

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 December, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to obtain an expression of opinion from electors in north-east New South Wales whether they are in favour of the establishment of a new State in north-east New South Wales; 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 "New State Referendum Short title, Act, 1966".

New State Referendum.

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

Division
into
Parts.

PART I.—PRELIMINARY.

PART II.—THE REFERENDUM.

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

PART IV.—WRIT FOR THE REFERENDUM.

PART V.—VOTING AT THE REFERENDUM.

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.

15 PART XI.—OFFENCES.

SCHEDULES.

3. (1) In this Act—

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

Interpreta-
tion.
cf. Act
No. 28,
1954, s. 3.

20 “Electors” means those electors enrolled in the Electoral Districts and the subdivisions of the Electoral Districts within that part of New South Wales specified in Schedule One to this Act and who are qualified to vote for the election of members of the Legislative Assembly.

25 “Electoral district” or “district” means a district for the election of a member to serve in the Legislative Assembly and as described by proclamation dated the third day of August, one thousand nine hundred and sixty-six, as published in the Government Gazette number seventy-six of the fifth day of
30 August, one thousand nine hundred and sixty-six.

“Referendum”

New State Referendum.

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

5 “Returning officer” includes any person lawfully authorised to act for a returning officer, or in his place; and in the case of the subdivisions of Baradine and Coonabarabran in the Electoral District of Castlereagh and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong, the person appointed by the Electoral Commissioner to be the returning officer for those subdivisions pursuant to section five of this Act.

15 (2) (a) A reference in this Act to an electoral district or district includes a reference to subdivisions of an electoral district or district in respect of which a returning officer is appointed pursuant to section five of this Act.

(b) 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.

20

PART II.

THE REFERENDUM.

4. The question whether electors are in favour of the establishment of a new State in north-east New South Wales as described in Schedule One to this Act shall be submitted by way of a referendum to such electors.

Referendum on new State.
cf. Act No. 28, 1954, s. 4.

The question shall be so submitted to the electors on or before the thirtieth day of September, one thousand nine hundred and sixty-seven.

PART

New State Referendum.

PART III.

APPLICATION OF PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912.

5. (1) Subject to this Act the provisions of the Parlia-
mentary Electorates and Elections Act, 1912, and any regula-
tions 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.
cf. Act
No. 28,
1954, s. 5.

- 10 (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
15 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
purpose of the referendum;
- 20 (d) a reference to an election shall be read as a refer-
ence 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;
- 25 (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;
- 30 (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—

- 35 (a) the Electoral Commissioner may appoint a person
to be the returning officer for the subdivisions of
Baradine and Coonabarabran in the Electoral
District

New State Referendum.

- District of Castlereagh, and the subdivisions of
Gunnedah, Merriwa and Spring Ridge in the
Electoral District of Burrendong;
- 5 (b) each returning officer in the area as described in
Schedule One to this Act shall, subject to the direc-
tions of the Electoral Commissioner, make the
necessary arrangements for the taking of the votes
of the electors in his electoral district;
- 10 (c) a ballot-paper shall not be rejected as informal
except for a reason specified in this Act or in the
regulations made thereunder;
- (d) the vote of an elector shall be marked on his ballot-
paper in the manner directed by this Act;
- 15 (e) upon the adjournment of a poll by any deputy
returning officer, such deputy shall forthwith give
notice thereof to the returning officer;
- 20 (f) 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 Com-
missioner until the poll so adjourned has been finally
closed and the ballot-papers transmitted to the
returning officer.

PART IV.

WRIT FOR THE REFERENDUM.

- 25 6. A writ for the referendum may be issued by the Gover-
nor. The writ shall be directed to the Electoral Commissioner.
- Issue of
writ.
cf. Act No.
28, 1954,
s. 6.
7. (1) The writ may be in or to the effect of Form A in
Schedule Two to this Act, and shall appoint a day for taking
the votes of the electors, and a day for the return of the
30 writ.
- Form of
writ, etc.
cf. *Ibid.*
s. 7.

New State Referendum.

(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 writ.

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

(b) cause to be inserted in the Government Gazette and in two or more newspapers circulating in the area as described in Schedule One to this Act 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; and

cf. Act No. 28, 1954, 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.

cf. *Ibid.*, s. 9.

10. Any material relative to the questions at issue and the facts relating to the advantages and disadvantages of the creation of a new State prepared by any person or by or on behalf of a university or other association or body of persons, with the concurrence of the Minister, may be published by the Electoral Commissioner by way of advertisement in two or more newspapers circulating throughout the area as described in Schedule One to this Act.

Electors to be informed of advantages and disadvantages.

Publicity of the advantages for the creation of a new State shall not be given as aforesaid unless the like publicity is given to the disadvantages relating thereto.

PART

New State Referendum.

PART V.

VOTING AT THE REFERENDUM.

11. The voting at the referendum shall, subject to this Voting day.
Act, be taken on the day appointed by the writ for taking the cf. Act No.
5 votes of the electors. 28, 1954,
s. 10.

12. The subdivisions as proclaimed on the tenth day of Polling
August, one thousand nine hundred and sixty-six, and pub- places.
lished in the Government Gazette number eighty-two of the cf. *Ibid.*
twelfth day of August, one thousand nine hundred and sixty- s. 11.
10 six, and the polling places appointed for such subdivisions
shall be the subdivisions and polling places for the purposes
of the referendum.

13. Each elector shall vote only once at the referendum. One vote
only.
cf. *Ibid.*
s. 12.

14. (1) It shall be the duty of every elector to record his Voting
15 vote. compulsory.
(2) The provisions of sections 120B and 120C of the
Parliamentary Electorates and Elections Act, 1912, shall apply
at the discretion of the Electoral Commissioner.

15. (1) The voting at the referendum shall be by ballot. Voting to
be by
ballot.
20 (2) Each elector shall mark his vote on the ballot- cf. *Ibid.*
paper in the following manner : — s. 13.

25 If he favours the establishment of a new State in
north-east New South Wales, as described in Schedule
One to this Act, he should place the figure "1" in the
square opposite the word "Yes" and place the figure
"2" in the square opposite the word "No".

If

New State Referendum.

If he is not in favour of the establishment of a new State in north-east New South Wales, as described in Schedule One to this Act, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

16. (1) The ballot-papers to be used at the referendum, other than those to be used for absent voting or voting by post, shall be in or to the effect of Form B in Schedule Two to this Act. Ballot-papers. cf. Act No. 28, 1954, s. 14.
- 10 (2) The ballot-papers to be used for absent voting shall be in or to the effect of Form C in Schedule Two to this Act.
- (3) The ballot-papers to be used for voting by post shall be in or to the effect of Form D in Schedule Two to this Act.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

17. As soon as is practicable after the close of the poll the returning officer and every deputy returning officer at the polling place at which each presides shall, in the presence of the poll clerk, open the ballot-box and proceed to count the number of votes recorded in favour of the establishment of a new State and the number of votes recorded against the establishment of a new State. Counting of votes. cf. Ibid. s. 16.

- 25 18. (1) A ballot-paper shall be informal if— Informal ballot-papers. cf. Ibid. s. 17.
- (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- 30 (b) the voter has failed to indicate the number of his preference in respect of the question set out on the ballot-paper; or
- (c)

New State Referendum.

(c) 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.

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

19. (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. Act No. 28, 1954, s. 18.

(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 figure "1" and by leaving the other square blank.

20. Immediately after ascertaining the total number of votes recorded in favour of and against the establishment of a new State, each deputy returning officer shall make up—

Duties of deputy returning officer.
cf. *Ibid.* s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling-booth during the referendum;
- 25 (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;

30 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

New State Referendum.

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

21. Each deputy returning officer shall, together with
 5 the parcels aforesaid, transmit to the returning officer a statement setting out the total number of votes recorded in favour of and against the establishment of a new State, and also an account in which such deputy shall charge himself with the number of ballot-papers originally delivered to him, and the
 10 number (if any) written out by him, specifying therein the number thereof delivered to and used by voters and the number not so delivered or left unused; and every such statement and account respectively shall be verified by the signatures of the said deputy and the poll clerk.

Statement
 of result,
 account of
 ballot-
 papers, etc.
 cf. Act
 No. 28,
 1954, s. 20.

15 22. 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;
 20 and shall seal up and shall endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like statement as is herein required in the case of deputy returning officers, which statement shall be verified by the signatures of the returning officer and
 25 the poll clerk.

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

23. (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 votes recorded in favour of and against the establishment of a new
 30 State on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for
 district.
 cf. *Ibid.*
 s. 22.

(2)

New State Referendum.

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

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

- 5 (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- 10 (iii) the number of ballot-papers rejected as informal;

(b) transmit such certificate to the Electoral Commissioner.

