

## LIQUOR (REFERENDUM) ACT.

### Act No. 28, 1954.

An Act to provide for the submission to a referendum of the question of the hour at which certain premises subject to the provisions of the Liquor Act, 1912, as amended by subsequent Acts, shall close; and for purposes connected therewith. [Assented to, 8th October, 1954.]

Elizabeth II.,  
No. 28, 1954

**B**E 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:—

#### PART I.

##### PRELIMINARY.

**1.** This Act may be cited as the "Liquor (Referendum) Act, 1954." Short title.

**2.**

No. 28, 1954.

Division  
into Parts.**2.** This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

PART III.—WRIT FOR THE REFERENDUM.

PART IV.—VOTING AT THE REFERENDUM.

PART V.—SCRUTINEERS.

PART VI.—PROCEEDINGS AFTER CLOSE OF POLL.

PART VII.—ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

PART VIII.—RETURN OF WRIT.

PART IX.—DISPUTED RETURNS.

PART X.—REGULATIONS.

PART XI.—OFFENCES.

SCHEDULE.

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**PART II.****APPLICATION OF PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.**

Interpretation.

Act No. 34,  
1946, s. 3.**3.** (1) In this Act—

“Election” means an election of members of the Legislative Assembly.

“Licensed premises” means premises licensed under Part III of the Liquor Act, 1912, and includes clubs registered under that Act.

“Referendum” means the referendum to be conducted under this Act.

(2) A reference in this Act to the Liquor Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

(3) A reference in this Act to the Parliamentary Electorates and Elections Act, 1912, shall be construed as a reference to that Act as amended by subsequent Acts.

**4.**

4. The question of the hour at which licensed premises shall close shall be submitted by way of a referendum to the electors qualified to vote for the election of members of the Legislative Assembly.

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Referendum  
on closing  
hour.

Act No. 34,  
1946, s. 4.

The question shall be so submitted to the electors within six months after the date upon which the assent of Her Majesty to this Act is signified.

5. (1) Subject to this Act the provisions of the Parliamentary Electorates and Elections Act, 1912, and any regulations made thereunder shall, so far as they are applicable, apply to and in respect of the referendum as if it were an election, and for the purposes of the referendum references in any such provision shall be read as follows:—

Application  
of Act No.  
41, 1912.

*Ibid.* s. 5.

- (a) a reference to a writ shall be read as a reference to the writ for the referendum;
- (b) a reference to a polling-day shall be read as a reference to the day fixed by the writ for the referendum for the taking of the votes of the electors;
- (c) a reference to a poll shall be read as a reference to the taking of the votes of the electors for the purposes of the referendum;
- (d) a reference to an election shall be read as a reference to the referendum;
- (e) a reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to the referendum;
- (f) a reference to a ballot-paper, ballot-box, or other thing shall be read as a reference to a ballot-paper, ballot-box, or corresponding thing in relation to the referendum;
- (g) any reference to “this Act” or “this Part” shall be read as a reference to the provisions or Part, as the case may be, of the Act that are or is applicable to the referendum.

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- (2) For the purposes of the referendum—
- (a) each returning officer shall, subject to the directions of the Electoral Commissioner, make the necessary arrangements for the taking of the votes of the electors in his electoral district;
  - (b) a ballot-paper shall not be rejected as informal except for a reason specified in this Act or in the regulations made thereunder;
  - (c) the vote of an elector shall be marked on his ballot-paper in the manner directed by this Act;
  - (d) upon the adjournment of a poll by any deputy, such deputy shall forthwith give notice thereof to the returning officer;
  - (e) where any polling stands adjourned the returning officer shall not transmit his statement of the result of the voting in his district to the Electoral Commissioner until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

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**PART III.**
**WRIT FOR THE REFERENDUM.**

Issue of writ for referendum.  
Act No. 34, 1946, s. 6.

Form of writ, &c.  
*Ibid.* s. 7.

**6.** A writ for the referendum may be issued by the Governor. The writ shall be directed to the Electoral Commissioner.

**7.** (1) The writ may be in or to the effect of the Form A in the Schedule to this Act, and shall appoint a day for taking the votes of the electors, and a day for the return of the writ.

