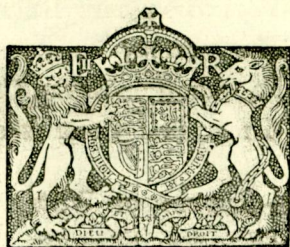


New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 28, 1954.

An Act to provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith. [Assented to, 8th October, 1954.]

BE 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Act, 1954." Short title.
- 2.

Liquor (Referendum).

Division
into Parts.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

Interpreta-
tion.

Act No. 34,
1946, s. 3.

3. (1) In this Act—

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

“Licensed premises” means premises licensed under Part III of the Liquor Act, 1912, and includes clubs registered under that Act.

“Referendum” means the referendum to be conducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

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

4.

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4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly.

Referendum
on closing
hour.

Act No. 34,
1946, s. 4.

The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—

Application
of Act No.
41, 1912.

Ibid. s. 5.

- (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- (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 the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- (f) 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 the referendum;
- (g) 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 Act that are or is applicable to the referendum.

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- (2) For the purposes of the referendum—
- (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
 - (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
 - (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
 - (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
 - (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.
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PART III.

WRIT FOR THE REFERENDUM.

Issue of writ for referendum.
Act No. 34, 1946, s. 6.

Form of writ, &c.
Ibid. s. 7.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.

7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.

(2) The day appointed 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.

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8. The Electoral Commissioner shall forthwith after the receipt of the writ—
- (a) endorse on the writ the date of receipt by him;
 - (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;
 - (c) forward a copy of the writ to the returning officer for each electoral district.
9. (1) At the referendum only those electors who would be entitled to vote if the referendum were an election shall be admitted to vote.
- (2) Nothing in this section shall be deemed to entitle any person who is disqualified from voting to vote.
- Duties of Electoral Commissioner upon receipt of the writ. Act No. 34, 1946, s. 8.
- Electors who may be admitted to vote at referendum. Ibid. s. 9.

PART IV.

VOTING AT THE REFERENDUM.

10. 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.
11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.
12. Each elector shall vote only once at the referendum.
13. (1) The voting at the referendum shall be by ballot.
- (2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.
- Voting day. Ibid. s. 10.
- Polling places. Ibid. s. 11.
- One vote only. Ibid. s. 12.
- Voting to be by ballot. cf. Ibid. s. 13.

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Ballot-
papers.
Act No. 34,
1946, s. 14.

14. (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act.

Postal
voters'
ballot-
papers.

(2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Act.

PART V.

SCRUTINEERS.

Scrutineers.
cf. *Ibid.*
s. 15.

15. (1) Licensed publicans' organisations, registered clubs' organisations, and temperance organisations may respectively appoint—

- (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 1140 of the Parliamentary Electorates and Elections Act, 1912;
- (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

(2) Any person who presents himself as a scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

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(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by the licensed publicans' organisations, the registered clubs' organisations, or the temperance organisations, and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

(4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

(5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation, a registered clubs' organisation, or a temperance organisation furnish to such organisation the name and address of every person appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. 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 clerk (if any), but of

no

Conduct of
scrutiny.
cf. Act No.
34, 1946,
s. 16.

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no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

Informal
ballot-
papers.
cf. Act No.
34, 1946,
s. 17.

17. (1) A ballot-paper shall be informal if—

- (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; 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.

(2) Informal ballot-papers shall be rejected at the scrutiny.

Saving of
informality
in certain
cases.
cf. *Ibid.*
s. 18.

18. (1) 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.

(2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

Duties of
deputy.
Ibid. s. 19.

19. Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the referendum;

(b)

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- (b) in a second separate parcel, the ballot-papers which have remained unused thereat;
- (c) in a 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 endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

20. Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, 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 list 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.

Statement of result, account of ballot-papers, etc.
Act No. 34, 1946, s. 20.

21. The returning officer shall, in respect of the polling booth at which he himself has presided, 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 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy returning

Returning officers' parcels.
Ibid. s. 21.

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returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

Poll for
the district.
cf. Act No.
34, 1946,
s. 22.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

(2) The returning officer shall as soon as is practicable after the count has been completed—

- (a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—
 - (i) the number of first preference votes recorded for each closing hour;
 - (ii) the number of ballot-papers rejected as informal;
- (b) transmit such certificate to the Electoral Commissioner;
- (c)
 - (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;
 - (ii) place in a separate parcel all ballot-papers rejected as informal;
 - (iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred
and

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and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);

- (d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;
- (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which have been spoilt in the polling;
- (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;
- (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals:

Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;

(h)

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(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

cf. Act.No.
34, 1946,
s. 24.

(4) (a) At any time before endorsing the writ the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour, as amended by the recount;

(ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

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to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section.

Ascertain-
ment of
result of
referendum.
cf. Act No.
34, 1946,
s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum.

Electoral
papers, etc.,
to be sent to
Clerk of
Legislative
Assembly.
cf. *Ibid.*
s. 25.

Thereupon

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Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

Return of
writ.

Act No. 34,
1946, s. 26.

25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

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

PART IX.

DISPUTED RETURNS.

Reference to
Supreme
Court.

Ibid. s. 27.

26. Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Question.

Ibid. s. 28.

27. Where any question is referred to the Supreme Court under this Part, the President of the Legislative Council or the Speaker of the Legislative Assembly (as the

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the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference under this Part, shall sit as in open court, and shall have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable. Powers of Court. Act No. 34, 1946, s. 29.

29. The Electoral Commissioner shall be entitled and the Supreme Court may allow any other person to be represented and heard upon the hearing of the reference. Electoral Commissioner. Ibid. s. 30.

30. The procedure in relation to a reference under this Part shall be as prescribed by Rules of Court or in default of Rules of Court by the Supreme Court or a judge thereof. Procedure. Ibid. s. 31.

31. After hearing and determination of any reference under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of the Legislative Assembly, as the case may be, a copy of the determination of the Supreme Court. Order to be sent to House concerned. Ibid. s. 32.

32. The referendum or any return or statement showing the voting on the referendum shall not be avoided on account of any delay in relation to the taking of the votes of the electors or in relation to the making of any statement or return or on account of the absence or error of or omission by any officer which did not affect the result of the referendum: Immaterial errors not to vitiate referendum. Ibid. s. 33.

Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting at the referendum, the Court shall not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote.

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PART X.

REGULATIONS.

Regulations.
Act No. 34,
1946, s. 34.

33. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3) The regulations shall be published in the Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall 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.

(5) 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 XI.

OFFENCES.

Construction
of Part.
Ibid. s. 35.

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

35.

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35. Any person who, after the issue of a writ for the 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 entertain-
ment, &c.
Act No. 34,
1946, s. 36.

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. 37.

- (a) in order to influence the elector in his vote in connection with the referendum; or
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of
bribe by
elector.
Ibid. s. 38.

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Undue
influence.

Act No. 34,
1946, s. 39.

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 the referendum; or

(ii) in order to induce the elector to refrain from voting at the referendum; or

(iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; 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,

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

Misleading
advertisements, &c.
Ibid. s. 40.

39. (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 to interfere with any elector in or in relation to the casting of his vote at the referendum; or

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

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

(2)

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(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.
Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7

Writ for the Referendum.

HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. 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

Liquor (Referendum).

Sec. 14 (1).

FORM B.

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

Sec. 14 (2).

FORM C.

Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

By Authority:

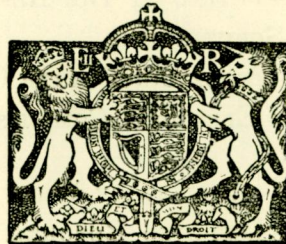
A. H. PETTIFER, Government Printer, Sydney, 1954.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 October, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 28, 1954.

An Act to provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith. [Assented to, 8th October, 1954.]

BE 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Act, 1954." Short title.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Liquor (Referendum).

Division
into Parts.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912.

Interpreta-
tion.

Act No. 34,
1946, s. 3.

3. (1) In this Act—

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

“Licensed premises” means premises licensed under
Part III of the Liquor Act, 1912, and includes
clubs registered under that Act.

“Referendum” means the referendum to be con-
ducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912,
shall be construed as a reference to that Act as amended
by subsequent Acts.

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

4.

Liquor (Referendum).

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly.

Referendum
on closing
hour.
Act No. 34,
1946, s. 4.

The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—

Application
of Act No.
41, 1912.
Ibid. s. 5.

- (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- (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 the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- (f) 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 the referendum;
- (g) 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 Act that are or is applicable to the referendum.

(2)

Liquor (Referendum).

- (2) For the purposes of the referendum—
- (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
 - (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
 - (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
 - (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
 - (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

PART III.

WRIT FOR THE REFERENDUM.

Issue of
writ for
referendum.
Act No. 34,
1946, s. 6.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.

