

Legislative Council.

No. , 1960.

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# A BILL

For the holding of a referendum upon certain questions affecting the Constitution Act, 1902, as amended; and certain other matters; and for purposes connected therewith.

[MR. GLEESON;—30 March, 1960.]

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as the "Constitution (Referendum) Act, 1960".

289

209—A

2.

Short  
title.

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*Constitution (Referendum).*

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

Division  
into  
Parts.

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTOR-  
ATES AND ELECTIONS ACT, 1912.

5 PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—PROCEEDINGS AFTER CLOSE OF POLL.

PART VI.—ELECTORAL COMMISSIONER TO ASCERTAIN  
RESULT.

10 PART VII.—RETURN OF WRIT.

PART VIII.—DISPUTED RETURNS.

PART IX.—REGULATIONS.

PART X.—OFFENCES.

SCHEDULE.

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PART II.

15 APPLICATION OF PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912.

3. (1) In this Act—

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

Interpre-  
tation.

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

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

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*Constitution (Referendum).*

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4. (1) The following questions affecting the Constitution Act, 1902, as amended, and certain other matters, 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 constitutional matters.

*Question No. 1 :*

Do you approve of the abolition of the office of State Governor?

*Question No. 2 :*

10 Do you approve of the abolition of the Legislative Council?

*Question No. 3 :*

Do you approve of the abolition of the Legislative Assembly?

15 *Question No. 4 :*

Do you approve of the institution of the Initiative, Referendum and Recall principle as regards the Legislative Assembly?

20 (2) The referendum shall be holden upon a day which shall be appointed by the Governor and the day so appointed shall be not sooner than two months after the proclamation of the assent to this Act.

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.

30 (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)

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- (c) a reference to a poll shall be read as a reference to the taking of the votes of the electors for the purposes of the referendum;
- 5 (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;
- 10 (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;
- 15 (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) For the purposes of the referendum—
- 20 (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;
- 25 (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;
- 30 (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
- 35 the returning officer.

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PART

*Constitution (Referendum).*

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.

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.

(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. The Electoral Commissioner shall forthwith after the receipt of the writ— Duties of Electoral Commissioner upon receipt of the writ.

- 15 (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;
- 20 (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.

PART IV.

VOTING AT THE REFERENDUM.

30 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.

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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.

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

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 under each question for which he desires to give his first preference vote, and the number "2" in the remaining square.

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.

(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. Postal voters' ballot-papers.

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PART V.

20 PROCEEDINGS AFTER CLOSE OF POLL.

15. 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 of the poll clerk (if any), but of no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each question. Conduct of scrutiny.

16. (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)

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5 (c) the voter has failed to indicate the number of his preference in respect of each of the questions set out on the ballot-paper but shall only be informal as to the particular question to which the voter has so failed to indicate; 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.

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

15 **17.** (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.

20 (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 in respect of each question.

25 **18.** Immediately after ascertaining the total number of first preference votes recorded in favour of each question, each deputy shall make up— Duties of deputy.

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

30 (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;

35 and shall seal up the said several 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

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date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

19. Each deputy shall, together with the parcels aforesaid, 5 transmit to the returning officer a list of the total number of first preference votes recorded for each question, 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 10 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 as by the signatures of the said deputy and the poll clerk (if any).

Statement of result, account of ballot-papers, &c.

20. The returning officer shall, in respect of the polling 15 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 shall endorse in like manner as aforesaid 20 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, which said list shall be verified by the signature of the returning officer, and the poll clerk (if any).

Returning officers' parcels.

25 21. (1) The returning officer shall, as soon as practicable after the close of the poll, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each question on all ballot-papers (not rejected as informal), used in connection with 30 the poll for his district.

Poll for the district.

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

(a) prepare and sign a certificate setting out in relation to the votes recorded for his district—

35 (i) the number of first preference votes recorded for each question;

(ii)



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- (ii) the number of ballot-papers rejected as informal in respect of each question;
- (b) transmit such certificate to the Electoral Commissioner;
- 5 (c) (i) arrange in parcels all used ballot-papers (not rejected as informal in respect of all questions);
- (ii) place in a separate parcel all ballot-papers rejected as informal in respect of all questions;
- 10 (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
- 15 pursuance of the provisions of section one hundred 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
- 20 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 spoiled in the polling;
- 25
- 30 (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
- the

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the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;

5 (g) seal up 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 :

10 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  
15 practised in the polling;

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

(3) It shall be permissible for the returning officer to  
20 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 nineteen of this Act.

(4) (a) At any time before endorsing the writ the  
25 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 make such recount  
30 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 a further certificate setting out in  
35 relation to the votes recorded for his district—

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

(ii)

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(ii) the number of ballot-papers rejected as informal, in respect of each question 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 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.

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PART VI.

