

**Authorised Version No. 001**  
**City of Melbourne (Electoral)**  
**Regulations 2022**

**S.R. No. 24/2022**

Authorised Version as at  
7 May 2022

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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 2020 to elections conducted under the **City of Melbourne Act 2001**.

### **2 Authorising provisions**

These Regulations are made under sections 325 and 326 of the **Local Government Act 2020** and section 29 of the **City of Melbourne Act 2001**.

### **3 Commencement**

These Regulations come into operation on 7 May 2022.

### **4 Revocations**

The following Regulations, or specified Part of those Regulations, are **revoked**—

- (a) the City of Melbourne (Electoral) Regulations 2012<sup>1</sup>;

- (b) the City of Melbourne (Electoral) Amendment Regulations 2016<sup>2</sup>;
- (c) Part 2 of the City of Melbourne (Electoral) and Local Government (Electoral) Amendment Regulations 2020<sup>3</sup>;
- (d) the City of Melbourne (Electoral) Amendment Regulations 2021<sup>4</sup>.

## 5 Definitions

In these Regulations—

***authorised deposit-taking institution*** has the same meaning as in the Banking Act 1959 of the Commonwealth;

***candidate information*** means—

- (a) in relation to candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor, joint statements, photographs of the candidates and indications of preferences; or
- (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; or
- (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 of the candidates and indications of preferences;

***candidate statement*** means the statement lodged by a candidate in accordance with regulation 28;

***Chief Executive Officer*** means the person appointed by the Council under section 44 of the **Local Government Act 2020** to be its Chief Executive Officer or any person acting in that position;

***Council*** means the Melbourne City Council;

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

***election manager*** means a person appointed as election manager under regulation 21(1) of the Local Government (Electoral) Regulations 2020;

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

***group statement*** means a statement lodged under regulation 29;

***group voting ticket*** means a group voting ticket registered under Schedule 1 to the Act;

***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 27;

***silent voter*** means—

- (a) a voter whose request to be a silent voter has been granted under section 10 of the Act; or

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

*the Act* means the **City of Melbourne Act 2001**.

## **6 Application**

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

- (a) the Local Government (Electoral) Regulations 2020 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; and
- (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 Act, in the case of an application by an owner of any rateable property in the municipal district who is entitled under section 9B(1) of the Act to apply to be enrolled, the required details are—

- (a) the address of the relevant rateable property; and
- (b) the personal details of the person making the application; and
- (c) if the property is jointly owned, the names of all the other joint owners of the relevant rateable property; and

- (d) a declaration signed and dated by that person that the person—
  - (i) is an owner of the rateable property for which the owner 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 Act, in the case of an application by an occupier of any rateable property in the municipal district who is entitled under section 9B(1) of the Act to apply to be enrolled, the required details are—

- (a) the address of the relevant rateable property; and
- (b) the personal details of the person making the application; and
- (c) the name of the owner of the rateable property, if known; and
- (d) a declaration signed and dated by that person that the person—
  - (i) is an occupier of the rateable property for which the occupier 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 Act, in the case of 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 the Act, the required details are—

- (a) the address of the relevant rateable property; and
- (b) the personal details of each person appointed under section 9C(1) of the Act; and
- (c) the corporation details of the corporation making the application; and
- (d) a declaration signed and dated by each person appointed that—
  - (i) the person consents to the appointment; and
  - (ii) the person is not enrolled on the voters' roll in respect of an address in the municipal district; and
  - (iii) the person is not entitled to be enrolled without application on the voters' roll in respect of an address in the municipal district; and
  - (iv) the corporation is an owner or joint owner or occupier or joint occupier of the rateable property (as the case may be); and
  - (v) each person named on the application as an appointee is—
    - (A) a director or company secretary of the corporation (as the case may be and however styled); and

(B) appointed as a voting representative of the corporation.

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

For the purposes of section 9F(2) and (3) of the Act, in the case of a written request by an owner or 2 owners of a rateable property, the required details are—

- (a) the address of the relevant rateable property; and
- (b) the names of all owners of the rateable property; and
- (c) the name of each owner to be removed from the voters' roll; and
- (d) the personal details of each owner requested to be enrolled on the voters' roll; and
- (e) a declaration signed and dated by each owner requesting to be enrolled stating that the owner—
  - (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; and
- (f) the signed and dated consent 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**

For the purposes of section 9F(2) or (3) of the Act, in the case of a written request made by an occupier or 2 occupiers of a rateable property, the required details are—

- (a) the address of the relevant rateable property; and
- (b) the names of all occupiers of the rateable property; and
- (c) the name of each occupier to be removed from the voters' roll; and
- (d) the personal details of each occupier requested to be enrolled on the voters' roll; and
- (e) a declaration signed and dated by each occupier requesting to be enrolled stating that the occupier—
  - (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; and
- (f) the signed and dated consent 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**

- (1) A notice of resignation under section 9G(2)(a)(iii) of the Act must be in writing.

