

**CONSTITUTION (REFERENDUMS) AMENDMENT BILL,
1981**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to alter the form of the ballot-paper used on the submission of a Bill to the electors at a referendum held pursuant to the Constitution Act, 1902.

The proposed form of the ballot-paper requires the voter to place a tick in the square opposite the word "YES" or "NO" following the question on the ballot-paper. A cross or the number "1" is to be treated as a tick.

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CONSTITUTION (REFERENDUMS) AMENDMENT BILL, 1981

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:—

1. This Act may be cited as the Constitution (Referendums) Amendment Act, 1981.

2. The Constitution Further Amendment (Referendum) Act, 1930, is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2.) No. , 1981.

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT (REFERENDUM) ACT, 1930.

A BILL FOR

An Act to amend the Constitution Further Amendment (Referendum) Act, 1930, to alter the form of the ballot-paper used at a referendum.

Constitution (Referendums) Amendment.

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:—

5 Short title.

1. This Act may be cited as the "Constitution (Referendums) Amendment Act, 1981".

Amendment of Act No. 2, 1930.

2. The Constitution Further Amendment (Referendum) Act, 1930, is 10 amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

**AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930.**

15 (1) Section 14 (2)—

Omit the subsection, insert instead:—

(2) Each elector shall mark his vote on the ballot-paper—

(a) if he approves of the Bill—by placing a tick in the square opposite the word "YES"; or

20 (b) if he does not approve of the Bill—by placing a tick in the square opposite the word "NO".

(2) (a) Section 16 (a)—

After "application" where secondly occurring, insert "or request".

25 (b) Section 16 (a)—

After "application" where thirdly occurring, insert "or request, as the case may require,".

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

- (3) (a) Section 20 (1) (a)—
5 Omit “or” where lastly occurring.
- (b) Section 20 (1) (b)—
Omit “voter.”, insert instead “voter; or”.
- (c) Section 20 (1) (c)—
10 After section 20 (1) (b), insert:—
(c) the voter has failed to mark his vote in the manner directed on the ballot-paper.
- (4) Section 21—
Omit the section, insert instead:—
Saving of informality.
- 15 21. (1) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not, by reason of any mark or writing thereon that is not authorised or required by this Act, be rejected as informal if, in the opinion of the returning officer, the voter has, by some mark or writing, clearly indicated his intention on the ballot-paper.
- 20 (2) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be rejected as informal by reason only that the voter has marked his vote by—
- (a) placing a cross in a square and not placing any mark or writing in the other square; or
- 25 (b) placing the number “1” in a square and not placing any mark or writing (except the number “2”) in the other square,
but the ballot-paper shall be treated as if the cross or the number “1”, as the case may be, were a tick.

Constitution (Referendums) Amendment.

SCHEDULE 1—continued.

**AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—continued.**

(5) Second Schedule—

5 Omit Forms B, D and E, insert instead:—

Form B.

(Sec. 15 (1).)

BALLOT-PAPER.

CONSTITUTION FURTHER AMENDMENT (REFERENDUM) ACT, 1930.

10 Electoral District for which voter is
enrolled:—

Directions to Voter.

You should mark your vote as follows:—

15 If you approve of the Bill you should place a tick [✓] in the square opposite
the word "YES".

If you do not approve of the Bill you should place a tick [✓] in the square
opposite the word "NO".

Submission to the Electors of the following Bill:—

DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

20

YES

NO

Constitution (Referendums) Amendment.

SCHEDULE 1—continued.

**AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—continued.**

Form D.

(Sec. 15 (1).)

5

POSTAL BALLOT-PAPER.

CONSTITUTION FURTHER AMENDMENT (REFERENDUM) ACT, 1930.

Electoral District for which voter is
enrolled:—

10

Directions to Voter.

You must not mark your vote hereon until you have first exhibited the ballot-paper (in blank) to the authorised witness.

You should mark your vote as follows:—

15

If you approve of the Bill you should place a tick [✓] in the square opposite the word "YES".

If you do not approve of the Bill you should place a tick [✓] in the square opposite the word "NO".

You should then fold the ballot-paper so that the vote cannot be seen and place it in the envelope provided and fasten the envelope.

20

Submission to the Electors of the following Bill:—

DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

YES

NO

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

Form E.

(Sec. 15 (5).)

5

BALLOT-PAPER.

CONSTITUTION FURTHER AMENDMENT (REFERENDUM) ACT, 1930.

Electoral District for which voter is
enrolled:—

10

Directions to Voter.

You should mark your vote in relation to EACH Bill as follows:—

If you approve of the Bill you should place a tick [✓] in the square opposite
the word "YES".

If you do not approve of the Bill you should place a tick [✓] in the square
opposite the word "NO".

15

Submission to the Electors of the following Bills:—

QUESTION 1.

DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

YES

NO

20

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

QUESTION 2.

5 DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

YES

NO

(Additional questions (numbered consecutively) in similar form may be included in this form.)

