

FIRST PRINT

**CONSTITUTION FURTHER AMENDMENT (REFERENDUM)
AMENDMENT BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Constitution Further Amendment (Referendum) Act 1930 to make the method of voting at State referendums consistent with Commonwealth law, which requires voters to place the word "yes" or "no" in a box on referendum ballot-papers. The Bill also makes some minor amendments to the Act by way of statute law revision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

Schedule 1 (1) is an amendment by way of statute law revision. It alters the short title of the Principal Act to "Referendum (Machinery Provisions) Act 1930". Section 70 of the Interpretation Act 1987 provides that if the short title of an Act is changed, a reference to the short title in any other Act or document is to be read as a reference to the short title as changed.

Schedule 1 (2) is also an amendment by way of statute law revision. It omits section 2, which sets out the division of the Principal Act into Parts and Divisions. Under arrangements that have been in operation for some time, Acts are now accompanied by more detailed Tables of Provisions. The Table removes the need for the section.

Schedule 1 (3) amends section 14 to require the voter to insert the word "yes" or "no" in a box on the referendum ballot-paper opposite the name of the Bill that is the subject of the referendum. This replaces the requirement that a tick be placed beside the appropriate word. The new requirement is consistent with the arrangements for Commonwealth referendums.

Constitution Further Amendment (Referendum) Amendment 1994

Schedule 1 (4) is a consequential amendment. It omits section 21 (2), which provides that a ballot-paper is not invalid merely because the voter has inserted a cross or the number "1" instead of a tick. Section 21 (1) already provides that a ballot-paper is not invalid if the voter has clearly indicated his or her intention on the ballot-paper.

Schedule 1 (5) is also a consequential amendment. It replaces the various forms used in referendums as a consequence of the new arrangements.

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TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Constitution Further Amendment (Referendum) Act 1930 No. 2

SCHEDULE 1—AMENDMENTS

**CONSTITUTION FURTHER AMENDMENT (REFERENDUM)
AMENDMENT BILL 1994**

NEW SOUTH WALES



No. , 1994

A BILL FOR

An Act to amend the Constitution Further Amendment (Referendum) Act 1930 in relation to the manner of voting at referendums; and for other purposes.

Constitution Further Amendment (Referendum) Amendment 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Constitution Further Amendment (Referendum) Amendment Act 1994.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Constitution Further Amendment (Referendum) Act 1930 No. 2

3. The Constitution Further Amendment (Referendum) Act 1930 is
10 amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Omit section 1, insert instead:

Short title

15 1. This Act may be cited as the Referendum (Machinery Provisions) Act 1930.

(2) Section 2 (**Division into Parts**):

Omit the section.

(3) Section 14 (**Voting to be by ballot**):

20 Omit section 14 (2), insert instead:

(2) Each elector is to indicate his or her vote on the ballot-paper:

- (a) if the elector approves of the Bill—by writing the word “Yes” in the space provided on the ballot-paper;
- 25 (b) if the elector does not approve of the Bill—by writing the word “No” in the space provided on the ballot-paper.

Constitution Further Amendment (Referendum) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 21 (**Saving of informality**):

Omit section 21 (2).

(5) Second Schedule (**Forms**):

Omit Forms B, D and E, insert instead:

5

Form B

(Sec. 15 (1))

BALLOT-PAPER

REFERENDUM (MACHINERY PROVISIONS) ACT
1930

10

Electoral District for which voter is
enrolled

REFERENDUM ON PROPOSED LAW

Directions to voter

Write "YES" or "NO" in the space provided opposite the
question set out below.

15

DO YOU APPROVE of the Bill entitled
[Here set out the title of the Bill]?

Form D

(Sec. 15 (1))

20

POSTAL BALLOT-PAPER

REFERENDUM (MACHINERY PROVISIONS) ACT
1930

Electoral District for which voter is
enrolled

25

REFERENDUM ON PROPOSED LAW

Constitution Further Amendment (Referendum) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

Directions to voter

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

Write "YES" or "NO" in the space provided opposite the question set out below.

10 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.

DO YOU APPROVE of the Bill entitled
[Here set out the title of the Bill]?

Form E

(Sec. 15 (5))

15

BALLOT-PAPER

**REFERENDUM (MACHINERY PROVISIONS) ACT
1930**

Electoral District for which voter is
enrolled

20

REFERENDUM ON PROPOSED LAWS

Directions to voter

Write "YES" or "NO" in the space provided opposite the question set out below for each Bill.

QUESTION 1

25

DO YOU APPROVE of the Bill entitled
[Here set out the title of the Bill]?

QUESTION 2

DO YOU APPROVE of the Bill entitled
[Here set out the title of the Bill]?

Constitution Further Amendment (Referendum) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

[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 is to include the additional directions to the voter as in Form D and the heading to the form is to be "POSTAL BALLOT-PAPER".]