(3) (a) At any time before endorsing the writ the **Recount.** Electoral Commissioner may, if he thinks fit (and shall, if
15 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 accordingly and include the result in the certificate referred to in sub-
20 section 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 relation to the votes recorded for his district—

- 25 (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- (iii) the number of ballot-papers rejected as informal,
30 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,
35 which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b)

New State Referendum.

(b) The returning officer conducting a recount may reverse any decision as to the allowance or admission or disallowance or rejection of any ballot-paper.

PART VII.**5 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.**

24. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection three of section twenty-three of this Act, the Electoral Commissioner shall with such assistance Ascertainment of result of referendum. cf. Act No. 28, 1954, s. 23.
10 as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section.

(2) The aggregate number of votes recorded throughout the area described in Schedule One to this Act in favour of and against the establishment of a new State
15 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 three of section twenty-three of this Act) transmitted to the Electoral Commissioner by all the returning
20 officers in pursuance of the provisions of the said section.

PART VIII.**RETURN OF WRIT.**

25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out— Return of writ. cf. Ibid. s. 25.
25 (a) the number of votes recorded in favour of the establishment of a new State;
(b) the number of votes recorded against the establishment of a new State;
(c) the number of ballot-papers rejected as informal,
30 and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

(2)

New State Referendum.

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

5

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or 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.
cf. Act No. 28, 1954, s. 26.

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 case may be, shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired. Questions.
cf. *Ibid.* s. 27.

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.
cf. *Ibid.* s. 28.

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.
cf. *Ibid.* s. 29.

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.
cf. *Ibid.* s. 30.

31.

New State Referendum.

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.

Determination to be sent to House concerned.
cf. Act No. 28, 1954, s. 31.

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.
cf. *Ibid.* s. 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 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.
cf. *Ibid.* s. 33.

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

(4)

New State Referendum.

(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 (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.

10

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.
cf. Act No. 28, 1954, s. 34.

35. Any person who, after the issue of the writ for the referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, provisions, drink, or entertainment, or hire of any conveyance 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 four hundred dollars or imprisonment for one year.

Supply of meat, drink or entertainment.
cf. *Ibid.* s. 35.

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.
cf. *Ibid.* s. 36.

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

(b)

New State Referendum.

- (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 the establishment of a new State,
- 5 shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars 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 the establishment of a new State shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars or imprisonment for one year.

Receipt of
bribe by
elector.
cf. Act
No. 28,
1954, s. 37.

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 the establishment of a new State; or
- (b) uses, causes, inflicts, or procures any violence, injury, punishment, damage, loss or disadvantage towards, to or upon any elector or any other person, for or on account of any such vote, refraining from voting, support, or opposition,

Undue
influence.
cf. Ibid.
s. 38.

shall

New State Referendum.

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

39. (1) Every person who—

5 (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 im-
10 properly to interfere with any elector in or in relation to the casting of his vote at the referendum;
or

15 (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 two hundred dollars.

20 (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 the establishment of a new State, if those instructions are not intended or likely to mislead any
25 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
30 shall be liable to a penalty not exceeding ten dollars.

(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.

Misleading
advertisements,
etc.
cf. Act
No. 28,
1954, s. 39.

Misconduct
at public
meeting.
cf. *Ibid.*
s. 40.

New State Referendum.

SCHEDULE ONE.

Sec. 4.

GENERAL DESCRIPTION OF THE NEW STATE IN
NORTH-EAST NEW SOUTH WALES.

- That part of New South Wales bounded on the east by the
5 South Pacific Ocean; on the south-east by the north-eastern and
north-western boundaries of the Electoral District of Wyong, part
of the northern boundary of the Electoral District of Gosford, part
of the north-eastern boundary of the Electoral District of Hawkes-
bury, the north-eastern and part of the northern boundaries of the
10 Electoral District of Bathurst, part of the eastern boundary of the
subdivision of Gulgong and the eastern and north-eastern boundaries
of the subdivision of Cassilis of the Electoral District of Burrendong,
part of the north-western boundary of the last mentioned District,
part of the north-eastern boundary of the Electoral District of Dubbo,
15 the eastern boundaries of the subdivisions of Gilgandra and Gular-
gambone and by part of the north-eastern boundary of the sub-
division of Coonamble of the Electoral District of Castlereagh and
by part of the north-eastern boundary of the last mentioned District;
and on the north by the State of Queensland.
- 20 This area comprises the Electoral Districts of Armidale, Barwon,
Byron, Cessnock, Clarence, Gloucester, Hamilton, Kahibah, Lake
Macquarie, Lismore, Maitland, Newcastle, Oxley, Raleigh, Tamworth,
Tenterfield, Upper Hunter, Wallsend, Waratah and the subdivisions of
Gunnedah, Merriwa and Spring Ridge in the Electoral District of
25 Burrendong and the subdivisions of Baradine and Coonabarabran
in the Electoral District of Castlereagh.

SCHEDULE TWO.

Secs. 7, 16.

FORM A.

WRIT FOR THE REFERENDUM.

- 30 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
35 law to the electors qualified to vote for the election of Members of the
Legislative Assembly in the area described in Schedule One to the
New State Referendum Act, 1966, the question,

- “Are you in favour of the establishment of a new State in north-
east New South Wales as described in Schedule One to the
40 New State Referendum Act, 1966?”

And

New State Referendum.

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

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

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

Governor.

By His Excellency's Command.

10

FORM B.

BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

Referendum on Establishment of new State in north-east New South Wales.

15 Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 20 1. If he is in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 25 2. If he is not in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

30 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

FORM

New State Referendum.

FORM C.

ABSENT VOTER'S BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

5 *Referendum on Establishment of new State in north-east New South Wales.*

Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 10 1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 15 2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

Are you in favour of the establishment of a new State in north-
20 east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

FORM

New State Referendum.

FORM D.

NEW STATE REFERENDUM ACT, 1966.

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (in blank) to the Authorised Witness.

5 POSTAL BALLOT-PAPER.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 10 1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 15 2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".
- 20 3. Fold the ballot-paper so that the vote cannot be seen and place it in the envelope addressed to the Returning Officer and fasten the envelope.

Electoral District for which elector is enrolled

Referendum on Establishment of new State in north-east New South Wales.

25 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966
[20c]

0.4%

No. , 1966.

A BILL

To obtain an expression of opinion from electors in north-east New South Wales whether they are in favour of the establishment of a new State in north-east New South Wales; and for purposes connected therewith.

[MR WILLIS—1 December, 1966.]

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 "New State Referendum Short title. Act, 1966".

New State Referendum.

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

Division
into
Parts.

PART I.—PRELIMINARY.

PART II.—THE REFERENDUM.

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

PART IV.—WRIT FOR THE REFERENDUM.

PART V.—VOTING AT THE REFERENDUM.

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 SCHEDULES.

3. (1) In this Act—

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

Interpretation.
cf. Act
No. 28,
1954, s. 3.

20 “Electors” means those electors enrolled in the Electoral Districts and the subdivisions of the Electoral Districts within that part of New South Wales specified in Schedule One to this Act and who are qualified to vote for the election of members of the Legislative Assembly.

25 “Electoral district” or “district” means a district for the election of a member to serve in the Legislative Assembly and as described by proclamation dated the third day of August, one thousand nine hundred and sixty-six, as published in the Government Gazette number seventy-six of the fifth day of
30 August, one thousand nine hundred and sixty-six.

“Referendum”

New State Referendum.

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

5 “Returning officer” includes any person lawfully authorised to act for a returning officer, or in his place; and in the case of the subdivisions of Baradine and Coonabarabran in the Electoral District of Castlereagh and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong, the person appointed by the Electoral Commissioner to be the returning officer for
10 those subdivisions pursuant to section five of this Act.

(2) (a) A reference in this Act to an electoral district or district includes a reference to subdivisions of an electoral district or district in respect of which a returning officer
15 is appointed pursuant to section five of this Act.

(b) 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.

20

PART II.

THE REFERENDUM.

4. The question whether electors are in favour of the establishment of a new State in north-east New South Wales as described in Schedule One to this Act shall be
25 submitted by way of a referendum to such electors.

Referendum on new State. cf. Act No. 28, 1954, s. 4.

The question shall be so submitted to the electors on or before the thirtieth day of September, one thousand nine hundred and sixty-seven.

PART

New State Referendum.

PART III.

APPLICATION OF PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912.

5. (1) Subject to this Act the provisions of the Parlia-
mentary Electorates and Elections Act, 1912, and any regula-
tions 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.
cf. Act
No. 28,
1954, s. 5.

- 10 (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
15 electors;
- (c) a reference to a poll shall be read as a reference
to the taking of the votes of the electors for the
purpose of the referendum;
- 20 (d) a reference to an election shall be read as a refer-
ence 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;
- 25 (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;
- 30 (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—

- 35 (a) the Electoral Commissioner may appoint a person
to be the returning officer for the subdivisions of
Baradine and Coonabarabran in the Electoral
District

New State Referendum.

