

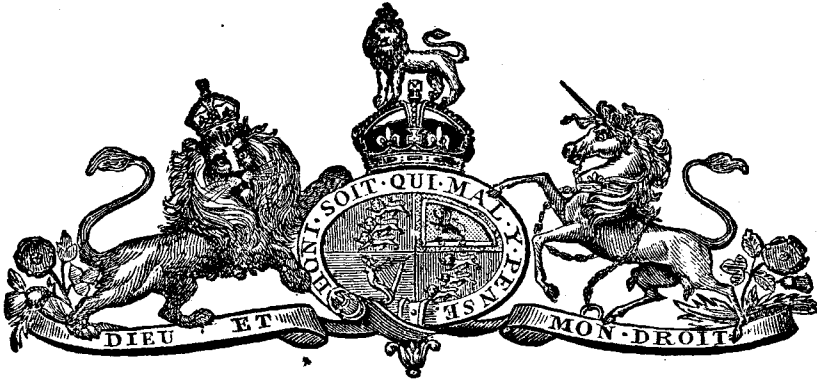
THE CLOSING TIME FOR THE SALE OF LIQUOR REFERENDUM ACT, 1915.

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1s. 2d.]

T A S M A N I A



1915.

ANNO SEXTO

GEORGII V. REGIS.

No. 53.



AN ACT to authorise the taking of a Poll of Electors on the question of the Closing Time for the Sale and Supply of Liquor on Licensed Premises, and for other purposes. [21 January, 1916.]

A.D. 1915.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Closing Time for the Sale and Supply of Liquor on Licensed Premises Referendum Act, 1915." Short title.

2 —(1) In this Act, unless the contrary intention appears—

"Absolute majority of votes" means a number greater than One-half of the whole number of ballot-papers other than exhausted and informal ballot-papers. If in the final count Two hours have an equal number of votes, the Chief Electoral Officer's decision by lot shall be included as a vote in reckoning an absolute majority of votes :

Interpretation.

"Absolute majority of votes."

"Assembly" means the House of Assembly of the Parliament of Tasmania :

"Assembly."

Closing Time for the Sale of Liquor Referendum.

<p>A.D. 1915.</p> <p>“Assembly district.”</p> <p>“Chief Electoral Officer.”</p> <p>“General election.”</p> <p>“Elector.”</p> <p>“First choice.”</p> <p>“Licensed premises.”</p> <p>“Licensee.”</p> <p>“Liquor.”</p> <p>“Minister.”</p> <p>“Returning Officer.”</p> <p>“The referendum.”</p> <p>“This Act.”</p> <p>Reference to officials.</p>	<p>“Assembly district” means the electoral district for the return of members to represent such district in the House of Assembly :</p> <p>“Chief Electoral Officer” means the officer for the time being appointed to that office under “The Electoral Act, 1907,” and includes a deputy or substitute :</p> <p>“General election” means the next general election of the Assembly which takes place after a dissolution of the present Assembly, or at the expiration of the term for which members of the present Assembly are elected :</p> <p>“Elector” means a person qualified to vote at an election for the return of a member of the Assembly :</p> <p>“First choice recorded for a closing hour” means a voting-paper on which the number 1 is marked in the square opposite such hour :</p> <p>“Licensed premises” means premises in respect of which an hotel or public-house licence under “The Licensing Act, 1902,” has been granted and is in force, and includes the premises of a certificated club within the meaning of Section One hundred and one of “The Licensing Act, 1902” :</p> <p>“Licensee” means a person holding or entitled to exercise a licence under “The Licensing Act, 1902,” and includes the secretary of a certificated club :</p> <p>“Liquor” means liquor within the meaning of “The Licensing Act, 1902” :</p> <p>“Minister” means the responsible Minister of the Crown for the time being administering “The Electoral Act, 1907” :</p> <p>“Returning Officer” includes Assistant Returning Officer :</p> <p>“The referendum” means the submission to a general poll of the electors of this State of the question of the closing time for the sale or supply of liquor in all licensed premises :</p> <p>“This Act” includes all proclamations made thereunder.</p>
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(2) Save as in this Act otherwise provided, the mention of any official by a name or style of office mentioned in “The Electoral Act, 1907,” shall be taken as referring to the official or one of the officials of that name or style appointed for the purposes of that Act.

