



DETERMINATION

Campaigning at voting centres

Electoral Act 2002, section 9(3)

Determination 005/2025

Keywords

Adjourn voting, behaviour, campaigning, candidate and party workers, close a voting centre, conduct, issue directions, lawful requirement, local laws, police, reasonable constraints, reasonable restrictions, safety, security, suspend voting

Preamble

The *Electoral Act 2002* (Vic) (Electoral Act) establishes the Victorian Electoral Commission (VEC) and requires it to, as a function, administer the Electoral Act, which includes regulating the conduct of electoral participants. The electoral participants relevant to this Determination include:

- candidates
- people campaigning proximate to voting centres
- people distributing electoral campaign material proximate to voting centres.

Consistent with the VEC's regulatory approach of constructive compliance, the purpose of this Determination is to clarify additional interventions which may be taken by the VEC to secure and protect the safe operation of a voting centre and its surrounds. In doing so, this Determination recognises the lawful power and authority of election managers and election officials (aided and assisted by police officers) under section 174 of the Electoral Act to:

- maintain order and keep the peace at any election or voting at a voting centre, and
- cause to be removed any person who delays, disturbs or disrupts the processes for an election, in a voting centre, and the approaches to a voting centre.

This Determination acknowledges that the behaviour, conduct or right of a person may need to be reasonably constrained or otherwise restricted in order to ensure the safe and secure conduct of an election. In applying any restriction or constraint, the VEC will consider its duties, including under the *Occupational Health and Safety Act 2004* (Vic) (OHS Act), and other lawful requirements.

Audience

The principal audience for this Determination includes:

- registered political parties and other groups (including non-registered political parties)
- candidates in elections
- candidate and party workers, and
- election managers and election officials.

Determination

I, Sven Bluemmel, Electoral Commissioner for the State of Victoria, by delegation of the Victorian Electoral Commission, pursuant to section 16(1)(b) of the Electoral Act, make the following determination in accordance with section 9(3) of the Electoral Act.

1. ***Appointment of voting centres***

- 1.1. The VEC must appoint as many voting centres – including early voting centres – as it considers necessary (section 65 of the Electoral Act). In doing so, the Electoral Act requires the VEC to ensure that electors are provided with an accessible service that facilitates their opportunity to vote.
- 1.2. An ‘accessible service’ is considered by the VEC to include, but is not limited to, a voting experience for electors that is free from interference, intimidation, or violence.

2. ***Applicable grounds of a voting centre***

- 2.1. A voting centre may include the grounds of the voting centre, which is referred to in this Determination as the ‘applicable grounds’.
- 2.2. Section 158(3) of the Electoral Act provides that if a building used as a voting centre is situated in grounds within an enclosure, and there is an official notice stating that those grounds are, for the purposes of section 158 of the Electoral Act, part of the voting centre, then those grounds are part of the voting centre. For the purpose of section 158(3) of the Electoral Act:
 - 2.2.1. An official notice is a notice placed by the VEC, including by an election manager or election official.
 - 2.2.2. Business or retail complexes, including business parks, shopping centres, shopping plazas, strip malls, or otherwise similarly grouped premises, may be considered grounds within an enclosure.
- 2.3. The effects of an official notice stating that the applicable grounds of a voting centre are part of the voting centre are that:
 - 2.3.1. Any entrance to the applicable grounds is deemed to be the entrance of a voting centre.
 - 2.3.2. All sections of the Electoral Act which refer to the ‘entrance to a voting centre’ apply in respect to the entrance to the applicable grounds.
 - 2.3.3. The conduct prohibited by section 158(2) of the Electoral Act cannot occur within 6 metres of an entrance to the applicable grounds during the hours of voting.
 - 2.3.4. An election manager or election official has the power to remove, or cause to be removed, any notice or sign in contravention of section 158(2) of the Electoral Act from within 6 metres of the entrance to the applicable grounds.
 - 2.3.5. The VEC may designate an entrance to the applicable grounds as a ‘designated entrance’ under section 158A(5) for the purpose of section 158A of the Electoral Act.

3. *Voting centres and their surrounds may be subject to other lawful requirements*

- 3.1. Premises used as voting centres may be separately regulated or subject to other lawful requirements, including local laws, common law property rights or under the OHS Act. The surroundings of voting centres may be similarly regulated.
- 3.2. Division 6 of Part 5 (Electoral matter) and Division 1 of Part 9 (Enforcement and offences) of the Electoral Act do not provide a person with an entitlement which overrides other lawful requirements.