- District of Castlereagh, and the subdivisions of
Gunnedah, Merriwa and Spring Ridge in the
Electoral District of Burrendong;
- 5 (b) each returning officer in the area as described in
Schedule One to this Act shall, subject to the direc-
tions of the Electoral Commissioner, make the
necessary arrangements for the taking of the votes
of the electors in his electoral district;
- 10 (c) a ballot-paper shall not be rejected as informal
except for a reason specified in this Act or in the
regulations made thereunder;
- (d) the vote of an elector shall be marked on his ballot-
paper in the manner directed by this Act;
- 15 (e) upon the adjournment of a poll by any deputy
returning officer, such deputy shall forthwith give
notice thereof to the returning officer;
- 20 (f) 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 Com-
missioner until the poll so adjourned has been finally
closed and the ballot-papers transmitted to the
returning officer.

PART IV.

WRIT FOR THE REFERENDUM.

- 25 **6.** A writ for the referendum may be issued by the Gover-
nor. The writ shall be directed to the Electoral Commissioner.
- Issue of writ.
cf. Act No.
28, 1954,
s. 6.*
- 7.** (1) The writ may be in or to the effect of Form A in
Schedule Two to this Act, and shall appoint a day for taking
the votes of the electors, and a day for the return of the
30 writ.
- Form of writ, etc.
cf. Ibid.
s. 7.*

(2)

New State Referendum.

(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—

- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Government Gazette and in two or more newspapers circulating in the area as described in Schedule One to this Act 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; and
- (c) forward a copy of the writ to the returning officer for each electoral district.

Duties of Electoral Commissioner upon receipt of writ.

cf. Act No. 28, 1954, 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.

cf. *Ibid.* s. 9.

10. Any material relative to the questions at issue and the facts relating to the advantages and disadvantages of the creation of a new State prepared by any person or by or on behalf of a university or other association or body of persons, with the concurrence of the Minister, may be published by the Electoral Commissioner by way of advertisement in two or more newspapers circulating throughout the area as described in Schedule One to this Act.

Electors to be informed of advantages and disadvantages.

Publicity of the advantages for the creation of a new State shall not be given as aforesaid unless the like publicity is given to the disadvantages relating thereto.

PART

New State Referendum.

PART V.

VOTING AT THE REFERENDUM.

11. The voting at the referendum shall, subject to this Voting day.
Act, be taken on the day appointed by the writ for taking the cf. Act No.
5 votes of the electors. 28, 1954,
s. 10.

12. The subdivisions as proclaimed on the tenth day of Polling
August, one thousand nine hundred and sixty-six, and pub- places.
lished in the Government Gazette number eighty-two of the cf. *Ibid.*
twelfth day of August, one thousand nine hundred and sixty- s. 11.
10 six, and the polling places appointed for such subdivisions
shall be the subdivisions and polling places for the purposes
of the referendum.

13. Each elector shall vote only once at the referendum. One vote
only.
cf. *Ibid.*
s. 12.

14. (1) It shall be the duty of every elector to record his Voting
15 vote. compulsory.
(2) The provisions of sections 120B and 120C of the
Parliamentary Electorates and Elections Act, 1912, shall apply
at the discretion of the Electoral Commissioner.

15. (1) The voting at the referendum shall be by ballot. Voting to
be by
ballot.
20 (2) Each elector shall mark his vote on the ballot- cf. *Ibid.*
paper in the following manner : — s. 13.

25 If he favours the establishment of a new State in
north-east New South Wales, as described in Schedule
One to this Act, he should place the figure "1" in the
square opposite the word "Yes" and place the figure
"2" in the square opposite the word "No".

If

New State Referendum.

If he is not in favour of the establishment of a new State in north-east New South Wales, as described in Schedule One to this Act, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

16. (1) The ballot-papers to be used at the referendum, other than those to be used for absent voting or voting by post, shall be in or to the effect of Form B in Schedule Two to this Act. Ballot-papers. cf. Act No. 28, 1954, s. 14.

10 (2) The ballot-papers to be used for absent voting shall be in or to the effect of Form C in Schedule Two to this Act.

(3) The ballot-papers to be used for voting by post shall be in or to the effect of Form D in Schedule Two to this Act.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

17. As soon as is practicable after the close of the poll the returning officer and every deputy returning officer at the polling place at which each presides shall, in the presence of the poll clerk, open the ballot-box and proceed to count the number of votes recorded in favour of the establishment of a new State and the number of votes recorded against the establishment of a new State. Counting of votes. cf. Ibid. s. 16.

25 18. (1) A ballot-paper shall be informal if— Informal ballot-papers. cf. Ibid. s. 17.

(a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or

(b) the voter has failed to indicate the number of his preference in respect of the question set out on the ballot-paper; or

(c)

New State Referendum.

(c) 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.

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

19. (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. Act No. 28, 1954, s. 18.

(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 figure "1" and by leaving the other square blank.

20. Immediately after ascertaining the total number of votes recorded in favour of and against the establishment of a new State, each deputy returning officer shall make up—

Duties of deputy returning officer.
cf. *Ibid.* s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling-booth during the referendum;
- 25 (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;

30 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

New State Referendum.

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

21. Each deputy returning officer shall, together with
 5 the parcels aforesaid, transmit to the returning officer a statement setting out the total number of votes recorded in favour of and against the establishment of a new State, and also an account in which such deputy shall charge himself with the number of ballot-papers originally delivered to him, and the
 10 number (if any) written out by him, specifying therein the number thereof delivered to and used by voters and the number not so delivered or left unused; and every such statement and account respectively shall be verified by the signatures of the said deputy and the poll clerk.

Statement
 of result,
 account of
 ballot-
 papers, etc.
 cf. Act
 No. 28,
 1954, s. 20.

15 22. 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;
 20 and shall seal up and shall endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like statement as is herein required in the case of deputy returning officers, which statement shall be verified by the signatures of the returning officer and
 25 the poll clerk.

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

23. (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 votes recorded in favour of and against the establishment of a new
 30 State on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

Poll for
 district.
 cf. *Ibid.*
 s. 22.

(2)

New State Referendum.

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

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

- 5 (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- 10 (iii) the number of ballot-papers rejected as informal;

(b) transmit such certificate to the Electoral Commissioner.

(3) (a) At any time before endorsing the writ the **Recount.**
 Electoral Commissioner may, if he thinks fit (and shall, if
 15 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 accordingly and include the result in the certificate referred to in sub-
 20 section 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 relation to the votes recorded for his district—

- 25 (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- (iii) the number of ballot-papers rejected as informal,
- 30 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.
 35 which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b)

New State Referendum.

(b) The returning officer conducting a recount may reverse any decision as to the allowance or admission or disallowance or rejection of any ballot-paper.

PART VII.

5 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

24. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection three of section twenty-three of this Act, the Electoral Commissioner shall with such assistance
 10 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. 28,
1954, s. 23.

(2) The aggregate number of votes recorded throughout the area described in Schedule One to this Act in favour of and against the establishment of a new State
 15 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 three of section twenty-three of this Act) transmitted to the Electoral Commissioner by all the returning
 20 officers in pursuance of the provisions of the said section.

PART VIII.

RETURN OF WRIT.

25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out—
 25 (a) the number of votes recorded in favour of the establishment of a new State;
 (b) the number of votes recorded against the establishment of a new State;
 (c) the number of ballot-papers rejected as informal,
 30 and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

Return of
writ.
cf. *Ibid.*
s. 25.

(2)

New State Referendum.

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

5

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or 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.
cf. Act No. 28, 1954, s. 26.

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

Questions.
cf. *Ibid.* s. 27.

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.
cf. *Ibid.* s. 28.

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.
cf. *Ibid.* s. 29.

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.
cf. *Ibid.* s. 30.

31.

New State Referendum.

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.

Determination to be sent to House concerned.
cf. Act No. 28, 1954, s. 31.

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.
cf. *Ibid.* s. 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 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.
cf. *Ibid.* s. 33.

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

(4)

New State Referendum.

(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 (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.

10

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.
cf. Act No. 28, 1954, s. 34.

35. Any person who, after the issue of the writ for the referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, provisions, drink, or entertainment, or hire of any conveyance 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 four hundred dollars or imprisonment for one year.

Supply of meat, drink or entertainment.
cf. *Ibid.* s. 35.

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.
cf. *Ibid.* s. 36.

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

(b)

New State Referendum.

(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 the establishment of a new State,

5 shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars 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 the establishment of a new State shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars or imprisonment for one year.

Receipt of
bribe by
elector.
cf. Act
No. 28,
1954, s. 37.

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.
cf. *Ibid.*
s. 38.

(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 the establishment of a new State; 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

New State Referendum.

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

39. (1) Every person who—

- 5 (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
- 10 (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,
- 15

Misleading advertisements, etc.
cf. Act No. 28, 1954, s. 39.

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

- 20 (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 the establishment of a new State, if those instructions are not intended or likely to mislead any
- 25 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
- 30 shall be liable to a penalty not exceeding ten dollars.