- (2) For the purposes of section 9G(2)(a)(iii) of the Act, the required details are—
  - (a) the personal details of the person resigning their appointment; and
  - (b) the corporation details of the corporation that the person was appointed to represent; and
  - (c) a declaration signed and dated by the person that the person resigns the appointment.

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

- (1) A notice of revocation under section 9G(2)(b) of the Act must be in writing.
- (2) For the purposes of section 9G(2)(b) of the Act, the required details are—
  - (a) the corporation details of the corporation revoking the appointment; and
  - (b) the name of the person whose appointment is to be revoked; and
  - (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 Act, the prescribed form is Form 1 in the Schedule.

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

- (1) The Chief Executive Officer must maintain a list of persons whose request to be a silent voter has been granted under section 10 of the Act.
- (2) A person may be removed from the list of silent voters after the close of the roll if—

- (a) the person is no longer entitled to be enrolled under section 9A(3), 9A(5), 9B or 9C of the Act on the voters' roll; or
- (b) the person has requested in writing no longer to be listed as a silent voter.

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

- (1) The Chief Executive Officer must ensure that only a person authorised by the Chief Executive Officer has access to—
  - (a) the address of a person whose request to be a silent voter has been granted under section 10 of the Act; or
  - (b) the information contained in a request made under section 10(1) of the Act.
- (2) The VEC must ensure that only a person authorised by the VEC has access to the address of a silent voter described in paragraph (b) or (c) of the definition of *silent voter*.

## **Division 3—Form of voters' rolls**

### **18 Voters' roll**

- (1) For the purposes of section 11D(2) of the Act, the prescribed particulars are—
  - (a) if the municipal district is divided into wards, the name of the relevant ward in which the person's address is located; and
  - (b) the surname and other name or names of each voter; and
  - (c) 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.
- (2) The voters' roll must not include—
  - (a) the address of a silent voter; or
  - (b) the date of birth of a voter.
- (3) The voters' roll must include the date of the election for which the roll has been prepared.

## **Part 3—Candidates**

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

#### **19 Joint nominations for the offices of Lord Mayor and Deputy Lord Mayor**

- (1) Any 2 candidates that are nominating jointly for the offices of Lord Mayor and Deputy Lord Mayor under section 15 of the Act must—
  - (a) complete a notice of candidature containing the details required by subregulation (2); and
  - (b) each sign the notice of candidature; and
  - (c) each make a declaration in writing in accordance with subregulation (3); and
  - (d) subject to regulation 20(3), pay to the VEC the nomination fee of \$250 in cash or by cheque drawn on an account of an authorised deposit-taking institution.
- (2) The notice of candidature must be in writing and must contain the following details—
  - (a) the surname and given names of the candidate seeking election as Lord Mayor;
  - (b) the surname and given names of the candidate seeking election as Deputy Lord Mayor;
  - (c) the addresses in respect of which each candidate is enrolled on the voters' roll;
  - (d) if different from the address referred to in paragraph (c), the candidate's principal place of residence and postal addresses;
  - (e) how each candidate may be contacted at short notice during business hours and

- during non-business hours, which may include—
- (i) a telephone number; and
  - (ii) an email address;
- (f) the form in which each candidate's name is to appear on the ballot-paper.
- (3) Each candidate must include in the notice of candidature a declaration that is signed and dated by each candidate and that states 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; and
  - (b) is qualified to be a Councillor under the **Local Government Act 2020**; and
  - (c) has completed the Local Government Candidate Training in accordance with the Local Government (Electoral) Regulations 2020 and specifies the date on which the candidate completed that training; and
  - (d) is aware that it is an offence for a person who is not entitled to nominate as a candidate for an election under section 256 of the **Local Government Act 2020** to nominate as a candidate for an election.
- (4) Subject to regulation 20(1), each candidate must sign the declaration referred to in subregulation (3) in the presence of the election manager.
- (5) If a candidate has changed the candidate's name from that which appears on the voters' roll, the candidate must attach evidence of the change of name to the notice of candidature.



