

**GORDON RIVER HYDRO-ELECTRIC POWER
DEVELOPMENT (REFERENDUM) ACT 1981**

No. 58 of 1981

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**GORDON RIVER HYDRO-ELECTRIC POWER
DEVELOPMENT (REFERENDUM) ACT 1981**

No. 58 of 1981

AN ACT to provide for the determining by referendum of the electors of Tasmania of the question as to which of 2 locations on the Gordon River the electors prefer for the construction of a proposed hydro-electric power scheme and to provide for related matters.

[Royal Assent 17 November 1981]

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:—

PART I

PRELIMINARY

1—This Act may be cited as the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981*. Short title.

Interpretation.

2—(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“ Assembly ” means the House of Assembly;

“ ballot-paper ” means a ballot-paper in form A or form B in Schedule 1;

“ Chief Electoral Officer ” means the person for the time being holding office as Chief Electoral Officer under section 6 of the *Electoral Act* 1907, and includes any person authorized to exercise the powers, duties, and functions of the Chief Electoral Officer;

“ elector ” means a person who is entitled to vote at an election of the Assembly;

“ the question ” means the question printed on the ballot-paper;

“ referendum ” means the referendum under this Act for taking the votes of the electors with respect to the question;

“ the scrutiny ” means the scrutiny under this Act;

“ the writ ” means the writ for the holding of the referendum.

(2) Where in this Act an expression that is defined in section 4 of the *Electoral Act* 1907 is used, that expression shall, subject to this Act and except in so far as the context or subject-matter otherwise indicates or requires, be so defined for the purposes of this Act.

PART II

THE REFERENDUM

Referendum to determine electors' preferences as to the location for proposed power scheme.

3—(1) The question set out in the ballot-paper for the purpose of determining which location specified in Schedule 3 is preferred by the electors shall be submitted to the electors by way of referendum.

(2) The question referred to in subsection (1) shall be submitted to the electors on the day fixed in the writ for the holding of the referendum.

Writ for the referendum.

4—(1) A writ for the holding of the referendum shall be issued by the Governor.

(2) The writ shall be directed to the Chief Electoral Officer.

5—(1) The writ for the referendum shall be in the form set out in Schedule 2. Form of writ, &c.

(2) The writ shall fix a day, being a Saturday, as the day for holding the referendum and fix a day for the return of the writ.

6—The Chief Electoral Officer shall, immediately after the receipt of the writ— Duties of Chief Electoral Officer on receipt of writ.

- (a) endorse on the writ the date on which he received it;
- (b) cause to be inserted in the *Gazette* and in 2 or more newspapers circulating in Tasmania a notification of the receipt of the writ, the day fixed for holding the referendum, and the day fixed for the return of the writ; and
- (c) forward a copy of the writ to the returning officer for each Assembly division.

7—(1) For the purposes of informing the electors as to the issues to be submitted to the referendum— Publication of arguments in relation to question to be submitted to referendum of electors.

- (a) the Speaker of the House of Assembly shall endeavour to arrange for the preparation of an argument which consists of not more than 1 000 words and is authorized by a majority of the members of both Houses of Parliament who support the construction of a hydro-electric power scheme within the first location specified in Schedule 3 as opposed to the second location so specified; and
- (b) the President of the Legislative Council shall endeavour to arrange for the preparation of an argument which consists of not more than 1 000 words and is authorized by a majority of the members of both Houses of Parliament who support the construction of a hydro-electric power scheme within the second location specified in Schedule 3 as opposed to the first location so specified.

(2) An argument prepared in accordance with subsection (1) must be delivered to the Chief Electoral Officer not later than 7 days after the issue of the writ.

(3) If the Chief Electoral Officer receives an argument prepared in accordance with subsection (1) within the period prescribed by subsection (2), he shall, in accordance with subsection (4), cause the argument to be published on 3 occasions in each of the 3 principal daily newspapers circulating in Tasmania.

(4) The first and second occasions for the publication of an argument received by the Chief Electoral Officer shall be the 2 Saturdays immediately preceding the date fixed for the referendum and the third occasion shall be the Friday immediately preceding the day so fixed.

Costs and
expenses of
referendum.

8—(1) Subject to subsection (2), the costs and expenses incurred in or in connection with the conduct of the referendum (including the costs and expenses incurred in publishing the arguments prepared in accordance with section 7) are a charge on the Consolidated Revenue Fund and are payable out of that Fund without further appropriation than this section.

(2) The amount payable under subsection (1) shall not exceed \$300 000.

PART III

VOTING AT REFERENDUM

Voting day.

9—The voting at the referendum shall, subject to this Act, be taken on the day fixed by the writ for the taking of votes of the electors.

Polling-places.

10—(1) The polling-places and subdivisions appointed and established under the *Electoral Act* 1907 in relation to elections of members to the Assembly shall be the polling-places and subdivisions for the purposes of the referendum.

(2) The presiding officer at each polling-place shall, on the day fixed by the writ for holding the referendum or on any day to which the polling is adjourned, ensure—

(a) that the polling-place is opened for polling at 9 a.m. and is not closed until all the electors present in the polling-place at 6 p.m., and desiring to vote on the question, have voted; and

- (b) that the doors of the polling-place are closed at 6 p.m. and no person is admitted to the polling-place for the purpose of voting after that time.

