

LIQUOR REFERENDUM ACT.

Act No. 10, 1916.

An Act to submit to a referendum the question of the hour at which premises licensed or registered under the Liquor Act, 1912, shall be closed; to give effect to such referendum; to amend the said Act; and for purposes consequent thereon or incidental thereto. George V,
No. 10.
[Assented to, 12th April, 1916.]

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:—

1. This Act may be cited as the "Liquor Referendum Act, 1916." Short title.

2. (1) The Governor shall issue a writ returnable on a day not later than the eighty-eighth clear day after the issue thereof and directed to the chief electoral officer for the taking of a vote by ballot under this Act on the question of the hour at which premises licensed or registered under the Liquor Act, 1912, shall close. Such writ shall appoint a day not more than fifty-three days after the issue of the writ for the taking of such vote. Appointment
of day for
the vote.

On such day no licensee shall keep his premises open for the sale of liquor, or shall sell any liquor or permit the same to be consumed on the said premises within the meaning of the Liquor Act, 1912; and if any licensee offends against the above provision he shall be liable to the same penalty as for an offence against section fifty-seven of the said Act.

(2) The persons entitled to vote at such ballot shall be those entitled to vote at an election of members of the Legislative Assembly, and no others. Who may
vote.

3.

**George V,
No. 10.**

Electoral
officers and
polling-
places.

Hours of
voting.

Provision as
to voting.

Penalty for
voting twice.

Voting-
papers.

Method of
voting.

Counting of
first prefer-
ence votes.

3. The chief electoral officer and all returning officers and other officers and persons appointed under the Parliamentary Electorates and Elections Act, 1912, shall act in the taking of the vote under this Act.

Polling-places under the abovenamed Act shall be polling-places for the purposes of this Act; but additional polling-places may be appointed by the Governor.

4. Such polling-places shall be open for voting under this Act from eight o'clock in the morning until seven o'clock in the afternoon:

Provided that if at seven o'clock in the afternoon any elector is in the polling-place and desiring to vote, his vote shall be taken, for which purpose the polling-place shall not close until such elector has voted.

5. The provisions of sections ninety-seven and ninety-eight, and sections one hundred and fifteen to one hundred and twenty inclusive (absent voters) of the Parliamentary Electorates and Elections Act, 1912, shall apply, mutatis mutandis, to voting under this Act.

6. If any person votes more than once at a poll under this Act he shall be liable on summary conviction to a penalty not exceeding one hundred pounds, or three months' imprisonment.

7. The voting-papers shall be in the form of Schedule One to this Act but voting papers for absent voters shall be headed "absent voters" voting-paper.

8. An elector shall vote under this Act as follows:—

He shall insert in the voting-paper opposite to one of the closing hours the figure 1, thereby indicating the hour to which his first preference is given. He may also vote in the alternative for as many other hours as he pleases in the order of his preference by inserting in the voting paper opposite to any of such other closing hours the figures 2, 3, 4, 5, 6 in the order of his preference.

9. The returning officer of each electoral district shall, after the close of the voting in that district, examine the voting-papers for the district, and his deputies shall count the number of first preferences given for the respective closing hours, after rejecting all invalid voting-papers. They shall seal up all voting-papers in packages, in accordance with the provisions of paragraph one of Schedule Two, and forward them with a statement of the result of the first preference votes to the chief electoral officer.

10.

10. The chief electoral officer shall examine such voting-papers, and shall deal with them as provided in Schedule Two.

**George V,
No. 10.**
Counting of
other votes.

11. Any voting-paper shall be invalid—

Invalid
voting-
papers.

- (a) from which any initial letter or mark required to be written, printed, or punctured thereon is absent or has been erased, obliterated, or torn; or
- (b) in which the figure one is not placed opposite to some closing hour; or
- (c) in which the figure one is placed opposite to more than one closing hour.

Any voting-paper upon which an elector has placed against two or more closing hours some figure other than the figure one shall be valid as a vote for each hour against which a figure earlier in numerical order than the figure so repeated has been placed by the elector, but shall be invalid should those hours be excluded under Schedule Two.

12. On so dealing with the voting-papers, the chief electoral officer shall certify the hour for which an absolute majority of votes has been recorded in accordance with Schedule Two, and shall forward his certificate to the Governor, who shall thereupon publish the same in the Gazette.

Determina-
tion of result
of voting.
Effect of
determina-
tion.