ELECTORAL COMMISSIONER TO ASCERTAIN RESULT

20 **22.** (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-one 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.

(2) The aggregate number of first preference votes recorded throughout the State for each question 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-one of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

**23.**

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23. 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, &c., to be sent to Clerk of Legislative Assembly.

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-one of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VII.

RETURN OF WRIT.

24. (1) The Electoral Commissioner shall endorse on the writ a statement setting out the result showing total votes for and against each question which has been ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

Return of writ.

(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 VIII.

DISPUTED RETURNS.

25. 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.

Reference to Supreme Court.

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

Question.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

30 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 IX.**

**REGULATIONS.**

5 **32.** (1) The Governor may make regulations not Regulations.  
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  
10 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.

(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.

20 (5) The regulations shall take effect from the date  
upon which they are laid before both Houses; or if the  
regulations are laid before both Houses on different days  
they shall take effect from the later date.

(6) If either House of Parliament passes a resolution  
25 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.

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**PART X.**

**OFFENCES.**

30 **33.** The provisions of this Part shall be construed as Construc-  
being in addition to such of the provisions of the Parliamentary tion of  
Electoralates and Elections Act, 1912, as are applicable to the Part.  
referendum.

**34.**

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34. 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 enter-  
tainment, &c.

35. 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.

- (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 particular question,

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

36. 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 particular question 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.

37. 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.

- (i) in order to influence the elector in his vote in connection with the referendum; or
- (ii)

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*Constitution (Referendum).*

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- (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 particular question submitted or to be submitted to the electors at the referendum; or
- 5
- (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,
- 10

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

15 **38.** (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,
- 20
- 25

Misleading advertisements, &c.

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

30 (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 particular question submitted or to be submitted to the electors at the referendum, if those

35 instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

**39.**



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39. (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.

(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.

10

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 following questions:—

20

*Question No. 1:*

Do you approve of the abolition of the office of State Governor?

*Question No. 2:*

Do you approve of the abolition of the Legislative Council?

25

*Question No. 3:*

Do you approve of the abolition of the Legislative Assembly?

*Question No. 4:*

30

Do you approve of the institution of the Initiative, Referendum and Recall principle as regards the Legislative Assembly?

209—B

And

Constitution (Referendum).

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 .
- 5 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.

10

FORM B.

Sec. 14 (1).

Ballot-paper.

CONSTITUTION (REFERENDUM) ACT, 1960.

Referendum on certain questions affecting the Constitution Act, 1902, as amended ; and certain other matters.

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

DIRECTIONS TO ELECTOR.

The elector should indicate his vote in relation to each question as follows:—

20 If he approves of the question he should place the number "1" in the square opposite the word "YES" and the number "2" in the square opposite the word "NO";

If he does not approve of the question he should place the number "1" in the square opposite the word "NO" and the number "2" in the square opposite the word "YES".

25

Statement of questions.

Question No. 1:

Do you approve of the abolition of the office of State Governor?

- NO.
- YES.

30 Question No. 2:

Do you approve of the abolition of the Legislative Council?

- NO.
- YES.

Question No. 3:

35 Do you approve of the abolition of the Legislative Assembly?

- NO.
- YES.

FORM

Constitution (Referendum).

FORM B—continued.

Statement of questions—continued.

Question No. 4:

Do you approve of the institution of the Initiative, Referendum and Recall principle as regards the Legislative Assembly?

- NO.
YES.

FORM C.

Sec. 14 (2).

Postal Ballot-paper.

10 CONSTITUTION (REFERENDUM) ACT, 1960.

Referendum on certain questions affecting the Constitution Act, 1902, as amended; and certain other matters.

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

15 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 should indicate his vote in relation to each question as follows:—

20 If he approves of the question he should place the number "1" in the square opposite the word "YES" and the number "2" in the square opposite the word "NO";

If he does not approve of the question he should place the number "1" in the square opposite the word "NO" and the number "2" in the square opposite the word "YES".

25 Statement of questions.

Question No. 1:

Do you approve of the abolition of the office of State Governor?

- NO.
YES.

30 Question No. 2:

Do you approve of the abolition of the Legislative Council?

- NO.
YES.

FORM

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*Constitution (Referendum).*

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FORM C—*continued.*

*Statement of questions—continued.*

*Question No. 3:*

Do you approve of the abolition of the Legislative Assembly?

- 5       NO.  
          YES.

*Question No. 4:*

Do you approve of the institution of the Initiative, Referendum and Recall principle as regards the Legislative Assembly?

- 10      NO  
          YES.

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Sydney: V. C. N. Blight, Government Printer—1960

[1s. 9d.]

Legislative Council.

No. , 1960.

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# A BILL

For the holding of a referendum upon certain questions affecting the Constitution Act, 1902, as amended; and certain other matters; and for purposes connected therewith.