(2) The day appointed for taking the votes of the electors shall be a Saturday, and shall be not later than the fortieth day from the date of the issue of the writ.

**8.**

**8.** The Electoral Commissioner shall forthwith after the receipt of the writ—

- (a) endorse on the writ the date of receipt by him;
- (b) cause to be inserted in the Gazette and in two or more newspapers circulating in the State a notification of the receipt of the writ, and of the days appointed for the taking of the votes of the electors and for the return of the writ;
- (c) forward a copy of the writ to the returning officer for each electoral district.

Duties of  
Electoral  
Commis-  
sioner  
upon receipt  
of the writ.  
Act No. 34,  
1946, s. 8.

**9.** (1) At the referendum only those electors who would be entitled to vote if the referendum were an election shall be admitted to vote.

Electors  
who may be  
admitted to  
vote at  
referendum.

(2) Nothing in this section shall be deemed to entitle any person who is disqualified from voting to vote.

*Ibid.* s. 9.

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#### PART IV.

##### VOTING AT THE REFERENDUM.

**10.** The voting at the referendum shall, subject to this Act, be taken on the day appointed by the writ for taking the votes of the electors.

Voting  
day.  
*Ibid.* s. 10.

**11.** The polling places and subdivisions appointed and established under the laws for the time being in force relating to elections shall be polling places and subdivisions for the purposes of the referendum.

Polling  
places.  
*Ibid.* s. 11.

**12.** Each elector shall vote only once at the referendum.

One vote  
only.  
*Ibid.* s. 12.

**13.** (1) The voting at the referendum shall be by ballot.

Voting to  
be by  
ballot.

(2) Each elector shall mark his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

*cf. Ibid.*  
s. 13.

**14.**

**No. 28, 1954.** **14.** (1) The ballot-papers to be used at the referendum, other than those to be used for voting by post, shall be in or to the effect of the Form B in the Schedule to this Act.

Ballot-papers.  
Act No. 34,  
1946, s. 14.

Postal  
voters'  
ballot-  
papers.

(2) For the purposes of voting under the provisions relating to voting by post contained in the Parliamentary Electorates and Elections Act, 1912, the form of ballot-paper to be used at the referendum shall be in or to the effect of the Form C in the Schedule to this Act.

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## PART V.

### SCRUTINEERS.

**Scrutineers.** **15.** (1) Licensed publicans' organisations, registered clubs' organisations, and temperance organisations may respectively appoint—

*cf. Ibid.*  
s. 15.

- (a) one scrutineer, but not more than one, for any polling booth, and one scrutineer, but not more than one, to act as such at the taking of votes by each electoral visitor appointed under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912;
- (b) such number of scrutineers as may be prescribed by regulations made under this Act to be present at any count or recount, as the case may be, conducted by the returning officer in pursuance of section sixteen or twenty-two of this Act.

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 returning officer or deputy returning officer or electoral visitor, as the case may be, that he is an authorised representative of the organisations on behalf of which he claims to act.

(3)

(3) Where two or more persons claim to act as the scrutineer or scrutineers appointed by the licensed publicans' organisations, the registered clubs' organisations, or the temperance organisations, and a dispute arises as to the person or persons entitled so to act, the returning officer, or deputy returning officer, or electoral visitor, as the case may be, shall decide who shall act, and his decision shall be final. No. 28, 1954.

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

(5) The returning officer for any district shall on receipt of a written request in that behalf from a licensed publicans' organisation, a registered clubs' organisation, or a temperance organisation furnish to such organisation the name and address of every person appointed by him to be an electoral visitor in the referendum, together with the name of the subdivision for which each such person has been so appointed.

An electoral visitor shall, at the request of any scrutineer duly appointed to act as such at the taking of votes by that electoral visitor and after the scrutineer has completed the declaration referred to in subsection four of this section, as far as is reasonably practicable furnish such scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

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## PART VI.

### PROCEEDINGS AFTER CLOSE OF POLL.

**16.** As soon as is practicable after the close of the poll the returning officer and every deputy at the polling place at which each presides shall, in the presence and subject to the inspection of such of the scrutineers as choose to be present, and the poll clerk (if any), but of

Conduct of  
scrutiny.  
Act No.  
34, 1946,  
s. 16.

no

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**No. 23, 1954.** no other persons, open the ballot-box and proceed to count the number of first preference votes recorded for each closing hour.