Form of
writ, &c.
Ibid. s. 7.

7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.

(2) The day appointed 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.

8.

Liquor (Referendum).

8. The Electoral Commissioner shall forthwith after the receipt of the writ—
- (a) endorse on the writ the date of receipt by him;
 - (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;
 - (c) forward a copy of the writ to the returning officer for each electoral district.

Duties of Electoral Commissioner upon receipt of the writ. Act No. 34, 1946, s. 8.

9. (1) At the referendum only those electors who would be entitled to vote if the referendum were an election shall be admitted to vote.
- (2) Nothing in this section shall be deemed to entitle any person who is disqualified from voting to vote.

Electors who may be admitted to vote at referendum. *Ibid.* s. 9.

PART IV.

VOTING AT THE REFERENDUM.

10. 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 day. *Ibid.* s. 10.

11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.

Polling places. *Ibid.* s. 11.

12. Each elector shall vote only once at the referendum.

One vote only. *Ibid.* s. 12.

13. (1) The voting at the referendum shall be by ballot.

Voting to be by ballot.

- (2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

cf. *Ibid.* s. 13.

14.

Liquor (Referendum).

Ballot-
papers.
Act No. 34,
1946, s. 14.

14. (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act.

Postal
voters'
ballot-
papers.

(2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Act.

PART V.**SCRUTINEERS.**

Scrutineers.
cf. *Ibid.*
s. 15.

15. (1) Licensed publicans' organisations, registered clubs' organisations, and temperance organisations may respectively appoint—

- (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912;
- (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

(2) Any person who presents himself as a scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

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(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by the licensed publicans' organisations, the registered clubs' organisations, or the temperance organisations, and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

(4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

(5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation, a registered clubs' organisation, or a temperance organisation furnish to such organisation the name and address of every person appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. 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 clerk (if any), but of

Conduct of
scrutiny.
cf. Act No.
34, 1946,
s. 16.

no

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no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

Informal
ballot-
papers.
cf. Act No.
34, 1946,
s. 17.

17. (1) A ballot-paper shall be informal if—

- (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; 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.

(2) Informal ballot-papers shall be rejected at the scrutiny.

Saving of
informality
in certain
cases.
cf. *Ibid.*
s. 18.

18. (1) 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.

(2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

Duties of
deputy.
Ibid. s. 19.

19. Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the referendum;

(b)

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- (b) in a second separate parcel, the ballot-papers which have remained unused thereat;
- (c) in a 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 endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

20. Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, 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 list 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.

Statement
of result,
account of
ballot-
papers, etc.
Act No. 34,
1946, s. 20.

21. The returning officer shall, in respect of the polling booth at which he himself has presided, 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 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy

Returning
officers'
parcels.
Ibid. s. 21.

returning

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returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

Poll for
the district.
cf. Act No.
34, 1946,
s. 22.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

(2) The returning officer shall as soon as is practicable after the count has been completed—

- (a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—
 - (i) the number of first preference votes recorded for each closing hour;
 - (ii) the number of ballot-papers rejected as informal;
- (b) transmit such certificate to the Electoral Commissioner;
- (c)
 - (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;
 - (ii) place in a separate parcel all ballot-papers rejected as informal;
 - (iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred and

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and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);

- (d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;
- (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which have been spoilt in the polling;
- (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;
- (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals:

Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling:

(h)

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(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

cf. Act.No.
34, 1946,
s. 24.

(4) (a) At any time before endorsing the writ the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

- (i) the number of first preference votes recorded for each closing hour, as amended by the recount;
- (ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

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to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section. Ascertainment of result of referendum. cf. Act No. 34, 1946, s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum. Electoral papers, etc., to be sent to Clerk of Legislative Assembly. cf. Ibid. s. 25.

Thereupon

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Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

Return of
writ.
Act No. 34,
1946, s. 26.

25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

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

PART IX.

DISPUTED RETURNS.

Reference to
Supreme
Court.
Ibid. s. 27.

26. Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Question.
Ibid. s. 28.

27. Where any question is referred to the Supreme Court under this Part, the President of the Legislative Council or the Speaker of the Legislative Assembly (as the

Liquor (Referendum).

the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference under this Part, shall sit as in open court, and shall have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable. Powers of Court. Act No. 34, 1946, s. 29.

29. The Electoral Commissioner shall be entitled and the Supreme Court may allow any other person to be represented and heard upon the hearing of the reference. Electoral Commissioner. Ibid. s. 30.

30. The procedure in relation to a reference under this Part shall be as prescribed by Rules of Court or in default of Rules of Court by the Supreme Court or a judge thereof. Procedure. Ibid. s. 31.

31. After hearing and determination of any reference under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of the Legislative Assembly, as the case may be, a copy of the determination of the Supreme Court. Order to be sent to House concerned. Ibid. s. 32.

32. The referendum or any return or statement showing the voting on the referendum shall not be avoided on account of any delay in relation to the taking of the votes of the electors or in relation to the making of any statement or return or on account of the absence or error of or omission by any officer which did not affect the result of the referendum: Immaterial errors not to vitiate referendum. Ibid. s. 33.

Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting at the referendum, the Court shall not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote.

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PART X.

REGULATIONS.

Regulations.
Act No. 34,
1946, s. 34.

33. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3) The regulations shall be published in the Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall 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.

(5) 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 XI.

OFFENCES.

Construction
of Part.
Ibid. s. 35.

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

35.

Liquor (Referendum).

35. Any person who, after the issue of a writ for the 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 entertain-
ment, &c.
Act No. 34,
1946, s. 36.

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. 37.

- (a) in order to influence the elector in his vote in connection with the referendum; or
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of
bribe by
elector.
Ibid. s. 38.

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Undue
influence.
Act No. 34.
1946, s. 39.

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 the referendum;
or
 - (ii) in order to induce the elector to refrain from voting at the referendum; or
 - (iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; 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,

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

Misleading
advertisements, &c.
Ibid. s. 40.

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

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

(2)

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(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.
Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7

Writ for the Referendum.

HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. 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

Liquor (Referendum).

Sec. 14 (1).

FORM B.

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

Sec. 14 (2).

FORM C.

Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

Government House,
Sydney, 8th October, 1954.

LIQUOR (REFERENDUM) BILL, 1954.

*Schedule of Amendments referred to in Legislative Council's
Message of 5th October, 1954.*

- No. 1.—Page 6, clause 15, line 13. *After* “organisations” *insert* “, **registered clubs’ organisations,**”
- No. 2.—Page 7, clause 15, lines 2 and 3. *Omit* “either of the organisations above referred to” *insert* “**the licensed publicans’ organisations, the registered clubs’ organisations, or the temperance organisations**”
- No. 3.—Page 7, clause 15, line 17. *After* “organisation” *insert* “, **a registered clubs’ organisation,**”

¶ This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 September, 1954.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
Amendments.*

J. R. STEVENSON,
Clerk of the Parliaments.
*Legislative Council Chamber,
Sydney, 5th October, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1954.

An Act to provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith.

BE 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
5 the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Short title, Act, 1954."

89943

16—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Liquor (Referendum).

2. This Act is divided into Parts as follows:—

Division
into Parts.

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

5 PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

10 PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

15 SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

3. (1) In this Act—

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

Interpreta-
tion.
Act No. 34,
1946, s. 3.

“Licensed premises” means premises licensed under Part III of the Liquor Act, 1912, and includes clubs registered under that Act.

25 “Referendum” means the referendum to be conducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

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

4.

Liquor (Referendum).

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly. Referendum on closing hour.
Act No. 34,
1946, s. 4.

5 The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:— Application of Act No. 41, 1912.
Ibid. s. 5.

- 15 (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- 20 (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 the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- 25 (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- 30 (f) 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 the referendum;
- 35 (g) 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 Act that are or is applicable to the referendum.

(2)

Liquor (Referendum).

(2) For the purposes of the referendum—

- 5 (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
- (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- 10 (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
- 15 (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

20

PART III.

WRIT FOR THE REFERENDUM.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.

Issue of writ for referendum.
Act No. 34, 1946, s. 6.

25 7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.

Form of writ, &c.
Ibid. s. 7.

(2) The day appointed 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.

30

8.

Liquor (Referendum).

8. The Electoral Commissioner shall forthwith after the receipt of the writ—

Duties of Electoral Commissioner upon receipt of the writ. Act No. 34, 1946, s. 8.

- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;
- (c) forward a copy of the writ to the returning officer for each electoral district.

9. (1) At the 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. *Ibid.* s. 9.

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

PART IV.

VOTING AT THE REFERENDUM.

10. 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 day. *Ibid.* s. 10.

11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.

Polling places. *Ibid.* s. 11.

12. Each elector shall vote only once at the referendum.

One vote only. *Ibid.* s. 12.