11—(1) At the referendum only those electors who would be entitled to vote if the referendum were a general election shall be entitled to vote.

Electors
who may be
permitted to
vote at the
referendum.

(2) Nothing in subsection (1) shall be construed as permitting a person to vote if he would be disqualified from voting at a general election.

(3) An elector shall vote only once at the referendum.

(4) It is the duty of every elector who is entitled to vote at the referendum to exercise that entitlement.

(5) For the purposes of this section—

(a) a person who makes a claim to the electoral registrar for enrolment under the *Electoral Act 1907* after 6 p.m. on the day of the issue of the writ is not entitled to vote at the referendum;

(b) a claim for transfer of enrolment which is received by the electoral registrar after that time shall not be registered until after the close of polling at the referendum; and

(c) except by the direction of the Chief Electoral Officer or the returning officer for the Assembly division concerned, no name shall be removed from a roll of electors pursuant to a notification of transfer of enrolment given to the electoral registrar concerned under the *Electoral Act 1907* after 6 p.m. on the day of the issue of the writ and before the close of polling at the referendum.

12—(1) Voting at the referendum shall be conducted by the returning officers for the several Assembly divisions.

Voting to
be conducted
by returning
officers, &c.

(2) Subject to and in accordance with this Act, the officers appointed under and for the purposes of the *Electoral Act 1907* shall perform and discharge all such duties and functions, and may exercise all such powers, in relation to the referendum as substantially correspond to the duties, functions, and powers that, subject to and in accordance with the *Electoral Act 1907*, they are required or empowered to perform, discharge, or exercise in relation to a general election.

Voting to be
by ballot.

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

(2) Each elector shall mark his vote on the ballot-paper by recording the numeral 1 in the square opposite the reference to the location for which he wishes to record his preference.

Ballot-papers.

14—(1) The Government Printer shall ensure that half of the ballot-papers printed for use at the referendum, including those to be used for voting by post, are in form A in Schedule 1 and the other half are in form B in that Schedule.

(2) Before the ballot-papers are distributed to returning officers, the Chief Electoral Officer shall ensure that each batch of ballot-papers is collated in such a way that the ballot-paper immediately following another ballot-paper in the batch is in a form different from that of the other ballot-paper.

(3) The presiding officer at each polling-place at which voting for the referendum is taken shall issue ballot-papers so that, as nearly as practicable, each alternate voter entering the polling-place after the first voter is given a ballot-paper in a form that is different from the form of the ballot-paper that was given to the voter who immediately preceded him in entering that polling-place.

Scrutineers.

15—(1) Where a group of persons claims to have a special interest in the outcome of the referendum, any member of the group may, within 7 days after notification of receipt of the writ by the Chief Electoral Officer is published in the *Gazette*, request the Minister to authorize scrutineers to be appointed by or on behalf of the group for the purposes of the referendum.

(2) The Minister may decline to consider a request made under subsection (1) if the request does not specify the special interest in the outcome of the referendum claimed by the group concerned.

(3) If the Minister accedes to a request made under subsection (1), there may be appointed by or on behalf of the group one scrutineer at each polling-place at which voting for the referendum is to be conducted and one scrutineer at each place at which the scrutiny is to be conducted.

(4) Where 2 or more requests are made under subsection (1) on behalf of groups which appear to the Minister to have common interests or similar objects and he does not accede to all of those requests, he shall inform in writing each member of such a group who made a request which is not acceded to of the name or names of that group or those groups by or on whose behalf scrutineers are authorized to be appointed under subsection (3).

PART IV

PROCEEDINGS AFTER CLOSE OF POLL

16—As soon as practicable after the close of the poll at a polling-place, the presiding officer at the polling-place shall, in the presence of a poll-clerk (if any), open the ballot-box and proceed to count the number of votes recorded in favour of each of the preferences set out in the question. Counting of votes.

17—(1) A ballot-paper shall be regarded as informal if— Informal ballot-papers.

- (a) it is not duly signed or initialled by the presiding officer by whom it was issued;
- (b) the voter has failed to indicate his preference in answering the question; or
- (c) it has on it any mark or writing not authorized by this Act to be placed on it, being a mark or writing which, in the opinion of the presiding officer, would enable the voter to be identified.

(2) An informal ballot-paper shall be rejected at the scrutiny.

(3) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not, by reason of any marking on the paper not required or authorized by this Act, be treated as informal or be rejected at the scrutiny if, in the opinion of the presiding officer, the voter's preference is clearly indicated on the ballot-paper.

(4) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only of the fact that it is not duly signed or initialled by the presiding officer by whom it was issued if it bears such mark as is prescribed as an official mark for the purposes of section 127 (1) (a) of the *Electoral Act* 1907.

Duties of
presiding
officer.