On such publication, the hour so certified shall during the present war between His Majesty and His Majesty's enemies and for such period thereafter, not exceeding six months, as the Governor may determine, be the hour at which, under and subject to the Liquor Act, 1912, all licensed premises and registered clubs shall close.

13. The returning officer or his deputy who takes the poll under this Act at any booth may appoint for such booth two scrutineers—one to act for licensed publicans, and one to act for temperance organisations; and shall in making such appointments first consider any nominations made to him by such publicans and organisations within the electorate.

Scrutineers.

Every such scrutineer shall be entitled to be present in that part of the polling-booth at which voting-papers are received.

Every

**George V,
No. 10.** Every scrutineer, before acting as such at any polling booth, shall make and sign before the returning officer a declaration in the form prescribed by regulations under this Act.

Application
of Electoral
Act.

14. The provisions of the Parliamentary Electorates and Elections Act, 1912, and all regulations thereunder relating to rolls of electors and to elections to the Legislative Assembly shall so far as applicable, mutatis mutandis, but subject to the provisions of this Act, apply to the referendum under this Act and all proceedings thereat :

Provided that in lieu of the corresponding provisions of the said Act the supplemental roll for a district shall be exhibited at the offices of the registrar and deputy registrars for seven days after the issue of the writ during which time objections may be lodged.

The list of the names of persons against whom objections have been so lodged shall be exhibited at the said offices within ten days after the date of the issue of the writ.

The revision court shall in each district be held not sooner than twelve nor later than twenty-one days after the issue of the writ.

Regulations.

15. The Governor may, subject to this Act, 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 twenty pounds for their breach.

SCHEDULES.

George V,
No. 10.

SCHEDULE ONE.

Form of Voting-paper.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock.
<input type="checkbox"/>	Seven o'clock.
<input type="checkbox"/>	Eight o'clock.
<input type="checkbox"/>	Nine o'clock.
<input type="checkbox"/>	Ten o'clock.
<input type="checkbox"/>	Eleven o'clock.

Indicate your vote by placing the figure 1 in the square opposite the closing hour for which you vote in the first instance, and as your first preference.

You may, in addition, indicate in the order of your preference which of the other closing hours you prefer (in the event of the hour for which you first vote not getting a majority) by placing the figures 2, 3, 4, 5, 6, or any of such figures, in the squares opposite the other closing hours, thereby indicating the order of your preference.

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

The vote for any preference after the first will only be counted in the event of there not being a majority of votes in favour of any of your prior preferences.

Liquor Referendum Act.**George V,
No. 10.****SCHEDULE TWO.**

1. The returning officer of each electoral district shall arrange the voting-papers under the respective closing hours by placing in a separate parcel all those papers in which the first preference is given for the same closing hour ; rejecting all invalid voting-papers.

2. The chief electoral officer shall arrange the voting-papers of all the electoral districts in the manner aforesaid, and if in an absolute majority of such papers the first preference is for any closing hour, that hour shall be declared to be the closing hour under this Act.

3. If there is not an absolute majority of such papers in which there is a first preference for any closing hour, the hour in respect of which there is the least number of papers shall be excluded, and the parcel relating to such hour shall be broken up and the papers therein shall be transferred to the parcels relating to such of the other hours, if any, as are next in the order of the voters' preference ; and if, after such transfer, there is in the parcel relating to any hour an absolute majority of all such voting-papers, such hour shall be declared to be the closing hour under this Act.

4. The same process of excluding the hour in respect of which there is the least number of voting-papers, breaking up the parcel in relation to such hour and transferring to the parcels relating to other hours the voting-papers therein, shall be repeated until there is in the parcel relating to some hour an absolute majority of all the voting-papers still unexhausted, when such hour shall be declared to be the closing hour under this Act.

5. Where at any time it becomes necessary to exclude any hour as hereinbefore directed, and there are the same number of voting-papers in respect of two or more hours which are lowest on the poll, then the hour in respect of which there were the least number of voting-papers at the last count or transfer at which they had not the same number of voting-papers shall be excluded, and if there is the same number of voting-papers in respect of such hours at all proceeding counts or transfers, the chief electoral officer shall decide which hour shall be excluded.

6. When on any voting-paper it is found that there is no vote in respect of an unexcluded hour, such paper shall be set aside as "exhausted."

EIGHT-HOURS