

WREST POINT CASINO LICENCE AND DEVELOPMENT (REFERENDUM).

No. 53 of 1968.

AN ACT to authorize the taking of a poll of electors on the question of the establishment of a Casino at Wrest Point Hotel.

[22 November 1968.]

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 *Wrest Point Casino Licence and Development (Referendum) Act 1968*. Short title.

2 In this Act, unless the contrary intention appears— Interpretation.

“Assembly” means the House of Assembly;

“Bill” means the Bill (No. 77) entitled ‘A Bill for an Act to provide for the development of Wrest Point with a tourist hotel of international standard (including the issue of a casino licence), to ratify an agreement for that purpose, and to provide for the carrying out of that agreement’ being that Bill in the form in which it was read for the Third time in the House of Assembly on the thirteenth day of November 1968;

“Chief Electoral Officer” means the Chief Electoral Officer appointed under the *Electoral Act 1907*;

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

“referendum” means the submission to a general poll of electors of the question set out in the first schedule,

and all other expressions used in this Act have the meanings respectively assigned to them by the *Electoral Act 1907*.

3—(1) The Governor shall submit to a referendum, as provided by this Act, the question specified in the first schedule. Referendum to be taken on the question specified in the first schedule.

(2) A writ for the referendum shall be issued by the Governor, directed to the Chief Electoral Officer and the returning officers of the several Assembly divisions, and that writ may be in accordance with form I in the second schedule.

Publication of arguments for and against the question specified in the first schedule.

4—(1) As soon as practicable after the commencement of this Act the Minister shall arrange for the preparation of—

(a) an argument in favour of the question specified in the first schedule, consisting of not more than one thousand words, and authorized by a majority of the members of both Houses of Parliament who support an affirmative vote on that question and desire to authorize such an argument; and

(b) an argument against that question, consisting of not more than one thousand words, and authorized by a majority of the members of Parliament who support a negative vote on that question and desire to authorize such an argument.

(2) An argument prepared pursuant to subsection (1) of this section shall be delivered to the Minister before noon on the fifth day of December 1968 and the Minister shall then, without delay, forward it to the Chief Electoral Officer.

(3) On receipt by the Chief Electoral Officer of the arguments prepared pursuant to subsection (1) of this section, he shall, subject to subsection (4) of this section, cause those arguments to be published on two occasions in each of the three daily newspapers published in the State.

(4) The second occasion on which the arguments are published in any newspaper for the purposes of subsection (3) of this section shall be not less than three nor more than seven days after the first occasion on which it is so published.

Chief Electoral Officer to cause the Bill to be advertised in daily newspapers.

5 As soon as is practicable after the receipt by him of the writ for the referendum, the Chief Electoral Officer shall cause to be published in at least three daily newspapers published in this State an advertisement setting forth the complete text of the Bill.

Provisions as to conduct of referendum.

6—(1) The referendum shall be taken—

(a) by the returning officers for the several Assembly divisions;

(b) on the day appointed by the writ for taking the votes of the electors; and

(c) at the same polling-places and during the same hours as are appointed under, or prescribed by, the *Electoral Act* 1907 in relation to general elections of members of the Assembly.

(2) The several officers appointed under and for the purposes of the *Electoral Act* 1907 may, subject to this Act, exercise, perform, and discharge, with respect to the referendum and the voting thereon, all such powers and functions as substantially correspond to the powers and functions that they are authorized to exercise, perform, or discharge in relation to Assembly elections.

7 Every elector is entitled to vote on the referendum.

Persons
entitled
to vote.

8 The ballot-papers to be used for the purposes of the referendum shall be in accordance with form II in the second schedule.

Form of
ballot-paper.

9 The voting at the referendum shall be by ballot, and each elector shall indicate his vote in the following manner:—

Mode of
voting.