[MR. GLEESON ;—30 March, 1960.]

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**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 "Constitution (Referendum) Act, 1960".

Short title.

*Constitution (Referendum).*

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

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PART II.—APPLICATION OF PARLIAMENTARY ELECTOR-  
ATES AND ELECTIONS ACT, 1912.

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SCHEDULE.

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PART II.

15

APPLICATION OF PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912.

3. (1) In this Act—

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

Interpre-  
tation.

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

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

4.

*Constitution (Referendum).*

4. (1) The following questions affecting the Constitution Act, 1902, as amended, and certain other matters, 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 constitutional matters.

*Question No. 1 :*

Do you approve of the abolition of the Office of State Governor?

*Question No. 2 :*

10 Do you approve of the abolition of the Legislative Council?

*Question No. 3 :*

Do you approve of the abolition of the Legislative Assembly?

15 *Question No. 4 :*

Do you approve of the institution of the Initiative, Referendum and Recall principle as regards the Legislative Assembly?

20 (2) The referendum shall be holden upon a day which shall be appointed by the Governor and the day so appointed shall be not sooner than two months after the proclamation of the assent to this Act.

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.

30 (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)

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*Constitution (Referendum).*

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- (c) a reference to a poll shall be read as a reference to the taking of the votes of the electors for the purposes of the referendum;
  - 5 (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;
  - 10 (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;
  - 15 (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) For the purposes of the referendum—
- 20 (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;
  - 25 (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;
  - 30 (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
  - 35 the returning officer.

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PART



*Constitution (Referendum).*

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.

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.

10 (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. The Electoral Commissioner shall forthwith after the receipt of the writ— Duties of Electoral Commissioner upon receipt of the writ.

15 (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;

20 (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.

PART IV.

VOTING AT THE REFERENDUM.

30 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.

11.

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*Constitution (Referendum).*

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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.

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

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 under each question for which he desires to give his first preference vote, and the number "2" in the remaining square.

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.

(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. Postal voters' ballot-papers.

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PART V.

20 PROCEEDINGS AFTER CLOSE OF POLL.

15. 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 of the poll clerk (if any), but of no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each question. Conduct of scrutiny.

16. (1) A ballot-paper shall be informal if— Informal ballot-papers.

(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)

*Constitution (Referendum).*

- 5 (c) the voter has failed to indicate the number of his preference in respect of each of the questions set out on the ballot-paper but shall only be informal as to the particular question to which the voter has so failed to indicate; 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.
- 10 (2) Informal ballot-papers shall be rejected at the scrutiny.
- 15 **17.** (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.
- 20 (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 in respect of each question.
- 25 **18.** Immediately after ascertaining the total number of first preference votes recorded in favour of each question, each deputy shall make up— Duties of deputy.
- 30 (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the referendum;
- (b) in a second separate parcel, the ballot-papers which have remained unused thereat;
- 35 (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 endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date

*Constitution (Referendum).*

date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

19. Each deputy shall, together with the parcels aforesaid, 5 transmit to the returning officer a list of the total number of first preference votes recorded for each question, 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 10 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 as by the signatures of the said deputy and the poll clerk (if any).

Statement of result, account of ballot-papers, etc.

20. The returning officer shall, in respect of the polling 15 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 shall endorse in like manner as aforesaid 20 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, which said list shall be verified by the signature of the returning officer, and the poll clerk (if any).

Returning officers' parcels.

25 21. (1) The returning officer shall, as soon as practicable after the close of the poll, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each question on all ballot-papers (not rejected as informal), used in connection with 30 the poll for his district.

Poll for the district.

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

(a) prepare and sign a certificate setting out in relation to the votes recorded for his district—

35 (i) the number of first preference votes recorded for each question;

(ii)

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*Constitution (Referendum).*

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- (ii) the number of ballot-papers rejected as informal in respect of each question;
- (b) transmit such certificate to the Electoral Commissioner;
- 5 (c) (i) arrange in parcels all used ballot-papers (not rejected as informal in respect of all questions);
- (ii) place in a separate parcel all ballot-papers rejected as informal in respect of all questions;
- 10 (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
- 15 pursuance of the provisions of section one hundred 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);
- 20 (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
- 25 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;
- 30 (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
- the

*Constitution (Referendum).*

the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;

5 (g) seal up 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 :

10 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;

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

(3) It shall be permissible for the returning officer to 20 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 nineteen of this Act.

(4) (a) At any time before endorsing the writ the 25 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 make such recount 30 accordingly and include the result in the certificate referred to in subsection two of this section :

Provided that if such certificate has already been trans-  
mitted to the Electoral Commissioner, the returning officer  
shall prepare and sign a further certificate setting out in  
35 relation to the votes recorded for his district—

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

(ii)

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*Constitution (Referendum).*

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

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when  
5 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  
10 shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the  
15 in accordance with the provisions of subsection two of this section, but shall after completing the recount reseal and endorse such packet.