The Referendum.

Referendum to be taken on question of closing time for sale of liquor in licensed premises.

3—(1) The Governor shall submit to a general poll of the electors of this State the question of the closing time for the sale or supply of liquor in all licensed premises. The voting on the referendum shall be by ballot and, subject to the provisions of this Act, the referendum shall be held in manner prescribed by proclamation.

(2) A writ for the referendum shall be issued by the Governor, directed to the Chief Electoral Officer and the returning officers of Assembly districts of this State, and such writ may be in accordance with the Form in Schedule (1) to this Act.

Schedule (1).

Closing Time for the Sale of Liquor Referendum.

4 (1) The referendum shall be taken—

- I. By the returning officers for the Assembly districts :
- II. On such day as may be fixed for the polling at the general election next following the passing of this Act :
- III. At the polling places appointed for the general election, whether the election for any Assembly district is contested or not.

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By whom
referendum to be
taken—
When and where.

(2) Officers appointed for the purposes of "The Electoral Act, 1907," may, subject to this Act and any proclamation, perform and discharge in reference to the referendum and the voting thereon such duties and functions as substantially correspond to those which they are authorised to perform or discharge in relation to a general election.

Electoral officers
may act for the
purposes of
referendum.

5 On the referendum votes shall be recorded in manner following :—

Mode of voting.

- I. No matter shall be struck out from any ballot-paper :
- II. The voter shall mark his ballot-paper in the manner following :—
 - (a) He shall place the number **1** within, or substantially within, the square opposite the hour stated thereon for which he votes as his first preference :
 - (b) He shall also give contingent votes for at least Two of the remaining hours stated on the ballot-paper, by placing within, or substantially within, the squares respectively opposite such Two hours the numbers **2** and **3**, so as to indicate the order of his preference :
 - (c) He may, in addition, indicate the order of his preference for as many more of the other hours stated on the ballot-paper as he pleases, by placing within, or substantially within, the squares respectively opposite the same other numbers next in numerical order after those already used by him.

6—(1) Every elector entitled to vote at the general election will be entitled to vote on the referendum. Votes how taken.

(2) No person shall either in one or more Assembly districts vote or attempt to vote more than Once on the referendum.

(3) The same ballot-boxes may be used for the purposes of the referendum and the general election, but in that case the ballot-papers for the referendum shall be of a colour different from the ballot-papers for the election.

(4) Ballot-papers in the form in Schedule (2) to this Act or to the like effect shall be used, and such papers shall be deemed to be ballot-papers within the meaning of any Act relating to the election of members of the Assembly.

Schedule (2).

Closing Time for the Sale of Liquor Referendum.

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Conduct of
referendum and
power and duty
of officers.

7 Subject to the provisions of this Act and any proclamation thereunder, upon the referendum—

- I. All proceedings shall be had and taken in each Assembly district as nearly as may be as upon a general election, and the various provisions as to persons, places, times, and matters connected with voting contained in the Acts in force for the time being, relating to the elections for the Assembly shall so far as they are not inconsistent with this Act apply to the referendum held hereunder :
- II. All returning officers, assistant returning officers, and substitutes and likewise the presiding officers and poll clerks thereat and substitutes shall respectively exercise all such powers and authorities and perform all such duties in connexion with the taking and conduct of such referendum as in connexion with such election of members for the Assembly.

Answers and
declarations for
elections to be
accepted for
referendum.

8 Where an elector has at any polling-place answered any question or made any declaration to enable him to vote at the general election, and his answer or declaration has been accepted as sufficient, the answer or declaration may be accepted as sufficient to enable the elector to vote at the same polling place at the referendum ; and where a declaration is so accepted, no declaration need be made or signed for the purposes of the referendum.

