACT to further amend "The *Hobart Corporation Act, 1893.*" [30 *November, 1906.*]

A.D. 1906.

WHEREAS it is expedient to further amend "The *Hobart Corporation Act, 1893,*" in the manner hereinafter appearing:

PREAMBLE. 57 Vict. No. 11.

Be it therefore 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 *Hobart Corporation Act, 1906.*" Short title.

2 In this Act, unless the contrary intention appears—

Interpretation.

"The said Act" means "The *Hobart Corporation Act, 1893*": 57 Vict. No. 11.

"The Town Clerk" means the Town Clerk for the time being of the City of *Hobart,* and includes a deputy, or substitute, or Acting Town Clerk:

"Returning Officer" shall include the Mayor or any Alderman, or the Town Clerk holding any election of Aldermen, or acting as Returning Officer at any such election, See 57 Vict. No. 11, ss, 30 & 44,

Ed.]

Hobart Corporation.

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Penalties at foot
of Sections.

3—(1.) The penalty, pecuniary or other, set out at the foot of any Section of this Act, shall indicate that any contravention of the Section, whether by act or omission, shall be an offence against this Act, punishable upon conviction by a penalty not exceeding the penalty mentioned.

(2.) All offences against this Act shall be punishable on summary conviction, and such offences and all fines, penalties, and sums of money imposed or made payable in respect thereof shall be heard, determined, and recovered in a summary way by and before any Police Magistrate, or before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

*Voting by Post.*Obtaining of
forms on appli-
cation for postal
ballot-paper.

4—(1.) Any citizen entitled to vote at any election held under the said Act, and—

- I. Who has reason to believe that he will not on Polling-day be within Seven miles of the Town Hall, *Hobart*: or
- II. Who, being a woman, will on account of ill-health be unable on Polling-day to attend the Polling-place to vote: or
- III. Who will be prevented by serious illness or infirmity from attending the Polling-place on Polling-day—

Application for a
postal vote
certificate.
Schedule Form
A.
See 57 Vict. No.
11, s. 43.

may at any time not more than Twenty days before Polling-day make application in the Form A. in the Schedule hereto to the Town Clerk for a postal vote certificate.

(2.) In the case of an application under Paragraph I., the applicant shall state in the application the reason for his said belief. All such applications shall be filed by the Town Clerk, and after the declaration of the Poll shall be dealt with in the same manner as the ballot-papers taken at the election.

(3.) The application shall be signed by the citizen himself, in his own handwriting, in the presence of an authorised witness.

(4.) Any citizen making a false statement, or any person inducing a citizen to make a false statement, in an application under this Section, shall be guilty of an offence under this Act.

Penalty: Twenty Pounds, or One month's imprisonment.

Authorised
witnesses.

5 The following persons, not being candidates, are authorised witnesses within the meaning of this Act:—

- I. All postmasters or postmistresses or persons in charge of post offices:
- II. All Justices of the Peace:
- III. All Town Clerks, Police Clerks, Council Clerks, and Secretaries of Town Boards:
- IV. All head teachers of State schools:
- V. All members of the Police Force of the State of or above the rank of sergeant:
- VI. All legally-qualified medical practitioners:

Hobart Corporation.

vii. All officers in charge of quarantine stations : and

A.D. 1906.

viii. All persons or classes of persons, employed in the Public Service of the State, who are declared by Proclamation to be authorised witnesses within the meaning of this Act.

6 No authorised witness shall—

- i. Witness the signature of any citizen to an application for a postal vote certificate unless the citizen is personally known to him : or
- ii. Witness the signature of any citizen to any application or form of application for a postal vote certificate unless he has actually seen the citizen sign the application or form of application in his own handwriting.

Duty of authorised witnesses as to applications.

Penalty : Twenty Pounds, or One month's imprisonment.

7 The person witnessing any application for a postal vote certificate under this Act shall, if he is not personally acquainted with the facts, satisfy himself, by inquiring from the applicant, that the statements contained in the application are true.

Witness to application must satisfy himself of truth of statements.

Penalty : Twenty Pounds.