- (6) Each candidate's name is to appear on the ballot-paper in the form specified in the notice of candidature under subregulation (2)(f).
- (7) For the purposes of subregulation (6), a given name may be specified by—
  - (a) an initial standing for that name; or
  - (b) a commonly accepted variation of that name, including an abbreviation or an alternative form of that name; or
  - (c) a commonly used other name specific to the candidate by which the candidate is usually identified.
- (8) A name cannot be specified on a ballot-paper under subregulation (7)(c) unless the candidate produces evidence to the satisfaction of the election manager that the proposed name is a commonly used other name specific to the candidate by which the candidate is usually identified.
- (9) Subject to regulation 24, a title or other designation cannot be included with, or as part of, the name of a candidate on a ballot-paper.

## **20 Candidate nomination—pandemic arrangements**

- (1) A declaration under regulation 19(3) may be signed without the presence of the election manager if, in the opinion of the election manager, it is unreasonable to require the candidate to sign the declaration in the election manager's presence because the candidate is unable to attend under a pandemic order made under section 165AI of the **Public Health and Wellbeing Act 2008**.
- (2) If subregulation (1) applies, the election manager may require—
  - (a) evidence of the candidate's identity, including the full name, address, signature

- and a photograph of the candidate, to be submitted with the notice of candidature; and
- (b) if the notice of candidature is lodged by a person on behalf of the candidate, the written authorisation of the candidate for the person to lodge the notice of candidature on the candidate's behalf.
- (3) If subregulation (1) applies, the VEC may determine that a notice of candidature or nomination fee (or both) may be submitted to the election manager by electronic communication, if the VEC reasonably believes it is necessary to address the risks posed by a pandemic for which the pandemic order has been made.
  - (4) The VEC must not make a determination under subregulation (3) less than 40 days before the election day.
  - (5) If the VEC makes a determination under subregulation (3), the VEC must publish notice of the determination in the Government Gazette and on the VEC's Internet site.
  - (6) A notice under subregulation (5) must specify—
    - (a) if the VEC determined that a notice of candidature may be submitted by electronic communication, the means by which the notice of candidature may be submitted; and
    - (b) if the VEC determined that the nomination fee may be submitted by electronic communication, the means by which the nomination fee may be submitted.

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

- (1) Either one of a pair of candidates who have made a joint nomination in accordance with regulation 19 may withdraw the candidature before noon on nomination day.

- (2) The notice of withdrawal of candidature must be in writing and must include the following details—
  - (a) the date of the election;
  - (b) the full names of the withdrawing candidates.
- (3) The notice of withdrawal of candidature must be signed and dated by one of the withdrawing candidates.
- (4) The election manager must keep the notice of withdrawal of candidature.
- (5) The election manager must retain the nomination fee paid by the pair of candidates who withdraw their candidature under this regulation.

**22 Retirement of candidate—Lord Mayor and Deputy Lord Mayor**

If a candidate who retires is a joint candidate for the offices of Lord Mayor and Deputy Lord Mayor, the joint nomination of both candidates under regulation 19 becomes void on the date the retirement takes effect under regulation 27(3) or (6) of the Local Government (Electoral) Regulations 2020.

**23 Death of candidate—Lord Mayor and Deputy Lord Mayor**

If a candidate who dies is a joint candidate for the offices of Lord Mayor and Deputy Lord Mayor, the joint nomination of both candidates under regulation 19 becomes void.

**24 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 election manager before noon on the second day after nomination day.
- (3) A request under this regulation must also specify the group name under which the candidates wish to appear.
- (4) A request must be lodged—
  - (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
  - (b) if the election manager 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 election manager.
- (5) Clause 4(2), (3), (4), (5) and (6) of Schedule 1 to the Act apply to a request made under this regulation.

## **Division 2—Candidate information**

### **25 Interpretation**

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.

### **26 Candidate information**

In addition to the material included under regulation 49(2) of the Local Government (Electoral) Regulations 2020, a postal ballot envelope must contain the candidate information.