Misconduct at public meeting.
cf. *Ibid.* s. 40.

(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.

New State Referendum.

SCHEDULE ONE.

Sec. 4.

GENERAL DESCRIPTION OF THE NEW STATE IN
NORTH-EAST NEW SOUTH WALES.

- That part of New South Wales bounded on the east by the
5 South Pacific Ocean; on the south-east by the north-eastern and
north-western boundaries of the Electoral District of Wyong, part
of the northern boundary of the Electoral District of Gosford, part
of the north-eastern boundary of the Electoral District of Hawkes-
bury, the north-eastern and part of the northern boundaries of the
10 Electoral District of Bathurst, part of the eastern boundary of the
subdivision of Gulgong and the eastern and north-eastern boundaries
of the subdivision of Cassilis of the Electoral District of Burrendong,
part of the north-western boundary of the last mentioned District,
part of the north-eastern boundary of the Electoral District of Dubbo,
15 the eastern boundaries of the subdivisions of Gilgandra and Gular-
gambone and by part of the north-eastern boundary of the sub-
division of Coonamble of the Electoral District of Castlereagh and
by part of the north-eastern boundary of the last mentioned District;
and on the north by the State of Queensland.
- 20 This area comprises the Electoral Districts of Armidale, Barwon,
Byron, Cessnock, Clarence, Gloucester, Hamilton, Kahibah, Lake
Macquarie, Lismore, Maitland, Newcastle, Oxley, Raleigh, Tamworth,
Tenterfield, Upper Hunter, Wallsend, Waratah and the subdivisions of
Gunnedah, Merriwa and Spring Ridge in the Electoral District of
25 Burrendong and the subdivisions of Baradine and Coonabarabran
in the Electoral District of Castlereagh.

SCHEDULE TWO.

Secs. 7, 16.

FORM A.

WRIT FOR THE REFERENDUM.

30 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
35 law to the electors qualified to vote for the election of Members of the
Legislative Assembly in the area described in Schedule One to the
New State Referendum Act, 1966, the question,

“Are you in favour of the establishment of a new State in north-
east New South Wales as described in Schedule One to the
40 New State Referendum Act, 1966?”

And

New State 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 . the
- 5 2. For the return of the writ on or before the day of 19 . the

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

Governor.

By His Excellency's Command.

10

FORM B.

BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

Referendum on Establishment of new State in north-east New South Wales.

15 Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 20 1. If he is in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 25 2. If he is not in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

30 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

FORM

New State Referendum.

FORM C.

ABSENT VOTER'S BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

- 5 *Referendum on Establishment of new State in north-east New South Wales.*

Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 10 1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 15 2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

20 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

FORM

New State Referendum.

FORM D.

NEW STATE REFERENDUM ACT, 1966.

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (in blank) to the Authorised Witness.

5 POSTAL BALLOT-PAPER.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 10 1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 15 2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".
- 20 3. Fold the ballot-paper so that the vote cannot be seen and place it in the envelope addressed to the Returning Officer and fasten the envelope.

Electoral District for which elector is enrolled

Referendum on Establishment of new State in north-east New South Wales.

25 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[20c]

NEW STATE REFERENDUM BILL, 1966

EXPLANATORY NOTE

THE object of this Bill is to provide for the holding of a referendum in north-east New South Wales on the question of the creation of a new State in that area, the boundaries of which are described in the Bill.

The voters in the referendum will be those entitled to vote at an election of Members of the Legislative Assembly, and the provisions of the Parliamentary Electorates and Elections Act, 1912, as amended, are adapted to apply to the referendum.

NEW STATE REFERENDUM BILL, 1966

EXPLANATORY NOTE

The Bill is intended to provide for the holding of referendums on certain matters of importance to the State. It is designed to give the people a direct say in the decision of certain major issues. The Bill provides for the holding of referendums on the following matters:—

(a) The alteration of the boundaries of the State.

(b) The alteration of the form of government of the State.

(c) The alteration of the powers of the Executive Council.

(d) The alteration of the powers of the Legislature.

(e) The alteration of the powers of the Judiciary.

(f) The alteration of the powers of the Local Authorities.

(g) The alteration of the powers of the Police.

(h) The alteration of the powers of the Prison Department.

(i) The alteration of the powers of the Health Department.

(j) The alteration of the powers of the Education Department.

(k) The alteration of the powers of the Social Services Department.

(l) The alteration of the powers of the Housing Department.

(m) The alteration of the powers of the Transport Department.

(n) The alteration of the powers of the Agriculture Department.

(o) The alteration of the powers of the Fisheries Department.

(p) The alteration of the powers of the Forestry Department.

(q) The alteration of the powers of the Environment Department.

(r) The alteration of the powers of the Planning Department.

(s) The alteration of the powers of the Public Works Department.

(t) The alteration of the powers of the Public Health Department.

(u) The alteration of the powers of the Public Safety Department.

(v) The alteration of the powers of the Public Transport Department.

(w) The alteration of the powers of the Public Utilities Department.

(x) The alteration of the powers of the Public Works Department.

(y) The alteration of the powers of the Public Health Department.

(z) The alteration of the powers of the Public Safety Department.

Enacted at ...

PROOF

No. , 1966.

A BILL

To obtain an expression of opinion from electors in north-east New South Wales whether they are in favour of the establishment of a new State in north-east New South Wales; and for purposes connected therewith.

[MR WILLIS—1 December, 1966.]

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 "New State Referendum Act, 1966". Short title.

76735 117—A

2.

New State Referendum.

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

Division
into
Parts.

PART I.—PRELIMINARY.

PART II.—THE REFERENDUM.

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

PART IV.—WRIT FOR THE REFERENDUM.

PART V.—VOTING AT THE REFERENDUM.

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 SCHEDULES.

3. (1) In this Act—

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

Interpreta-
tion.
cf. Act
No. 28,
1954, s. 3.

20 “Electors” means those electors enrolled in the Electoral Districts and the subdivisions of the Electoral Districts within that part of New South Wales specified in Schedule One to this Act and who are qualified to vote for the election of members of the Legislative Assembly.

25 “Electoral district” or “district” means a district for the election of a member to serve in the Legislative Assembly and as described by proclamation dated the third day of August, one thousand nine hundred and sixty-six, as published in the Government Gazette number seventy-six of the fifth day of
30 August, one thousand nine hundred and sixty-six.

“Referendum”

New State Referendum.

"Referendum" means the referendum to be conducted under this Act.

"Returning officer" includes any person lawfully authorised to act for a returning officer, or in his place; and in the case of the subdivisions of Baradine and Coonabarabran in the Electoral District of Castlereagh and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong, the person appointed by the Electoral Commissioner to be the returning officer for those subdivisions pursuant to section five of this Act.

(2) (a) A reference in this Act to an electoral district or district includes a reference to subdivisions of an electoral district or district in respect of which a returning officer is appointed pursuant to section five of this Act.

(b) 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.

20

PART II.

THE REFERENDUM.

4. The question whether electors are in favour of the establishment of a new State in north-east New South Wales as described in Schedule One to this Act shall be submitted by way of a referendum to such electors.

Referendum on new State.
cf. Act No. 28, 1954, s. 4.

The question shall be so submitted to the electors on or before the thirtieth day of September, one thousand nine hundred and sixty-seven.

PART

New State Referendum.

PART III.

APPLICATION OF PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912.

5. (1) Subject to this Act the provisions of the Parlia- Application
mentary Electorates and Elections Act, 1912, and any regula- of Act No.
tions made thereunder shall, so far as they are applicable, 41, 1912.
apply to and in respect of the referendum as if it were an cf. Act
election, and for the purposes of the referendum references No. 28,
in any such provision shall be read as follows :— 1954, s. 5.

- 10 (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
15 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
purpose of the referendum;
- 20 (d) a reference to an election shall be read as a refer-
ence 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;
- 25 (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;
- 30 (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—
- 35 (a) the Electoral Commissioner may appoint a person
to be the returning officer for the subdivisions of
Baradine and Coonabarabran in the Electoral
District

New State Referendum.

District of Castlereagh, and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong;

- 5 (b) each returning officer in the area as described in Schedule One to this Act 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 (c) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- (d) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- 15 (e) upon the adjournment of a poll by any deputy returning officer, such deputy shall forthwith give notice thereof to the returning officer;
- 20 (f) 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 IV.

WRIT FOR THE REFERENDUM.

- 25 6. A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner. Issue of writ.
cf. Act No. 28, 1954,
s. 6.
- 7. (1) The writ may be in or to the effect of Form A in Schedule Two 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, etc.
cf. *Ibid.* s. 7.
- 30

(2)

New State Referendum.

(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—

- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Government Gazette and in two or more newspapers circulating in the area as described in Schedule One to this Act 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; and
- (c) forward a copy of the writ to the returning officer for each electoral district.