18—Immediately after ascertaining the total number of votes recorded for each of the preferences indicated by the ballot-paper, each presiding officer shall make up—

- (a) in one parcel, the ballot-papers which have been used in voting at his polling-booth during the referendum;
- (b) in a second parcel, the ballot-papers which have remained unused; and
- (c) in a third parcel, the certified copies of rolls supplied to that presiding officer, signed by him, and all books, rolls, and papers kept or used by him during the polling,

and shall—

- (d) seal up those parcels;
- (e) endorse them severally with a description of their contents, with the name of the subdivision and polling-place and with the date of the polling;
- (f) sign that endorsement with his name; and
- (g) transmit them to the returning officer.

Results and
account of
ballot-papers.

19—Each presiding officer shall, together with the parcels referred to in section 18, transmit to the returning officer—

- (a) a list of the total number of votes recorded for each of the preferences and indicated on the ballot-papers; and
- (b) an account in which that officer charges himself with the number of ballot-papers originally delivered to him, and the number (if any) written out by him, specifying in the account the number of ballot-papers 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 by the signatures of that officer and the poll-clerk (if any).

Poll for
subdivisions.

20—(1) The returning officer shall, as soon as practicable after the close of the poll with such assistance as he considers necessary, proceed to count again the number of votes recorded for each of the

preferences set out in the question on the ballot-papers used in connection with the poll for the Assembly division for which he is responsible and also count the number of those ballot-papers rejected as informal.

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

(a) prepare and sign a certificate setting out in relation to the votes recorded for his Assembly division—

(i) the number of votes recorded for each of the preferences set out in the question; and

(ii) the number of ballot-papers rejected as informal; and

(b) transmit the certificate to the Chief Electoral Officer.

21—(1) At any time before endorsing the writ, the Chief ^{Recount.} Electoral Officer may, if he thinks fit, and shall, if so directed by the Governor, direct the returning officer for any Assembly division to conduct a recount of all ballot-papers relating to his division, or to any designated section of those papers, and thereupon the returning officer shall conduct the recount accordingly and include the result in the certificate referred to in section 20 (2).

(2) If the certificate referred to in section 20 (2) has already been transmitted to the Chief Electoral Officer, the returning officer shall prepare and sign a further certificate setting out in relation to the votes recorded by electors in his Assembly division—

(a) the number of votes recorded in favour of each of the preferences set out in the question, as determined by the recount;

(b) the number of ballot-papers rejected as informal, as determined by the recount.

(3) A further certificate referred to in subsection (2) shall be immediately transmitted by the returning officer to the Chief Electoral Officer and, when received by him, shall replace the earlier certificate transmitted by the same returning officer, and the Chief Electoral Officer shall immediately cancel the earlier certificate.

(4) The returning officer conducting a recount may reverse any decision as to the allowance or admission or disallowance or rejection of any ballot-paper.

PART V

RESULT OF REFERENDUM

Ascertainment
of result.

22—(1) On receiving the certificates transmitted to him in accordance with sections 20 (2) (b) and 21 (3), the Chief Electoral Officer shall, with such assistance as he considers necessary, proceed to ascertain the result of the referendum in accordance with this section.

(2) The aggregate number of votes recorded throughout Tasmania for each of the preferences set out in the question shall be ascertained by adding together the respective numbers of those votes shown in the certificates (other than the certificates cancelled by the Chief Electoral Officer pursuant to section 21 (3)) transmitted to the Chief Electoral Officer by all the returning officers in accordance with sections 20 (2) (b) and 21 (3).

Return of
writ.

23—(1) The Chief Electoral Officer shall—

(a) endorse on the writ a statement setting out—

(i) the number of votes recorded in favour of each of the preferences set out in the question; and

(ii) the number of ballot-papers rejected as informal; and

(b) sign the statement and return to the Governor the writ with the statement endorsed on it.

(2) The Chief Electoral Officer shall cause a copy of the statement to be published in the *Gazette*.

(3) The copy of the statement published pursuant to subsection (2) shall, subject to this Act, be conclusive evidence of the result of the referendum.

PART VI

DISPUTED RETURNS

Reference
of certain
matters to
Supreme
Court.

24—If any matter arises relating to the validity of the referendum, or as to any list or certificate showing the voting on the referendum, that matter may, at any time within 40 days after the return of the writ for the referendum, be referred by resolution of the Legislative Council or the House of Assembly to the Supreme Court, and, where any such resolution is passed, the Supreme Court has jurisdiction to hear and determine the matter.

25—(1) Where any matter is referred to the Supreme Court under section 24, the President of the Legislative Council or the Speaker of the House of Assembly, as the case may be, shall transmit to the Registrar of the Supreme Court a statement of the matter on which the determination of the Court is desired. Determination of referred matter.

(2) The Supreme Court, in relation to a reference under section 24, shall sit as in open court, and shall have all the powers conferred under the *Electoral Act* 1907 on the Court of Disputed Returns, so far as those powers are applicable to the determination of the matter referred.

26—(1) The Chief Electoral Officer is entitled to appear and be heard at the hearing of a matter referred to the Supreme Court under section 24. Parties to hearing.

(2) The Supreme Court may allow any other person to appear and be heard, or to be represented, at the hearing of the matter.

27—The procedure in relation to the hearing of a matter referred to the Supreme Court under section 24 shall be as prescribed by Rules of the Supreme Court. Procedure.