(a) No matter shall be struck out from his ballot-paper; and

(b) The elector shall mark his ballot-paper—

(i) if he approves of the question set out in the ballot-paper—by placing the number “1” within, or substantially within, the square opposite the word “Yes”, and by placing the number “2” within, or substantially within, the square opposite the word “No”; or

(ii) if he does not approve of that question—by placing the number “1” within, or substantially within, the square opposite the word “No”, and by placing the number “2” within, or substantially within, the square opposite the word “Yes”.

10 Subject to this Act, on the referendum—

Conduct of
referendum:
Powers and
duties of
officers.

(a) all proceedings shall be had and taken in each Assembly division as nearly as may be as upon a general election of members of the Assembly, and the several provisions contained in the *Electoral Act 1907* with respect to persons, places, times, and matters connected with voting at Assembly elections, so far as they are not inconsistent with this Act, apply to and in relation to the referendum; and

(b) all returning officers and assistant returning officers and their substitutes, and all presiding officers and poll-clerks and their substitutes, have, and may exercise and perform, in connection with the taking and conduct of the referendum, all such powers, duties, and functions as are conferred on them by the *Electoral Act 1907* in connection with the conduct of general elections of members of the Assembly.

11—(1) The provisions of section thirty-nine, one hundred and eighty-five, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, and one hundred and ninety-three, and of Parts IX, X, XI, XII and XIV of the

Application
of *Electoral
Act 1907* to
the refer-
endum.

Electoral Act 1907, subject to this Act and so far as they are applicable, apply to the referendum taken under the authority of this Act as if it were a general election of members of the Assembly, and, in the application of those provisions to the referendum—

- (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 appointed by the writ for the referendum as the day for taking 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 a ballot-paper or ballot-box shall be read as a reference to a ballot-paper or ballot-box used for the purposes of the referendum;
- (f) a reference to an electoral advertisement shall be construed as a reference to any advertisement, notice, handbill, pamphlet, or card published, printed, or distributed in connection with the referendum; and
- (g) a reference to “this Act” or “this Part” shall be read as a reference to the provisions of the *Electoral Act* 1907 that are, by virtue of this Act, applicable to the referendum.

(2) Subsection (2) of section eighty-one, and sections one hundred and one, one hundred and one A, one hundred and one B, one hundred and two, and one hundred and four, and subsection (1) of section one hundred and seven, and sections one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-seven, one hundred and thirty-three, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty-eight of the *Electoral Act* 1907 do not apply to the referendum.

(3) The Minister or a person authorized by him may appoint one scrutineer at each polling-place and one scrutineer at each place where the scrutiny is conducted on behalf of the members of Parliament referred to in paragraph (a) of subsection (1) of section four.

(4) The leader of Her Majesty's Opposition or a person authorized by him may appoint one scrutineer at each polling-place and one scrutineer at each place where the scrutiny is conducted on behalf of the members of Parliament referred to in paragraph (b) of subsection (1) of section four.

(5) The President of the Legislative Council—

- (a) if requested to do so by at least five members of the Legislative Council who support an affirmative vote on the question specified in the first schedule, may appoint, on behalf of those members, one scrutineer at each polling-place and one scrutineer at each place where the scrutiny is conducted; and
- (b) if requested to do so by at least five members of the Legislative Council who support a negative vote on that question appoint, on behalf of those members, one scrutineer at each polling-place and one scrutineer at each place at which the scrutiny is conducted.

12—(1) A ballot-paper used for the purposes of the referendum shall be informal if— Informal ballot-papers.

- (a) 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 prescribed for the purposes of paragraph (a) of subsection (1) of section one hundred and twenty-seven of the *Electoral Act 1907*;
- (b) it has no vote indicated on it;
- (c) it has more than one vote indicated on it; or
- (d) it has on it a mark or writing not authorized by this Act to be put on it that, in the opinion of the returning officer, would enable any person to identify the elector.

(2) A ballot-paper is not informal for any reason other than the reasons enumerated in this section, but shall be given effect to according to the elector's intention, so far as that intention is clear, and, in particular, a ballot-paper shall not be deemed to be informal by reason only of the use of Roman numerals instead of Arabic numerals, or by reason only of the fact that the elector has indicated his vote by placing in one square the number "1", and by leaving the other square blank, but, in such a case, the blank shall be deemed to be equivalent to the number "2".

