

Act No. 13, 1903.

REDUCTION OF
MEMBERS
REFERENDUM.
—

An Act to submit the question of the reduction of the number of the Members of the Legislative Assembly to a referendum; and for purposes consequent on or incidental to that object. [1st December, 1903.]

BE 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:—

Preliminary.

Short title.

1. This Act may be cited as the "Reduction of Members Referendum Act, 1903."

The taking of the vote.

When vote to be taken.

2. On the day in this year to be fixed for the election of Senators for New South Wales of the Parliament of the Commonwealth the question of the reduction of the number of the Members of the Legislative Assembly shall be submitted to a vote by ballot under this Act.

3.

Reduction of Members Referendum.

3. For the purpose of taking the said vote, the Governor shall appoint a returning officer, and shall issue his writ to such officer, returnable within thirty days after the day on which the vote is taken.

Writ to returning officer.

4. The persons entitled to vote under this Act shall be the persons entitled to vote at the said election of Senators, and no other persons.

Persons entitled to vote.

5. The vote shall be taken at the polling-places appointed for the said election, and the divisional returning officers, presiding officers, poll clerks, and other officers appointed for the said election shall act in similar capacities for the purpose of the vote to be taken under this Act.

Polling-places.

6. An elector may vote under this Act at any polling-place at which he may vote at the said election of Senators, and may so vote during the time that the poll for the said election is open; but if he votes more than once, he shall be liable to a penalty not exceeding five pounds.

Place and time of voting.

An elector who may vote by post at the said election may vote by post under this Act in the manner to be prescribed by regulations under this Act.

7. The voting-paper shall be in the form of Schedule One.

Form of voting-paper.—Schedule One.

8. An elector may vote in the alternative for as many as he pleases of the numbers proposed in the voting-paper by writing on the voting-paper in the square opposite any such proposed numbers the figures 1, 2, 3, and 4, or any of such figures commencing with the figure 1 in the order of his preference.

Manner of voting.

9. The voting-papers under this Act shall, after the close of the poll for the election of Senators, be sealed up and forwarded to the returning officer.

Voting-papers to be forwarded to returning officer.

Determination of number approved by electors.

10. The returning officer shall reject all invalid voting-papers, and shall deal with the voting-papers and determine the number of members approved by the electors in the manner prescribed by Schedule Two.

Returning officer to deal with voting-papers. Schedule Two.

11. Any voting-paper shall be invalid—
 from which any signature, initial letter, or mark required to be written, printed, or punctured thereon is absent or has been erased, obliterated, or torn; or
 on which no figure has been written by the elector; or
 on which the figure one has not been written by the elector, or has been so written opposite to two or more numbers.

Invalid voting-papers.

12. The returning officer shall, on determining the result of the voting, publish such result in the Gazette.

Publication of result of vote.

Arrangements

Reduction of Members Referendum.

Arrangements with Commonwealth.

Arrangements
between Governor
and Governor-
General.

13. The Governor may make with the Governor-General and Executive Council of the Commonwealth, such arrangements as he thinks fit for the taking of the vote under this Act, and in particular for—

- the use of any buildings and premises of the Commonwealth ;
- the services of any officers of the Commonwealth ; and
- the making and enforcing of regulations for the purposes of this Act in relation to such buildings, premises, and officers.

Regulations.

Regulations.

14. The Governor may make such regulations as he may think necessary for the purpose of carrying out the provisions of this Act, and in particular—

- regulating the printing, marking, and supplying voting-papers ;
- prescribing the manner in which votes may be given ;
- providing for the disposal of the voting-papers ;
- prescribing the duties of officers ; and
- prescribing the forms to be used.

The Governor may in those regulations impose any penalty not exceeding fifty pounds for their breach.

Such regulations shall be published in the Gazette and laid before both Houses of Parliament within seven days after such publication if Parliament is then sitting ; but, if Parliament is not sitting, then within seven days after the next meeting of Parliament.

Reduction of Members Referendum.

SCHEDULES.

SCHEDULE ONE.

VOTING-PAPER.

As to what shall be the number of Members of the Legislative Assembly.

Which of the following numbers do you prefer, and what is the order of your preference?

	125 (This is the present number.)
	100
	90

Indicate your vote by placing the number 1 in the square opposite the number for which you vote in the first instance.

You may, in addition, indicate in the order of your preference which of the other numbers you prefer (in the event of your first number not getting a majority) by placing the numbers 2 and 3 in the squares opposite the other numbers in the order of your preference.

It is not necessary to vote for more than one number, but the number for which you *first* vote *must* have against it the figure 1.

Votes for the second or third preference will only be counted in the event of prior preferences not being an absolute majority.

SCHEDULE TWO.

Mode of determining the number of Members approved by the electors.
First count of voting-papers.

1. The returning officer shall arrange the voting-papers under the headings of the respective numbers of Members proposed in the voting-paper by placing in a separate parcel all those which have the figure 1 set opposite the same number, rejecting all informal voting-papers.

If more than one half of all such voting-papers is in the parcel of any such number, such number shall be the number of Members approved by the electors.

Second count.

2. If not more than one half of all such voting-papers is in the parcel of any such number, the voting-papers in the parcel which contains the fewest voting-papers shall be transferred to and distributed among the parcels of the other numbers respectively next in order of the electors' preferences.

Loan.

If, after such transfer, more than one half of all the valid voting-papers is in the parcel of any number, such number shall be the number of Members approved by the electors.

Third and subsequent counts.

3. The same process of transferring to and distributing among the respective parcels of other numbers the voting-papers of a parcel which contains the fewest voting-papers shall be repeated until the parcel of some number contains more than one half of all the valid voting-papers or until only one parcel is left, when the number of such parcel shall be the number of Members approved by the electors.

Order of preference.

4. In determining what number is next in the order of an elector's preference a number of which the voting-papers have been transferred and distributed shall not be considered, and the order of preference shall be determined as if such number were not on the voting-paper.

Invalid preferences.

5. If the same figure is written, opposite to two or more numbers, the voting-paper shall be invalid as to the preference indicated by that figure, and as to all subsequent preferences, but shall not for that reason be invalid as to any prior preferences.
