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[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

Relating to the submission of Bills to a referendum of the electors ; and for purposes connected therewith.

BE it enacted by the King'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 :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Referendum Short title. Act, 1928."

- (2) This Act is divided into Parts as follows:— Division into
Parts.
- PART I.—PRELIMINARY—*ss.* 1-3.
- PART II.—WRIT FOR THE REFERENDUM—*ss.* 4-8.
- PART III.—VOTING AT THE REFERENDUM—
ss. 9-17.
- PART IV.—SCRUTINY OF THE REFERENDUM—
ss. 18-28.
- PART V.—RETURN OF WRIT—*s.* 29.
- PART VI.—REGULATIONS—*s.* 30.
- PART VII.—MISCELLANEOUS—*ss.* 31-33.
- PART VIII.—REFERENDUM OFFENCES—*ss.* 34-
42.
- SCHEDULE.—FORMS A, B, and C.

2. (1) In this Act, unless the contrary intention Definitions.
appears,—

“Referendum” means the submission of a Bill to the electors for their approval in pursuance of the authority of any Act of the Parliament of New South Wales, whether such Act was passed before or after the commencement of this Act.

“Election” means an election of members of the Legislative Assembly.

(2) A reference in this Act to the Parliamentary Electorates and Elections Act, 1912, shall be read as a reference to the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts.

3. (1) The provisions of section fifty-six, section eighty-four, section eighty-five, section eighty-six, section eighty-seven, section eighty-eight, section eighty-nine, section ninety-two, section ninety-three, section ninety-four, section ninety-five, section ninety-six, section ninety-seven, section ninety-eight, section ninety-nine, section one hundred, section one hundred and one, section 101A, section one hundred and two, section one hundred and four, section one hundred and six, section one hundred and seven, section one hundred and

and eight, section 108A, section one hundred and nine, section one hundred and ten, section one hundred and eleven, section one hundred and twelve, section one hundred and thirteen, section one hundred and fourteen, section 114A, subsection one of section 114B, section 114C, subsection one of section 114D, section 114E, section 114F, section 114G, section 114H, section 114I, section 114J, section 114K, section 114L, section 114M, subsections one and three of section one hundred and fifteen, section one hundred and sixteen, section one hundred and seventeen, subsections one and two of section one hundred and eighteen, section one hundred and twenty, section one hundred and twenty-one, section one hundred and thirty, section 131A, section one hundred and thirty-two, section one hundred and thirty-three, section one hundred and thirty-four, section one hundred and thirty-five, section one hundred and thirty-six, section 176A, section one hundred and seventy-seven, section one hundred and seventy-eight, section one hundred and seventy-nine, section one hundred and eighty, section one hundred and eighty-one, section one hundred and eighty-two, section one hundred and eighty-three, section one hundred and eighty-four, section one hundred and eighty-five, and section one hundred and eighty-six of the Parliamentary Electorates and Elections Act, 1912, and any regulations or rules made under or for the purpose of carrying out or giving effect to those provisions, and Schedules nine, eleven, twelve, and thirteen of the said Act shall, subject to this Act, and so far as they are applicable, apply to a referendum as if it were an election.

(2) In the application of any provision or Schedule of the Parliamentary Electorates and Elections Act, 1912, to a referendum—

- (a) a reference to a writ shall be read as a reference to a writ for a referendum ;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by a writ for a referendum for the taking of the votes of the electors ;

(c)

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- (c) a reference to a poll shall be read as a reference to the taking of the votes of the electors for the purposes of a referendum ;
 - (d) a reference to an election shall be read as a reference to a referendum ;
 - (e) each Returning Officer and Deputy-Returning Officer shall, in any case, and subject to the directions of the Chief Electoral Officer, make the necessary arrangements for the taking of the votes of the electors in his electoral district, or portion of a district, as the case requires ;
 - (f) a ballot-paper used for the purposes of a referendum shall only be rejected as informal for the reasons specified in this Act or the regulations made thereunder ;
 - (g) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act or the regulations made thereunder, and the ballot-paper shall be folded so as to conceal the vote marked thereon ;
 - (h) a reference to scrutineers or to a scrutineer shall be read as a reference to scrutineers or to a scrutineer appointed in pursuance of this Act, as the case requires ;
 - (i) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to a referendum ;
 - (j) a reference to a ballot-paper, ballot-box, or other thing shall be read as a reference to a ballot-paper, ballot-box, or corresponding thing in relation to a referendum ;
 - (k) any reference to " this Act " or this " Part " shall be read as a reference to the provisions or part, as the case may be, of the said Act which are applicable to a referendum.
 - (l) Upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer, and in every such case

cf. Act No. 41, 1912, s. 131.