28—After the Supreme Court has determined a matter referred to it under section 24, the Registrar of the Supreme Court shall forward to the Clerk of the Legislative Council or, as the case may be, to the Clerk of the House of Assembly a copy of the court's determination. Determination to be sent to House concerned.

29—(1) The referendum, or any list or certificate showing the voting on the referendum, shall not be vitiated on account of— Immaterial errors not to vitiate referendum.

- (a) any delay in relation to the taking of votes of the electors or in relation to the making of any list of certificates; or
- (b) the absence of, or error or omission by, any officer which did not affect the result of the referendum.

(2) Where an elector was, on account of the absence or error or omission of an officer, prevented from voting at the referendum, the Supreme Court shall not, for the purpose of determining whether the absence or error or omission by the officer did or did not affect the result of the referendum, admit evidence of the way in which the elector intended to vote.

PART VII

OFFENCES

Supply of
food, &c.

30—A person shall not, after the issue of the writ for the referendum and before the votes have been taken for the purposes of the referendum, supply to an elector any food, drink, entertainment, or transport with a view to influencing his vote in connection with the referendum.

Penalty; \$1 000 or imprisonment for 6 months.

Bribery.

31—A person shall not give, confer, or procure or promise or offer to give, confer, or 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;
- (b) in order to induce the elector to refrain from voting at the referendum; or
- (c) in order to induce the elector to support either of the preferences set out in the question.

Penalty: \$2 000 or imprisonment for a term of 12 months.

Receipt of
bribe by
elector.

32—An elector shall not request, receive, or obtain, or agree or attempt to receive or obtain, any money, property, or benefit of any kind for himself or any other person on the understanding that—

- (a) his vote in connection with the referendum shall be influenced thereby, or shall be given in any particular way;
- (b) he will refrain from voting at the referendum; or
- (c) he will support either of the preferences set out in the question.

Penalty: \$2 000 or imprisonment for a term of 12 months.

Undue
influence.

33—A person shall not—

- (a) threaten, offer, or suggest any violence, injury, punishment, damage, loss, or disadvantage to an elector or any other person—
 - (i) in order to influence the elector in his vote in connection with the referendum;

- (ii) in order to induce the elector to refrain from voting at the referendum; or
 - (iii) in order to induce the elector to support either of the preferences set out in the question; or
- (b) use, cause, inflict, or procure any violence, injury, punishment, damage, loss, or disadvantage towards, to, or on any elector or any other person, for or on account of any such vote, refraining from voting, or support.

Penalty: \$2 000 or imprisonment for a term of 12 months.

34—(1) A person shall not—

- (a) print, publish, or distribute 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) print, publish, or distribute 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.

Misleading
advertisements,
&c.

Penalty: \$1 000.

(2) Subsection (1) does not prevent the printing, publishing, or distributing of any advertisement or document (not otherwise illegal) which contains instructions as to how to vote in favour of either of the preferences set out in the question, if those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

35—(1) A person shall not, at a public meeting to which this subsection applies, act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is held.

Misconduct
at public
meeting.

Penalty: \$200.

(2) Subsection (1) 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.

Articles to
be signed.

36—(1) On and after the date of issue and before the return of the writ for the referendum, every article, report, letter, or other matter commenting on the referendum, or on any issue being submitted to the electors at the referendum, printed and published in any newspaper, circular, pamphlet, or dodger shall be signed by the author or authors, giving his name and address or, as the case may be, their names and addresses—

(a) at the end of the article, report, letter, or other matter; or

(b) where part only of the article, report, letter, or matter appears in any issue of a newspaper, circular, pamphlet, or dodger, at the end of that part.

(2) Any person who, being the author of an article, report, letter, or other matter referred to in subsection (1)—

(a) fails to comply with that subsection; or

(b) in purported compliance with that subsection, gives a name or an address which to his knowledge is false, or with intent to deceive or mislead any other person,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

(3) Any newspaper editor, or any newspaper proprietor, who permits, in any newspaper which he edits or owns, the publication of any unsigned article, report, letter, or other matter commenting on the referendum, or on the issues being submitted to the electors at the referendum, after the issue of the writ and before the return of the writ for the referendum is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

(4) This section does not apply to the publication of—

(a) a leading article; or

(b) an article which consists solely of a report of a meeting and does not contain comment (other than comment made by a speaker at the meeting) on the issues being submitted to the electors.

(5) This section does not require any article, report, letter, or other matter to which this section applies, which is printed and published in a newspaper, to be signed by its author if the author is a person employed by the proprietor of the newspaper and he informs the proprietor or editor of the newspaper that he objects, on conscientious grounds, to signing the article, report, letter, or other matter.

(6) In any case to which subsection (5) applies, the article, report, letter, or other matter shall be signed by the editor or proprietor of the newspaper.

37—(1) On and after the date of issue and before the return of the writ for the referendum, a person shall not— Matter broadcast, &c.

(a) broadcast or televise; or

(b) permit to be broadcast or televised, from any broadcasting station or television station any announcement, statement, or other matter commenting on the referendum, or the issues being submitted to the voters at the referendum, unless the announcement, statement, or other matter includes the name and address or the names and addresses of the author or authors of the announcement, statement, or matter.