Duties of Electoral Commissioner upon receipt of writ.

cf. Act No. 28, 1954, 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.

cf. *Ibid.* s. 9.

10. Any material relative to the questions at issue and the facts relating to the advantages and disadvantages of the creation of a new State prepared by any person or by or on behalf of a university or other association or body of persons, with the concurrence of the Minister, may be published by the Electoral Commissioner by way of advertisement in two or more newspapers circulating throughout the area as described in Schedule One to this Act.

Electors to be informed of advantages and disadvantages.

Publicity of the advantages for the creation of a new State shall not be given as aforesaid unless the like publicity is given to the disadvantages relating thereto.

PART

New State Referendum.

PART V.

VOTING AT THE REFERENDUM.

11. The voting at the referendum shall, subject to this Voting day.
Act, be taken on the day appointed by the writ for taking the cf. Act No.
5 votes of the electors. 28, 1954,
s. 10.

12. The subdivisions as proclaimed on the tenth day of Polling
August, one thousand nine hundred and sixty-six, and pub- places.
lished in the Government Gazette number eighty-two of the cf. *Ibid.*
twelfth day of August, one thousand nine hundred and sixty- s. 11.
10 six, and the polling places appointed for such subdivisions
shall be the subdivisions and polling places for the purposes
of the referendum.

13. Each elector shall vote only once at the referendum. One vote
only.
cf. *Ibid.*
s. 12.

14. (1) It shall be the duty of every elector to record his Voting
15 vote. compulsory.
(2) The provisions of sections 120B and 120C of the
Parliamentary Electorates and Elections Act, 1912, shall apply
at the discretion of the Electoral Commissioner.

15. (1) The voting at the referendum shall be by ballot. Voting to
be by
ballot.
20 (2) Each elector shall mark his vote on the ballot- cf. *Ibid.*
paper in the following manner :— s. 13.

If he favours the establishment of a new State in
north-east New South Wales, as described in Schedule
One to this Act, he should place the figure "1" in the
25 square opposite the word "Yes" and place the figure
"2" in the square opposite the word "No".

If

New State Referendum.

If he is not in favour of the establishment of a new State in north-east New South Wales, as described in Schedule One to this Act, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

16. (1) The ballot-papers to be used at the referendum, other than those to be used for absent voting or voting by post, shall be in or to the effect of Form B in Schedule Two to this Act. Ballot-papers. cf. Act No. 28, 1954, s. 14.

10 (2) The ballot-papers to be used for absent voting shall be in or to the effect of Form C in Schedule Two to this Act.

(3) The ballot-papers to be used for voting by post shall be in or to the effect of Form D in Schedule Two to this Act.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

17. As soon as is practicable after the close of the poll the returning officer and every deputy returning officer at the polling place at which each presides shall, in the presence of the poll clerk, open the ballot-box and proceed to count the number of votes recorded in favour of the establishment of a new State and the number of votes recorded against the establishment of a new State. Counting of votes. cf. Ibid. s. 16.

25 18. (1) A ballot-paper shall be informal if— Informal ballot-papers. cf. Ibid. s. 17.

(a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or

30 (b) the voter has failed to indicate the number of his preference in respect of the question set out on the ballot-paper; or

(c)

New State Referendum.

(c) 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.

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

19. (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. Act No. 28, 1954, s. 18.

(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 figure "1" and by leaving the other square blank.

20. Immediately after ascertaining the total number of votes recorded in favour of and against the establishment of a new State, each deputy returning officer shall make up— Duties of deputy returning officer. cf. Ibid. s. 19.

- (a) in one parcel, the ballot-papers which have been used in voting at his polling-booth during the referendum;
- 25 (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;

30 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

New State Referendum.

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

5 **21.** Each deputy returning officer shall, together with
the parcels aforesaid, transmit to the returning officer a state-
ment setting out the total number of votes recorded in favour
of and against the establishment of a new State, and also an
account in which such deputy shall charge himself with the
number of ballot-papers originally delivered to him, and the
10 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 state-
ment and account respectively shall be verified by the signa-
tures of the said deputy and the poll clerk.

Statement
of result,
account of
ballot-
papers, etc.
cf. Act
No. 28,
1954, s. 20.

15 **22.** 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 return-
ing officers, all ballot-papers used or unused, and all books,
rolls, and papers kept or used by him at such polling booth;
20 and shall seal up and shall endorse in like manner as afore-
said the several parcels; and shall also make out in respect
of the said booth the like statement as is herein required
in the case of deputy returning officers, which statement
shall be verified by the signatures of the returning officer and
25 the poll clerk.

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

23. (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 votes
recorded in favour of and against the establishment of a new
30 State on all ballot-papers (not rejected as informal), used
in connection with the poll for his district.

Poll for
district.
cf. *Ibid.*
s. 22.

New State Referendum.

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

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

- 5 (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- 10 (iii) the number of ballot-papers rejected as informal;

(b) transmit such certificate to the Electoral Commissioner.

(3) (a) At any time before endorsing the writ the **Recount.**
 15 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 accordingly and include the result in the certificate referred to in sub-
 20 section 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 relation to the votes recorded for his district—

- 25 (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- (iii) the number of ballot-papers rejected as informal,
- 30 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,
 35 which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b)

New State Referendum.

(b) The returning officer conducting a recount may reverse any decision as to the allowance or admission or disallowance or rejection of any ballot-paper.

PART VII.

5 ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

24. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection three of section twenty-three 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. 28,
1954, s. 23.

(2) The aggregate number of votes recorded throughout the area described in Schedule One to this Act in favour of and against the establishment of a new State 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 three of section twenty-three of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

PART VIII.

RETURN OF WRIT.

25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out—

25 (a) the number of votes recorded in favour of the establishment of a new State;

(b) the number of votes recorded against the establishment of a new State;

(c) the number of ballot-papers rejected as informal,

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

(2)

New State Referendum.

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

5

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or 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. cf. Act No. 28, 1954, s. 26.

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 case may be, shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired. Questions. cf. Ibid. s. 27.

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. cf. Ibid. s. 28.

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. cf. Ibid. s. 29.

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. cf. Ibid. s. 30.

31.

New State Referendum.

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.

Determination to be sent to House concerned.
cf. Act No. 28, 1954, s. 31.

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.
cf. *Ibid.* s. 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 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.
cf. *Ibid.* s. 33.

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

(4)

New State Referendum.

(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 (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.

10

PART XI.

OFFENCES.

15 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.
cf. Act No. 28, 1954, s. 34.

20 35. Any person who, after the issue of the writ for the referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, provisions, drink, or entertainment, or hire of any conveyance 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 four hundred dollars or imprisonment for one year.

Supply of meat, drink or entertainment.
cf. *Ibid.* s. 35.

25 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.
cf. *Ibid.* s. 36.

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

(b)

New State Referendum.

(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 the establishment of a new State,

5 shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars 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 the establishment of a new State shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars or imprisonment for one year.

Receipt of
bribe by
elector.
cf. Act
No. 28,
1954, s. 37.

38. Any person who—

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

Undue
influence.
cf. *Ibid.*
s. 38.

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

25 (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 the establishment of a new State; or

30 (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

New State Referendum.

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

39. (1) Every person who—

- 5 (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
- 10 (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,
- 15

Misleading advertisements, etc.
cf. Act No. 28, 1954, s. 39.

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

- 20 (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 the establishment of a new State, if those instructions are not intended or likely to mislead any
- 25 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 ten dollars.

Misconduct at public meeting.
cf. *Ibid.* s. 40.

(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.

New State Referendum.

SCHEDULE ONE.

Sec. 4.

GENERAL DESCRIPTION OF THE NEW STATE IN
NORTH-EAST NEW SOUTH WALES.

- That part of New South Wales bounded on the east by the
5 South Pacific Ocean; on the south-east by the north-eastern and
north-western boundaries of the Electoral District of Wyong, part
of the northern boundary of the Electoral District of Gosford, part
of the north-eastern boundary of the Electoral District of Hawkes-
bury, the north-eastern and part of the northern boundaries of the
10 Electoral District of Bathurst, part of the eastern boundary of the
subdivision of Gulgong and the eastern and north-eastern boundaries
of the subdivision of Cassilis of the Electoral District of Burrendong,
part of the north-western boundary of the last mentioned District,
part of the north-eastern boundary of the Electoral District of Dubbo,
15 the eastern boundaries of the subdivisions of Gilgandra and Gular-
gambone and by part of the north-eastern boundary of the sub-
division of Coonamble of the Electoral District of Castlereagh and
by part of the north-eastern boundary of the last mentioned District;
and on the north by the State of Queensland.
- 20 This area comprises the Electoral Districts of Armidale, Barwon,
Byron, Cessnock, Clarence, Gloucester, Hamilton, Kahibah, Lake
Macquarie, Lismore, Maitland, Newcastle, Oxley, Raleigh, Tamworth,
Tenterfield, Upper Hunter, Wallsend, Waratah and the subdivisions of
Gunnedah, Merriwa and Spring Ridge in the Electoral District of
25 Burrendong and the subdivisions of Baradine and Coonabarabran
in the Electoral District of Castlereagh.