case and also where any polling stands adjourned as mentioned in section one hundred and thirty of the Parliamentary Electorates and Elections Act, 1912, the returning officer shall not transmit his statement of the result of the voting in his district to the Chief Electoral Officer until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

- (m) The manner in which ballot-papers and documents referred to in subsection two of section ninety-eight shall be dealt with shall be as prescribed in section twenty of this Act.

PART II.

WRIT FOR THE REFERENDUM.

4. (1) Whenever a referendum is to be taken, the Governor may issue a writ for the submission of the Bill to the electors. Writ for a referendum. cf. Cwth. Act, s. 5.

(2) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint dates—

- (a) for taking the votes of the electors, and
(b) for the return of the writ.

(3) The day fixed for taking the votes of the electors shall be a Saturday, and shall be not later than the fortieth day from the date of the issue of the writ.

(4) The writ shall be directed to the Chief Electoral Officer.

5. The Governor may cause to be attached to the writ a copy of the Bill, or a copy of a statement setting out— Statement of proposed law.

- (a) the text of the Bill ;
(b) the text of the particular provisions (if any) of any Act proposed to be textually altered by the Bill, and the textual alterations proposed to be made therein.

6.

6. (1) If within six weeks after the passage of the Bill through both Houses of the Legislature there is forwarded to the Chief Electoral Officer—

Distribution to electors of arguments for and against proposed law.

- (a) an argument in favour of the Bill, consisting of not more than two thousand words, and authorised by a majority of those members of both Houses of the Legislature who voted for the Bill; or
- (b) an argument against the bill, consisting of not more than two thousand words, and authorised by a majority of those members of both Houses of the Legislature who voted against the Bill,

the Chief Electoral Officer shall, within one month after the expiry of those six weeks, and not later than two weeks after the issue of the writ, cause to be printed and posted to each elector, as nearly as practicable, a pamphlet containing the arguments together with a statement setting out the text of the Bill or the text of the particular provisions (if any) of any Act proposed to be textually altered by the Bill and the textual alterations proposed to be made therein.

(2) When there are to be referendums upon more than one Bill on the same day—

- (a) the arguments in regard to all the Bills shall be printed in one pamphlet;
- (b) the argument in favour of any Bill may exceed two thousand words if the arguments in favour of all the Bills do not average more than two thousand words each; and the argument against any Bill may exceed two thousand words if the arguments against all the Bills do not average more than two thousand words each.

7. As soon as is practicable after the receipt by the Chief Electoral Officer of the writ he shall—

Duties of Chief Electoral Officer upon receipt of the writ.

- (a) endorse on the writ the date of receipt by him; and
- (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt and particulars of the

cf. Cwth. Act, s. 9. Act No. 41, 1912, s. 74.

the writ, including the dates appointed for the taking of the votes of the electors and for the return of the writ, together with a copy of the proposed Bill or of the statement (if any) attached to the writ; and

- (c) cause copies of the Bill or of the statement (if any) attached to the writ to be exhibited at each court of petty sessions throughout the State and in such other places as he thinks most likely to attract notice.

8. (1) At a referendum only those electors who would be entitled to vote if the referendum were an election shall be admitted to vote. Electors who may be admitted to vote at referendum.

(2) Nothing in this section shall be deemed to entitle any person who is disqualified from voting, to vote.

PART III.

VOTING AT THE REFERENDUM.

9. The voting at the referendum shall, subject to this Act, be taken on the day appointed by the writ for taking the votes of the electors. Voting on same day.

10. The polling places and polling place areas appointed and established under the laws for the time being in force relating to Parliamentary elections shall be polling places and polling place areas for the purposes of the referendum. Polling places.

11. Each elector shall vote only once at any referendum. One vote only.

12. (1) The voting at the referendum shall be by ballot. Voting to be by ballot.

(2) Upon receipt of a ballot-paper the elector shall, without delay— cf. Act No. 41, 1912, s. 103.