Provisions as to
voting by post.

9 (1) Any person who is entitled to vote through the post at an election of a member or members for the Assembly shall be entitled to vote through the post on the referendum.

(2) The following provisions in respect of voting by post shall apply to the referendum—

- I. An application for a postal ballot-paper for the purposes of the general election shall be deemed to include an application for a postal ballot-paper for the purposes of the referendum ;
- II. A postal ballot-paper containing the vote of an elector at the referendum may be enclosed in the same envelope as that in which the postal ballot-paper containing the vote of the elector at the general election is enclosed.

Scrutiny.

10 The result of the referendum shall be ascertained by a scrutiny conducted in accordance with the provisions of this Act and the directions of the Chief Electoral Officer.

Informal ballot-
papers.

11—(1) A ballot-paper shall be informal if—

- I. It is not authenticated by the initials of the presiding officer (or, in the case of a postal ballot-paper, of the returning officer), or by an official mark as prescribed by "The Electoral Act, 1907 : " or

Closing Time for the Sale of Liquor Referendum.

- ii. It has no vote indicated on it : or
- iii. It has upon it any mark or writing not authorised by this Act, or "The Electoral Act, 1907," to be put upon it, which in the opinion of the returning officer or assistant returning officer would enable any person to identify the voter : or
- iv. It has the same number (being the number **1**, **2**, or **3**) opposite the names of more than One hour : or
- v. The voter has not indicated the order of his preference for at least Three of the hours.

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(2) A ballot-paper shall not be informal for any reason other than the reasons in this section enumerated, but shall be given effect to according to the voter's intention so far as his intention is clear.

(3) In particular a ballot-paper shall not be informal by reason only of—

- i. The use of Roman numerals instead of Arabic numerals : or
- ii. The ballot-paper having the same number (not being the number **1**, **2**, or **3**), opposite the names of more than One hour ; but the order of the voter's preference shall be determined as if the names of all hours, opposite to the names of which the number so repeated or any higher number shall have been placed, had not been on the ballot-paper : or
- iii. A number being omitted in the numerical sequence (commencing with the numeral **4**) of the order of the voter's preference ; but the order of the voter's preference shall be determined as if the names of all hours opposite to the names of which any number higher than any number so omitted shall have been placed, had not been on the ballot-paper.

12 The presiding officer of each polling-place at the general election, except the chief polling-place, shall, as soon as practicable after the close of the poll, open the ballot-box, and shall—

- i. Count the number of First choices recorded for the respective hours stated on the ballot-papers, and place them in separate parcels, according to the hours for which such First choices are recorded, rejecting all informal ballot-papers :
- ii. Count the number of, and place in another parcel, all the ballot-papers, which have been rejected as informal :
- iii. Transmit the following information by telegram, or in some other expeditious manner, to the returning officer for the district—
 - (a) The number of First choices recorded for each hour : and
 - (b) The total number of ballot-papers rejected as informal—

Presiding officers to count first choices and transmit ballot-papers to returning officer.

and shall immediately thereafter make out and sign an abstract in duplicate containing the above information :

Closing Time for the Sale of Liquor Referendum.

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iv. Seal such parcels and transmit them to the returning officer for the District, and shall also transmit to him at the same time, in separate parcels securely fastened—

(a) The unused and spoilt ballot-papers : and

(b) An account, in which such presiding officer shall charge himself with the number of ballot-papers originally delivered to him, the number thereof delivered to and used by voters and the number not so delivered or left unused, and the number set aside for separate custody (which account is hereinafter referred to as the ballot-paper account).

Every such ballot-paper account shall be verified by the signatures of the said presiding officer and the poll clerk (if any) : and

Presiding officers
to indorse parcels.

v. Indorse each of the said parcels with a description of the contents thereof, the name of the district, and of the place of polling, the date of polling, and sign the said indorsement.