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**PART VI.****ELECTORAL COMMISSIONER TO ASCERTAIN RESULT**

20 **22.** (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph  
25 (a) of subsection four of section twenty-one 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.

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

**23.**

*Constitution (Referendum).*

23. 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.

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-one of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

PART VII.

RETURN OF WRIT.

24. (1) The Electoral Commissioner shall endorse on the writ a statement setting out the result showing total votes for and against each question which has been ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

Return of writ.

20 (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 VIII.

DISPUTED RETURNS.

25 25. 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.

Reference to Supreme Court.



*Constitution (Referendum).*

26. 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 case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired. Question.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

PART

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*Constitution (Referendum).*

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**PART IX.**

**REGULATIONS.**

**32.** (1) The Governor may make regulations not Regulations.  
inconsistent with this Act prescribing all matters which are  
5 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  
10 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.

(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  
sittings days after the commencement of the next session.

20 (5) The regulations shall take effect from the date  
upon which they are laid before both Houses; or if the  
regulations are laid before both Houses on different days  
they shall take effect from the later date.

(6) If either House of Parliament passes a resolution  
25 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.

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**PART X.**

**OFFENCES.**

30 **33.** The provisions of this Part shall be construed as Construc-  
being in addition to such of the provisions of the Parliamentary tion of  
Electoralates and Elections Act, 1912, as are applicable to the Part.  
referendum.

*Constitution (Referendum).*

34. 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 enter-  
tainment, &c.

35. 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.

- (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 particular question,

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

36. 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 particular question 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.

37. 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)

Undue  
influence.

*Constitution (Referendum).*

- (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 particular question 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.

15 **38.** (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,

Misleading advertisements, &c.

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

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

**39.**

*Constitution (Referendum).*

39. (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.

(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.

10

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 following questions:—

20 *Question No. 1:*

Do you approve of the abolition of the Office of State Governor?

*Question No. 2:*

Do you approve of the abolition of the Legislative Council?

25 *Question No. 3:*

Do you approve of the abolition of the Legislative Assembly?

*Question No. 4:*

30 Do you approve of the institution of the Initiative, Referendum and Recall principle as regards the Legislative Assembly?

209—B

And

*Constitution (Referendum).*

And we appoint the following dates for the purposes of the said submission:—

1. For taking the votes of the electors                     the  
       day   , 19     .
- 5   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.

10

FORM B.

Sec. 14 (1).

Ballot-paper.

CONSTITUTION (REFERENDUM) ACT, 1960.

Referendum on certain questions affecting the Constitution Act, 1902, as amended; and certain other matters.

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

DIRECTIONS TO ELECTOR.

The elector should indicate his vote in relation to each question as follows:—

20   If he approves of the question he should place the number "1" in the square opposite the word "YES" and the number "2" in the square opposite the word "NO";

      If he does not approve of the question he should place the number "1" in the square opposite the word "NO" and the number "2" in the square opposite the word "YES".

25

*Statement of questions.*

*Question No. 1:*

Do you approve of the abolition of the office of State Governor?

- NO.  
 YES.

30 *Question No. 2:*

Do you approve of the abolition of the Legislative Council?

- NO.  
 YES.

*Question No. 3:*

35 Do you approve of the abolition of the Legislative Assembly?

- NO.  
 YES.

FORM

Constitution (Referendum).

FORM B—continued.

Statement of questions—continued.

Question No. 4:

Do you approve of the institution of the Initiative, Referendum and Recall principle as regards the Legislative Assembly?

- NO.
YES.

FORM C.

Sec. 14 (2).

Postal Ballot-paper.

10 CONSTITUTION (REFERENDUM) ACT, 1960.
Referendum on certain questions affecting the Constitution Act, 1902, as amended; and certain other matters.
Electoral District for which postal voter is enrolled

15 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 should indicate his vote in relation to each question as follows:—

20 If he approves of the question he should place the number "1" in the square opposite the word "YES" and the number "2" in the square opposite the word "NO";

If he does not approve of the question he should place the number "1" in the square opposite the word "NO" and the number "2" in the square opposite the word "YES".

25 Statement of questions.

Question No. 1:

Do you approve of the abolition of the office of State Governor?

- NO.
YES.

30 Question No. 2:

Do you approve of the abolition of the Legislative Council?

- NO.
YES.

FORM

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*Constitution (Referendum).*

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FORM C—*continued.*

*Statement of questions—continued.*

*Question No. 3:*

Do you approve of the abolition of the Legislative Assembly?

- 5       NO.  
          YES.

*Question No. 4:*

Do you approve of the institution of the Initiative, Referendum  
and Recall principle as regards the Legislative Assembly?

- 10      NO.  
          YES.