Informal  
ballot-  
papers.  
cf. Act No.  
34, 1946,  
s. 17.

**17.** (1) A ballot-paper shall be informal if—

- (a) it is not duly signed or initialled by the returning officer or deputy returning officer by whom it was issued; or
- (b) it is not duly signed by the electoral visitor by whom it was issued; or
- (c) the voter has failed to indicate the number of his preference in respect of either of the closing hours set out on the ballot-paper; or
- (d) it has upon it any mark or writing not authorised by this Act to be put upon it, which, in the opinion of the returning officer, will enable any person to identify the voter.

(2) Informal ballot-papers shall be rejected at the scrutiny.

Saving of  
informality  
in certain  
cases.  
cf. *Ibid.*  
s. 18.

**18.** (1) Notwithstanding anything to the contrary in this Act a ballot-paper shall not, by reason of any marking thereon not authorised or required by this Act be treated as informal, or be rejected at the scrutiny if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper.

(2) Notwithstanding anything to the contrary in this Act a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank.

Duties of  
deputy.  
*Ibid.* s. 19.

**19.** Immediately after ascertaining the total number of first preference votes recorded in favour of each closing hour, each deputy shall make up—

- (a) in one parcel, the ballot-papers which have been used in voting at his polling booth during the referendum;

(b)



- (b) in a second separate parcel, the ballot-papers No. 28, 1954. which have remained unused thereat;
- (c) in a third separate parcel, the certified copies of rolls supplied to the said deputy, signed by him, and all books, rolls, and papers kept or used by him during the polling;

and shall seal up the said several parcels; and shall permit any of the scrutineers who may desire to do so to affix his or their seals to such parcels, and shall endorse the same severally with a description of the contents thereof, and with the name of the district and polling place, and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

**20.** Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of first preference votes recorded for each closing hour, and also an account in which such deputy shall charge himself with the number of ballot-papers originally delivered to him, and the number (if any) written out by him, specifying therein the number thereof delivered to and used by voters and the number not so delivered or left unused; and every such list and account respectively shall be verified as well by the signatures of the said deputy and the poll clerk (if any) as also by the signatures of such of the scrutineers as are present and consent to sign the same.

Statement  
of result,  
account of  
ballot-  
papers, etc.  
Act No. 34,  
1946, s. 20.

**21.** The returning officer shall, in respect of the polling booth at which he himself has presided, make up in separate parcels in like manner as is herein required of deputy returning officers, all ballot-papers used or unused, and all books, rolls, and papers kept or used by him at such polling booth; and shall seal up and also permit to be sealed up by the scrutineers, and shall endorse in like manner as aforesaid the several parcels; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in the manner aforesaid.

Returning  
officers'  
parcels.  
*Ibid.* s. 21.

**22.**

No. 28, 1954.  
 Poll for  
 the district.  
 cf. Act No.  
 34, 1946,  
 s. 22.

**22.** (1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and with such assistance as he may deem necessary, proceed to count the number of first preference votes recorded for each closing hour on all ballot-papers (not rejected as informal), used in connection with the poll for his district.

(2) The returning officer shall as soon as is practicable after the count has been completed—

- (a) prepare and sign and permit to be signed by such of the scrutineers as are present and wish to sign the same a certificate setting out in relation to the votes recorded for his district—
  - (i) the number of first preference votes recorded for each closing hour;
  - (ii) the number of ballot-papers rejected as informal;
- (b) transmit such certificate to the Electoral Commissioner;
- (c)
  - (i) arrange the used ballot-papers (not rejected as informal) under the respective closing hours by placing in separate parcels all those papers for which the first preference is given for the same closing hour;
  - (ii) place in a separate parcel all ballot-papers rejected as informal;
  - (iii) place in a further separate parcel all envelopes used in the polling which bear postal vote certificates, certificates of electors voting under the provisions of section 114o of the Parliamentary Electorates and Elections Act, 1912, absent voters' declarations, and declarations made in pursuance of the provisions of section one hundred and six of the Parliamentary Electorates and Elections Act, 1912, and of regulation eleven under that Act (including any such envelopes

envelopes which have been rejected un- No. 28, 1954.  
opened at the scrutiny and still contain  
ballot-papers);