8—(1.) The Town Clerk upon receiving the application, if he is satisfied that it is properly signed by a citizen entitled to vote at the election and is properly witnessed, and that no postal vote certificate for the same election has been previously issued to the applicant, shall deliver to or post to the citizen and to no other person a postal vote certificate and One postal ballot-paper with a counterfoil attached, together with an envelope addressed to the Town Clerk.

Issue of certificates and ballot-papers. Schedule Forms B. and C.

(2.) The postal vote certificate may be in Form B. in the Schedule hereto, and may be printed on the back of the counterfoil of the postal ballot-paper.

(3.) The postal ballot-paper may be in the Form C. in the Schedule hereto, and the Town Clerk shall, before issuing the same, mark on the top thereof in words the number of votes to which the citizen is entitled under the said Act.

9 The Town Clerk shall initial on the back all postal ballot-papers issued, and shall keep and number the applications in consecutive order, writing the corresponding number on the counterfoil of the ballot-paper.

Returning Officer to initial ballot-paper.

10 The Town Clerk shall note on a polling list all postal vote certificates issued.

Returning Officer to note issue of certificate.

11 No citizen who has received any postal vote certificate shall be entitled to vote at any polling-booth unless he delivers up his certificate and postal ballot-paper to the Returning Officer before he votes, except as provided in the next succeeding Section.

Citizen receiving certificate not to vote at booth unless he delivers it up.

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Provision when
citizen claims to
vote although
postal ballot-
paper already
issued.
Schedule Form D.

12 If a citizen to whom a postal vote certificate and postal ballot-paper appear to have been sent states that he has not received the same, and claims to vote personally at the Polling-place, the Returning Officer may take from such citizen a declaration in the Form D. in the Schedule hereto, or to the like effect. Thereupon such citizen shall be entitled to vote personally at such Poll, and his vote shall be taken in the ordinary way.

Effect of
immaterial error.

13 No application for a ballot-paper shall be deemed insufficient or invalid by reason only that in such application there is an omission or incorrect or insufficient description or misdescription in respect of any of the particulars required by law to be contained therein, if the Town Clerk is satisfied that the applicant is entitled to a postal ballot-paper.

Directions for
postal voting.

14 The following directions for regulating voting by means of postal ballot-papers shall be substantially observed:—

- i. The citizen shall exhibit his postal ballot-paper, in blank, and his postal vote certificate to an authorised witness :
- ii. The citizen shall then write on the inside of the ballot-paper the name of the candidate or candidates for whom he votes, but so that no person before whom he records his vote shall see any such name : Provided that he shall not write the names of more candidates on the ballot-paper than there are Aldermen to be elected :
- iii. If the citizen shall write on the ballot-paper the name of any person who has not been nominated for election, such ballot-paper shall not thereby be rendered invalid, but shall be counted at the scrutiny as if the name of such person had not been written upon the ballot-paper :
- iv. If the citizen's sight is so impaired that he cannot vote without assistance, the authorised witness, if so requested by the citizen, may act for him in the presence of a witness :
- v. The citizen shall then fold the ballot-paper and fasten margin to margin :
- vi. The citizen shall then himself sign his name in his own handwriting on the counterfoil, in the place provided for the signature of the voter :
- vii. The authorised witness shall then himself sign his name in his own handwriting in the place provided for the signature of the witness, and shall add his occupation and place of living, and the date :
- viii. The citizen shall then place the ballot-paper with the counterfoil attached into the envelope addressed to the Town Clerk, and fasten the envelope, and duly stamp and hand it to the authorised witness for posting.

*Hobart Corporation.***15** The authorised witness shall—

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- i. See that the directions in the last preceding Section are substantially complied with :
- ii. Refrain from looking at the vote given by the citizen except where the citizen's sight is so impaired that he cannot vote without assistance and the citizen requests his assistance :
- iii. Not attempt to influence the vote of the citizen whose signature he is witnessing :
- iv. Not disclose any knowledge officially acquired by him touching the vote of the citizen : and
- v. Forthwith post the envelope containing the postal ballot-paper.

Duty of
authorised
witness.

Penalty : Twenty Pounds, or One month's imprisonment.

16 At the scrutiny the Town Clerk shall produce to the Returning Officer, unopened, all envelopes containing postal votes received up to the close of the Poll, and at the scrutiny the envelopes shall be opened in the presence of the scrutineers present, and shall be dealt with as follows :—

Letters to be
produced at
scrutiny.