13. (1) The voting at the referendum shall be by ballot.

Voting to be by ballot. *cf. Ibid.* s. 13.

(2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

14.

Liquor (Referendum).

14. (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act. Ballot-papers.
Act No. 34,
1946, s. 14.

5 (2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Postal
voters'
ballot-
papers.
10 Act.

PART V.

SCRUTINEERS.

15. (1) Licensed publicans' organisations, **registered clubs' organisations**, and temperance organisations may Scrutineers.
cf. *Ibid.*
s. 15.
15 respectively appoint—

- (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912;
- (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

30 (2) Any person who presents himself as a scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

Liquor (Referendum).

(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by ~~either of the organisations above referred to,~~ **the licensed publicans' organisations, the registered clubs' organisations, or the** 5 **temperance organisations,** and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

10 (4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

15 (5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation, **a registered clubs' organisation,** or a temperance organisation furnish to such organisation the name and address of every person 20 appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of 25 votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and 30 the times and places at which he proposes to make such visits.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. As soon as is practicable after the close of the 35 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 clerk (if any), but of

Conduct of
scrutiny.
cf. Act No.
34, 1946,
s. 16.

no

Liquor (Referendum).

no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

17. (1) A ballot-paper shall be informal if—

- 5 (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- 10 (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; 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.
- 15

Informal ballot-papers. cf. Act No. 34, 1946, s. 17.

(2) Informal ballot-papers shall be rejected at the scrutiny.

18. (1) 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.

Saving of informality in certain cases. cf. *Ibid.* s. 18.

25 (2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

30 19. Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

Duties of deputy. *Ibid.* s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the referendum;
- 35

(b)

Liquor (Referendum).

- (b) in a second separate parcel, the ballot-papers which have remained unused thereat;
- (c) in a 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 endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

- 15 **20.** Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, 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 list 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.

Statement of result, account of ballot-papers, etc. Act No. 34, 1946, s. 20.

- 21.** The returning officer shall, in respect of the polling booth at which he himself has presided, 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 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy

Returning officers' parcels. *Ibid.* s. 21.

returning

Liquor (Referendum).

returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for
the district.
cf. Act No.
34, 1946,
s. 22.

(2) The returning officer shall as soon as is practicable after the count has been completed—

- 15 (a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—
- 20 (i) the number of first preference votes recorded for each closing hour;
- (ii) the number of ballot-papers rejected as informal;
- (b) transmit such certificate to the Electoral Commissioner;
- 25 (c) (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;
- 30 (ii) place in a separate parcel all ballot-papers rejected as informal;
- 35 (iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred and

Liquor (Referendum).

- 5 and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);
- (d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;
- 10 (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which
- 15 have been spoilt in the polling;
- (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required
- 20 under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;
- 25 (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name
- 30 of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals:
- 35 Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;
- (h)

Liquor (Referendum).

(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

(4) (a) At any time before endorsing the writ the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

- (i) the number of first preference votes recorded for each closing hour, as amended by the recount;
- (ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

Liquor (Referendum).

to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

10 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section.

Ascertainment of result of referendum.
cf. Act No. 34, 1946, s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum.

Electoral papers, etc., to be sent to Clerk of Legislative Assembly.
cf. *Ibid.* s. 25.

Thereupon

Liquor (Referendum).

Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection 5 two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

10 25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon 15 to the Governor.

Return of writ.
Act No. 34,
1946, s. 26.

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

20

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the 25 Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Reference to Supreme Court.
Ibid. s. 27.

27. Where any question is referred to the Supreme Court under this Part, the President of the Legislative 30 Council or the Speaker of the Legislative Assembly (as the

Question.
Ibid. s. 28.

Liquor (Referendum).

the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference
5 under this Part, shall sit as in open court, and shall have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable.

Powers
of Court.
Act No. 34,
1946, s. 29.

29. The Electoral Commissioner shall be entitled and
10 the Supreme Court may allow any other person to be represented and heard upon the hearing of the reference.

Electoral
Commis-
sioner.
Ibid. s. 30.

30. The procedure in relation to a reference under
this Part shall be as prescribed by Rules of Court or in
15 default of Rules of Court by the Supreme Court or a judge thereof.

Procedure.
Ibid. s. 31.

31. After hearing and determination of any reference
under this Part the Prothonotary shall forthwith for-
ward to the Clerk of the Parliaments or to the Clerk of
the Legislative Assembly, as the case may be, a copy
20 of the determination of the Supreme Court.

Order to be
sent to
House
concerned.
Ibid. s. 32.

32. The referendum or any return or statement show-
ing the voting on the referendum shall not be avoided
on account of any delay in relation to the taking of the
votes of the electors or in relation to the making of any
25 statement or return or on account of the absence or error
of or omission by any officer which did not affect the
result of the referendum:

Immaterial
errors not
to vitiate
referendum.
Ibid. s. 33.

30 Provided that where any elector was, on account of
the absence or error of or omission by any officer, pre-
vented from voting at the referendum, the Court shall
not, for the purpose of determining whether the absence
or error of or omission by the officer did or did not affect
the result of the referendum, admit any evidence of the
way in which the elector intended to vote.

Liquor (Referendum).

PART X.

REGULATIONS.

33. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.
Act No. 34,
1946, s. 34.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3) The regulations shall be published in the Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall 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.

(5) 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 XI.

OFFENCES.

34. The provisions of this Part shall be construed as being in addition to such of the provisions of the Parliamentary Electorates and Elections Act, 1912, as are applicable to the referendum. Construction
of Part.
Ibid. s. 35.

35.

Liquor (Referendum).

35. Any person who, after the issue of a writ for the 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.
Act No. 34, 1946, s. 36.

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. 37.

- (a) in order to influence the elector in his vote in connection with the referendum; or
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of bribe by elector.
Ibid. s. 38.

Liquor (Referendum).

38. Any person who—

Undue
influence.
Act No. 34.
1946. s. 39.

- (a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—
- 5 (i) in order to influence the elector in his vote in connection with the referendum; or
- (ii) in order to induce the elector to refrain from voting at the referendum; or
- 10 (iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; 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,
- 15
- 20 shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred pounds or imprisonment for one year.

39. (1) Every person who—

Misleading
advertisements, &c.
Ibid. s. 40.

- (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 to interfere with any elector in or in relation to the casting of his vote at the referendum; or
- 25
- 30
- (b) prints, publishes, or distributes any advertisement or document containing any untrue or incorrect statement intended or likely to mislead or improperly to interfere with any elector in or in relation to the casting of his vote at the referendum,
- 35
- shall be guilty of an offence, and shall be liable to a penalty not exceeding one hundred pounds.

(2)

Liquor (Referendum).

(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.
Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7

20

Writ for the Referendum.

HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

25

We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. And we appoint the following dates for the purposes of the said submission:—

30

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 .

35

Witness (here insert Governor's title and the date).

Governor.

By His Excellency's Command.

FORM

Liquor (Referendum).

FORM B.

Sec. 14 (1).

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

5 Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

FORM C.

Sec. 14 (2).

15 Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

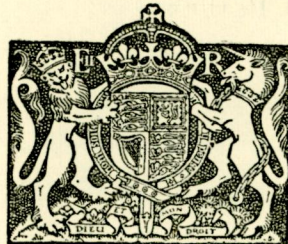
H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 September, 1954.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
Amendments.*

Clerk of the Parliaments.
*Legislative Council Chamber,
Sydney, October, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1954. 1

An Act to provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith.

BE 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Short title. Act, 1954."

89943

16—A

2.

Liquor (Referendum).

2. This Act is divided into Parts as follows:—

Division
into Parts.

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

5 PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

10 PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

15 SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

3. (1) In this Act—

Interpretation.

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

Act No. 34,
1946, s. 3.

“Licensed premises” means premises licensed under Part III of the Liquor Act, 1912, and includes clubs registered under that Act.

25 “Referendum” means the referendum to be conducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

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

4.

Liquor (Referendum).

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly.

Referendum
on closing
hour.
Act No. 34,
1946, s. 4.

5 The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—

Application
of Act No.
41, 1912.
Ibid. s. 5.

- 15 (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- 20 (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 the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- 25 (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- 30 (f) 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 the referendum;
- 35 (g) 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 Act that are or is applicable to the referendum.

(2)

Liquor (Referendum).

- (2) For the purposes of the referendum—
- 5 (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
- (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- 10 (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
- 15 (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

20

PART III.

WRIT FOR THE REFERENDUM.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.

Issue of writ for referendum.

Act No. 34, 1946, s. 6.

25 7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.

Form of writ, &c.

Ibid. s. 7.

(2) The day appointed 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.

8.

Liquor (Referendum).

8. The Electoral Commissioner shall forthwith after the receipt of the writ—

Duties of Electoral Commissioner upon receipt of the writ. Act No. 34, 1946, s. 8.