Returning officer
to count first
choices at
chief polling-
place and transmit
ballot-papers, &c.,
for the district to
Chief Electoral
Officer.

13—(1) The returning officer shall, as soon as possible after the close of the poll, see that the provisions of Section Eighty-nine of “The Electoral Act, 1907,” are complied with in relation to the referendum, open the ballot-box used at the chief polling-place, and shall—

i. Count the number of First choices recorded for the respective hours stated on the ballot-papers, and place them in separate parcels, according to the hours for which such First choices are recorded, rejecting all informal ballot-papers :

ii. Count the number of, and place in another parcel all the ballot-papers which have been rejected as informal :

iii. Indorse each of the said parcels with a description of the contents thereof, the name of the district and of the place of polling, the date of polling, and sign the said indorsement :

iv. Transmit the following information by telegram, or in some other expeditious manner, to the Chief Electoral Officer—

(a) The number of First choices for each hour throughout the district ; and

(b) The total number of ballot-papers rejected as informal throughout the district.

v. Seal up such parcels and, as expeditiously as possible, transmit them, together with all the sealed parcels of used and informal ballot-papers and duplicates of abstracts received by him from the several presiding officers, to the Chief Electoral Officer for further scrutiny and for counting.

Closing Time for the Sale of Liquor Referendum.

(2) The returning officer shall, on the receipt of any ballot-papers of voters who have voted on the referendum at polling-places outside the district in manner prescribed by regulations under "The Electoral Act, 1907," or by any proclamation under this Act, count the number of First choices recorded for the respective hours stated on the said ballot-papers and the number of such ballot-papers rejected as informal. All other provisions of this section shall, so far as practicable and with such modifications (if any) as the Chief Electoral Officer may direct, apply to the said ballot-papers, and the returning officer shall comply with such provisions and with the directions of the Chief Electoral Officer.

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14 The Chief Electoral Officer shall, as soon as practicable after the receipt of all the sealed parcels of ballot-papers from the several returning officers (including absent voters' ballot-papers), proceed with the scrutiny as follows:—

Chief Electoral Officer to ascertain result of referendum.

- i. He shall appoint all necessary officers for the purposes of the scrutiny:
- ii. He shall open all the sealed parcels of ballot-papers so received by him as aforesaid, and verify the contents of such parcels:
- iii. He shall then count, or cause to be counted by his said officers, the votes in the manner prescribed by Schedule (3) to this Act:
- iv. He shall ascertain the result of the referendum regarding the State as a whole, and shall make out and sign an abstract of such result:
- v. He shall certify the result so ascertained, and his certificate shall be published in the "Gazette."

Schedule (3).

15 Subject to this Act and any proclamation thereunder, the Minister may make or cause to be made such arrangements for taking and conducting the referendum, the scrutiny of the votes, and for ascertaining the result of the referendum, and, generally, all such arrangements incidental to or connected with the said referendum and scrutiny, and for defraying the costs and expenses of or incidental to or connected with the matters aforesaid as he deems convenient.

Minister may make all convenient arrangements as to the referendum.

16 The certificate of the Chief Electoral Officer as to the result of the referendum shall be conclusive evidence of the result thereof, and that the referendum was validly taken, and that all things incidental thereto or connected therewith were properly done; and none of such matters or things shall be liable to be questioned or appealed against in any manner.

Certificate of the result of the referendum to be conclusive.

Application of "The Electoral Act, 1907."

17—(1) The provisions of Sections One hundred and ninety-two and One hundred and ninety-three, and of Part Nine (Voting by Post), Part Ten (The Polling), and Part Fourteen (Electoral Offences), of

Application of Electoral Act.

Closing Time for the Sale of Liquor Referendum.

A.D. 1915.

“The Electoral Act, 1907,” shall, subject to this Act and any Proclamations thereunder, and so far as they are applicable, apply *mutatis mutandis* to the referendum as if it were the general election.