10 (If this form is to be used as a postal ballot-paper, the form shall include the additional directions to voter as in Form D and the heading to the form shall be "POSTAL BALLOT-PAPER".)

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

SCHEDULE I—continued.

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1980—continued.

QUESTION 2.

2 DO YOU APPROVE of the Bill entitled *Where set out the title of the Bill?*

YES

NO

10 (If this form is to be used as a postal ballot-paper, the form shall include the additional directions to voter as in Form D and the heading to the form shall be "POSTAL BALLOT-PAPER".)
(Additional questions (numbered consecutively) in similar form may be included in this form.)



**CONSTITUTION (REFERENDUMS) AMENDMENT ACT,
1981, No. 97**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 97, 1981.

An Act to amend the Constitution Further Amendment (Referendum) Act,
1930, to alter the form of the ballot-paper used at a referendum.
[Assented to, 27th August, 1981.]

Constitution (Referendums) Amendment.

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:—

Short title.

1. This Act may be cited as the "Constitution (Referendums) Amendment Act, 1981".

Amendment of Act No. 2, 1930.

2. The Constitution Further Amendment (Referendum) Act, 1930, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930.

(1) Section 14 (2)—

Omit the subsection, insert instead:—

(2) Each elector shall mark his vote on the ballot-paper—

- (a) if he approves of the Bill—by placing a tick in the square opposite the word "YES"; or
- (b) if he does not approve of the Bill—by placing a tick in the square opposite the word "NO".

(2) (a) Section 16 (a)—

After "application" where secondly occurring, insert "or request".

(b) Section 16 (a)—

After "application" where thirdly occurring, insert "or request, as the case may require,".

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

(3) (a) Section 20 (1) (a)—

Omit “or” where lastly occurring.

(b) Section 20 (1) (b)—

Omit “voter.”, insert instead “voter; or”.

(c) Section 20 (1) (c)—

After section 20 (1) (b), insert:—

(c) the voter has failed to mark his vote in the manner directed on the ballot-paper.

(4) Section 21—

Omit the section, insert instead:—

Saving of informality.

21. (1) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not, by reason of any mark or writing thereon that is not authorised or required by this Act, be rejected as informal if, in the opinion of the returning officer, the voter has, by some mark or writing, clearly indicated his intention on the ballot-paper.

(2) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be rejected as informal by reason only that the voter has marked his vote by—

(a) placing a cross in a square and not placing any mark or writing in the other square; or

(b) placing the number “1” in a square and not placing any mark or writing (except the number “2”) in the other square,

but the ballot-paper shall be treated as if the cross or the number “1”, as the case may be, were a tick.

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

(5) Second Schedule—

Omit Forms B, D and E, insert instead:—

Form B.

(Sec. 15 (1).)

BALLOT-PAPER.

CONSTITUTION FURTHER AMENDMENT (REFERENDUM) ACT, 1930.

Electoral District for which voter is
enrolled:—

Directions to Voter.

You should mark your vote as follows:—

If you approve of the Bill you should place a tick [√] in the square opposite
the word "YES".

If you do not approve of the Bill you should place a tick [√] in the square
opposite the word "NO".

Submission to the Electors of the following Bill:—

DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

YES

NO

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

Form D.

(Sec. 15 (1).)

POSTAL BALLOT-PAPER.

CONSTITUTION FURTHER AMENDMENT (REFERENDUM) ACT, 1930.

Electoral District for which voter is
enrolled:—

Directions to Voter.

You must not mark your vote hereon until you have first exhibited the ballot-paper (in blank) to the authorised witness.

You should mark your vote as follows:—

If you approve of the Bill you should place a tick [✓] in the square opposite the word "YES".

If you do not approve of the Bill you should place a tick [✓] in the square opposite the word "NO".

You should then fold the ballot-paper so that the vote cannot be seen and place it in the envelope provided and fasten the envelope.

Submission to the Electors of the following Bill:—

DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

YES

NO

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

Form E.

(Sec. 15 (5).)

BALLOT-PAPER.

CONSTITUTION FURTHER AMENDMENT (REFERENDUM) ACT, 1930.

Electoral District for which voter is
enrolled:—

Directions to Voter.

You should mark your vote in relation to EACH Bill as follows:—

If you approve of the Bill you should place a tick [✓] in the square opposite
the word "YES".

If you do not approve of the Bill you should place a tick [✓] in the square
opposite the word "NO".

Submission to the Electors of the following Bills:—

QUESTION 1.

DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

YES

NO

Constitution (Referendums) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION FURTHER AMENDMENT
(REFERENDUM) ACT, 1930—*continued.*

QUESTION 2.

DO YOU APPROVE of the Bill entitled (*Here set out the title of the Bill*)?

YES

NO

(Additional questions (numbered consecutively) in similar form may be included in this form.)

(If this form is to be used as a postal ballot-paper, the form shall include the additional directions to voter as in Form D and the heading to the form shall be "POSTAL BALLOT-PAPER".)

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 27th August, 1981.*