(a) endorse on the writ the date of receipt by him;

(b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;

(c) forward a copy of the writ to the returning officer for each electoral district.

9. (1) At the 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. *Ibid.* s. 9.

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

PART IV.

VOTING AT THE REFERENDUM.

10. 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 day. *Ibid.* s. 10.

11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.

Polling places. *Ibid.* s. 11.

12. Each elector shall vote only once at the referendum.

One vote only. *Ibid.* s. 12.

13. (1) The voting at the referendum shall be by ballot.

Voting to be by ballot.

(2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

cf. Ibid. s. 13.

14.

Liquor (Referendum).

14. (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act. Ballot-papers.
Act No. 34,
1946, s. 14.

5 (2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Postal
voters'
ballot-
papers.
10 Act.

PART V.

SCRUTINEERS.

15. (1) Licensed publicans' organisations, **registered clubs' organisations**, and temperance organisations may Scrutineers.
cf. *Ibid.*
s. 15.
15 respectively appoint—

- (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912;
- (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

30 (2) Any person who presents himself as a scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

Liquor (Referendum).

(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by either of the ~~organisations above referred to, the licensed publicans' organisations, the registered clubs' organisations, or the~~ 5 ~~temperance organisations,~~ and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

10 (4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

15 (5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation, a ~~registered clubs' organisation,~~ or a temperance organisation furnish to such organisation the name and address of every person 20 appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of 25 votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and 30 the times and places at which he proposes to make such visits.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. As soon as is practicable after the close of the Conduct of
35 poll the returning officer and every deputy at the polling scrutiny.
place at which each presides shall, in the presence and cf. Act No.
subject to the inspection of such of the scrutineers as 34, 1946,
choose to be present, and the poll clerk (if any), but of s. 16.
no

Liquor (Referendum).

no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

17. (1) A ballot-paper shall be informal if—

- 5 (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- 10 (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; 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.
- 15

Informal
ballot-
papers.
cf. Act No.
34, 1946,
s. 17.

(2) Informal ballot-papers shall be rejected at the scrutiny.

18. (1) 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.

Saving of
informality
in certain
cases.
cf. *Ibid.*
s. 18.

25 (2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

30 **19.** Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

Duties of
deputy.
Ibid. s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the referendum;
- 35

(b)

Liquor (Referendum).

- (b) in a second separate parcel, the ballot-papers which have remained unused thereat;
- (c) in a 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 endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

- 15 **20.** Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, 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 list 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.

Statement of result, account of ballot-papers, etc.
Act No. 34, 1946, s. 20.

- 21.** The returning officer shall, in respect of the polling booth at which he himself has presided, 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 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy returning

Returning officers' parcels.
Ibid. s. 21.

Liquor (Referendum).

returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for
the district.
cf. Act No.
34, 1946,
s. 22.

(2) The returning officer shall as soon as is practicable after the count has been completed—

(a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour;

(ii) the number of ballot-papers rejected as informal;

(b) transmit such certificate to the Electoral Commissioner;

(c) (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;

(ii) place in a separate parcel all ballot-papers rejected as informal;

(iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred

and

Liquor (Referendum).

5 and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);

(d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;

10 (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which have been spoilt in the polling;

15 (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;

20 (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals;

25 Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;

(h)

Liquor (Referendum).

(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

(4) (a) At any time before endorsing the writ ^{cf. Act.No. 34, 1946, s. 24.} the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour, as amended by the recount;

(ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

Liquor (Referendum).

to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

10 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section.

Ascertain-
ment of
result of
referendum.
cf. Act No.
34, 1946,
s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

30 24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum.

Electoral
papers, etc.,
to be sent to
Clerk of
Legislative
Assembly.
cf. *Ibid.*
s. 25.

Thereupon

Liquor (Referendum).

Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection 5 two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

- 10 **25.** (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon 15 to the Governor.

Return of
writ.
Act No. 34,
1946, s. 26.

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

20

PART IX.

DISPUTED RETURNS.

- 26.** Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the 25 Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Reference to
Supreme
Court.
Ibid. s. 27.

- 27.** Where any question is referred to the Supreme Court under this Part, the President of the Legislative 30 Council or the Speaker of the Legislative Assembly (as the

Question.
Ibid. s. 28.

Liquor (Referendum).

the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference under this Part, shall sit as in open court, and shall have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable.

Powers
of Court.
Act No. 34,
1946, s. 29.

29. The Electoral Commissioner shall be entitled and the Supreme Court may allow any other person to be represented and heard upon the hearing of the reference.

Electoral
Commis-
sioner.
Ibid. s. 30.

30. The procedure in relation to a reference under this Part shall be as prescribed by Rules of Court or in default of Rules of Court by the Supreme Court or a judge thereof.

Procedure.
Ibid. s. 31.

31. After hearing and determination of any reference under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of the Legislative Assembly, as the case may be, a copy of the determination of the Supreme Court.

Order to be
sent to
House
concerned.
Ibid. s. 32.

32. The referendum or any return or statement showing the voting on the referendum shall not be avoided on account of any delay in relation to the taking of the votes of the electors or in relation to the making of any statement or return or on account of the absence or error of or omission by any officer which did not affect the result of the referendum:

Immaterial
errors not
to vitiate
referendum.
Ibid. s. 33.

Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting at the referendum, the Court shall not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote.

Liquor (Referendum).

PART X.

REGULATIONS.

33. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations. Act No. 34, 1946, s. 34.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3) The regulations shall be published in the Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall 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.

(5) 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 XI.

OFFENCES.

34. The provisions of this Part shall be construed as being in addition to such of the provisions of the Parliamentary Electorates and Elections Act, 1912, as are applicable to the referendum. Construction of Part. Ibid. s. 35.

35.

Liquor (Referendum).

35. Any person who, after the issue of a writ for the 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 entertain-
ment, &c.
Act No. 34,
1946, s. 36.

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. 37.

(a) in order to influence the elector in his vote in connection with the referendum; or

(b) in order to induce the elector to refrain from voting at the referendum; or

(c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of
bribe by
elector.
Ibid. s. 38.

Liquor (Referendum).

38. Any person who—

Undue
influence.
Act No. 34.
1946. s. 39.

- (a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—
- 5 (i) in order to influence the elector in his vote in connection with the referendum; or
- (ii) in order to induce the elector to refrain from voting at the referendum; or
- 10 (iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; 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,
- 15
- 20 shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred pounds or imprisonment for one year.

39. (1) Every person who—

Misleading
advertisements, &c.
Ibid. s. 40.

- 25 (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 to interfere with any elector in or in relation to the casting of his vote at the referendum; or
- 30 (b) prints, publishes, or distributes any advertisement or document containing any untrue or incorrect statement intended or likely to mislead or improperly to interfere with any elector in or in relation to the casting of his vote at the referendum,
- 35
- shall be guilty of an offence, and shall be liable to a penalty not exceeding one hundred pounds.

(2)

Liquor (Referendum).

(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.
Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7

20 Writ for the Referendum.
HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

25 We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended
30 shall close. 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 . |

35

Witness (here insert Governor's title and the date).

Governor.

By His Excellency's Command.

FORM

Act No. , 1954.

50

Liquor (Referendum).

FORM B.

Sec. 14 (1).

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

5 Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

FORM C.

Sec. 14 (2).

15 Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 September, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1954.

An Act to provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith.

BE 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Act, 1954." Short title.

89943

16—A

2.

Liquor (Referendum).

2. This Act is divided into Parts as follows:—

Division
into Parts.

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELEC-
TORATES AND ELECTIONS ACT, 1912.

5 PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

10 PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN
RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

15 SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912.

3. (1) In this Act—

Interpreta-
tion.
Act No. 34,
1946, s. 3.

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

“Licensed premises” means premises licensed under
Part III of the Liquor Act, 1912, and includes
clubs registered under that Act.

25 “Referendum” means the referendum to be con-
ducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912,
shall be construed as a reference to that Act as amended
by subsequent Acts.

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

4.

Liquor (Referendum).

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly. Referendum on closing hour. Act No. 34, 1946, s. 4.
- 5 The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.
5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any Application of Act No. 41, 1912. Ibid. s. 5.
- 10 regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—
- 15 (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the
- 20 electors;
- (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 the referendum;
- (d) a reference to an election shall be read as a
- 25 reference to the referendum;
- (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- 30 (f) 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 the referendum;
- 35 (g) 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 Act that are or is applicable to the referendum.

Liquor (Referendum).

- (2) For the purposes of the referendum—
- 5 (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
- (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- 10 (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
- 15 (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

20

PART III.

WRIT FOR THE REFERENDUM.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.
- 25 7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.
- 30 (2) The day appointed 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.

8.

Liquor (Referendum).