- i. The Town Clerk shall produce all applications for postal vote certificates :
- ii. The Returning Officer, without unfolding the ballot-paper or allowing it to be inspected, shall compare the signature of the voter on the counterfoil with the signature to the application, and allow the scrutineers to inspect both signatures, and shall determine whether the signature on the ballot-paper is that of the applicant :
- iii. If the vote is allowed the Returning Officer shall tear off the counterfoil and insert the ballot-paper in the ballot-box :
- iv. If the Returning Officer rejects the ballot-paper, then the certificate and ballot-paper shall be preserved by him for production at any Court that may be held on or about the election, the ballot-paper being at once sealed up without being unfolded or inspected :
- v. Ballot-papers so allowed shall be placed in a ballot-box by themselves, and, when they have all been inserted, the counting of the votes shall commence :
- vi. Postal ballot-papers which are not duly witnessed shall not be allowed at the scrutiny.

17 The decision of the Returning Officer as to the allowance or disallowance of any postal vote shall be subject only to review by the Supreme Court upon the validity of the election or any return being disputed. **Officer to decide.**

18 No postal vote shall be rejected because the surname only of a candidate has been written thereon if no other candidate has the same surname, nor by reason of any mistake in spelling where the citizen's intention is clear. **Mistakes.**

Hobart Corporation.

A.D. 1906.
 Power to make
 additional
 By-laws.

19 It shall be lawful for the Council from time to time to make, publish, alter, modify, amend, or repeal, in accordance with the provisions of the said Act, such By-laws as to the Council seem meet—

- i. For controlling the carrying on and for regulating the use of saw-mills, saw-benches, and all other machinery or appliances for sawing, splitting, or cutting wood within the city :
- ii. For controlling the establishment within the city of saw-mills, saw-benches, and all other machinery or appliances for sawing, splitting, or cutting wood not established at the date of the passing of this Act.

All the provisions of the said Act relating to By-laws made under the said Act, including the provisions relating to the appointment, imposition, and recovery of penalties, shall apply to By-laws under this Act, and such lastmentioned By-laws shall be deemed to be made under the said Act.

Acts to be read
 together.

20 This Act and the said Act, and every Act amending the said Act, shall, save as altered or amended by this Act, be read and construed together as one and the same Act ; and the said Act, and every Act amending the same, and this Act, may be referred to and may be cited for all purposes as “ The *Hobart Corporation Acts, 1893 to 1906.*”

SCHEDULE.

FORM A.

Sect. 4.

THE HOBART CORPORATION ACTS, 1893 TO 1906.

APPLICATION FOR A POSTAL VOTE CERTIFICATE.

To the Town Clerk, Town Hall, Hobart.

I [*here state Christian names, surname, residence, and occupation*] hereby apply for a Postal Vote Certificate.

1. I am a citizen of the City of Hobart, and my name is on the Assessment Roll in force for the said City ; I am not an alien ; and I solemnly declare that no part of any Municipal Rate due and payable by me up to the last quarterly day, as defined by the Hobart Corporation Acts, 1893 to 1906, is in arrear.

2. The ground on which I apply for the Certificate is—

(a) That I have reason to believe that I will not, on Polling-day, be within Seven miles of the Town Hall, Hobart. My reasons for this belief are:—

.....

.....

(b) That, being a woman, I will, on account of ill-health, be unable on Polling-day to attend the Polling-place to vote;

(c) That I will be prevented, by serious illness or infirmity, from attending the Polling-place on Polling-day.

NOTE.—The citizen will rule out any two of the above grounds which do not apply to his or her particular case, as only one ground is necessary for the application.

Hobart Corporation.

3. I request that a Postal Vote Certificate and a Postal Ballot-paper may be forwarded to me at [here state address to which the papers are to be forwarded]. A.D. 1906.

Dated this day of 19 [Signature.]

Signed in the presence of—

[Authorised witness to sign here and insert his title].

N.B.—Any one of the following persons is an authorised witness, namely:— Sect. 5.

[The persons who are authorised witnesses within the meaning of this Act to be enumerated here].