(2) In the application of any provision or part of “The Electoral Act, 1907,” to the referendum—

- I. A reference to a writ shall be read as a reference to a writ for the referendum :
- II. A reference to an election shall be read as a reference to the referendum :
- III. 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 :
- IV. A postal ballot-paper shall be in the form determined by the Governor :
- V. A postal vote certificate shall be in the form determined by the Governor :
- VI. Section Eighty-seven shall be read as if the directions on the form of ballot paper so determined by the Governor were substituted for those in the said section :
- VII. A ballot-paper used for the purposes of the referendum shall only be rejected as informal for the reasons specified in this Act or by proclamation :
- VIII. A reference to scrutineers or to a scrutineer shall be read as a reference to scrutineers or to a scrutineer appointed in pursuance of this Act, as the case requires :
- IX. 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 :
- X. 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 :
- XI. The same list of voters may be used for the purposes of Section One hundred and fifteen at the general election and the referendum, and unless the contrary is indicated, One mark placed against any person’s name thereon shall be deemed a compliance with the duty of marking such list at the general election and the referendum :
- XII. Any reference to “this Act” shall be read as a reference to the provisions and parts of the said Act (as hereby adapted) which are applicable to the referendum :
- XIII. Sections Ninety-one, One hundred and one, One hundred and two, One hundred and four, One hundred and nineteen, One hundred and forty-six, One hundred and forty-seven, One hundred and forty-eight, One hundred and forty-nine, One hundred and fifty, One hundred and fifty-one, One hundred and fifty-two, and One hundred and sixty shall not apply to the referendum.

*Closing Time for the Sale of Liquor Referendum.**Offences.*

A.D. 1915.

18 Whoever, 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, with a view to influence his vote in connection with the referendum, shall be guilty of an offence against this Act.

Supply of meat, drink, or entertainment, &c Cf., No. 17 of 1912, s. 17. (Commonwealth).

Penalty : One hundred Pounds or imprisonment for Six months.

19 Whosoever 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—

Bribery. *Ibid.*

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—

shall be guilty of an offence against this Act.

Penalty : One hundred Pounds or imprisonment for Six months.

20 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, shall be guilty of an offence against this Act.

Receipt of bribe by elector. *Ibid.*

Penalty : One hundred Pounds or imprisonment for Six months.

21 Whoever by fraud, or by unlawful threats, or intimidation of any kind—

Undue influence. *Ibid.*

i. Endeavours to influence any elector in his vote in connection with the referendum : or

ii. Endeavours to induce any elector not to vote at the referendum—

shall be guilty of an offence against this Act.

Penalty : One hundred Pounds or imprisonment for Six months.

22—(1) Every advertisement, and every handbill or pamphlet, relating to the referendum, and intended or calculated to affect the result thereof, shall have the name and address of the person authorising it at the end thereof; and every such advertisement (other than an advertisement in a newspaper), handbill, or pamphlet, if printed, shall in addition have printed thereon the name and place of business of the printer who printed it.

Advertisement relating to referendum. *Ibid.*

(2) Every person who prints or publishes, or authorises the printing or publication, of any such advertisement, handbill, or pamphlet which does not comply with this section shall be guilty of an offence against this Act.

Penalty : Fifty Pounds.

Closing Time for the Sale of Liquor Referendum.

A.D. 1915.

Making false
statement.

23 No person shall wilfully make any false statement in reply to any question put to him by an authorised witness pursuant to this Act or "The Electoral Act, 1907."

Penalty : Twenty-five Pounds.

*Miscellaneous.*Governor may
rectify
omissions, &c.

24 Where any accidental or unavoidable impediment, misfeasance, or omission has happened in any matters whatsoever under this Act, the Governor may take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission, or may by Order-in-Council declare any or all of the proceedings at or for the referendum in any Assembly district valid as to and notwithstanding any such impediment, misfeasance, or omission; and every Order-in-Council shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith published in the "Gazette."