8. The Electoral Commissioner shall forthwith after the receipt of the writ—
- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;
- (c) forward a copy of the writ to the returning officer for each electoral district.
9. (1) At the referendum only those electors who would be entitled to vote if the referendum were an election shall be admitted to vote.
- (2) Nothing in this section shall be deemed to entitle any person who is disqualified from voting to vote.
- Duties of Electoral Commissioner upon receipt of the writ. Act No. 34, 1946, s. 8.
- Electors who may be admitted to vote at referendum. *Ibid.* s. 9.

PART IV.

VOTING AT THE REFERENDUM.

10. 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.
11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.
12. Each elector shall vote only once at the referendum.
13. (1) The voting at the referendum shall be by ballot.
- (2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.
- Voting day. *Ibid.* s. 10.
- Polling places. *Ibid.* s. 11.
- One vote only. *Ibid.* s. 12.
- Voting to be by ballot. *cf. Ibid.* s. 13.

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14. (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act. Ballot-papers. Act No. 34, 1946, s. 14.
- 5 (2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Postal voters' ballot-papers.
- 10 Act.

PART V.

SCRUTINEERS.

- 15 15. (1) Licensed publicans' organisations and temperance organisations may respectively appoint— Scrutineers. cf. Ibid. s. 15.
- 20 (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912;
- 25 (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

- 30 (2) Any person who presents himself as a scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

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(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by either of the organisations above referred to, and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

(4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

(5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation or a temperance organisation furnish to such organisation the name and address of every person appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

30

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. 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 clerk (if any), but of

Conduct of
scrutiny.
cf. Act No.
34, 1946,
s. 16.

no

Liquor (Referendum).

no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

17. (1) A ballot-paper shall be informal if—

Informal
ballot-
papers.
cf. Act No.
34, 1946,
s. 17.

- 5 (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- 10 (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; or
- (d) it has upon it any mark or writing not authorised by this Act to be put upon it, which, in
15 the opinion of the returning officer, will enable any person to identify the voter.

(2) Informal ballot-papers shall be rejected at the scrutiny.

18. (1) Notwithstanding anything to the contrary in
20 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.

Saving of
informality
in certain
cases.
cf. *Ibid.*
s. 18.

25 (2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

30 19. Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

Duties of
deputy.
Ibid. s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the
35 referendum;

(b)

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(b) in a second separate parcel, the ballot-papers which have remained unused thereat;

5 (c) in a 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 endorse
10 the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

15 **20.** Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, and also an account in which such deputy shall charge himself with the number of ballot-papers origin-
20 ally 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 list and account respectively shall be verified as well by the signatures of
25 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.

Statement
of result,
account of
ballot-
papers, etc.
Act No. 34,
1946, s. 20.

21. The returning officer shall, in respect of the polling booth at which he himself has presided, make up in
30 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
35 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy

Returning
officers'
parcels.
Ibid. s. 21.

returning

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returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for the district.
cf. Act No. 34, 1946, s. 22.

(2) The returning officer shall as soon as is practicable after the count has been completed—

(a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour;

(ii) the number of ballot-papers rejected as informal;

(b) transmit such certificate to the Electoral Commissioner;

(c) (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;

(ii) place in a separate parcel all ballot-papers rejected as informal;

(iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred and

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- 5 and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);
- (d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;
- 10 (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which
- 15 have been spoilt in the polling;
- (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required
- 20 under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;
- 25 (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name
- 30 of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals:

35 Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;

(h)

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(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

(4) (a) At any time before endorsing the writ the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

cf. Act.No.
34, 1946,
s. 24.

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour, as amended by the recount;

(ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

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to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

10 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section. Ascertain-
ment of
result of
referendum.
cf. Act No.
34, 1946,
s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

30 24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum. Electoral
papers, etc.,
to be sent to
Clerk of
Legislative
Assembly.
cf. Ibid.
s. 25.

Thereupon

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Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection 5 two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

10 **25.** (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon
15 to the Governor.

Return of writ.
Act No. 34,
1946, s. 26.

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

20

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the
25 Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Reference to Supreme Court.
Ibid. s. 27.

27. Where any question is referred to the Supreme Court under this Part, the President of the Legislative
30 Council or the Speaker of the Legislative Assembly (as the

Question.
Ibid. s. 28.

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the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference Powers of Court.
 5 under this Part, shall sit as in open court, and shall Act No. 34, 1946, s. 29.
 have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable.

29. The Electoral Commissioner shall be entitled and Electoral Commissioner.
 10 the Supreme Court may allow any other person to be Ibid. s. 30.
 represented and heard upon the hearing of the reference.

30. The procedure in relation to a reference under Procedure.
 this Part shall be as prescribed by Rules of Court or in Ibid. s. 31.
 default of Rules of Court by the Supreme Court or a
 15 judge thereof.

31. After hearing and determination of any reference Order to be sent to House concerned.
 under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of Ibid. s. 32.
 the Legislative Assembly, as the case may be, a copy
 20 of the determination of the Supreme Court.

32. The referendum or any return or statement showing Immaterial errors not to vitiate referendum.
 the voting on the referendum shall not be avoided Ibid. s. 33.
 on account of any delay in relation to the taking of the
 votes of the electors or in relation to the making of any
 25 statement or return or on account of the absence or error
 of or omission by any officer which did not affect the
 result of the referendum:

Provided that where any elector was, on account of
 the absence or error of or omission by any officer, prevented
 30 from voting at the referendum, the Court shall
 not, for the purpose of determining whether the absence
 or error of or omission by the officer did or did not affect
 the result of the referendum, admit any evidence of the
 way in which the elector intended to vote.

Liquor (Referendum).

PART X.

REGULATIONS.

33. (1) The Governor may make regulations not Regulations.
inconsistent with this Act prescribing all matters which Act No. 34,
5 are required to be prescribed or which are necessary or 1946, s. 34.
convenient to be prescribed for carrying out or giving
effect to this Act.

(2) Where the time allowed to do any act is
insufficient, and an alteration or extension of such time
10 and any alteration of dates consequent thereon is
expedient, the regulations may declare that such
alteration shall be made, and thereupon the same shall be
made and take effect accordingly.

(3) The regulations shall be published in the
15 Gazette and shall take effect from the date of publica-
tion or from a later date to be specified in the regulations.

(4) The regulations shall be laid before both
Houses of Parliament within fourteen sitting days after
publication if Parliament is in session, and if not then
20 within fourteen sitting days after the commencement of
the next session.

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

PART XI.

OFFENCES.

30 34. The provisions of this Part shall be construed as Construction
being in addition to such of the provisions of the Parlia- of Part.
mentary Electorates and Elections Act, 1912, as are Ibid. s. 35.
applicable to the referendum.

35.

Liquor (Referendum).

35. Any person who, after the issue of a writ for the 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 entertain-
ment, &c.
Act No. 34,
1946, s. 36.

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. 37.

- (a) in order to influence the elector in his vote in connection with the referendum; or
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of
bribe by
elector.
Ibid. s. 38.

Liquor (Referendum).

38. Any person who—

Undue
influence.
Act No. 34,
1946, s. 39.

(a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—

- 5 (i) in order to influence the elector in his vote in connection with the referendum; or
 (ii) in order to induce the elector to refrain from voting at the referendum; or
 10 (iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; or

15 (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,

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

39. (1) Every person who—

Misleading
advertisements, &c.
Ibid. s. 40.

25 (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 to interfere with any elector in or in relation to the casting of his vote at the referendum; or
 30

(b) prints, publishes, or distributes any advertisement or document containing any untrue or incorrect statement intended or likely to mislead or improperly to interfere with any elector in or in relation to the casting of his vote at the referendum,
 35

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

(2)

Liquor (Referendum).

(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.

Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7

20 Writ for the Referendum.
HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

25 We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. 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 . |

35

Witness (here insert Governor's title and the date).

Governor.

By His Excellency's Command.

FORM

Liquor (Referendum).

FORM B.

Sec. 14 (1).

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

5 Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

10 The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

FORM C.

Sec. 14 (2).

15 Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

20 The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

No. , 1954.

A BILL

To provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith.

[Mr. SHEAHAN;—22 *September*, 1954.]

BE 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Act, 1954." Short title.

89943

16—A

2.

Liquor (Referendum).

2. This Act is divided into Parts as follows:—

Division
into Parts.

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

5 PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

10 PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

15 SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

3. (1) In this Act—

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

Interpreta-
tion.
Act No. 34,
1946, s. 3.

“Licensed premises” means premises licensed under Part III of the Liquor Act, 1912, and includes clubs registered under that Act.

25 “Referendum” means the referendum to be conducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

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

Liquor (Referendum).

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly.

Referendum
on closing
hour.
Act No. 34,
1946, s. 4.

5 The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—

Application
of Act No.
41, 1912.
Ibid. s. 5.

