

No. , 1898.

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## A BILL

To authorise a referendum to the people and the taking of a vote on the question whether the tariff of the Colony should be a free-trade or a protection tariff, and for purposes consequent on and incidental to the above objects.

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. On the polling-day for the next General Election a vote of the people shall be taken in pursuance of this Act whether the tariff of New South Wales should be a free-trade or a protection tariff. Referendum on question of free-trade or protection.

2. The Governor shall issue writs for the taking of such vote. Issue of writs.

Such writs shall be issued at the same time and directed to the same persons as the writs for the general election, and shall state that they are returnable within the time fixed for the return of the writs for the general election.

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3. The persons entitled to vote in pursuance of this Act shall be those entitled by law to vote at the general election, and the mode of tendering the vote of an elector and of ascertaining his right to vote shall be the same as at such election. Who entitled to vote.

A returning officer shall be entitled to vote, but shall not be entitled to a casting vote.

4. Every Act for the time being regulating and making provision for the holding of general elections, and the doing of the acts directed and authorised by law for the purposes thereof (except such parts of any such Act as relate exclusively to candidates at elections, and except as may be otherwise provided in this Act, or any regulation made thereunder) shall be deemed in like manner to regulate and make provision for the taking of the vote in pursuance of this Act, and the doing of the like acts in connection therewith. How vote taken.

5. Every power, duty, and liability conferred or imposed upon, and every direction given to, any returning officer, deputy returning officer, poll-clerk, scrutineer, or other person, by law for the time being, for the purposes of or in connection with or incidental to the holding of the general election, shall, except where otherwise directed by this Act, or any such regulation as aforesaid, be deemed to be in like manner conferred and imposed upon and given to the same person for the purposes of and in connection with and incidental to the taking of the vote in pursuance of this Act. Power, &c., of officers on taking of vote.

6. The following provisions shall be observed in taking a vote in pursuance of this Act:— Provisions to be observed in taking a vote.

- (a) The scrutineers appointed for the purpose of the general election may act as scrutineers in the taking of the vote in pursuance of this Act.
- (b) Every declaration required by law in the case of the general election to be made by any person for the due discharge of the duties of his office, and for the preservation of secrecy as to the votes recorded at such election, shall, in like manner, be made in the case of the taking of the vote in pursuance of this Act by the like person for the due discharge of his duties, and for the preservation of secrecy as to the votes recorded in pursuance of this Act.

7. Every act or omission which would be punishable under the law for the time being, if the same had occurred in connection with the holding of an election, shall be held to constitute the like offence, cognisable in the like manner, and to render the offender liable to the same punishment if the same occurs in connection with the taking of the vote in pursuance of this Act; and for the purposes of this section, the words "at an election," "at any election," and "during any election," when used in the Parliamentary Electorates and Elections Act of 1893 in relation to any offence shall mean and include the whole period Penalties.

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period from the day of the issue of the writs for the taking of the vote in pursuance of this Act up to the day of the return thereof, both days inclusive.

The provisions of this section in regard to omissions shall extend to every omission of an act substituted by this Act for any act required by law to be done in connection with the holding of elections.

8. The ballot-papers for taking the vote in pursuance of this Act shall be in the form of the Schedule hereto, and shall be printed and provided for use in the respective electoral districts under the direction of the Governor.

Form of ballot-papers to be provided.

And the vote shall be given by striking out or marking through one or other of the statements set forth in the Schedule.

9. After the taking of the vote the following provisions shall be observed :—

How result ascertained and notified.

- (a) The persons authorised by law for the time being to ascertain, notify, and declare the number of votes recorded for the respective candidates at the general election shall in like manner ascertain, notify, and declare the number of votes recorded for each statement submitted in the ballot-papers.
- (b) After the taking of the vote all ballot-papers and other books, rolls, and papers provided in connection therewith shall be dealt with in accordance with the law for the time being relating to ballot-papers and other books, rolls, and papers provided in connection with the general election.
- (c) The returning officer of each electoral district shall indorse upon the writ directed to him in pursuance of this Act the number of votes recorded for each statement submitted in the ballot-papers in the said district, and return the said writ to the Governor within the time specified therein.
- (d) Within one week from the return of all the said writs the Governor shall cause the total number of votes recorded for each statement submitted as aforesaid throughout all the electoral districts in the Colony to be published in the Gazette.

10. The return to any writ for taking the vote may be appealed against in the manner provided by law for the time being for appealing against the return to writs for the holding of elections; and the following provisions shall apply to any such appeal :—

Appeal.

- (a) Such appeal shall be prosecuted upon the petition of fifty or more electors of the electoral district, the return from which is called in question, entitled to vote therein at the time the said vote was taken.
- (b) No such petition shall be received unless accompanied by the statutory declaration of one or more persons verifying the facts alleged therein either from personal knowledge or from sources of knowledge fully set forth in the said declaration.

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- (c) The grounds of such petition shall be either that the number certified in any such return as having voted for any statement submitted in the ballot-papers in such electoral district is for some specified reason erroneous, or that fifty or more electors were in a specified way unlawfully prevented from voting in the said district.
- (d) Except as provided herein, or in any regulation made in pursuance of this Act, every enactment contained in any Act for the time being regulating and making provision for the presentation of petitions against the return to writs for the holding of elections, and the proceedings consequent thereupon shall be deemed in like manner, as nearly as may be, to regulate and make provision for the presentation of the petitions authorised by this section and the proceedings consequent thereupon.
- (e) If it appears that the number of the votes affected throughout the Colony by all petitions so presented in respect of the same statement submitted in the ballot-papers would not be sufficient to reverse the effect of the vote taken in pursuance of this Act as published for the whole Colony, all such petitions shall be dismissed. Otherwise a recount may be made of the votes recorded in any polling place, or a new writ may be issued for again taking the vote in any electoral district, the return from which has been appealed against, and the result of such recount or new taking of the vote, and its effect upon the vote for the whole Colony, shall be published in the Gazette.

11. It shall be lawful for the Governor, by warrant under his hand addressed to the Colonial Treasurer, to authorise and direct that all such moneys as may from time to time be required for paying any expenses lawfully incurred under and in the execution of the provisions of this Act be paid out of the Consolidated Revenue Fund, and the same shall be so paid accordingly.

12. The Governor may make regulations for carrying the provisions of this Act into full effect; and all such regulations, in so far as they are not inconsistent with the provisions of this Act, shall, on being published in the Gazette, have the full force of law, and shall be laid before both Houses of Parliament within fourteen days after the commencement of the next ensuing Session.

13. In this Act, unless the context otherwise requires—

“Election” means election of any Member or Members of the Legislative Assembly.

“Electoral district” means district for the election of a Member to serve in the Legislative Assembly.

“Electors” means persons for the time being entitled to vote at an election.

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“General election” means election held in all the electoral districts of the Colony, consequent upon the dissolution or expiry of the Legislative Assembly.

“Returning Officer” includes any person lawfully authorised to act for a returning officer or in his place for the purposes of the General Election.

14. This Act may be cited as the “Free-trade and Protection Short title. Referendum Act, 1898.”

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SCHEDULE.

I am in favour of a FREE-TRADE tariff for the Colony of New South Wales.	<b>Free-trade.</b>
I am in favour of a PROTECTION tariff for the Colony of New South Wales.	<b>Protection.</b>

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