

Rt. Hon. R. J. Seddon.

REFERENDUM.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for certain Bills and Legislative Proposals being referred to a Poll of the Electors of the Colony. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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| <p>1. The Short Title of this Act is "The Referendum Act, 1901."</p> <p>2. In this Act, if not inconsistent with the context,—<br/>"House" means the Legislative Council or the House of Representatives.</p> <p>3. For the purposes of this Act the following provisions shall apply:—<br/>(1.) The first rejection of a Bill shall be deemed to occur whenever such Bill has, during any session of Parliament, been passed by one House and transmitted to the other for its concurrence therein, and such other House, before the close of the session, either—<br/>(a.) Fails to notify its concurrence therein by message to such first-mentioned House; or<br/>(b.) Notifies such concurrence, but with amendments in which the first-mentioned House does not agree; and by reason thereof the Bill is lost.<br/>(2.) In any such case the Bill shall be deemed to have been rejected by such other House.<br/>(3.) The second rejection of such Bill shall be deemed to occur whenever such first-mentioned House in the same or the next succeeding session—</p> | <p>Short Title.</p> <p>Interpretation.</p> <p>When Bill to be deemed rejected by either House.</p> |
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ing session of Parliament again passes the Bill (or a Bill substantially the same) and transmits it to the other House for its concurrence therein, and such other House, before the close of the session, either—

- (a.) Fails to notify its concurrence therein by message to such first-mentioned House; or 5
- (b.) Notifies such concurrence, but with amendments in which such first-mentioned House does not concur;

and by reason thereof the Bill is again lost.

(4.) Upon the occurring of such second rejection the Bill shall be deemed to have been again rejected by such other House and to be a rejected Bill within the meaning of this Act. 10

(5.) The Speaker of such first-mentioned House, by certificate under his hand, shall alone determine, and without appeal, whether a Bill is a rejected Bill within the meaning of this Act, and whether any Bill is, for the purposes of this Act, substantially the same as another Bill. 15

What may be submitted to Referendum.

4. In any of the following cases, that is to say,—

- (1.) If a Bill is a rejected Bill within the meaning of this Act; or
- (2.) If a Bill passed by both Houses contains a provision that such Bill shall be reserved for the Referendum; or 20
- (3.) If a resolution is passed by both Houses in favour of submitting to the Referendum any legislative proposal (other than a Bill) set forth in such resolution :

Then such Bill or proposal shall, in manner hereinafter directed, be referred to the vote of all the electors entitled to vote for the election of members of the House of Representatives. 25

Clerk of Parliaments to send copy of Bill or resolution to Governor.

5. Within *seven* days after the close of the session in which such rejected Bill was last passed by either House, or such Bill or resolution was passed by both Houses, a copy thereof, certified as correct by the Speaker of each House that passed the same, as the case may be, shall be transmitted to the Governor by the Clerk of Parliaments. 30

Governor to gazette same, and fix day for poll.

6. Forthwith upon receipt of such copy the Governor shall cause the same to be published in the *Gazette*, and in the same *Gazette* he shall appoint a day for the taking of a poll of the electors thereon.

When poll to be taken.

7. The day so appointed shall be not sooner than *twenty-eight* nor later than *forty-two* days after the close of such session, but shall not be the same day as that appointed for the election of any member of the House of Representatives. 35

Poll to be taken as in case of general election.

8. Subject to the provisions of this Act, such poll shall be taken in each electoral district in the colony by the same Returning Officer, at the same polling-places, and in the same manner as in the case of a general election, and the provisions of "The Corrupt Practices Prevention Act, 1881," and "The Electoral Act, 1893," in so far as they are applicable, shall, *mutatis mutandis*, apply accordingly. 40

Form of voting-papers. Schedule, Form A.

9. For the purposes of every such poll the voting-papers shall be in the Form A in the Schedule hereto or to that effect. 45

Result of poll to be certified. Schedule, Form B.

10. The result of the poll in each electoral district shall be duly certified by the Returning Officer in the Form B in the Schedule hereto or to that effect, and he shall forward the same to the Clerk of Writs. 50

Results to be tabulated, declared, and gazetted.

11. (1.) Forthwith upon receipt of the results of the poll in every electoral district the Clerk of Writs shall prepare and gazette a tabulated statement thereof showing for each electoral district, and for the whole colony, the total number of votes recorded for and

against the Bill or proposal submitted to the Referendum, and the total number of informal votes; and shall declare such Bill or proposal to be approved or disapproved by the Referendum accordingly as the majority of all the valid votes recorded throughout the colony is recorded for or against such Bill or proposal.

(2.) Such statement and declaration shall be in the Form C in the Schedule hereto or to that effect.

12. With respect to any Bill which is duly submitted to the Referendum, the following provisions shall apply:—

Effect of Referendum as to Bill.