### **27 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 with the election manager a joint statement for inclusion in the postal ballot envelope under regulation 49 of the Local Government (Electoral) Regulations 2020.
- (2) A joint statement—
  - (a) must include a single written statement of no more than 350 words; and
  - (b) may include a recent passport-size photograph of each candidate or any one of the candidates.
- (3) A candidate must—
  - (a) provide the election manager with 2 identical prints of any photograph lodged with the joint statement and write the candidate's name on the back of one of the prints; or
  - (b) if the photograph is provided in electronic format, include the candidate's 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 the voter's vote and that we are aware we may be liable to prosecution if our joint statement contains any matter that may mislead or deceive a voter in the casting of a vote."
- (5) A joint statement must be lodged with the election manager before noon on the fourth day after nomination day.
- (6) A joint statement must be lodged—
- (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
  - (b) if the election manager 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 any conditions determined by the election manager.
- (7) A joint statement may only be lodged by either candidate or by a person authorised in writing by one or both candidates.
- (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.

## **28 Candidate statement—ungrouped candidates**

- (1) A candidate for the office of Councillor who is not a member of a group may lodge with the election manager a candidate statement for inclusion in the postal ballot envelope under regulation 49 of the Local Government (Electoral) Regulations 2020.
- (2) A candidate statement—
  - (a) must include a written statement of no more than 300 words; and
  - (b) may include a recent passport-size photograph of the candidate.
- (3) A candidate must—
  - (a) provide the election manager with 2 identical prints of any photograph lodged with the statement and write the candidate's name on the back of one of the prints; or
  - (b) if the photograph is provided in electronic format, include the candidate's 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 the voter's vote and that I am aware I may be liable to prosecution if my candidate statement contains any matter that may mislead or deceive a voter in the casting of a vote."
- (5) A candidate statement must be lodged with the election manager before noon on the fourth day after nomination day.

- (6) A candidate statement must be lodged—
- (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
  - (b) if the election manager 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 election manager.
- (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.

## **29 Group statement**

- (1) A group may lodge with the election manager a group statement for inclusion in the postal ballot envelope under regulation 49 of the Local Government (Electoral) Regulations 2020.
- (2) A group statement—
- (a) must include a written statement of no more than 350 words; and
  - (b) may include a recent passport-size photograph of one or more members of the group or individual recent passport-size photographs of all members of the group.



- (3) Each member of the group whose photograph is lodged must—
- (a) provide the election manager with 2 identical prints of any photograph lodged with the statement and write the member's name on the back of one of the prints; or
  - (b) if the photograph is provided in electronic format, include the member's 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 the voter's vote and that we are aware we may be liable to prosecution if our group statement contains any matter that may mislead or deceive a voter in the casting of a vote."
- (5) A group statement must be lodged with the election manager before noon on the fourth day after nomination day by a person authorised to sign an application to register a group voting ticket under Schedule 1 to the Act.
- (6) A group statement must be lodged—
- (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
  - (b) if the election manager 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 election manager.

### **30 Group voting tickets**

An application to register a group voting ticket under clause 6 of Schedule 1 to the Act must be lodged—

- (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
- (b) if the election manager 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 election manager.

### **31 Joint request for grouping of candidates**

A joint request made by 2 or more candidates that their names be grouped on a ballot-paper under clause 3 of Schedule 1 to the Act must be lodged—

- (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
- (b) if the election manager 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 election manager.

### **32 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 27, 28 or 29 (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 election manager 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.

### **33 Rejection and amendment of statements**

- (1) The election manager must reject a joint statement, candidate statement or group statement if—
  - (a) in the opinion of the election manager, 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 32(2);
  - (v) material that is in contravention of an Act or regulation; or
- (b) the declaration required under regulation 27(4), 28(4) or 29(4) (as the case may be) is absent or not in the form set out in that regulation.
- (2) If the election manager rejects a joint statement, candidate statement or group statement under subregulation (1), the election manager, no later than noon on the second day after nomination day, must give notice to—
- (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.
- (3) A notice referred to in subregulation (2) must state—
- (a) that the statement has been rejected and the reasons for the rejection; and
  - (b) which section or sections of the statement needs to be amended for the statement to be accepted; and

- (c) subject to subregulation (4), that the candidate may amend that section or those sections of the statement and resubmit the statement.
- (4) For the purposes of subregulation (3), it is sufficient for the election manager to notify the candidate in accordance with the contact details provided by the candidate in the candidate's nomination form in accordance with regulation 19 or 24(2)(f) of the Local Government (Electoral) Regulations 2020 (as the case requires).
- (5) A candidate whose statement is rejected by the election manager may, until noon on the day following the last day for lodgement of the statement under this Division, resubmit the statement to the election manager in accordance with regulation 27(6), 28(6) or 29(6) (as the case requires).
- (6) A person who submits a statement may only amend the section or sections of the statement referred to in subregulation (3)(b).
- (7) The election manager must keep a record of all amendments made to a joint statement, candidate statement or group statement.