Penalty: \$400.

(2) Any person who—

(a) contravenes subsection (1); or

(b) includes in an announcement, statement, or other matter referred to in that subsection a name or an address which to his knowledge is false, or with intent to deceive or mislead any other person,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

(3) Where any announcement, statement, or other matter is broadcast or televised in contravention of subsection (1), the person who supplied the announcement, statement, or other matter to the broadcasting station or television station for broadcasting or televising is, unless he proves that the name and true address of the author or the names and true addresses of the authors were included in the announcement, statement, or other matter so supplied, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

(4) This section does not apply to the inclusion in a summary of news of a report of a meeting which contains no comment (other than comments made by a speaker at the meeting) on the referendum or on any of the issues being submitted to the electors at the referendum.

(5) For the purposes of this section—

- (a) the expression “broadcasting station” and “television station” have the meanings assigned to those expressions by the *Broadcasting and Television Act 1942* of the Commonwealth; and
- (b) any announcement, statement, or other matter shall be deemed to be televised if it is transmitted from a television station in such a manner as to be capable of reception by a television receiver (as defined in the Act referred to in paragraph (a)) in the form of images or sound or in the form of images and associated sound.

PART VIII

MISCELLANEOUS

Application to referendum of certain provisions of *Electoral Act 1907*.

38—Subject to this Act, the provisions of the *Electoral Act 1907* specified in Schedule 4 apply to and in relation to the referendum as if they were amended in accordance with that Schedule.

Alterations or extensions of time allowed to do any act.

39—Where the time allowed to do any act is insufficient and an alteration or extension of that time and any alteration of dates consequent thereon is expedient, the Governor, by order, may, whether or not that time has expired, declare that the alteration of dates shall be made, and thereupon the alteration shall be made and take effect accordingly.

Regulations.

40—The Governor may make regulations for the purposes of this Act and, in particular, without affecting the generality of the foregoing, any such regulations may—

- (a) determine the fees payable to presiding officers, poll-clerks, and other persons employed for the purposes of the referendum; and
- (b) provide for all matters necessary or convenient to be prescribed for the purposes of enabling any electors who are absent from the subdivisions for which they are enrolled to vote at any polling-place at which votes at the referendum are taken, including—
 - (i) the form of ballot-papers to be used;
 - (ii) the method of dealing with the ballot-papers; and
 - (iii) the allowance or disallowance and counting of the ballot-papers.

SCHEDULE 1

Sections 2, 14

BALLOT-PAPERS

Form A

BALLOT-PAPER

Gordon River Hydro-Electric Power Development (Referendum) Act 1981

REFERENDUM ON LOCATION OF PROPOSED HYDRO-ELECTRIC
POWER SCHEME

House of Assembly Division for which the elector is enrolled

GENERAL DIRECTIONS TO THE ELECTOR

- 1. Please place the numeral 1 in the square opposite the location you prefer.
- 2. If you make a mistake, ask for another ballot-paper.

Both Houses of the Tasmanian Parliament favour the construction of a new hydro-electric power scheme on the Gordon River in south-western Tasmania. Do you prefer that such a scheme should be located—

(A) on the Gordon River *above* its junction with the Olga River

or

(B) on the Gordon River *below* its junction with the Franklin River

SPECIAL DIRECTIONS TO AN ELECTOR VOTING BY POST

- 1. You must not mark your vote on this ballot-paper until you have shown the uncompleted ballot-paper to the authorized witness.
- 2. After completing the ballot-paper, fold it so that the vote cannot be seen and place it in the envelope addressed to the returning officer and fasten the envelope.

Form B

BALLOT-PAPER

Gordon River Hydro-Electric Power Development (Referendum) Act 1981

REFERENDUM ON LOCATION OF PROPOSED HYDRO-ELECTRIC
POWER SCHEME

House of Assembly Division for which the elector is enrolled

GENERAL DIRECTIONS TO THE ELECTOR

- 1. Please place the numeral 1 in the square opposite the location you prefer.
- 2. If you make a mistake, ask for another ballot-paper.

Both Houses of the Tasmanian Parliament favour the construction of a new hydro-electric power scheme on the Gordon River in south-western Tasmania. Do you prefer that such a scheme should be located—

(A) on the Gordon River *below* its junction with the Franklin River

or

(B) on the Gordon River *above* its junction with the Olga River

SPECIAL DIRECTIONS TO AN ELECTOR VOTING BY POST

- 1. You must not mark your vote on this ballot-paper until you have shown the uncompleted ballot-paper to the authorized witness.
- 2. After completing the ballot-paper, fold it so that the vote cannot be seen and place it in the envelope addressed to the returning officer and fasten the envelope.