- (a) retire alone to some unoccupied compartment of the booth and there in private record his vote on the ballot-paper in the manner prescribed by regulations made under this Act;

(b)

(b) fold the ballot-paper so as to conceal the vote marked thereon and to show clearly the signature or initials of the returning officer, or deputy, and exhibit it so folded to the returning officer or deputy, and then forthwith openly and without folding it deposit it in the ballot-box;

(c) quit the booth.

13. (1) The ballot-papers to be used for the purposes of a referendum may be in or to the effect of the Form B in the Schedule to this Act.

(2) For the purposes of voting under the provisions relating to absent voters contained in subsection one of section one hundred and fifteen of the Parliamentary Electorates and Elections Act, 1912, the ballot-papers to be used for the purposes of a referendum may be in or to the effect of the forms prescribed by the regulations made under this Act.

(3) For the purposes of voting under the provisions relating to voting by post contained in sections 114A to 114M, both inclusive, of the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper and the form of postal vote certificate to be used for the purposes of a referendum may be in accordance with the forms prescribed by the regulations made under this Act.

(4) The method of voting on postal ballot-papers and absent voters' ballot-papers shall be as prescribed by the regulations made under this Act.

(5) Where two or more referendums are held on the same day, it shall not be necessary for the forms of ballot-paper for each referendum to be on separate pieces of paper, but two or more forms of ballot-paper which may be used by any one elector may be on one piece of paper in or to the effect of Form C in the Schedule to this Act, in which case it shall not be necessary for the signature or initials of the returning officer or deputy to appear more than once on the piece of paper, and the presence of any mark or writing on the piece of paper by which the voter can be identified shall render informal all the forms of ballot-paper and votes appearing on the piece of paper, but any other ground

ground of informality shall only apply to the particular ballot-paper and vote to which it relates, and shall not affect the validity of any other ballot-paper or vote.

(6) For the purposes of subsection five of this section the form of ballot-paper may be modified or altered by regulations made under this Act, or a special form of ballot-paper may be prescribed by such regulations, but so that each question shall be capable of being voted on separately.

14. Where the day fixed for the taking of the votes for the purposes of a referendum is the same as that fixed for the polling at an election—

(a) a declaration which suffices to enable an elector to vote—

(i) under the provisions of section ninety-seven, section ninety-nine, section 101A, section one hundred and six, section one hundred and seven or section one hundred and nine of the Parliamentary Electorates and Elections Act, 1912, or

(ii) as an absent voter for the purposes of the election

shall suffice to enable him to vote under the provisions of section ninety-seven, section ninety-nine, section 101A, section one hundred and six, section one hundred and seven or section one hundred and nine of the Parliamentary Electorates and Elections Act, 1912, or as an absent voter, as the case requires, for the purposes of the referendum.

(b) any reference in the declaration to the election shall be deemed to include a reference to the referendum ;

(c) an application for a postal vote certificate and postal ballot-paper for the purposes of the election shall be deemed to include an application for a postal vote certificate and postal ballot-paper for the purposes of the referendum ;

(d) a postal vote certificate for the purposes of the election shall be deemed to have effect as a postal vote certificate for the purposes of the referendum ;

(e)

cf. Federal Act, s. 14A (4).

Application of absent and postal voters' provisions.

Cwth. Act, s. 14.

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- (e) any reference in the application or the certificate to the election shall be deemed to include a reference to the referendum ; and
- (f) a postal ballot-paper containing the vote of an elector at the referendum may be enclosed in the same envelope as that in which the postal ballot-paper containing the vote of the elector at the election is enclosed.

15. Where the day fixed for the taking of the votes of the electors for the purposes of a referendum is the same as that fixed for the polling at an election, the answers by a person claiming to vote to the questions put to him in pursuance of section one hundred of the Parliamentary Electorates and Elections Act, 1912, may be accepted as sufficient to enable him to vote for the purposes of the referendum, if they are satisfactory as regards the election, but the presiding officer may, if he thinks fit, in addition to the questions prescribed by that section, put to the person claiming to vote the following question :—

Answers to questions may be accepted for purposes of referendum. Cwth. Act, s. 15.

Have you already voted, either here or elsewhere, at this referendum ? (or these referendums ?— as the case may be),

and, if the person claiming to vote does not answer the question or admits that he has already voted at the referendum or referendums, shall refuse to allow him to vote.