#### **34 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 with the election manager an indication of preferences for inclusion in the postal ballot envelope under regulation 49 of the Local Government (Electoral) Regulations 2020.
- (2) An indication of preferences must be lodged—
  - (a) with the election manager no later than noon on the fourth day after nomination day; and

- (b) by either candidate or by a person authorised in writing by one or both candidates.
- (3) An indication of preferences must be lodged—
  - (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
  - (b) if the election manager 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 election manager.
- (4) 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; and
  - (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.
- (5) The election manager must reject an indication of preferences that does not comply with this regulation.

### **35 Indication of preferences—ungrouped candidates**

- (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 with the election manager an indication of preferences for inclusion in the postal ballot envelope under

regulation 49 of the Local Government (Electoral) Regulations 2020.

- (2) An indication of preferences must be lodged with the election manager no later than noon on the fourth day after nomination day.
- (3) An indication of preferences must be lodged—
  - (a) at the place or places that nominations are received under regulation 22(2)(a) of the Local Government (Electoral) Regulations 2020; or
  - (b) if the election manager 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 election manager.
- (4) 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; and
  - (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 order of preference for them.
- (5) The election manager must reject an indication of preferences that does not comply with this regulation.

### **36 Candidate information on the Internet**

As soon as practicable after a candidate's candidate information is accepted by the election manager, the election manager—

- (a) must ensure that it is published in accordance with regulation 37 on an Internet site maintained by or on behalf of the election manager that is not the Internet site of the Council; and
- (b) may publish it in printed form in accordance with regulation 37.

### **37 Publication of candidate information**

- (1) This regulation applies to the publication of candidate information by the election manager in printed form or on an Internet site.
- (2) The election manager must not publish a joint statement, candidate statement or group statement—
  - (a) that has been rejected under regulation 33; or
  - (b) that has been resubmitted under regulation 33 but still fails to satisfy the requirements of regulation 33.
- (3) In the case of a joint statement or group statement, the election manager must only publish the first 350 words of the joint statement or group statement.
- (4) In the case of a candidate statement, the election manager must only publish the first 300 words of the candidate statement.
- (5) The election manager must not publish an indication of preferences if the indication of preferences has been rejected by the election manager under regulation 34 or 35.
- (6) The election manager must not publish a group voting ticket if it has not been registered under Schedule 1 to the Act.



- (7) If a candidate has not lodged the candidate's 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 election manager must publish a notice stating that the candidate, or 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.

### **38 Disclaimer on statements**

The election manager 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 election manager."

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

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

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; and
  - (ii) which candidate is seeking election as Lord Mayor and which candidate is seeking election as Deputy Lord Mayor; and
  - (iii) if a valid request was made under regulation 24, 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."

### **40 Marking of ballot-paper—Lord Mayor and Deputy Lord Mayor**

- (1) 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.
- (2) If there are only 2 pairs of candidates standing jointly for the office of Lord Mayor and Deputy Lord Mayor, the requirements of subregulation (1) 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.
- (3) 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 (1) 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.
- (4) Despite subregulation (1) a ballot-paper is not to be rejected by reason only that any or all of the figures have not been placed in the squares.
- (5) A ballot-paper can only be rejected if it is not marked in accordance with this regulation.

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## Schedule

### FORM 1

Regulation 15

### 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:	
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I request that my address not be shown on the voters' roll for the Melbourne City Council. 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:	

## 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 2022, S.R. No. 24/2022 were made on 3 May 2022 by the Governor in Council under sections 325 and 326 of the **Local Government Act 2020**, No. 9/2020 and section 29 of the **City of Melbourne Act 2001**, No. 5/2001 and came into operation on 7 May 2022: regulation 3.

The City of Melbourne (Electoral) Regulations 2022 will sunset 10 years after the day of making on 3 May 2032 (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**

There are no amendments made to the City of Melbourne (Electoral) Regulations 2022 by statutory rules, subordinate instruments and Acts.

### **3 Explanatory details**

<sup>1</sup> Reg. 4(a): S.R. No. 30/2012 as amended by S.R. Nos 97/2016, 92/2020 and 34/2021.

<sup>2</sup> Reg. 4(b): S.R. No. 97/2016.

<sup>3</sup> Reg. 4(c): S.R. No. 92/2020.

<sup>4</sup> Reg. 4(d): S.R. No. 34/2021.