No authorised witness shall—

Sect. 6.

(a) Witness the signature of any citizen to an application for a Postal Vote Certificate unless the citizen is personally known to him; or

Duty of authorised witness as to applications.

(b) Witness the signature of any citizen to any application or form of application for a Postal Vote Certificate unless he has seen the citizen sign the application or form of application, in his own handwriting.

Penalty: Twenty Pounds, or One month's imprisonment.

The person witnessing any application for a Postal Vote Certificate under this Act shall, if he is not personally acquainted with the facts, satisfy himself, by inquiry from the applicant, that the statements contained in the application are true. Witness to application must satisfy himself of truth of statements. Sect. 7.

Penalty: Twenty Pounds.

FORM B.

THE HOBART CORPORATION ACTS, 1893 TO 1906.

POSTAL VOTE CERTIFICATE.

Sect. 8.

City of Hobart.

I hereby certify that of is entitled to vote at the Election for [here insert purpose for which the Election is to be held] to be held on the day of 19 Dated this day of 19 .

(Signed)—

Town Clerk.

FORM C.

Election of [here insert number of Aldermen to be elected].

POSTAL BALLOT-PAPER.

Sect. 8.

INSTRUCTIONS TO CITIZEN.

1. The citizen shall exhibit his Postal Ballot-paper (in blank) and his Postal Vote Certificate to an authorised witness. Sect. 14.

2. The citizen shall then write on the inside of the ballot-paper the name of the candidate or candidates for whom he votes, but so that no person before whom he records his vote shall see any such name: Provided that he shall not write the names of more candidates on the ballot-paper than there are Aldermen to be elected.

3. If the citizen shall write on the ballot-paper the name of any person who has not been nominated for election, such ballot-paper shall not thereby be rendered invalid, but shall be counted at the scrutiny as if the name of such person had not been written upon the ballot-paper.

4. If the citizen's sight is so impaired that he cannot vote without assistance, the authorised witness, if so requested by the citizen, may act for him in the presence of a witness.

Hobart Corporation.

A.D. 1906.

5. The citizen shall then fold the ballot-paper, and fasten margin to margin.

6. The citizen shall then himself sign his name, in his own handwriting, on the counterfoil, in the place provided for the signature of the voter.

7. The authorised witness shall then himself sign his name, in his own handwriting, in the place provided for the signature of the witness, and shall add his occupation and place of living, and the date.

8. The citizen shall then place the ballot-paper, with the counterfoil attached, into the envelope addressed to the Town Clerk, and fasten the envelope, and duly stamp and hand it to the authorised witness for posting.

Sect. 15.

INSTRUCTIONS TO AUTHORISED WITNESS.

The authorised witness shall--

- (a) See that the above directions are substantially complied with;
- (b) Refrain from looking at the vote given by the citizen except where the citizen's sight is so impaired that he cannot vote without assistance, and the citizen requests his assistance;
- (c) Not attempt to influence the vote of the citizen whose signature he is witnessing;
- (d) Not disclose any knowledge officially acquired by him touching the vote of the citizen; and
- (e) Forthwith post the envelope containing the Postal Ballot-paper.

Penalty: Twenty Pounds, or One month's imprisonment.

Sect. 5.

AUTHORISED WITNESSES.

Any one of the following persons is an authorised witness, namely:--

[The persons who are authorised witnesses within the meaning of this Act to be enumerated here].

COUNTERFOIL.

No—
Signature of voter—
Witness—

[Authorised witness to sign here and insert his title].

BALLOT-PAPER.

Votes.

FORM D.

Sect. 12.

DECLARATION OF CITIZEN CLAIMING TO VOTE AT POLLING-PLACE.

I, _____ residing at _____, do hereby declare that my name is included in the Assessment Roll now in force for the City of Hobart, and that I have not received a Postal Ballot-paper entitling me to vote by post at the Election of Aldermen now being held in the said City, and that I desire to vote personally at such Election.

Signed and declared at Hobart, this _____ day of _____, in the presence of

Returning Officer [*or* Presiding Officer].

Caution.—Any person who wilfully and knowingly makes and subscribes a declaration which is untrue or false in any particular is guilty of wilful and corrupt perjury, and is punishable accordingly.