16. Where a referendum is held on the same day as an election the same ballot-boxes and polling booths may be used for the purposes of the referendum and the election but in that case the ballot-papers for the referendum shall be of a different colour to the ballot-papers for the election.

Use of ballot-boxes and polling-booths. Cwth. Act, s. 16.

17. The Governor or any person thereto authorised by him may appoint one scrutineer at each polling place.

Appointment of scrutineers. Ibid. s. 17.

PART IV.

SCRUTINY OF THE REFERENDUM.

18. (1) The result of the referendum shall be ascertained by scrutiny. Ascertainment of result of submission.

(2) The Governor or any person thereto authorised by him may appoint one scrutineer to be present at each place where the scrutiny is conducted. Cwth. Act, s. 18.

(3) The returning officer may by writing under his hand appoint one or more persons to count or assist in counting the absent or postal votes. cf. Act No. 41, 1912, s. 87.

19. (1) The scrutiny shall be conducted in accordance with the following provisions— Conduct of scrutiny.

- (a) As soon as is practicable after the close of the poll the returning officer and every deputy at the polling place at which each presides shall, in the presence and subject to the inspection of such of the scrutineers as choose to be present, and the poll-clerks (if any), but of no other persons, open the ballot-box and proceed to count the votes; cf. Cwth. Act, ss. 19, 20, Act No. 41, 1912, ss. 121, et seq.
- (b) all the proceedings at the scrutiny shall be open to the inspection of the scrutineers;
- (c) the scrutiny may be adjourned from time to time as may be necessary until the counting of the votes is complete;
- (d) informal ballot-papers shall be rejected and their number recorded.

(2) (a) If a scrutineer objects to a ballot-paper as being informal, the officer conducting the scrutiny shall mark the ballot paper "admitted" or "rejected" according to his decision to admit or reject the ballot-paper. Action on objection to ballot-papers. Cwth. Act, s. 20A.

(b) Nothing in this subsection shall prevent the officer conducting the scrutiny from rejecting any ballot-paper as being informal although it is not objected to.

(3)

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(3) A ballot-paper (including a postal voter's ballot-paper and an absent voter's ballot-paper) shall be informal if—

of. Act No. 41, 1912, ss. 118, 122.

- (a) it is not duly signed or initialled by the returning officer or deputy ; or
- (b) it has no vote marked on it ; or
- (c) it has more than one vote marked on it ; or
- (d) it has upon it any mark or writing not authorised by this Act to be put upon it, which, in the opinion of the returning officer, will enable any person to identify the voter.

(4) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not, by reason of any marking thereon not authorised or required by this Act be treated as informal, or be rejected at the scrutiny if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper.

Ibid. s. 122A.

20. Immediately after ascertaining the total number of votes given in favour of the Bill, and the total number of votes given not in favour of the Bill each deputy shall make up—

Duties of deputy. cf. Act No. 41, 1912, s. 123.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling-booth during the election ;
- (b) in the second separate parcel, the ballot-papers which have remained unused thereat ; and
- (c) in the third separate parcel, the certified copies of rolls supplied to the said deputy, signed by him, and all books, rolls, and papers kept or used by him during the polling ;

and shall seal up the said several parcels ; and shall permit any of the scrutineers who may desire to do so to affix his or their seals to such parcels ; and shall indorse the same severally with a description of the contents thereof, and with the name of the district and polling-booth, and the date of the polling ; and sign with his name the said indorsement ; and shall transmit the said parcels to the returning officer.

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21. Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a statement setting out the total number of votes given in favour of the Bill, and the total number of votes given not in favour of the Bill, and also an account in which such deputy shall charge himself with the number of ballot-papers originally delivered to him, and the number (if any) written out by him, specifying therein the number thereof delivered to and used by voters and the number not so delivered or left unused; and every such statement and account respectively shall be verified as well by the signatures of the said deputy and the poll clerk (if any) as also by the signatures of such of the scrutineers as are present and consent to sign the same.

Account of ballot-papers and verification thereof and of list of votes.
cf. Act No. 41, 1912, s. 124.