SCHEDULE 2

Section 5

WRIT FOR THE REFERENDUM

Form

Gordon River Hydro-Electric Power Development (Referendum) Act 1981

WRIT FOR THE HOLDING OF A REFERENDUM ON THE QUESTION
OF THE LOCATION OF A PROPOSED HYDRO-ELECTRIC POWER
SCHEME ON THE GORDON RIVER IN SOUTH-WESTERN
TASMANIA

Her Majesty the Queen

To the Chief Electoral Officer of Tasmania and to all others whom it may concern:—

GREETING:—

Both Houses of the Tasmanian Parliament favour the construction of a new hydro-electric power scheme on the Gordon River in south-western Tasmania and consider it desirable that a referendum should be held to advise the Parliament as to which of 2 possible locations on that river should be used for the construction of such a scheme. Accordingly, we command that you cause to be submitted, according to law, to the electors qualified to vote for the election of members to the House of Assembly, a question to determine whether the electors prefer that such a scheme be located on the Gordon River above its junction with the Olga River or on the Gordon River below its junction with the Franklin River.

We fix the following dates for the purposes of that submission:—

(a) for the taking of the votes of the electors—the day of

19 ; and

(b) for the return of the writ—on or before the day of

19 .

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

Governor

By His Excellency's Command

SCHEDULE 3

Sections 3, 7

GENERAL DESCRIPTION OF POSSIBLE LOCATIONS FOR THE
PROPOSED HYDRO-ELECTRIC POWER SCHEME1. *Location on Gordon River above its junction with the Olga River*

An area in south-western Tasmania that includes the catchment of the Gordon River and its tributaries upstream from a point 3 kilometres downstream of the junction of the Gordon River and the Olga River.

2. *Location on Gordon River below its junction with the Franklin River*

An area in south-western Tasmania that includes the catchment of the Gordon River and its tributaries upstream from a point 3 kilometres downstream of the junction of the Gordon River and the Franklin River.

SCHEDULE 4

Section 38

PROVISIONS OF ELECTORAL ACT 1907 APPLYING TO AND IN RELATION
TO THE REFERENDUM

1—For the purposes of this Schedule, unless the contrary intention appears—

- (a) “applies” means applies to and in relation to the referendum; and
- (b) a reference to a section that applies is a reference to a section of the *Electoral Act 1907*.

2—Section 78 applies as if—

- (a) in subsection (1) (a), for “an election at which he is entitled to vote or, in the case of an elector for the Council, who has reason to believe that he will not, during the hours of polling on polling-day, be within 8 kilometres by the nearest practicable route of any polling-booth open for the division for which the elector is enrolled” there were substituted “the referendum”;
- (b) in subsection (1), for “polling-day”, wherever occurring, there were substituted “the polling-day for the referendum”;
- (c) in subsection (3), for “after the closing of nominations for the election and before the polling-day for the election” there were substituted “after the date on which the arguments referred to in section 7 of the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* are first published and before the polling-day for the referendum”; and
- (d) in subsection (3), for “election”, where thirdly and fourthly occurring, there were substituted “referendum”.

3—Section 79 applies as if subsection (2) were omitted.

4—Section 81 applies as if for subsection (2) there were substituted the following subsection:—

(2) The postal-vote certificate shall be in the prescribed form, but the ballot-paper shall be in the same form as a ballot-paper issued to a person attending a polling-place on the polling-day for the referendum.

5—Section 82 applies as if—

- (a) in subsection (4), for “the election can no longer be questioned.” there were substituted “such date as the Minister, with the approval of both Houses of Parliament, determines.”;
- (b) after subsection (4) there were inserted the following subsections:—
 - (5) The date referred to in subsection (4) shall not be a date that precedes—
 - (a) the expiration of the period of 40 days after the date of the return of the writ; or

(b) where any matter relating to the referendum is referred to the Supreme Court under section 24 of the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981*—the date on which the determination of that matter by the Supreme Court is forwarded to the Clerk of the Legislative Council or the Clerk of the House of Assembly in accordance with section 28 of that Act or, if the reference of the matter is withdrawn before it is finally determined by the Court, the date of withdrawal of that reference.

(6) As soon as practicable after the date determined under subsection (4), the applications for postal-vote certificates and the postal ballot-papers shall be destroyed in such manner and by such persons as the Minister may direct.

6—Sections 83 and 84 apply.

7—Section 85 applies, as if in subsection (1) for “such poll” there were substituted “the referendum”.

8—Sections 86 and 87 apply.

9—Section 88 applies as if—

(a) after “poll”, where firstly occurring, there were inserted “for the referendum”; and

(b) for “polling-day” there were substituted “the polling-day for the referendum”.

10—Sections 89 and 90 apply.

11—Section 92 applies as if—

(a) for “If the proceedings on the day of nomination stand adjourned to polling-day,” there were substituted “As soon as practicable after the day on which the writ is issued,”; and

(b) after “the poll” there were inserted “for the referendum”.

12—Section 93 applies.

13—Section 94 applies as if—

(a) for “any election” there were substituted “the referendum”; and

(b) for “the electoral division for which the election is about to take place a sufficient number of ballot-papers” there were substituted “each Assembly division a sufficient number of ballot-papers to enable the electors enrolled for that division to vote at the referendum”.

14—Sections 95, 96, 97, 98, and 99 apply.

15—Section 100 applies as if—

- (a) in subsection (1), after “poll” there were inserted “for the referendum”; and
- (b) subsection (3) were omitted.