Recovery of
penalties, &c.
19 Vict., No. 8

25 All informations for offences against this Act shall be heard and determined, and all penalties imposed by this Act shall be recovered in a summary way by and before any police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act."

SCHEDULES.

(1)

STATE OF TASMANIA.**WRIT FOR A REFERENDUM.**

Section 3.

His Majesty the King—To the Chief Electoral Officer for the State of Tasmania and the returning officers of and for the House of Assembly Electoral Districts of the said State, and to all others whom it may concern:

In pursuance of "The Closing Time for the Sale and Supply of Liquor on Licensed Premises Referendum Act, 1915," We command you that on such day as may be fixed for the next general election of members to serve in the House of Assembly, you cause the following question to be submitted to a referendum or poll of the electors who are qualified to vote in this State at such general election:—

*Closing Time for the Sale of Liquor Referendum.**Question.*

A.D. 1915.

" Are you in favour of the closing time at night for the sale and supply of liquor in Hotels, Publichouses, and Clubs being fixed at—

- Six o'clock
or
 Seven o'clock
or
 Eight o'clock
or
 Nine o'clock
or
 Ten o'clock
or
 Eleven o'clock

And We direct you to return this writ on or before the _____ day of _____ 1915.

Witness Our trusty and well-beloved the Right Honourable Sir William Grey Ellison-Macartney, Privy Councillor, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor in and over the State of Tasmania and its Dependencies, in the Commonwealth of Australia, at Hobart aforesaid, this _____ day of _____, in the _____ year of Our Reign, and in the year of Our Lord, One thousand nine hundred and _____

By His Excellency's Command,

Governor.

Chief Secretary.

Indorsement on Writ.

This writ was received by me, this _____ day of _____ 1915.

Chief Electoral Officer.

I hereby certify that the referendum upon the question of the closing time at night for the sale and supply of liquor in Hotels, Publichouses, and Clubs nas been duly taken, and that the hour of _____ p.m. has been fixed by the referendum as such closing time.

Chief Electoral Officer for Tasmania.

(2)

FORM OF BALLOT-PAPER.

Are you in favour of the closing time at night for the sale and supply of liquor in Hotels, Publichouses, and Clubs being fixed at— Section 6.

- Six o'clock
or
 Seven o'clock
or
 Eight o'clock
or
 Nine o'clock
or
 Ten o'clock
or
 Eleven o'clock

Closing Time for the Sale of Liquor Referendum.

A.D. 1915.

(3)

METHOD OF COUNTING THE VOTES.

Section 14

First choice for each hour to be counted.

1. The number of first choices recorded for each hour stated on the ballot-paper shall be counted, and all informal ballot-papers shall be rejected.

2. If on the first choices being counted an absolute majority of all the first choices recorded is in favour of any particular hour, that hour shall be certified by the Chief Electoral Officer to be the closing time, as the result of the referendum.

3. If no hour has an absolute majority of votes, the hour which has the fewest votes shall be excluded, and each ballot-paper counted to that hour shall (unless exhausted) be counted to the unexcluded hour next in the order of the voter's preference.

4. If no hour then has an absolute majority of votes, the process of excluding the hour which has the fewest votes and counting each of its ballot-papers (unless exhausted) to the unexcluded hour next in the order of the voter's preference, shall be repeated until one hour has an absolute majority of votes.

Exhausted ballot-papers.

5. Every ballot-paper, not rejected as informal, shall be counted in every count until it becomes exhausted, when it shall be rejected in all further counts. When any hour is excluded, any ballot-paper counted to that hour shall be deemed to be exhausted if there is not indicated upon it a consecutive preference for one unexcluded hour.

In case of equality of votes decision to be by lot.

6. If on any count two or more hours have an equal number of votes and one of them has to be excluded, the Chief Electoral Officer shall decide by lot which is to be excluded, and if in the final count two hours have an equal number of votes, the Chief Electoral Officer shall decide by lot which hour shall be fixed by the referendum as the closing hour.