22. (1) The returning officer shall, in respect of the polling-booth at which he himself has presided, after he has counted the votes recorded including all postal and absent voters' ballot-papers used in connection with the poll for his district, make up in separate parcels in like manner as is herein required of deputy returning officers, all ballot-papers used or unused, and all books, rolls, and papers kept or used by him at such polling-booth; and shall seal up and also permit to be sealed up by the scrutineers, and shall indorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like statement as is herein required in the case of deputy returning officers, which said statement shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in manner aforesaid.

Returning officers' parcels.
cf. Act No. 41, 1912, s. 125.

(2) The decision of the returning officer as to the allowance or disallowance of any postal or absent voter's ballot-paper under this Act shall, subject to this Act, be final.

(3) It shall be permissible for the returning officer to accept information as to the votes polled at Lord Howe Island, which is transmitted to him by cable or wireless and which he is satisfied is authentic in lieu of the statement referred to in section twenty-one of this Act.

23. Each returning officer shall as soon as is practicable after he has counted the votes recorded at the polling booth at which he himself has presided including all postal and absent voters' ballot-papers used in connection with the poll for his district, and has received from each deputy the statement referred to in section twenty-one of this Act prepare a statement certifying in relation to the votes given at the polling places in or for his district—

Return of result by returning officers.
Cwth. Act, s. 22.

- (a) the number of votes given in favour of the Bill; and
- (b) the number of votes given not in favour of the Bill; and
- (c) the number of ballot-papers rejected as informal,

and shall transmit the statement to the Chief Electoral Officer.

24. (1) At any time before indorsing the writ as provided for in section twenty-nine of this Act, the Chief Electoral Officer may, if he thinks fit (and shall, if so directed by the Governor), direct the returning officer for any district to make a recount of the ballot-papers contained in any parcel relating to his district.

Recount.

(2) The officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper.

25. (1) At any recount the officer conducting the recount may, and at the request of any scrutineer shall, reserve any ballot-paper for the decision of the Chief Electoral Officer.

Reservation of disputed ballot-papers.

(2) The Chief Electoral Officer shall decide whether any ballot-paper reserved for his decision in pursuance of this section is to be allowed and admitted or disallowed and rejected.

26. The returning officer shall, as soon as practicable after the day of polling, enclose in separate packets in manner hereinafter mentioned, the parcels so transmitted to him, and those made up and sealed by himself in respect of the polling booth at which he has presided, that

Separate parcels to be enclosed in packets, sealed, &c.
cf. Act No. 41, 1912, s. 127.

that is to say :—He shall enclose in one packet all parcels of used ballot-papers ; in a second, all parcels of unused ballot-papers ; and in a third, all parcels containing copies of rolls, books, or other papers as herein provided ; and shall seal up the said several packets and endorse the same with a description of the contents thereof respectively, and the name of the district and the date of the polling, and sign with his name the said indorsement, and shall forthwith forward the said packets to the Clerk of Parliaments, and he shall also at the same time seal up and transmit to the said clerk a parcel containing all ballot-papers which have been printed or written for the referendum and not used by the returning officer or distributed for use to his deputies ; and the said clerk shall forthwith give or send to the returning officer a receipt under his hand for the said packets and parcels :

Provided that the returning officer may, for the purpose of ascertaining whether plural voting or personation has been practised, retain in his possession for a reasonable time and break the seal of parcels containing copies of rolls, books, and other papers sealed up and transmitted to him in pursuance of this Act, and shall, after such investigation, reseal the same, and forward them as hereinbefore in this section prescribed, and shall report to the Minister the result of such investigation.

27. Any ballot-paper, and any copy of a roll, and any book purporting to be taken from any such parcel as aforesaid, and having written thereon respectively under the hand of the Clerk of Parliaments a certificate of the several particulars hereby required to be indorsed upon such parcel, and that the same was so taken from such parcel, shall be evidence in any court that the same was so taken ; and that the same, if a ballot-paper, was deposited or transmitted pursuant to this Act, and, if a roll or book, was kept or used at the referendum and booth to which such indorsement and writing relate ; and every such ballot-paper so certified shall be evidence of a vote given at such referendum.

Ballot-papers, &c., copies of rolls and books to be evidence. *Ibid.* s. 128.

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28. Any person who wilfully breaks the seal of, or opens, any such sealed parcel or sealed packet as aforesaid, unless by direction of some competent court or other tribunal or person authorised in that behalf, or unless called upon to produce some portion of the contents of such parcel or packet to some such court or tribunal or person, shall be guilty of a misdemeanour; and be liable to be fined any sum not exceeding *one hundred* pounds, or to be imprisoned for any term not exceeding *six* months, or to be both fined and imprisoned within the aforesaid limits.