- (d) make up in one packet all the parcels referred to in paragraph (c) of this subsection;
- (e) place in a second packet all ballot-papers which have been printed or written for the poll in his district and not used by the returning officer or his deputies or electoral visitors, or not distributed for use to his deputies or electoral visitors, together with those ballot-papers which have been spoilt in the polling;
- (f) place in a third packet all such rolls, books or other papers used in the polling and not included in a packet referred to in paragraph (d) or (e) of this subsection and which, if the referendum were an election, would be required under the provisions of the Parliamentary Electorates and Elections Act, 1912, to be forwarded by the returning officer to the Clerk of the Legislative Assembly;
- (g) seal up, in the presence of any of the scrutineers who may attend, each of the packets referred to in paragraphs (d), (e) and (f) of this subsection and endorse the same with a description of the contents thereof respectively, the name of the district and the date of the polling, and sign with his name the said endorsement and permit any of the scrutineers who may wish to do so to affix their seals:

Provided that the returning officer shall not seal up the packets referred to in paragraphs (d) and (f) of this subsection until he has carried out an investigation for the purpose of ascertaining whether plural voting or personation has been practised in the polling;

- (h) retain the said packets in safe custody until instructed by the Electoral Commissioner in accordance with section twenty-four of this Act.

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**No. 28, 1954.**            (3) It shall be permissible for the returning officer to accept information as to the votes polled at Lord Howe Island which is transmitted to him by cable or wireless and which he is satisfied is authentic in lieu of the list referred to in section twenty of this Act.

**cf. Act.No. 34, 1946, s. 24.**            (4) (a) At any time before endorsing the writ the Electoral Commissioner may, if he thinks fit (and shall, if so directed by the Governor), direct the returning officer for any district to make a recount of all the ballot-papers relating to his district, or any designated section of them, and thereupon the returning officer shall, after notifying the scrutineers, if any, of his intention so to do, make such recount accordingly and include the result in the certificate referred to in subsection two of this section:

Provided that if such certificate has already been transmitted to the Electoral Commissioner, the returning officer shall prepare and sign and permit to be signed by such of the scrutineers as are present at the recount and wish to sign the same a further certificate setting out in relation to the votes recorded for his district—

- (i) the number of first preference votes recorded for each closing hour, as amended by the recount;
- (ii) the number of ballot-papers rejected as informal, as amended by the recount.

Such further certificate shall be immediately transmitted by the returning officer to the Electoral Commissioner, and when received by the Electoral Commissioner shall replace the earlier certificate transmitted by the same returning officer, which earlier certificate the Electoral Commissioner shall forthwith cancel.

(b) The returning officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. He may also, for the purposes of the recount, break the seal of any packet which has been sealed up in accordance with the provisions of subsection two of this section, but shall  
after

after completing the recount reseal and endorse such packet and permit the scrutineers to affix their seals thereto in accordance with such provisions. No. 28, 1954.

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## PART VII.

### ELECTORAL COMMISSIONER TO ASCERTAIN RESULT.

**23.** (1) Upon receipt of the certificates transmitted to him pursuant to paragraph (b) of subsection two and paragraph (a) of subsection four of section twenty-two of this Act, the Electoral Commissioner shall with such assistance as he may deem necessary proceed to ascertain the result of the referendum in accordance with this section. Ascertainment of result of referendum. cf. Act No. 34, 1946, s. 23.

(2) The aggregate number of first preference votes recorded throughout the State for each closing hour shall be ascertained by adding together the respective numbers of such votes shown in the certificates (other than the certificates cancelled by the Electoral Commissioner pursuant to subsection four of section twenty-two of this Act) transmitted to the Electoral Commissioner by all the returning officers in pursuance of the provisions of the said section.

(3) The closing hour in respect of which the larger number of first preference votes has been recorded, shall be the closing hour chosen by the electors.