- 15 (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- 20 (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 the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- 25 (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- 30 (f) 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 the referendum;
- 35 (g) 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 Act that are or is applicable to the referendum.

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- (2) For the purposes of the referendum—
- 5 (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
 - (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
 - 10 (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
 - (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
 - 15 (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

20

PART III.

WRIT FOR THE REFERENDUM.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.
- 25 7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.
- 30 (2) The day appointed 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.

Issue of writ for referendum.
Act No. 34, 1946, s. 6.

Form of writ, &c.
Ibid. s. 7.

Liquor (Referendum).

8. The Electoral Commissioner shall forthwith after the receipt of the writ—

Duties of Electoral Commissioner upon receipt of the writ.

- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;
- (c) forward a copy of the writ to the returning officer for each electoral district.

Act No. 34, 1946, s. 8.

9. (1) At the 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.

Ibid. s. 9.

PART IV.

VOTING AT THE REFERENDUM.

10. 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 day.
Ibid. s. 10.

11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.

Polling places.
Ibid. s. 11.

12. Each elector shall vote only once at the referendum.

One vote only.
Ibid. s. 12.

13. (1) The voting at the referendum shall be by ballot.

Voting to be by ballot.

(2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

cf. Ibid. s. 13.

14.

Liquor (Referendum).

14. (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act. Ballot-papers.
Act No. 34,
1946, s. 14.

5 (2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Postal
voters'
ballot-
papers.
10 Act.

PART V.

SCRUTINEERS.

15. (1) Licensed publicans' organisations and temperance organisations may respectively appoint— Scrutineers.
cf. *Ibid.*
s. 15.

- 15** (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary Scrutineers.
20 Electorates and Elections Act, 1912;
(b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance
25 of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

(2) Any person who presents himself as a Scrutineers.
30 scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

Liquor (Referendum).

(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by either of the organisations above referred to, and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

(4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

(5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation or a temperance organisation furnish to such organisation the name and address of every person appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

30

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. 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 clerk (if any), but of

Conduct of
scrutiny.
cf. Act No.
34, 1946,
s. 16.

no

Liquor (Referendum).

no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

17. (1) A ballot-paper shall be informal if—

- 5 (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- 10 (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; or
- (d) it has upon it any mark or writing not authorised by this Act to be put upon it, which, in
- 15 the opinion of the returning officer, will enable any person to identify the voter.

Informal ballot-papers.
cf. Act No. 34, 1946, s. 17.

(2) Informal ballot-papers shall be rejected at the scrutiny.

18. (1) Notwithstanding anything to the contrary in
- 20 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.

Saving of informality in certain cases.
cf. *Ibid.* s. 18.

- 25 (2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

- 30 19. Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

Duties of deputy.
Ibid. s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the
- 35 referendum;

(b)

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(b) in a second separate parcel, the ballot-papers which have remained unused thereat;

5 (c) in a 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 endorse
10 the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

15 **20.** Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, and also an account in which such deputy shall charge himself with the number of ballot-papers origin-
20 ally 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 list and account respectively shall be verified as well by the signatures of
25 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.

Statement of result, account of ballot-papers, etc. Act No. 34, 1946, s. 20.

21. The returning officer shall, in respect of the polling booth at which he himself has presided, make up in
30 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
35 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy

Returning officers' parcels. Ibid. s. 21.

returning

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returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for
the district.
cf. Act No.
34, 1946,
s. 22.

(2) The returning officer shall as soon as is practicable after the count has been completed—

- 15 (a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—
- (i) the number of first preference votes recorded for each closing hour;
- 20 (ii) the number of ballot-papers rejected as informal;
- (b) transmit such certificate to the Electoral Commissioner;
- 25 (c) (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;
- 30 (ii) place in a separate parcel all ballot-papers rejected as informal;
- 35 (iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred and

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5 and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);

(d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;

10 (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which have been spoilt in the polling;

15 (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;

20 (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals;

25 Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;

(h)

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(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

(4) (a) At any time before endorsing the writ the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour, as amended by the recount;

(ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

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to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

10 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section.

Ascertainment of result of referendum.
cf. Act No. 34, 1946, s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

30 24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum.

Electoral papers, etc., to be sent to Clerk of Legislative Assembly.
cf. *Ibid.* s. 25.

Thereupon

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Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection 5 two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

10 **25.** (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon 15 to the Governor.

Return of writ.
Act No. 34,
1946, s. 26.

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

20

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the 25 Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Reference to Supreme Court.
Ibid. s. 27.

27. Where any question is referred to the Supreme Court under this Part, the President of the Legislative 30 Council or the Speaker of the Legislative Assembly (as the

Question.
Ibid. s. 28.

Liquor (Referendum).

the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference Powers of Court. Act No. 34, 1946, s. 29.
 5 under this Part, shall sit as in open court, and shall have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable.

29. The Electoral Commissioner shall be entitled and Electoral Commissioner. Ibid. s. 30.
 10 the Supreme Court may allow any other person to be represented and heard upon the hearing of the reference.

30. The procedure in relation to a reference under Procedure. Ibid. s. 31.
 this Part shall be as prescribed by Rules of Court or in default of Rules of Court by the Supreme Court or a
 15 judge thereof.

31. After hearing and determination of any reference Order to be sent to House concerned. Ibid. s. 32.
 under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of the Legislative Assembly, as the case may be, a copy
 20 of the determination of the Supreme Court.

32. The referendum or any return or statement showing the voting on the referendum shall not be avoided Immaterial errors not to vitiate referendum. Ibid. s. 33.
 on account of any delay in relation to the taking of the votes of the electors or in relation to the making of any
 25 statement or return or on account of the absence or error of or omission by any officer which did not affect the result of the referendum:

Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting at the referendum, the Court shall
 30 not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote.

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PART X.

REGULATIONS.

33. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which Regulations. Act No. 34, 1946, s. 34.
5 are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time
10 and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3) The regulations shall be published in the
15 Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then
20 within fourteen sitting days after the commencement of the next session.

(5) 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
25 before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART XI.

OFFENCES.

34. The provisions of this Part shall be construed as Construction of Part. Ibid. s. 35.
30 being in addition to such of the provisions of the Parliamentary Electorates and Elections Act, 1912, as are applicable to the referendum.

35.

Liquor (Referendum).

35. Any person who, after the issue of a writ for the 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.

Act No. 34, 1946, s. 36.

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. 37.

- (a) in order to influence the elector in his vote in connection with the referendum; or
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of bribe by elector.

Ibid. s. 38.

Liquor (Referendum).

38. Any person who—

Undue
influence.
Act No. 34,
1946, s. 39.

- (a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—

- 5 (i) in order to influence the elector in his vote in connection with the referendum;
or
(ii) in order to induce the elector to refrain from voting at the referendum; or
10 (iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; or

- 15 (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,

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

39. (1) Every person who—

Misleading
advertisements, &c.
Ibid. s. 40.

- 25 (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 to interfere with any elector in or in relation to the casting of his vote at the referendum; or
30

- (b) prints, publishes, or distributes any advertisement or document containing any untrue or incorrect statement intended or likely to mislead or improperly to interfere with any elector in or in relation to the casting of his vote at the referendum,
35

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

(2)

Liquor (Referendum).

(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.
Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7.

20

Writ for the Referendum.

HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

25 We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. 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 . |

35

Witness (here insert Governor's title and the date).

Governor.

By His Excellency's Command.

FORM

Liquor (Referendum).

FORM B.

Sec. 14 (1).

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

5 Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

10 The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

FORM C.

Sec. 14 (2).

15 Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

20 The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

No. , 1954.

A BILL

To provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith.

[Mr. SHEAHAN;—22 *September*, 1954.]

BE 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Act, 1954." Short title.

Liquor (Referendum).

2. This Act is divided into Parts as follows:—

Division
into Parts.

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

5 PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

10 PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

15 SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

3. (1) In this Act—

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

Interpreta-
tion.
Act No. 34,
1946, s. 3.

“Licensed premises” means premises licensed under Part III of the Liquor Act, 1912, and includes clubs registered under that Act.

25 “Referendum” means the referendum to be conducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

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

4.

Liquor (Referendum).

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly.

Referendum
on closing
hour.
Act No. 34,
1946, s. 4.

5 The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—

Application
of Act No.
41, 1912.
Ibid. s. 5.

- 15 (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- 20 (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 the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- 25 (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- 30 (f) 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 the referendum;
- 35 (g) 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 Act that are or is applicable to the referendum.

Liquor (Referendum).

(2) For the purposes of the referendum—

- 5 (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
- (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- 10 (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
- 15 (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

20

PART III.

WRIT FOR THE REFERENDUM.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.

Issue of writ for referendum.
Act No. 34, 1946, s. 6.

25 7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.