Penalty of breaking seal of or opening parcel or packet.
Ibid. s. 129.

PART V.

RETURN OF WRIT.

29. (1) The Chief Electoral Officer shall indorse on the writ a statement showing as regards each electorate and as regards the whole State—

- (a) the number of votes given in favour of the Bill;
- (b) the number of votes given not in favour of the Bill; and
- (c) the number of ballot-papers rejected as informal,

and shall sign the statement and shall return the writ with the statement indorsed thereon to the Governor.

(2) The Chief Electoral Officer shall publish a copy of the statement in the Gazette, and the statement so published shall, subject to this Act, be conclusive evidence of the result of the referendum.

PART

PART VI.

REGULATIONS.

30. (1) (a) The Governor may make regulations not ^{Regulations.} inconsistent with this Act, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(b) (i) Form B and Form C in the Schedule ^{of Cwth. Act,} to this Act may from time to time be altered or modified ^{s. 41.} by the regulations.

(ii) If Form B or Form C is altered by the regulations any reference in this Act to that form shall be deemed to be a reference to that form as so altered.

(c) The regulations may alter or modify any of the provisions of the Parliamentary Electorates and Elections Act, 1912, or any Schedule to that Act or any regulations or rules made under that Act, referred to in subsection one of section three of this Act, in such manner as may be necessary for the purposes of a referendum.

(d) The regulations may provide for any ^{of Act No.} proceeding matter or thing for which express provision ^{41, 1912,} has not been made in this Act, in order to give due ^{s. 176 (2).} effect to the intent and meaning of the provisions of this Act.

(e) Where it is found that the time allowed ^{Ibid. s. 176} to do any act is clearly insufficient, and an alteration or ^{(3).} extension of such time and any alteration of dates consequent thereon is shown to be necessary, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(f) The regulations may prescribe the forms of the declarations to be made and signed in pursuance of section eighty-eight subsection one of section ninety-three, section one hundred and six, and section one hundred and nine of the Parliamentary Electorates and Elections Act, 1912, for the purposes of a referendum.

The

The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART VII.

MISCELLANEOUS.

31. (1) Every trades union, registered or un-registered, organisation, association, league, or body of persons, which has, or person who has, within three months before the date of taking the vote at any referendum, in connection with any referendum, expended any money or incurred any expense—

Return of expenses in connection with the referendum.

- (a) in support of the Bill submitted to the electors at the referendum; or
- (b) in opposition to the Bill submitted to the electors at the referendum,

shall in accordance with this section make a return of the money so expended or expense so incurred.

(2) Every trades union, registered or un-registered, organisation, association, league, or body of persons, which has, and every person who has, within three months before the date of taking the vote at any referendum,

referendum, in connection with any referendum expended any money or incurred any expense in printing publishing or issuing advertisements or notices, or procuring the insertion in any newspaper of any advertisement article or report or matter, intended or calculated to affect the result of the referendum shall, in accordance with this section, make a return of the money so expended or expense so incurred.

(3) Where two or more referendums are being held on the same day the particulars as regards all the referendums may be included in one return.

(4) The return shall be in accordance with the prescribed form, and shall be signed and declared to before a justice of the peace by the president or chairman and the secretary or other officer of the trades union, registered or unregistered, organisation, association, league, or body of persons or by the person concerned, and shall contain particulars of the money expended or expense incurred, and shall state whether such money was expended or expense incurred in support of or in opposition to the Bill, and shall be filed with the Chief Electoral Officer within twelve weeks after the result of the referendum has been declared.

(5) If any trades union, registered or unregistered, organisation, association, league, or body of persons, fails to comply with this section, every person who was an officer thereof at the time the money was expended or expense incurred shall be liable to a penalty of *fifty* pounds.

(6) If any person fails to comply with this section he shall be liable to a penalty of *fifty* pounds.

(7) Any person who wilfully makes any untrue statement in a return under this section shall be liable to a penalty of *one hundred* pounds or to imprisonment for *six* months.