16—Section 103 applies.

17—Section 104A applies as if in subsection (2) there were omitted “but not more than one scrutineer for each candidate may be present in the polling-booth, or subdivision of the polling-booth or declared institution, at any one time”.

18—Section 105 applies as if—

- (a) there were omitted “candidate shall in any way take part in the conduct of an election; and no”; and
- (b) after “polling” there were inserted “for the referendum”.

19—Section 106 applies as if—

- (a) after “The polling” there were inserted “for the referendum”;
- (b) paragraphs (b) and (c) were omitted; and
- (c) in paragraph (d) for “8 p.m.” there were substituted “6 p.m.”.

20—Section 107 applies as if—

- (a) in subsection (1), for “for the election of a member of” there were substituted “in respect of”; and
- (b) in subsection (2), for “election” there were substituted “referendum”.

21—Section 108 applies as if—

- (a) in subsection (1), for “subsections (3) and (4), in an election” there were substituted “subsection (4), in the referendum”;
- (b) as if subsections (2) and (3) were omitted;
- (c) in subsection (4), for “an election to the Assembly” there were substituted “the referendum”; and
- (d) as if subsection (5) were omitted.

22—Section 109 applies.

23—Section 110 applies as if—

- (a) in paragraph (c), for “election” there were substituted “referendum”; and
- (b) all the words occurring after paragraph (d) were omitted.

24—Section 111 applies as if for “this Act”, wherever occurring, there were substituted “the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981*”.

25—Section 112 applies as if after “polling” there were inserted “at the referendum”.

26—Section 113 applies as if for “any polling” there were substituted “the taking of votes at the referendum”.

27—Sections 114, 115, 116, 116A, 117, and 118 apply.

28—Section 120 applies as if after “polling”, where firstly occurring, there were inserted “at the referendum”.

29—Section 121 applies as if for “polling-day” there were substituted “the polling-day for the referendum”.

30—Section 122 (2) applies as if after “polling”, where firstly occurring, there were inserted “for the referendum”.

31—Section 122A applies as if—

(a) in subsections (1), (2), and (4), for “each election”, wherever occurring, there were substituted “the referendum”;

(b) in subsections (2), (3), (4), and (10), for “the election”, wherever occurring, there were substituted “the referendum”;

(c) in subsection (4), after “polling-day”, where twice occurring, there were inserted “for the referendum”;

(d) in subsection (11) (a), for “an election” there were substituted “the referendum”; and

(e) after subsection (11), there were inserted the following subsection:—

(11A) For the purposes of subsection (11) (a), an elector does not have a valid and sufficient reason for failing to vote by reason only that a question which he thought ought to appear on the ballot-paper did not appear on it.

32—Section 124 applies as if in paragraph (a), after “the poll”, there were inserted “for the referendum”.

33—Section 126 applies.

34—Section 128 applies as if—

(a) “(1)” were inserted before “All ballot-papers”;

(b) for “the election can no longer be questioned, when they shall be destroyed.” there were substituted “such date as the Minister, with the approval of both Houses of Parliament, determines.”;

(c) the following subsections were added as subsections (2) and (3):—

(2) The date referred to in subsection (1) shall not be a date that precedes—

(a) the expiration of the period of 40 days after the date of the return of the writ; or

(b) where any matter relating to the referendum is referred to the Supreme Court under section 24 of the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981*—the date on which the determination of that matter by the Supreme Court is forwarded to the Clerk of the Legislative Council or the Clerk of the House of Assembly in accordance with section 28 of that Act or, if the reference of the matter is withdrawn before it is finally determined by the Court, the date of withdrawal of that reference.

(3) As soon as practicable after the date determined under subsection (1), the ballot-papers shall be destroyed in such manner and by such persons as the Minister may direct.

35—Section 130A applies as if—

- (a) in paragraph (a), for “ an election ” there were substituted “ the referendum ”; and
- (b) for “ the election ”, wherever occurring, there were substituted “ the referendum ”.

36—Section 134 applies.

37—Section 135 applies as if—

- (a) for “ any election ” there were substituted “ the referendum ”; and
- (b) for “ the election ”, wherever occurring, there were substituted “ the referendum ”.

38—Section 136 applies as if—

- (a) for “An election ” there were substituted “ The referendum ”;
- (b) for “ such election or any polling ” there were substituted “ the referendum or the polling at the referendum ”; and
- (c) for “ such election or polling ” there were substituted “ the referendum or that polling ”.

39—Section 144 applies as if—

- (a) in subsection (1) (a), for “ any election ” there were substituted “ the referendum ”;
- (b) in subsection (1) and in subsection (2) where firstly occurring, for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”;
- (c) in subsection (1), for “ \$400 ” there were substituted “ \$2 000 ”;
- (d) in subsection (2), for “ this Act ”, where secondly occurring, there were substituted “ that Act ”;
- (e) in subsection (2), for “ \$20 ” there were substituted “ \$100 ”; and
- (f) subsection (3) were omitted.

40—Section 145 applies as if—

- (a) subsection (1A) were omitted; and
- (b) for “ \$100 ”, wherever occurring, there were substituted “ \$500 ”.