Form of writ, &c.
Ibid. s. 7.

(2) The day appointed 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.

8.

Liquor (Referendum).

8. The Electoral Commissioner shall forthwith after the receipt of the writ—

Duties of Electoral Commissioner upon receipt of the writ.

- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;
- (c) forward a copy of the writ to the returning officer for each electoral district.

Act No. 24, 1946, s. 8.

9. (1) At the 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.

Ibid. s. 9.

PART IV.

VOTING AT THE REFERENDUM.

10. 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 day.
Ibid. s. 10.

11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.

Polling places.
Ibid. s. 11.

12. Each elector shall vote only once at the referendum.

One vote only.
Ibid. s. 12.

13. (1) The voting at the referendum shall be by ballot.

Voting to be by ballot.

(2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

cf. *Ibid.* s. 13.

14.

Liquor (Referendum).

- 14.** (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act. Ballot-papers. Act No. 34, 1946, s. 14.
- 5 (2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Postal voters' ballot-papers.
- 10 Act.

PART V.

SCRUTINEERS.

- 15.** (1) Licensed publicans' organisations and temperance organisations may respectively appoint— Scrutineers. cf. *Ibid.* s. 15.
- 15 (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary
- 20 Electorates and Elections Act, 1912;
- (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance
- 25 of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

- (2) Any person who presents himself as a
- 30 scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

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(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by either of the organisations above referred to, and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

(4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

(5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation or a temperance organisation furnish to such organisation the name and address of every person appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

30

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. 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 clerk (if any), but of

Conduct of
scrutiny.
cf. Act No.
34, 1946,
s. 16.

no

Liquor (Referendum).

no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

17. (1) A ballot-paper shall be informal if—
- 5 (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- 10 (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; 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
- 15 any person to identify the voter.

Informal ballot-papers.
cf. Act No. 34, 1946, s. 17.

(2) Informal ballot-papers shall be rejected at the scrutiny.

18. (1) 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.
- 20

Saving of informality in certain cases.
cf. *Ibid.* s. 18.

- 25 (2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

- 30 19. Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

Duties of deputy.
Ibid. s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the referendum;
- 35

(b)

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- (b) in a second separate parcel, the ballot-papers which have remained unused thereat;
- (c) in a 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 endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

20. Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, 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 list 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.

Statement of result, account of ballot-papers, etc. Act No. 34, 1946, s. 20.

21. The returning officer shall, in respect of the polling booth at which he himself has presided, 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 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy

Returning officers' parcels. Ibid. s. 21.

returning

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returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for
the district.
cf. Act No.
34, 1946,
s. 22.

(2) The returning officer shall as soon as is practicable after the count has been completed—

- 15 (a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—
 - (i) the number of first preference votes recorded for each closing hour;
 - 20 (ii) the number of ballot-papers rejected as informal;
- (b) transmit such certificate to the Electoral Commissioner;
- 25 (c) (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;
- 30 (ii) place in a separate parcel all ballot-papers rejected as informal;
- 35 (iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred and

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5 and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);

- (d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;
- 10 (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which
- 15 have been spoilt in the polling;
- (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required
- 20 under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;
- 25 (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name
- 30 of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals:

35 Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;

(h)

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(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

(4) (a) At any time before endorsing the writ the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour, as amended by the recount;

(ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

Liquor (Referendum).

to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

10 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section.

Ascertain-
ment of
result of
referendum.
cf. Act No.
34, 1946,
s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

30 24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum.

Electoral
papers, etc.,
to be sent to
Clerk of
Legislative
Assembly.
cf. *Ibid.*
s. 25.

Thereupon

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Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection 5 two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

10 **25.** (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon
15 to the Governor.

Return of writ.
Act No. 34,
1946, s. 26.

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

20

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the
25 Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Reference to Supreme Court.
Ibid. s. 27.

27. Where any question is referred to the Supreme Court under this Part, the President of the Legislative
30 Council or the Speaker of the Legislative Assembly (as the

Question.
Ibid. s. 28.

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the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference Powers of Court.
 5 under this Part, shall sit as in open court, and shall Act No. 34, 1946, s. 29.
 have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable.

29. The Electoral Commissioner shall be entitled and Electoral Commissioner.
 10 the Supreme Court may allow any other person to be Ibid. s. 30.
 represented and heard upon the hearing of the reference.

30. The procedure in relation to a reference under Procedure.
 this Part shall be as prescribed by Rules of Court or in Ibid. s. 31.
 default of Rules of Court by the Supreme Court or a
 15 judge thereof.

31. After hearing and determination of any reference Order to be sent to House concerned.
 under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of Ibid. s. 32.
 the Legislative Assembly, as the case may be, a copy
 20 of the determination of the Supreme Court.

32. The referendum or any return or statement showing the voting on the referendum shall not be avoided Immaterial errors not to vitiate referendum.
 on account of any delay in relation to the taking of the Ibid. s. 33.
 votes of the electors or in relation to the making of any
 25 statement or return or on account of the absence or error of or omission by any officer which did not affect the result of the referendum:

Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting at the referendum, the Court shall
 30 not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote.

Liquor (Referendum).

PART X.

REGULATIONS.

33. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which Regulations. Act No. 34, 1946, s. 34.
 5 are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time
 10 and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3) The regulations shall be published in the
 15 Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then
 20 within fourteen sitting days after the commencement of the next session.

(5) 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
 25 before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART XI.

OFFENCES.

34. The provisions of this Part shall be construed as Construction of Part. Ibid. s. 35.
 30 being in addition to such of the provisions of the Parliamentary Electorates and Elections Act, 1912, as are applicable to the referendum.

35.

Liquor (Referendum).

35. Any person who, after the issue of a writ for the 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.

Act No. 34, 1946, s. 36.

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. 37.

- (a) in order to influence the elector in his vote in connection with the referendum; or
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of bribe by elector.

Ibid. s. 38.

Liquor (Referendum).

38. Any person who—

(a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—

Undue
influence.
Act No. 34,
1946, s. 39.

- 5 (i) in order to influence the elector in his
vote in connection with the referendum;
or
(ii) in order to induce the elector to refrain
from voting at the referendum; or
10 (iii) in order to induce the elector to
support or oppose any closing hour
submitted or to be submitted to the
electors at the referendum; or

15 (b) uses, causes, inflicts, or procures any violence,
injury, punishment, damage, loss or disadvan-
tage towards, to or upon any elector or any
other person, for or on account of any such
vote, refraining from voting, support, or
opposition,

20 shall be guilty of an offence, and shall be liable to a
penalty not exceeding two hundred pounds or imprison-
ment for one year.

39. (1) Every person who—

25 (a) prints, publishes, or distributes any advertise-
ment 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 to interfere
30 with any elector in or in relation to the casting
of his vote at the referendum; or

Misleading
advertise-
ments, &c.
Ibid. s. 40.

(b) prints, publishes, or distributes any advertise-
ment or document containing any untrue or in-
correct statement intended or likely to mislead
35 or improperly to interfere with any elector in
or in relation to the casting of his vote at the
referendum,

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

(2)

Liquor (Referendum).

(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.
Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7.

20

Writ for the Referendum.

HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

25 We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. 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 . |

35

Witness (here insert Governor's title and the date).

Governor.

By His Excellency's Command.

FORM

Liquor (Referendum).

FORM B.

Sec. 14 (1).

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

5 Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

FORM C.

Sec. 14 (2).

15 Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

LIQUOR (REFERENDUM) BILL, 1954.

EXPLANATORY NOTE.

THE object of this Bill is to provide for the submission, by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly, of the question whether the closing hour of certain premises subject to the provisions of the Liquor Act, 1912, as amended, should be six p.m. or ten p.m.

The question must be submitted to the electors within six months after the date upon which the assent of Her Majesty to this Bill is signified.

REPORT (MEMORANDUM) DATE 1954

EXPLANATORY NOTE

The purpose of this report is to provide a summary of the results of the investigation conducted during the period from January 1, 1954, to December 31, 1954. The investigation was carried out by the Research Department of the Ministry of Defense, and the results are presented in the following sections.

The investigation was conducted in accordance with the instructions of the Ministry of Defense, and the results are presented in the following sections.

No. , 1954.

A BILL

To provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith.

[Mr. SHEAHAN;—22 September, 1954.]

BE 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Referendum) Act, 1954."

89913

16—A

2.

Liquor (Referendum).

2. This Act is divided into Parts as follows:—

Division
into Parts.

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

5 PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

10 PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

15 SCHEDULE.

PART II.

APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

3. (1) In this Act—

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

Interpreta-
tion.
Act No. 34,
1946, s. 3.

“Licensed premises” means premises licensed under Part III of the Liquor Act, 1912, and includes clubs registered under that Act.

25 “Referendum” means the referendum to be conducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

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

Liquor (Referendum).