(8) The Chief Electoral Officer may, by notice in writing in the prescribed form, require the president or chairman and the secretary or other officer of any trades union, registered or unregistered, organisation, association, league, body of persons, or any person, within such time, not being less than one month, as is specified

specified in the notice, to make a return in accordance with this section of any money expended or expense incurred in respect of which a return is required to be made under subsection one or subsection two of this section and the president or chairman and secretary or other officer or person who neglects or refuses to comply with the notice shall be guilty of an offence and liable to a penalty not exceeding *one hundred* pounds or to imprisonment for any period not exceeding *six* months.

(9) Every return filed in pursuance of this section shall, subject to the regulations, be open to public inspection.

32. (1) The proprietor or publisher of a newspaper shall, in accordance with this section, make or cause to be made a return setting out the amount of matter in connection with any referendum inserted in his newspaper within three months before the date of taking the vote at the referendum in respect of which payment was or is to be made, the space occupied by such matter, the amount of money paid or owing to him in respect of such matter, and the names and addresses of the trades unions, registered or unregistered, organisations, associations, leagues, bodies of persons, or persons authorising the insertion thereof.

Return by
newspaper
proprietors.

If a return under this subsection is not made in respect of any newspaper the proprietor of that newspaper shall be liable to a penalty not exceeding *one hundred* pounds.

(2) In this section "matter" means advertisements, articles, and other matter intended or calculated to affect the result of the referendum.

(3) Where two or more referendums are being held on the same day the particulars as regards all the referendums may be included in one return.

(4) The return shall be in accordance with the prescribed form, and shall be signed by the person making it, and shall be declared to before a justice of the peace and shall be filed with the Chief Electoral Officer within twelve weeks after the result of the referendum has been declared.

(5)

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(5) Every return made in pursuance of this section shall, subject to the regulations, be open to public inspection.

33. Referendum papers posted for transmission by post and properly addressed shall, in the absence of proof to the contrary, be deemed to have been duly received by the addressees thereof at the times when, in the ordinary course of post, they should have been so received.

Referendum papers posted.

PART VIII.

REFERENDUM OFFENCES.

34. The provisions of this Part of this Act shall be construed as being in addition to such of the provisions of the Parliamentary Electorates and Elections Act, 1912, as are applicable to a referendum.

Construction of part. Cwth. Act, s. 42.

35. Any person who, after the issue of a writ for a referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, drink, or entertainment, or horse or carriage hire, with a view to influence his vote in connection with the referendum shall be guilty of an offence and shall be liable to a penalty not exceeding *two hundred* pounds or imprisonment for *one* year.

Supply of meat, drink or entertainment, &c. Ibid. s. 43.

36. Any person who gives, confers, or procures, or promises, or offers to give or confer, or to procure or attempt to procure, any money, property, or benefit of any kind, to upon or for any elector or any other person—

Bribery. Ibid. s. 44.

- (a) in order to influence the elector in his vote in connection with a referendum, or
- (b) in order to induce the elector to refrain from voting at a referendum ; or
- (c) in order to induce the elector to support or oppose any Bill submitted or to be submitted for the approval of the electors,

shall

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shall be guilty of an offence, and shall be liable to a penalty not exceeding *two hundred pounds* or imprisonment for *one year*.

37. Any elector who asks for, receives or obtains, or agrees or attempts to receive or obtain any money, property, or benefit of any kind for himself or any other person upon the understanding that his vote in connection with any referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at any referendum, or that he will support or oppose any Bill submitted or to be submitted for the approval of the electors, shall be guilty of an offence, and shall be liable to a penalty not exceeding *two hundred pounds* or imprisonment for *one year*.

Receipt of
bribe by
elector.
Ibid. s. 45.

38. Any person who—

- (a) threatens, offers or suggests any violence, injury, punishment, damage, loss or disadvantage to an elector or any other person—
 - (i) in order to influence the elector in his vote in connection with a referendum;
 - (ii) in order to induce the elector to refrain from voting at a referendum; or
 - (iii) in order to induce the elector to support or oppose any Bill submitted or to be submitted for the approval of the electors; or
- (b) uses, causes, inflicts or procures any violence, injury, punishment, damage, loss or disadvantage towards, to or upon, any elector or any other person, for or on account of any such vote, refraining from voting, support or opposition,

Undue
influence.
Cwth. Act,
s. 46.

shall be guilty of any offence, and shall be liable to a penalty not exceeding *two hundred pounds* or imprisonment for *one year*.