10 (1.) Until the gazetting of the result of the poll, the Bill shall remain in the custody of the Clerk of Parliaments, and shall not be transmitted to the Governor.

15 (2.) If the Bill is approved by the Referendum, then forthwith on the gazetting of the result of the poll the Bill shall be deemed to be for all purposes a Bill duly passed by the General Assembly in Parliament assembled in pursuance of the Constitution Act, and shall be treated and dealt with accordingly.

20 (3.) If the Bill is disapproved by the Referendum, it shall be deemed to be a Bill rejected by Parliament in the session thereof next preceding the date of the poll, and shall be treated and dealt with accordingly.

13. With respect to any legislative proposal (other than a Bill) which is duly submitted to the Referendum, the following provisions shall apply:—

Effect of Referendum as to other than Bill.

25 (1.) If such proposal is approved by the Referendum, the Government shall, within ten days after the commencement of the next ensuing session of Parliament, introduce a Bill to give effect to such proposal.

30 (2.) If such proposal is disapproved by the Referendum, it shall be deemed to be a resolution rejected by Parliament, and shall be treated and dealt with accordingly.

14. With respect to any Bill or other legislative proposal which has been submitted to the Referendum the following provisions shall apply:—

Limit of time for second Referendum.

(1.) It shall not be again submitted for a period of three years after the gazetting of the result of the poll taken on the first submission unless at least *ten thousand* electors so request by petition to Parliament.

40 (2.) It shall not be again submitted unless the provisions of section *four* of this Act are complied with afresh.

15. Nothing in this Act shall apply to,—

45 (1.) Any Bill or other legislative proposal which deals with the construction or maintenance of public works of a purely local character, or with parliamentary procedure, or which the House of Representatives, by resolution, declares to be a matter of urgency; nor to

Bills to which Referendum does not apply.

(2.) Any private Bill.

50 16. The Governor may from time to time by Order in Council gazetted make such regulations as he deems necessary for the proper taking of the poll under this Act, and generally for giving effect to this Act.

Regulations.

55 17. The provisions of this Act relating to rejected Bills shall, *mutatis mutandis*, apply to any resolution which requires for its validity the assent of both Houses.

Act to apply to certain resolutions.

Acts modified or  
repealed.

18. The Constitution Act and all other Acts that are in any way in conflict with this Act are hereby modified or repealed in so far as such conflict exists, but not further or otherwise :

Provided that nothing in this Act contained shall operate or be construed to affect any such of the provisions of the Constitution Act as it is not competent for Parliament to alter.

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Schedule.

### SCHEDULE.

#### FORM A. VOTING-PAPER.

Section 9.

ON the following Bill [*or other legislative proposal*] submitted to the Referendum under "The Referendum Act, 1901," namely :—

[*If a Bill, set out the Short Title ; if any other legislative proposal, set it out.*]

1. I vote *for* the above Bill [*or proposal*] .
2. I vote *against* the above Bill [*or proposal*] .

N.B.—The voter must strike out the line marked "2." if he wishes to vote *for* the Bill [*or proposal*] , and line "1." if he wishes to vote *against* it. If he strikes out both lines, or neglects to strike out one of them, the voting-paper will be informal and void.

#### FORM B.

Section 10.

#### RETURNING OFFICER'S CERTIFICATE OF RESULT OF POLL.

Referendum under "The Referendum Act, 1901."

I CERTIFY that the following is a correct statement of the result of the poll taken in the Electoral District of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, on the following matter, that is to say :—

[*If a Bill, set out its Short Title ; if any other legislative proposal, set it out.*]

Total of valid votes for the Bill [ <i>or proposal</i> ] ...	...	43,700
Total of valid votes against the Bill [ <i>or proposal</i> ] ..	..	33,250
Total of valid votes recorded ...		... 76,950
Total of informal votes... ..		... 424

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

To the Clerk of Writs.

A. B.,  
Returning Officer.

#### FORM C.

Section 11.

#### STATEMENT AND DECLARATION BY CLERK OF WRITS AS TO RESULT OF POLL.

Referendum under "The Referendum Act, 1901."

THE following is a tabulated statement of the results of the polling taken in every electoral district throughout the colony, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, upon the following matter, that is to say :—

[*If a Bill, set out its Short Title ; if a legislative proposal, set it out.*]

Electoral District.	Votes.		
	For.	Against.	Informal.
A ... ..	43,700	33,250	424
B... ..	34,500	44,800	552
Etc. ... ..	Etc.	Etc.	Etc.
Total ... ..			

As the majority of the total number of valid votes recorded is recorded for [*or against*] the Bill [*or legislative proposal*] , I hereby declare such Bill [*or legislative proposal*] to be approved [*or disapproved*] by the Referendum.

Dated at Wellington, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

C. D.,  
Clerk of Writs.