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly.

Referendum
on closing
hour.
Act No. 34,
1946, s. 4.

5 The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—

Application
of Act No.
41, 1912.
Ibid. s. 5.

- 15 (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- 20 (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 the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- 25 (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- 30 (f) 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 the referendum;
- 35 (g) 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 Act that are or is applicable to the referendum,

Liquor (Referendum).

- (2) For the purposes of the referendum—
- 5 (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
- 10 (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- 15 (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
- (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

20

PART III.

WRIT FOR THE REFERENDUM.

6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.

Issue of writ for referendum.

Act No. 34, 1946, s. 6.

25 7. (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.

Form of writ, &c. *Ibid.* s. 7.

(2) The day appointed 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.

8.

Liquor (Referendum).

8. The Electoral Commissioner shall forthwith after the receipt of the writ—

Duties of Electoral Commissioner upon receipt of the writ.

- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;

Act No. 34, 1946, s. 8.

- (c) forward a copy of the writ to the returning officer for each electoral district.

9. (1) At the 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.

Ibid. s. 9.

PART IV.

VOTING AT THE REFERENDUM.

10. 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 day. *Ibid.* s. 10.

11. The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.

Polling places. *Ibid.* s. 11.

12. Each elector shall vote only once at the referendum.

One vote only. *Ibid.* s. 12.

13. (1) The voting at the referendum shall be by ballot.

Voting to be by ballot.

(2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

cf. *Ibid.* s. 13.

Liquor (Referendum).

14. (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act.

Ballot-papers.
Act No. 34,
1946, s. 14.

5 (2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this
10 Act.

Postal
voters'
ballot-
papers.

PART V.

SCRUTINEERS.

15. (1) Licensed publicans' organisations and temperance organisations may respectively appoint—

Scrutineers.
cf. *Ibid.*
s. 15.

- 15** (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary
20 Electorates and Elections Act, 1912;
- (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be,
25 conducted by the returning officer in pursuance of section sixteen or twenty-two of this Act.

For the purposes of this subsection each place or table at which a returning officer or a deputy returning officer presides shall be deemed to be a separate polling booth.

30 (2) Any person who presents himself as a scrutineer shall satisfy the returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

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(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by either of the organisations above referred to, and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final.

(4) Every scrutineer before acting as such shall make and sign before the returning officer, or deputy returning officer, or electoral visitor, as the case may be, a declaration in or to the effect of the form prescribed by regulations made under this Act.

(5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation or a temperance organisation furnish to such organisation the name and address of every person appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

30

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

16. 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 clerk (if any), but of

Conduct of
scrutiny.
cf. Act No.
34, 1946,
s. 16.

no

Liquor (Referendum).

no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

17. (1) A ballot-paper shall be informal if—

Informal
ballot-
papers.
cf. Act No.
34, 1946,
s. 17.

- 5 (a) it is not duly signed or initialled by the return-
ing officer or deputy returning officer by whom
it was issued; or
- (b) it is not duly signed by the electoral visitor by
whom it was issued; or
- 10 (c) the voter has failed to indicate the number of
his preference in respect of either of the closing
hours set out on the ballot-paper; or
- (d) it has upon it any mark or writing not auth-
orised by this Act to be put upon it, which, in
15 the opinion of the returning officer, will enable
any person to identify the voter.

(2) Informal ballot-papers shall be rejected at
the scrutiny.

18. (1) Notwithstanding anything to the contrary in
20 this Act a ballot-paper shall not, by reason of any mark-
ing 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.

Saving of
informality
in certain
cases.
cf. *Ibid.*
s. 18.

25 (2) Notwithstanding anything to the contrary in
this Act a ballot-paper shall not be informal by reason
only of the fact that the voter has recorded his vote by
placing in one square the number "1" and by leaving
the other square blank.

30 **19.** Immediately after ascertaining the total number
of first preference votes recorded in favour of each
closing hour, each deputy shall make up—

Duties of
deputy.
Ibid. s. 19.

- (a) in one parcel, the ballot-papers which have been
used in voting at his polling booth during the
35 referendum;

(b)

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- (b) in a second separate parcel, the ballot-papers which have remained unused thereat;
- (c) in a 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 endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

20. Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, 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 list 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.

Statement of result, account of ballot-papers, etc.
Act No. 34, 1946, s. 20.

21. The returning officer shall, in respect of the polling booth at which he himself has presided, 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 endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy

Returning officers' parcels.
Ibid. s. 21.

returning

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returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

22. (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for
the district.
cf. Act No.
34, 1946,
s. 22.

(2) The returning officer shall as soon as is practicable after the count has been completed—

(a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour;

(ii) the number of ballot-papers rejected as informal;

(b) transmit such certificate to the Electoral Commissioner;

(c) (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;

(ii) place in a separate parcel all ballot-papers rejected as informal;

(iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred and

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5 and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes which have been rejected unopened at the scrutiny and still contain ballot-papers);

(d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;

10 (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which have been spoilt in the polling;

15 (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;

25 (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals:

35 Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;

(h)

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(h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

(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 list referred to in section twenty of this Act.

(4) (a) At any time before endorsing the writ the Electoral Commissioner 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 all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

(i) the number of first preference votes recorded for each closing hour, as amended by the recount;

(ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to

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to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions.

PART VII.

10 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

23. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section. Ascertainment of result of referendum. cf. Act No. 34. 1946, s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

30 24. The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum. Electoral papers, etc., to be sent to Clerk of Legislative Assembly. cf. Ibid. s. 25.

Thereupon

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Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection 5 two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VIII.

RETURN OF WRIT.

10 **25.** (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon 15 to the Governor.

Return of writ.
Act No. 34,
1946, s. 26.

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

20

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the 25 Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Reference to Supreme Court.
Ibid. s. 27.

27. Where any question is referred to the Supreme Court under this Part, the President of the Legislative 30 Council or the Speaker of the Legislative Assembly (as the

Question.
Ibid. s. 28.

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the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

28. The Supreme Court, in relation to a reference Powers of Court. Act No. 34, 1946, s. 29.
 5 under this Part, shall sit as in open court, and shall have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable.

29. The Electoral Commissioner shall be entitled and Electoral Commissioner. Ibid. s. 30.
 10 the Supreme Court may allow any other person to be represented and heard upon the hearing of the reference.

30. The procedure in relation to a reference under Procedure. Ibid. s. 31.
 this Part shall be as prescribed by Rules of Court or in default of Rules of Court by the Supreme Court or a
 15 judge thereof.

31. After hearing and determination of any reference Order to be sent to House concerned. Ibid. s. 32.
 under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of the Legislative Assembly, as the case may be, a copy
 20 of the determination of the Supreme Court.

32. The referendum or any return or statement show- Immaterial errors not to vitiate referendum. Ibid. s. 33.
 ing the voting on the referendum shall not be avoided on account of any delay in relation to the taking of the votes of the electors or in relation to the making of any
 25 statement or return or on account of the absence or error of or omission by any officer which did not affect the result of the referendum:

Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting at the referendum, the Court shall
 30 not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote.

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PART X.

REGULATIONS.

33. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.
Act No. 34,
1946, s. 34.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3) The regulations shall be published in the Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall 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.

(5) 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 XI.

OFFENCES.

34. The provisions of this Part shall be construed as being in addition to such of the provisions of the Parliamentary Electorates and Elections Act, 1912, as are applicable to the referendum. Construction
of Part.
Ibid. s. 35.

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35. Any person who, after the issue of a writ for the 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 entertain-
ment, &c.
Act No. 34,
1946, s. 36.

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. 37.

- (a) in order to influence the elector in his vote in connection with the referendum; or
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

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 the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at 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.

Receipt of
bribe by
elector.
Ibid. s. 38.

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38. Any person who—

(a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—

Undue
influence.
Act No. 34,
1946, s. 39.

5 (i) in order to influence the elector in his vote in connection with the referendum; or

(ii) in order to induce the elector to refrain from voting at the referendum; or

10 (iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; or

15 (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,

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

39. (1) Every person who—

25 (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 to interfere with any elector in or in relation to the casting of his vote at the referendum; or

Misleading
advertisements, &c.
Ibid. s. 40.

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

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

(2)

Liquor (Referendum).

(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 closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

40. (1) Any person who, at a 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.

Misconduct
at public
meeting.
Act No. 34,
1946, s. 41.

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

SCHEDULE.

FORM A.

Sec. 7.

20 Writ for the Referendum.
HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

GREETING:

25 We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. 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 .

35 Witness (here insert Governor's title and the date).

Governor.

By His Excellency's Command.

FORM

Liquor (Referendum).

FORM B.

Sec. 14 (1).

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

5 Electoral District for which voter is enrolled.....

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

FORM C.

Sec. 14 (2).

15 Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.