SCHEDULE TWO.

Secs. 7, 16.

FORM A.

WRIT FOR THE REFERENDUM.

- 30 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
35 law to the electors qualified to vote for the election of Members of the
Legislative Assembly in the area described in Schedule One to the
New State Referendum Act, 1966, the question,

- 40 "Are you in favour of the establishment of a new State in north-
east New South Wales as described in Schedule One to the
New State Referendum Act, 1966?"

And

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

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

Witness (here insert Governor's title and the date).
By His Excellency's Command. Governor.

10

FORM B.

BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

Referendum on Establishment of new State in north-east New South Wales.

- 15 Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 20 1. If he is in **favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 25 2. If he is **not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

30 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

7

YES



NO

FORM

New State Referendum.

FORM C.

ABSENT VOTER'S BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

5 *Referendum on Establishment of new State in north-east New South Wales.*

Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 10 1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 15 2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

20 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

FORM

New State Referendum.

FORM D.

NEW STATE REFERENDUM ACT, 1966.

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (in blank) to the Authorised Witness.

5 POSTAL BALLOT-PAPER.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

- 10 1. If he is **in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
- 15 2. If he is **not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".
- 20 3. Fold the ballot-paper so that the vote cannot be seen and place it in the envelope addressed to the Returning Officer and fasten the envelope.

Electoral District for which elector is enrolled

Referendum on Establishment of new State in north-east New South Wales.

25 Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 61, 1966.

An Act to obtain an expression of opinion from electors in north-east New South Wales whether they are in favour of the establishment of a new State in north-east New South Wales; and for purposes connected therewith. [Assented to, 14th December, 1966.]

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 "New State Referendum Short title, Act, 1966".

New State Referendum.

Division
into
Parts.

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

PART I.—PRELIMINARY.

PART II.—THE REFERENDUM.

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

PART IV.—WRIT FOR THE REFERENDUM.

PART V.—VOTING AT THE REFERENDUM.

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.

SCHEDULES.

Interpreta-
tion.
cf. Act
No. 28,
1954, s. 3.

3. (1) In this Act—

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

“Electors” means those electors enrolled in the Electoral Districts and the subdivisions of the Electoral Districts within that part of New South Wales specified in Schedule One to this Act and who are qualified to vote for the election of members of the Legislative Assembly.

“Electoral district” or “district” means a district for the election of a member to serve in the Legislative Assembly and as described by proclamation dated the third day of August, one thousand nine hundred and sixty-six, as published in the Government Gazette number seventy-six of the fifth day of August, one thousand nine hundred and sixty-six.

“Referendum”

New State Referendum.

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

“Returning officer” includes any person lawfully authorised to act for a returning officer, or in his place; and in the case of the subdivisions of Baradine and Coonabarabran in the Electoral District of Castlereagh and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong, the person appointed by the Electoral Commissioner to be the returning officer for those subdivisions pursuant to section five of this Act.

(2) (a) A reference in this Act to an electoral district or district includes a reference to subdivisions of an electoral district or district in respect of which a returning officer is appointed pursuant to section five of this Act.

(b) 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.

PART II.

THE REFERENDUM.

4. The question whether electors are in favour of the establishment of a new State in north-east New South Wales as described in Schedule One to this Act shall be submitted by way of a referendum to such electors.

Referendum
on new
State.
cf. Act
No. 28,
1954, s. 4.

The question shall be so submitted to the electors on or before the thirtieth day of September, one thousand nine hundred and sixty-seven.

PART

New State Referendum.

PART III.**APPLICATION OF PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912.**

Application
of Act No.
41, 1912.
cf. Act
No. 28,
1954, s. 5.

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 :—

- (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 purpose 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) For the purposes of the referendum—

- (a) the Electoral Commissioner may appoint a person to be the returning officer for the subdivisions of Baradine and Coonabarabran in the Electoral District

New State Referendum.

District of Castlereagh, and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong;

- (b) each returning officer in the area as described in Schedule One to this Act 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;
- (c) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- (d) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- (e) upon the adjournment of a poll by any deputy returning officer, such deputy shall forthwith give notice thereof to the returning officer;
- (f) 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 IV.

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.
cf. Act No. 28, 1954, s. 6.

7. (1) The writ may be in or to the effect of Form A in Schedule Two 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, etc.
cf. *Ibid.* s. 7.

New State Referendum.

(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.

Duties of
Electoral
Commissioner
upon
receipt of
writ.

cf. Act No.
28, 1954,
s. 8.

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 Government Gazette and in two or more newspapers circulating in the area as described in Schedule One to this Act 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; and
- (c) forward a copy of the writ to the returning officer for each electoral district.

Electors who
may be
admitted
to vote
at referen-
dum.

cf. *Ibid.* s. 9.

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 to
be informed
of advant-
ages and
disadvant-
ages.

10. Any material relative to the questions at issue and the facts relating to the advantages and disadvantages of the creation of a new State prepared by any person or by or on behalf of a university or other association or body of persons, with the concurrence of the Minister, may be published by the Electoral Commissioner by way of advertisement in two or more newspapers circulating throughout the area as described in Schedule One to this Act.

Publicity of the advantages for the creation of a new State shall not be given as aforesaid unless the like publicity is given to the disadvantages relating thereto.

PART

New State Referendum.

PART V.

VOTING AT THE REFERENDUM.

11. 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.
cf. Act No.
28, 1954,
s. 10.

12. The subdivisions as proclaimed on the tenth day of August, one thousand nine hundred and sixty-six, and published in the Government Gazette number eighty-two of the twelfth day of August, one thousand nine hundred and sixty-six, and the polling places appointed for such subdivisions shall be the subdivisions and polling places for the purposes of the referendum.

Polling
places.
cf. *Ibid.*
s. 11.

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

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

14. (1) It shall be the duty of every elector to record his vote.

Voting
compul-
sory.

(2) The provisions of sections 120B and 120C of the Parliamentary Electorates and Elections Act, 1912, shall apply at the discretion of the Electoral Commissioner.

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

Voting to
be by
ballot.

(2) Each elector shall mark his vote on the ballot paper in the following manner : —

cf. *Ibid.*
s. 13.

If he favours the establishment of a new State in north-east New South Wales, as described in Schedule One to this Act, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".

If

New State Referendum.

If he is not in favour of the establishment of a new State in north-east New South Wales, as described in Schedule One to this Act, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

Ballot-
papers.
cf. Act
No. 28,
1954, s. 14.

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

(2) The ballot-papers to be used for absent voting shall be in or to the effect of Form C in Schedule Two to this Act.

(3) The ballot-papers to be used for voting by post shall be in or to the effect of Form D in Schedule Two to this Act.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

Counting
of votes.
cf. *Ibid.*
s. 16.

17. As soon as is practicable after the close of the poll the returning officer and every deputy returning officer at the polling place at which each presides shall, in the presence of the poll clerk, open the ballot-box and proceed to count the number of votes recorded in favour of the establishment of a new State and the number of votes recorded against the establishment of a new State.

Informal
ballot-
papers.
cf. *Ibid.*
s. 17.

18. (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) the voter has failed to indicate the number of his preference in respect of the question set out on the ballot-paper; or

(c)

New State Referendum.

- (c) 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.

19. (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. Act No. 28, 1954, s. 18.

(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 figure "1" and by leaving the other square blank.

20. Immediately after ascertaining the total number of votes recorded in favour of and against the establishment of a new State, each deputy returning officer shall make up—

Duties of deputy returning officer.
cf. *Ibid.* s. 19.

- (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;
- (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

New State Referendum.

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

Statement
of result,
account of
ballot-
papers, etc.
cf. Act
No. 28,
1954, s. 20.

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

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

22. 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 shall endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like statement as is herein required in the case of deputy returning officers, which statement shall be verified by the signatures of the returning officer and the poll clerk.

Poll for
district.
cf. *Ibid.*
s. 22.

23. (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 votes recorded in favour of and against the establishment of a new State on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

New State Referendum.

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

- (a) prepare and sign a certificate setting out in relation to the votes recorded for his district—
 - (i) the number of votes recorded in favour of the establishment of a new State;
 - (ii) the number of votes recorded against the establishment of a new State;
 - (iii) the number of ballot-papers rejected as informal;
- (b) transmit such certificate to the Electoral Commissioner.

(3) (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 make such recount accordingly and include the result in the certificate referred to in subsection two of this section : Recount.

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 relation to the votes recorded for his district—

- (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- (iii) 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)

New State Referendum.

(b) The returning officer conducting a recount may reverse any decision as to the allowance or admission or disallowance or rejection of any ballot-paper.

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

Ascertain-
ment of
result of
referendum.
cf. Act
No. 28,
1954, s. 23.

24. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection three of section twenty-three 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 votes recorded throughout the area described in Schedule One to this Act in favour of and against the establishment of a new State 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 three of section twenty-three of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

PART VIII.**RETURN OF WRIT.**

Return of
writ.
cf. *Ibid.*
s. 25.

25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out—

- (a) the number of votes recorded in favour of the establishment of a new State;
- (b) the number of votes recorded against the establishment of a new State;

(c) the number of ballot-papers rejected as informal, and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

(2)

New State Referendum.

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

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or 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.
cf. Act No. 28, 1954, s. 26.

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

Questions.
cf. *Ibid.* s. 27.

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.
cf. *Ibid.* s. 28.

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.
cf. *Ibid.* s. 29.

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.
cf. *Ibid.* s. 30.

New State Referendum.

Determina-
tion to be
sent to
House
concerned.
cf. Act
No. 28,
1954, 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.

Immaterial
errors not
to vitiate
referendum.
cf. *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 :

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 X.
REGULATIONS.

Regula-
tions.
cf. *Ibid.*
s. 33.

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 Government Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4)

New State Referendum.

(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.
cf. Act No. 28, 1954, s. 34.

35. Any person who, after the issue of the writ for the referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, provisions, drink, or entertainment, or hire of any conveyance 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 four hundred dollars or imprisonment for one year.

Supply of meat, drink or entertainment.
cf. *Ibid.* s. 35.

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.
cf. *Ibid.* s. 36.

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

(b)

New State Referendum.

- (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 the establishment of a new State,

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

Receipt of
bribe by
elector.
cf. Act
No. 28,
1954, s. 37.

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 the establishment of a new State shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars or imprisonment for one year.

Undue
influence.
cf. *Ibid.*
s. 38.

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 the establishment of a new State; 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

New State Referendum.

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

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

Misleading advertisements, etc.
cf. Act No. 28, 1954, s. 39.

- (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 two hundred dollars.

(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 the establishment of a new State, 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 ten dollars.

Misconduct at public meeting.
cf. *Ibid.* s. 40.

(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

New State Referendum.

Sec. 4.

SCHEDULE ONE.

GENERAL DESCRIPTION OF THE NEW STATE IN
NORTH-EAST NEW SOUTH WALES.

That part of New South Wales bounded on the east by the South Pacific Ocean; on the south-east by the north-eastern and north-western boundaries of the Electoral District of Wyong, part of the northern boundary of the Electoral District of Gosford, part of the north-eastern boundary of the Electoral District of Hawkesbury, the north-eastern and part of the northern boundaries of the Electoral District of Bathurst, part of the eastern boundary of the subdivision of Gulgong and the eastern and north-eastern boundaries of the subdivision of Cassilis of the Electoral District of Burrendong, part of the north-western boundary of the last mentioned District, part of the north-eastern boundary of the Electoral District of Dubbo, the eastern boundaries of the subdivisions of Gilgandra and Gulargambone and by part of the north-eastern boundary of the subdivision of Coonamble of the Electoral District of Castlereagh and by part of the north-eastern boundary of the last mentioned District; and on the north by the State of Queensland.

This area comprises the Electoral Districts of Armidale, Barwon, Byron, Cessnock, Clarence, Gloucester, Hamilton, Kahibah, Lake Macquarie, Lismore, Maitland, Newcastle, Oxley, Raleigh, Tamworth, Tenterfield, Upper Hunter, Wallsend, Waratah and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong and the subdivisions of Baradine and Coonabarabran in the Electoral District of Castlereagh.

Secs. 7, 16.

SCHEDULE TWO.

FORM A.

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 in the area described in Schedule One to the New State Referendum Act, 1966, the question,

"Are you in favour of the establishment of a new State in north-east New South Wales as described in Schedule One to the New State Referendum Act, 1966?"

And

New State Referendum.

FORM C.

ABSENT VOTER'S BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

Referendum on Establishment of new State in north-east New South Wales.

Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

New State Referendum.

FORM D.

NEW STATE REFERENDUM ACT, 1966.

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (in blank) to the Authorised Witness.

POSTAL BALLOT-PAPER.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".
3. Fold the ballot-paper so that the vote cannot be seen and place it in the envelope addressed to the Returning Officer and fasten the envelope.

Electoral District for which elector is enrolled

Referendum on Establishment of new State in north-east New South Wales.

Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 December, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 61, 1966.

An Act to obtain an expression of opinion from electors in north-east New South Wales whether they are in favour of the establishment of a new State in north-east New South Wales; and for purposes connected therewith. [Assented to, 14th December, 1966.]

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 "New State Referendum Short title, Act, 1966".

2.

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

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

New State Referendum.

Division
into
Parts.

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

PART I.—PRELIMINARY.

PART II.—THE REFERENDUM.

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

PART IV.—WRIT FOR THE REFERENDUM.

PART V.—VOTING AT THE REFERENDUM.

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.

SCHEDULES.

Interpreta-
tion.
cf. Act
No. 28,
1954, s. 3.

3. (1) In this Act—

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

“Electors” means those electors enrolled in the Electoral Districts and the subdivisions of the Electoral Districts within that part of New South Wales specified in Schedule One to this Act and who are qualified to vote for the election of members of the Legislative Assembly.

“Electoral district” or “district” means a district for the election of a member to serve in the Legislative Assembly and as described by proclamation dated the third day of August, one thousand nine hundred and sixty-six, as published in the Government Gazette number seventy-six of the fifth day of August, one thousand nine hundred and sixty-six.

“Referendum”

New State Referendum.

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

“Returning officer” includes any person lawfully authorised to act for a returning officer, or in his place; and in the case of the subdivisions of Baradine and Coonabarabran in the Electoral District of Castlereagh and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong, the person appointed by the Electoral Commissioner to be the returning officer for those subdivisions pursuant to section five of this Act.

(2) (a) A reference in this Act to an electoral district or district includes a reference to subdivisions of an electoral district or district in respect of which a returning officer is appointed pursuant to section five of this Act.

(b) 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.

PART II.

THE REFERENDUM.

4. The question whether electors are in favour of the establishment of a new State in north-east New South Wales as described in Schedule One to this Act shall be submitted by way of a referendum to such electors.

Referendum
on new
State.
cf. Act
No. 28,
1954, s. 4.

The question shall be so submitted to the electors on or before the thirtieth day of September, one thousand nine hundred and sixty-seven.

PART

New State Referendum.

PART III.

APPLICATION OF PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912.

Application
of Act No.
41, 1912.
cf. Act
No. 28,
1954, s. 5.

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 :—

- (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 purpose 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) For the purposes of the referendum—

- (a) the Electoral Commissioner may appoint a person to be the returning officer for the subdivisions of Baradine and Coonabarabran in the Electoral District

New State Referendum.

District of Castlereagh, and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong;

- (b) each returning officer in the area as described in Schedule One to this Act 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;
- (c) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
- (d) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
- (e) upon the adjournment of a poll by any deputy returning officer, such deputy shall forthwith give notice thereof to the returning officer;
- (f) 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 IV.

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.
cf. Act No. 28, 1954, s. 6.

7. (1) The writ may be in or to the effect of Form A in Schedule Two 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, etc.
cf. *Ibid.* s. 7.

New State Referendum.

(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.

Duties of Electoral Commissioner upon receipt of writ.

cf. Act No. 28, 1954, s. 8.

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 Government Gazette and in two or more newspapers circulating in the area as described in Schedule One to this Act 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; and
- (c) forward a copy of the writ to the returning officer for each electoral district.

Electors who may be admitted to vote at referendum.

cf. *Ibid.* s. 9.

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 to be informed of advantages and disadvantages.

10. Any material relative to the questions at issue and the facts relating to the advantages and disadvantages of the creation of a new State prepared by any person or by or on behalf of a university or other association or body of persons, with the concurrence of the Minister, may be published by the Electoral Commissioner by way of advertisement in two or more newspapers circulating throughout the area as described in Schedule One to this Act.

Publicity of the advantages for the creation of a new State shall not be given as aforesaid unless the like publicity is given to the disadvantages relating thereto.

PART

New State Referendum.

PART V.

VOTING AT THE REFERENDUM.

11. The voting at the referendum shall, subject to this Voting day.
Act, be taken on the day appointed by the writ for taking the cf. Act No.
votes of the electors. 28, 1954,
s. 10.

12. The subdivisions as proclaimed on the tenth day of Polling
August, one thousand nine hundred and sixty-six, and pub- places.
lished in the Government Gazette number eighty-two of the cf. *Ibid.*
twelfth day of August, one thousand nine hundred and sixty- s. 11.
six, and the polling places appointed for such subdivisions
shall be the subdivisions and polling places for the purposes
of the referendum.

13. Each elector shall vote only once at the referendum. One vote
only.
cf. *Ibid.*
s. 12.

14. (1) It shall be the duty of every elector to record his Voting
vote. compulsory.