39. (1) Every advertisement, and every handbill or pamphlet, relating to a referendum and intended or calculated to affect the result thereof shall have the name and address of the person authorising it at the end thereof, and every such advertisement (other than

Advertise-
ments
relating to
referendum.
Ibid. s. 47.

an advertisement in a newspaper), handbill, or pamphlet, if printed, shall in addition have printed thereon the name and place of business of the printer who printed it.

(2) Every person who prints or publishes or authorises the printing or publication of any such advertisement, handbill, or pamphlet which does not comply with this section shall be guilty of an offence, and shall be liable to a penalty not exceeding *one hundred pounds*.

40. (1) Every person who—

(a) prints, publishes, or distributes any advertisement or document containing a representation of a ballot-paper, or any representation apparently intended to represent a ballot-paper, and having thereon any directions intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of his vote at a referendum, or

(b) prints, publishes, or distributes any advertisement or document containing any untrue or incorrect statement intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote at a referendum,

shall be guilty of an offence, and shall be liable to a penalty not exceeding *one hundred pounds*.

(2) This section shall not prevent the printing publishing, or distributing of any advertisement or document (not otherwise illegal) which contains instructions how to vote in favour of or against any Bill submitted to the electors by a referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

41. (1) Any person who, at any public meeting to which this section applies, acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is held shall be guilty of an offence, and shall be liable to a penalty not exceeding *five pounds*.

Misleading advertisements, &c.

Ibid. s. 48:

Misconduct at public meeting. cf. Owith. Act, s. 49. Act No. 41, 1912, s. 177B.

(2)

(2) This section applies to any public meeting held in relation to a referendum between the date of the issue of the writ for the referendum and the date of the return of the writ.

42. Any person who makes or is concerned in any wager, bet, or other risk of any nature whatsoever upon the result of any referendum shall, for every such offence be liable to a penalty being not less than *five* pounds and not exceeding *fifty* pounds, and every such wager, bet, or other risk shall be and is hereby declared an illegal act.

Wagers on result of referendum. cf. Act No. 41, 1912, s. 154.

SCHEDULE.

Form A.

Writ for a Referendum.

HIS MAJESTY THE KING.

Sec. 4 (2),
Cwth. Act,
Sch. Form E.

To the Chief Electoral Officer for the State of New South Wales, and to all others whom it may concern :

GREETING :

We command you that you cause a Bill entitled [*here set out the title of the Bill and add "a copy of which is attached hereto" or "a statement of which is attached hereto" as the case requires*] to be submitted, according to law to the Electors qualified to vote for the election of Members of the Legislative Assembly : And we appoint the following dates for the purposes of the said submission :—

1. For taking the votes of the electors the day
of 19 .
2. For the return of the writ on or before the day
of 19 .

Witness [*here insert Governor's title and the date*].

Governor.

By His Excellency's Command.

Form

Referendum.

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Form B.
BALLOT-PAPER.

Sec. 13 (1),
Cwth. Act,
Sch. Form C.

THE REFERENDUM ACT, 1928.

Directions to Voter.

The Voter should indicate his Vote as follows:—

If he approves of the Bill he should make a cross in the square opposite the word "Yes";

If he does not approve of the Bill he should make a cross in the square opposite the word "No."

Submission to the Electors of a Bill.

Do you approve of the Bill, entitled [*here set out the title of the Bill*]

<input type="checkbox"/>	YES.
<input type="checkbox"/>	NO.

Form C.

Sec. 13 (5).

SPECIAL FORM OF BALLOT-PAPER.

THE REFERENDUM ACT, 1928.

Directions to Voter.

The Voter should indicate his Vote in relation to each Bill as follows:—

If he approves of the Bill he should make a cross in the square opposite the word "Yes";

If he does not approve of the Bill he should make a cross in the square opposite the word "No."

Submission

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Referendum.

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Submission to the Electors of certain Bills.

1. Do you approve of the Bill entitled [*here set out the title of the Bill*]?

<input type="checkbox"/>	YES.
<input type="checkbox"/>	NO.

2. Do you approve of the Bill entitled [*here set out the title of the Bill*]?

<input type="checkbox"/>	YES.
<input type="checkbox"/>	NO.

(Additional ballot-papers (numbered consecutively) in similar form may be included in this form.)
