

## LIQUOR AMENDMENT (REFERENDUM) ACT.

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### Act No. 12, 1928.

**George V,**  
**No. 12, 1928.** An Act to amend certain provisions of the Liquor (Amendment) Act, 1919, as amended by subsequent Acts, relating to the manner of conducting the poll for the referendum on the question of prohibition with compensation; and for purposes connected therewith.  
[Assented to, 16th June, 1928.]

**B**E it enacted by the King'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 "Liquor Amendment (Referendum) Act, 1928."

**Amendment of Act No. 42, 1919.** **2.** The Liquor (Amendment) Act, 1919, as amended by subsequent Acts, is amended as follows:—

**Sec. 40.**

- (1) (a) by omitting from section forty the words "the Parliamentary Elections (Amendment) Act, 1918," and by inserting in lieu thereof the words "subsequent Acts";
- (b) by omitting from the same section the words "polling-places under the above-named Act shall be polling-places for the purposes of this Part; but additional polling-places may be appointed by the Governor";

(c)

(c) by inserting at the end of the same section **No. 12, 1928.**  
the following new subsection :—

New subsec.  
(2).

(2) Polling-places and polling-place areas appointed or established under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, shall be polling-places and polling-place areas for the purposes of the referendum; but no polling-place shall be appointed or abolished, or polling-place area be established, altered, or abolished after the issue of the writ and before the time appointed for its return.

(2) by omitting section forty-two; **Sec. 42.**  
(3) by omitting section forty-four, and by inserting in lieu thereof the following section :—

**44.** (1) The voting papers shall be in or to the effect of the form set out in Schedule Two <sup>Voting papers.</sup> to this Act.

(2) Absent voters' and postal voters' voting papers shall be in or to the effect of the form prescribed by regulations under this Part.

(4) by inserting in section forty-five after the words **Sec. 45.** "in the square" the words "or substantially in the square";  
(5) by omitting section forty-six and by inserting **Sec. 46.** the following section in lieu thereof :—

**46.** (1) The organisations in favour of pro- <sup>Scrutineers.</sup>hibition and the organisations opposing pro-hibition may respectively appoint—

(a) one scrutineer, but not more than one, for any polling booth;  
(b) such number of scrutineers as may be prescribed to be present at the counts conducted in pursuance of sections forty-seven and forty-eight of this Act by the returning officer, and by the Chief Electoral Officer.

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

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

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

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

Sec. 47.

(6) by inserting at the end of paragraph (c) of section forty-seven the words "and in a fourth separate parcel all unused voting papers";

Sec. 48.

(7) (a) by inserting after the words "Chief Electoral Officer" in section forty-eight the words "with such assistance as he may deem necessary";

New subsec.  
(2).

(b) by adding at the end of the same section the following subsection:—

(2) (a) If the total number of valid votes recorded throughout the State for "yes" is equal to the total number of valid votes recorded for "no" throughout the State, the Chief Electoral Officer shall give a casting vote, but shall not otherwise vote at the referendum.

(b) A returning officer shall not by reason only of his office be disqualified from voting at the referendum.

(8)

(8) by omitting section forty-nine, and by inserting <sup>No. 12, 1928.</sup> in lieu thereof the following section:— <sup>Sec. 49.</sup>

49. A voting paper (including a postal <sup>invalid</sup> voter's voting paper and an absent voter's <sup>voting</sup> <sup>papers</sup> voting paper) shall be invalid if—

- (a) it is not duly signed or initialled by the returning officer or deputy; or
- (b) it has no vote marked on it; or
- (c) it has more than one vote marked on it; or
- (d) it has upon it any mark or writing not authorised by or under this Act to be put upon it which, in the opinion of the returning officer, will enable any person to identify the voter.

(9) by inserting in section fifty-five after the words <sup>Sec. 55.</sup> "providing for the disposal of the voting papers" the words "and rolls, books, and other documents used for the purposes of the referendum, and for the destruction of such voting papers, rolls, books, and documents at the expiration of a period stated in the regulations."

(10) by inserting in section fifty-four after the words <sup>Sec. 54.</sup> "Legislative Assembly" the words "other than subsections two, three, and four of section ninety-nine of the said Act as amended by subsequent Acts."