(2) The provisions of sections 120B and 120C of the
Parliamentary Electorates and Elections Act, 1912, shall apply
at the discretion of the Electoral Commissioner.

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

(2) Each elector shall mark his vote on the ballot- cf. *Ibid.*
paper in the following manner : — s. 13.

If he favours the establishment of a new State in
north-east New South Wales, as described in Schedule
One to this Act, he should place the figure "1" in the
square opposite the word "Yes" and place the figure
"2" in the square opposite the word "No".

If

New State Referendum.

If he is not in favour of the establishment of a new State in north-east New South Wales, as described in Schedule One to this Act, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

Ballot-
papers.
cf. Act
No. 28,
1954, s. 14.

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

(2) The ballot-papers to be used for absent voting shall be in or to the effect of Form C in Schedule Two to this Act.

(3) The ballot-papers to be used for voting by post shall be in or to the effect of Form D in Schedule Two to this Act.

PART VI.

PROCEEDINGS AFTER CLOSE OF POLL.

Counting
of votes.
cf. *Ibid.*
s. 16.

17. As soon as is practicable after the close of the poll the returning officer and every deputy returning officer at the polling place at which each presides shall, in the presence of the poll clerk, open the ballot-box and proceed to count the number of votes recorded in favour of the establishment of a new State and the number of votes recorded against the establishment of a new State.

Informal
ballot-
papers.
cf. *Ibid.*
s. 17.

18. (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) the voter has failed to indicate the number of his preference in respect of the question set out on the ballot-paper; or

(c)

New State Referendum.

- (c) 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.

19. (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. Act No. 28, 1954, s. 18.

(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 figure "1" and by leaving the other square blank.

20. Immediately after ascertaining the total number of votes recorded in favour of and against the establishment of a new State, each deputy returning officer shall make up—

Duties of deputy returning officer.
cf. *Ibid.* s. 19.

- (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;
- (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

New State Referendum.

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

Statement
of result,
account of
ballot-
papers, etc.
cf. Act
No. 28,
1954, s. 20.

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

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

22. 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 shall endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like statement as is herein required in the case of deputy returning officers, which statement shall be verified by the signatures of the returning officer and the poll clerk.

Poll for
district.
cf. *Ibid.*
s. 22.

23. (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 votes recorded in favour of and against the establishment of a new State on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

(2)

New State Referendum.

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

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

- (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- (iii) the number of ballot-papers rejected as informal;

(b) transmit such certificate to the Electoral Commissioner.

(3) (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 make such recount accordingly and include the result in the certificate referred to in subsection two of this section : Recount.

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 relation to the votes recorded for his district—

- (i) the number of votes recorded in favour of the establishment of a new State;
- (ii) the number of votes recorded against the establishment of a new State;
- (iii) 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)

New State Referendum.

(b) The returning officer conducting a recount may reverse any decision as to the allowance or admission or disallowance or rejection of any ballot-paper.

PART VII.

ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

Ascertain-
ment of
result of
referendum.
cf. Act
No. 28,
1954, s. 23.

24. (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection three of section twenty-three 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 votes recorded throughout the area described in Schedule One to this Act in favour of and against the establishment of a new State 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 three of section twenty-three of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

PART VIII.

RETURN OF WRIT.

Return of
writ.
cf. *Ibid.*
s. 25.

25. (1) The Electoral Commissioner shall endorse on the writ a statement setting out—

- (a) the number of votes recorded in favour of the establishment of a new State;
- (b) the number of votes recorded against the establishment of a new State;

(c) the number of ballot-papers rejected as informal, and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

(2)

New State Referendum.

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

PART IX.

DISPUTED RETURNS.

26. Any question respecting the validity of the referendum, or 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.
cf. Act No. 28, 1954, s. 26.

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 case may be, shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired. Questions.
cf. *Ibid.* s. 27.

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.
cf. *Ibid.* s. 28.

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.
cf. *Ibid.* s. 29.

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.
cf. *Ibid.* s. 30.

31.

New State Referendum.

Determina-
tion to be
sent to
House
concerned.
cf. Act
No. 28,
1954, 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.

Immaterial
errors not
to vitiate
referendum.
cf. *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 :

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 X.
REGULATIONS.

Regula-
tions.
cf. *Ibid.*
s. 33.

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 Government Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4)

New State Referendum.

(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.
cf. Act No. 28, 1954, s. 34.

35. Any person who, after the issue of the writ for the referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, provisions, drink, or entertainment, or hire of any conveyance 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 four hundred dollars or imprisonment for one year.

Supply of meat, drink or entertainment.
cf. *Ibid.* s. 35.

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.
cf. *Ibid.* s. 36.

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

(b)

New State Referendum.

- (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 the establishment of a new State,

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

Receipt of
bribe by
elector.
cf. Act
No. 28,
1954, s. 37.

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 the establishment of a new State shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars or imprisonment for one year.

Undue
influence.
cf. *Ibid.*
s. 38.

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 the establishment of a new State; 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

New State Referendum.

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

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,

Misleading advertisements, etc.
cf. Act No. 28, 1954, s. 39.

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

(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 the establishment of a new State, 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 ten dollars.

Misconduct at public meeting.
cf. *ibid.* s. 40.

(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

New State Referendum.

Sec. 4.

SCHEDULE ONE.

GENERAL DESCRIPTION OF THE NEW STATE IN
NORTH-EAST NEW SOUTH WALES.

That part of New South Wales bounded on the east by the South Pacific Ocean; on the south-east by the north-eastern and north-western boundaries of the Electoral District of Wyong, part of the northern boundary of the Electoral District of Gosford, part of the north-eastern boundary of the Electoral District of Hawkesbury, the north-eastern and part of the northern boundaries of the Electoral District of Bathurst, part of the eastern boundary of the subdivision of Gulgong and the eastern and north-eastern boundaries of the subdivision of Cassilis of the Electoral District of Burrendong, part of the north-western boundary of the last mentioned District, part of the north-eastern boundary of the Electoral District of Dubbo, the eastern boundaries of the subdivisions of Gilgandra and Gulargambone and by part of the north-eastern boundary of the subdivision of Coonamble of the Electoral District of Castlereagh and by part of the north-eastern boundary of the last mentioned District; and on the north by the State of Queensland.

This area comprises the Electoral Districts of Armidale, Barwon, Byron, Cessnock, Clarence, Gloucester, Hamilton, Kahibah, Lake Macquarie, Lismore, Maitland, Newcastle, Oxley, Raleigh, Tamworth, Tenterfield, Upper Hunter, Wallsend, Waratah and the subdivisions of Gunnedah, Merriwa and Spring Ridge in the Electoral District of Burrendong and the subdivisions of Baradine and Coonabarabran in the Electoral District of Castlereagh.

Secs. 7, 16.

SCHEDULE TWO.

FORM A.

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 in the area described in Schedule One to the New State Referendum Act, 1966, the question,

"Are you in favour of the establishment of a new State in north-east New South Wales as described in Schedule One to the New State Referendum Act, 1966?"

And

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

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

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

Governor.

FORM B.

NEW STATE REFERENDUM ACT, 1966.

Referendum on Establishment of new State in north-east New South Wales.

Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

1. If he is in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
2. If he is not in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?



YES



NO

FORM

New State Referendum.

FORM C.

ABSENT VOTER'S BALLOT-PAPER.

NEW STATE REFERENDUM ACT, 1966.

*Referendum on Establishment of new State in north-east New
South Wales.*

Electoral District for which elector is enrolled

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".

Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

FORM

New State Referendum.

FORM D.

NEW STATE REFERENDUM ACT, 1966.

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (in blank) to the Authorised Witness.

POSTAL BALLOT-PAPER.

DIRECTIONS TO ELECTOR.

The elector shall indicate his vote as follows:—

1. If he **is in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "Yes" and place the figure "2" in the square opposite the word "No".
2. If he **is not in favour** of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966, he should place the figure "1" in the square opposite the word "No" and place the figure "2" in the square opposite the word "Yes".
3. Fold the ballot-paper so that the vote cannot be seen and place it in the envelope addressed to the Returning Officer and fasten the envelope.

Electoral District for which elector is enrolled

Referendum on Establishment of new State in north-east New South Wales.

Are you in favour of the establishment of a new State in north-east New South Wales as described in the New State Referendum Act, 1966?

☐

YES

☐

NO

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1966.*

THE STATE OF NEW YORK
IN SENATE
January 1, 1908.
REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 1, 1907.
ALBANY: J. B. LIPPINCOTT & CO., PRINTERS.
1908.

ALBANY: J. B. LIPPINCOTT & CO., PRINTERS.
1908.

YES



NO



IN THE SENATE
JANUARY 1, 1908.
A. R. FULTON,
GOVERNOR.
COMMISSIONER OF THE LAND OFFICE.
RECEIVED JANUARY 1, 1908.