4. *Responsibilities of the VEC*

- 4.1. The VEC's responsibilities include its duties under the OHS Act to employees and any person who is not an employee but has the potential to be affected by the conduct of the election. These are referred to in this Determination as 'OHS duties'.

5. *The VEC may make directions*

- 5.1. The VEC has, subject to other provisions of the Electoral Act, the power to do all things necessary or convenient to be done for, or in connection with, the performance of its responsibilities and functions (section 9(1) of the Electoral Act). Without limiting this power, the VEC may also make and issue directions for, or with respect to, elections and election procedures (section 9(2) of the Electoral Act).
- 5.2. The VEC may issue directions imposing reasonable constraints in respect of a voting centre, including approaches to a voting centre and its applicable grounds. The reason for such a direction may include, but is not limited to, ensuring an accessible service (see Item 1.2) that facilitates the opportunity for electors to vote. The VEC will consider its OHS duties and other lawful requirements when issuing a direction.

6. *Maintaining order and keeping the peace at a voting centre*

- 6.1. An election manager or election official has the power and authority to maintain order and keep the peace at any election or voting at a voting centre (section 174(1)(a) of the Electoral Act).
- 6.2. An election manager or election official also has the power and authority under section 174(1)(b) of the Electoral Act to cause to be removed any person who:
 - obstructs an approach to a voting centre,
 - wilfully or unnecessarily obstructs or delays proceedings at a voting centre,
 - behaves in a disorderly manner, or
 - remains in a voting centre for a longer time than is reasonably necessary for the purpose of voting, or
 - causes a disturbance.
- 6.3. When determining the appropriate exercise of the powers conferred under section 174(1), an election manager or election official may consider:
 - 6.3.1. The safety of any person or class of persons who may be affected, including those in the vicinity of the voting centre for a reason unconnected with the election.

- 6.3.2. The safe handling and security of ballot material.
- 6.3.3. Whether the voting centre, its applicable grounds, or its surrounds are also regulated or subject to other lawful requirements in addition to the requirements of the Electoral Act, and the effect of those requirements on the operation of the premises as a voting centre.
- 6.3.4. If the conduct is contrary to any direction issued by the VEC pursuant to section 9(2) of the Electoral Act that is relevant to the voting centre.
- 6.3.5. In the case of a disturbance, if the disturbance:
- 6.3.5.1. is hindering other lawful activities in the vicinity of the voting centre,
 - 6.3.5.2. is interfering with the performance of duties by the election manager or any election official, or
 - 6.3.5.3. is causing distress to those in the vicinity of the voting centre.
- 6.3.6. Any other matter that is considered to be relevant.
- 6.4. An election manager or election official must be aided and assisted by police officers when exercising any powers under section 174(1).

7. *Operation of a voting centre*

- 7.1. The VEC may, at its complete discretion, close an early voting centre. Any decision to close an early voting centre must have taken into account the VEC's obligation under section 65 of the Electoral Act to ensure that electors are provided with an accessible service that facilitates the opportunity to vote. The VEC will consider its OHS duties and items 6.3.1 to 6.3.6 in determining to close an early voting centre.
- 7.2. An election manager of an election day voting centre may temporarily suspend voting at an election day voting centre for a period no more than 4 hours in accordance with section 97A of the Electoral Act if the election manager considers it necessary to do so because of reasons which include:
- a riot or open violence, or a serious threat of the same,
 - a thing which may affect the safety of electors, or
 - a thing which may interrupt or obstruct the proper conduct of voting.
- 7.3. The VEC must adjourn the holding of the election at an election day voting centre in accordance with section 97 of the Electoral Act if – from any cause – voting does not open, or the holding of an election is interrupted or obstructed.

Revocation of previous instrument

This Determination revokes and replaces 'Determinations 010/2022 – Campaigning at voting centres', dated 22 November 2022.

Commencement of this Determination

This Determination commences on 7 July 2025 and remains in effect until such time as it is amended, revoked, superseded, or otherwise replaced.

Sven Bluemmel
Electoral Commissioner
Victorian Electoral Commission

04 July 2025

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