**24.** The Electoral Commissioner shall, being satisfied in relation to any electoral district that no further recounting of ballot-papers for that district will be necessary, instruct the returning officer for the district that he may dispose of the ballot-papers, rolls and other materials used in the referendum. Electoral Papers, etc., to be sent to Clerk of Legislative Assembly. cf. *Ibid.* s. 25.

Thereupon the returning officer shall forward to the Clerk of the Legislative Assembly, to be by him safely kept until the dissolution of Parliament, the packets referred to in paragraphs (d), (e) and (f) of subsection two of section twenty-two of this Act, sealed, endorsed and signed in accordance with paragraph (g) of that subsection.

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## PART VIII.

## RETURN OF WRIT.

Return of writ.  
Act No. 34,  
1946, s. 26.

**25.** (1) The Electoral Commissioner shall endorse on the writ a statement setting out the closing hour which has been chosen by the electors, as ascertained in accordance with this Act, and shall sign the statement and shall return the writ with the statement endorsed thereon to the Governor.

(2) The Electoral Commissioner shall cause a copy of the statement to be published in the Gazette; and the statement so published shall, subject to this Act, be conclusive evidence of the result of the referendum.

## PART IX.

## DISPUTED RETURNS.

Reference to Supreme Court.  
*Ibid.* s. 27.

**26.** Any question respecting the validity of the referendum, or of any return or statement showing the voting on the referendum, may be referred by resolution of the Legislative Council or of the Legislative Assembly to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the question.

Question.  
*Ibid.* s. 28.

**27.** Where any question is referred to the Supreme Court under this Part, the President of the Legislative Council or the Speaker of the Legislative Assembly (as the case may be) shall transmit to the Prothonotary a statement of the question upon which the determination of the Court is desired.

Powers of Court.  
*Ibid.* s. 29.

**28.** The Supreme Court, in relation to a reference under this Part, shall sit as in open court, and shall have the powers conferred by the Parliamentary Electorates and Elections Act, 1912, on the Court of Disputed Returns, so far as they are applicable.

Electoral Commissioner.  
*Ibid.* s. 30.

**29.** The Electoral Commissioner shall be entitled and the Supreme Court may allow any other person to be represented and heard upon the hearing of the reference.

**30.**

**30.** The procedure in relation to a reference under this Part shall be as prescribed by Rules of Court or in default of Rules of Court by the Supreme Court or a judge thereof.

No. 28, 1954.  
Procedure.  
Act No. 34,  
1946, s. 31.

**31.** After hearing and determination of any reference under this Part the Prothonotary shall forthwith forward to the Clerk of the Parliaments or to the Clerk of the Legislative Assembly, as the case may be, a copy of the determination of the Supreme Court.

Order to be  
sent to  
House  
concerned.  
*Ibid.* s. 32.

**32.** The referendum or any return or statement showing the voting on the referendum shall not be avoided on account of any delay in relation to the taking of the votes of the electors or in relation to the making of any statement or return or on account of the absence or error of or omission by any officer which did not affect the result of the referendum:

Immaterial  
errors not  
to vitiate  
referendum.  
*Ibid.* s. 33.

Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting at the referendum, the Court shall not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote.

## PART X.

### REGULATIONS.

**33.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.  
*Ibid.* s. 34.

(2) Where the time allowed to do any act is insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is expedient, the regulations may declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

(3)

No. 28, 1954.

(3) The regulations shall be published in the Gazette and shall take effect from the date of publication or from a later date to be specified in the regulations.

(4) The regulations shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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## PART XI.

### OFFENCES.

Construction  
of Part.  
Act No. 34,  
1946, s. 35.

**34.** The provisions of this Part shall be construed as being in addition to such of the provisions of the Parliamentary Electorates and Elections Act, 1912, as are applicable to the referendum.

Supply of  
meat, drink,  
or entertain-  
ment, &c.  
*Ibid.* s. 36.

**35.** Any person who, after the issue of a writ for the referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, drink, or entertainment, or horse or carriage hire, with a view to influence his vote in connection with the referendum shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred pounds or imprisonment for one year.

Bribery.  
*Ibid.* s. 37.