41—Section 150 applies as if—

- (a) in subsection (1) (b), for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”,
- (b) in subsection (2), for “ any election ”, where 3 times occurring, there were substituted “ the referendum ”; and
- (c) in subsection (2) (b), for “ such election ” there were substituted “ the referendum ”.

42—Section 151 applies as if—

- (a) for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”; and
- (b) for “ \$100 ” there were substituted “ \$1 000 ”.

43—Section 152 applies as if, in subsection (4), for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”.

44—Section 153 applies.

45—Section 154 applies as if—

- (a) “ electoral ”, wherever occurring, were omitted;
- (b) in subsection (1) (a), after “ publish ” there were inserted “, in relation to the issues to be submitted to the electors at the referendum,”;
- (c) in subsection (1) (a), after “ the same; ” there were inserted “ or ”;
- (d) in subsection (1) (b), after “ print or publish ”, there were inserted “, in relation to the issues to be submitted to the electors at the referendum,”;
- (e) subsection (1) (c) and (d) were omitted;
- (f) in subsection (1), for “ \$200 ” there were substituted “ \$1 000 ”;
- (g) in subsection (2), after “ shall ” there were inserted “, in relation to the issues to be submitted to the electors at the referendum,”;
- (h) in subsection (2), for “ \$40 ” there were substituted “ \$200 ”;
- (i) subsection (3) were omitted; and
- (j) for subsection (4) there were substituted the following subsection:—

(4) No person shall on polling-day for the referendum, or on any day to which the polling is adjourned, distribute in relation to the issues to be submitted to the electors at the referendum any advertisement, notice, handbill, pamphlet, or card.

Penalty: \$200.

46—Section 155 applies as if—

- (a) paragraphs (a) and (b) were omitted;
- (b) in paragraph (c), for “this Act” there were substituted “the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981*”;
- (c) in paragraph (d), for “this Act” there were substituted “that Act”; and
- (d) for “\$100” there were substituted “\$500”.

47—Section 156 applies as if—

- (a) for “any election” there were substituted “the referendum”; and
- (b) for “\$100” there were substituted “\$500”.

48—Section 157 applies as if—

- (a) in subsection (1) (b), after “elector;” there were inserted “or”;
- (b) subsection (1) (c) were omitted;
- (c) in subsection (1), after “polling-day” there were inserted “for the referendum”;
- (d) in subsection (1) (d), for “election” there were substituted “referendum”;
- (e) in subsection (1), for “\$50” there were substituted “\$250”;
- (f) in subsection (2), for “\$40” there were substituted “\$200”;
- (g) in subsection (3), after “polling-day” there were inserted “for the referendum”; and
- (b) in subsection (3), for “\$20” there were substituted “\$100”.

49—Section 159 applies as if—

- (a) in subsection (1) (a), for “any election” there were substituted “the referendum”;
- (b) in subsection (1) (b), for “an election” there were substituted “the referendum”;
- (c) subsection (1) (c) were omitted;
- (d) in subsection (1) (d), for “this Act”, where firstly occurring, there were substituted “the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981*”;
- (e) in subsection (1) (d), for “this Act”, where secondly occurring, there were substituted “that Act”;
- (f) in subsection (1), for “\$20” there were substituted “\$100”;
- (g) in subsections (2), (4), and (5), for “\$100” there were substituted “\$500”; and
- (b) in subsection (3), for “\$200” there were substituted “\$1 000”.

50—Section 160 applies as if, in subsection (1), for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”.

51—Section 161 applies as if—

- (a) for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”; and
- (b) for “ any election specified therein was duly held and that any person named therein was a candidate at such election ” there were substituted “ the referendum, or any polling at the referendum, was duly held ”.

52—Section 185 applies as if in subsection (1) for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”.

53—Section 187 applies as if in subsection (1) for “ any election ” there were substituted “ the referendum ”.

54—Section 188 applies as if—

- (a) for “ this Act ”, where firstly occurring, there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”; and
- (b) for “ this Act ”, where secondly occurring, there were substituted “ that Act ”.

55—Section 190 applies as if for “ electoral papers ” there were substituted “ papers relating to the issues to be submitted to the electors at the referendum ”.

56—Section 191 applies as if—

- (a) for “ electoral matter ” there were substituted “ matter relating to the issues to be submitted to the electors at the referendum ”;
- (b) for “ this Act ”, where firstly occurring, there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”; and
- (c) for “ this Act ”, where secondly occurring, there were substituted “ that Act ”.

57—Section 192 applies as if—

- (a) for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”;
- (b) for “ an electoral paper ” there were substituted “ a paper relating to the issues to be submitted to the electors at the referendum ”;
and
- (c) for “ the electoral paper ” there were substituted “ that paper ”.

58—Section 193 applies as if for “ this Act ” there were substituted “ the *Gordon River Hydro-Electric Power Development (Referendum) Act 1981* ”.

59—Form 2 of Schedule 3 applies as if in the form—

(a) for “ the election of members for the ” there were substituted “ the referendum ”; and

(b) for “ such election ” there were substituted “ the referendum ”.