**36.** Any person who gives, confers, or procures, or promises, or offers to give or confer, or to procure or attempt to procure, any money, property, or benefit of any kind, to, upon, or for any elector or any other person—

(a) in order to influence the elector in his vote in connection with the referendum; or

(b)



- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support or oppose any closing hour,

shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred pounds or imprisonment for one year.

**37.** Any elector who asks for, receives, or obtains, or agrees or attempts to receive or obtain any money, property, or benefit of any kind for himself or any other person upon the understanding that his vote in connection with the referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at the referendum, or that he will support or oppose any closing hour submitted or to be submitted to the electors at the referendum shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred pounds or imprisonment for one year.

Receipt of  
bribe by  
elector.  
Act No. 34,  
1946, s. 38.

**38.** Any person who—

- (a) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—

Undue  
influence.  
*Ibid.* s. 39.

- (i) in order to influence the elector in his vote in connection with the referendum; or
- (ii) in order to induce the elector to refrain from voting at the referendum; or
- (iii) in order to induce the elector to support or oppose any closing hour submitted or to be submitted to the electors at the referendum; or
- (b) uses, causes, inflicts, or procures any violence, injury, punishment, damage, loss or disadvantage towards, to or upon any elector or any other person, for or on account of any such vote, refraining from voting, support, or opposition,

shall

**No. 28, 1954.** shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred pounds or imprisonment for one year.

Misleading  
advertisements, &c.  
Act No. 34,  
1946, s. 40.

**39.** (1) Every person who—

- (a) prints, publishes, or distributes any advertisement or document containing a representation of a ballot-paper, or any representation apparently intended to represent a ballot-paper, and having thereon any directions intended or likely to mislead or improperly to interfere with any elector in or in relation to the casting of his vote at the referendum; or
- (b) prints, publishes, or distributes any advertisement or document containing any untrue or incorrect statement intended or likely to mislead or improperly to interfere with any elector in or in relation to the casting of his vote at the referendum,

shall be guilty of an offence, and shall be liable to a penalty not exceeding one hundred pounds.

(2) This section shall not prevent the printing, publishing or distributing of any advertisement or document (not otherwise illegal) which contains instructions how to vote in favour of or against any closing hour submitted or to be submitted to the electors at the referendum, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

Misconduct  
at public  
meeting.  
*Ibid.* s. 41.

**40.** (1) Any person who, at a public meeting to which this section applies, acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is held shall be guilty of an offence, and shall be liable to a penalty not exceeding five pounds.

(2) This section applies to any lawful public meeting held in relation to the referendum between the date of the issue of the writ for the referendum and the date of the return of the writ.

**SCHEDULE.**

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**SCHEDULE.**

No. 28, 1954.

**FORM A.**

Sec. 7

Writ for the Referendum.

HER MAJESTY THE QUEEN.

To the Electoral Commissioner for New South Wales, and to all others whom it may concern:

**GREETING:**

We command you that you cause to be submitted, according to law to the electors qualified to vote for the election of Members of the Legislative Assembly the question of the hour at which premises licensed under Part III of the Liquor Act, 1912, as amended by subsequent Acts, and clubs registered under that Act as so amended shall close. And we appoint the following dates for the purposes of the said submission:—

- 1. For taking the votes of the electors the  
day of 19 .
- 2. For the return of the writ on or before the  
day of 19 .

Witness (here insert Governor's title and the date).

Governor.

By His Excellency's Command.

**FORM B.**

Sec. 14 (1).

Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which voter is enrolled.....

**DIRECTIONS TO ELECTOR.**

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

FORM

**Appropriation Act.**

No. 28, 1954.

Sec. 14 (2).

**FORM C.**

Postal Ballot-paper.

LIQUOR (REFERENDUM) ACT, 1954.

Referendum on Closing Hours.

Electoral District for which Postal Voter is enrolled.....

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

**DIRECTIONS TO ELECTOR.**

The elector shall indicate his vote by placing the number "1" in the square opposite the closing hour for which he desires to give his first preference vote, and the number "2" in the remaining square.

Order of preference.	Closing hour.
<input type="checkbox"/>	Six o'clock p.m.
<input type="checkbox"/>	Ten o'clock p.m.