13—(1) As soon as conveniently may be after the result of the referendum has been declared, the Chief Electoral Officer shall endorse on the writ referred to in section three a statement showing— Return of writ.

- (a) the number of votes given in favour of the question set out in the ballot-papers;
- (b) the number of votes given against that question; and
- (c) the number of ballot-papers rejected as being informal,

and shall sign the statement and return the writ, with the statement endorsed thereon, to the Governor.

(2) The Chief Electoral Officer shall publish in the *Gazette* a copy of the statement referred to in subsection (1) of this section and the statement so published is, subject to this Act, conclusive evidence of the result of the referendum.

Method of
disputing
referendum.

14—(1) The referendum or the statement published in accordance with subsection (2) of section thirteen may be disputed by petition addressed to the Supreme Court, and the Supreme Court has jurisdiction to hear and determine the dispute, and the trial of the petition shall take place at such time and place as the judge hearing the petition may order.

(2) Subject to this section, the provisions of Part XV of the *Electoral Act 1907* (in this section referred to as “the said Part”), so far as they are applicable, apply to and in relation to the disputing of the referendum or of the statement referred to in subsection (1) of this section in the same manner in all respects as if the referendum were an election.

(3) In the application of the provisions of the said Part to the referendum—

- (a) a reference to an election shall be read as a reference to the referendum;
- (b) a reference to a return shall be read as a reference to the statement referred to in section thirteen;
- (c) reference to the declaration of a poll shall be read as a reference to the publication in the *Gazette* of the statement referred to in section thirteen;
- (d) section one hundred and sixty-six A has effect as if the words “a candidate at the election in dispute or by” were omitted from sub-paragraph (iii) of paragraph (a) thereof;
- (e) section one hundred and seventy has effect as if there were omitted therefrom—
 - (i) paragraphs (a), (b), and (ca) of subsection (1); and
 - (ii) the words “to declare that any person who was returned as elected was not duly elected, or”, in subsection (3);
- (f) section one hundred and seventy-two does not apply to the referendum; and
- (g) section one hundred and seventy-six has effect as if the words “the Clerk of the House affected by the petition” and “such clerk”, respectively, were omitted therefrom and the words “Chief Electoral Officer” were, in each case, substituted therefor.

Referendum.

15—(1) A person who, after the issue of the writ referred to in section three and before the votes have been taken on the referendum, supplies to an elector any meat, drink, or entertainment with a view to influencing the elector’s vote in connection with the referendum is guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(2) A 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, on, or for an 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 or oppose the question to be submitted to the electors at the referendum,

is guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(3) An 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 on the understanding that the elector's 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 the question to be submitted to the electors at the referendum, is guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(4) A person who—

- (a) threatens, offers, or suggests 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 or oppose the question 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, an elector or any other person, for or on account of any such vote, refraining from voting, support, or opposition,

is guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(5) The provisions of this section shall be read as being in addition to such of the provisions of the *Electoral Act 1907* as are, by virtue of this Act, applicable to the referendum.

FORM II.
(Section 8.)

TASMANIA

Wrest Point Casino Licence and Development (Referendum) Act 1968.

BALLOT-PAPER.

Directions to elector:

The elector shall indicate his vote as follows:—

If he approves of the question set forth hereunder he should place the number 1 in the square opposite the word "Yes", and the number 2 in the square opposite the word "No".

If he does not approve of the question set forth hereunder he should place the number 1 in the square opposite the word "No", and the number 2 in the square opposite the word "Yes".

QUESTION.

Are you in favour of the granting of a casino licence to Wrest Point Hotel conditional on the proposed development of that hotel?

Yes.

No.

CONSTITUTION (No. 2).

No. 54 of 1968.

AN ACT to amend the *Constitution Act 1934*.

[22 November 1968.]

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—(1) This Act may be cited as the *Constitution Act* Short title and citation.
(No. 2) 1968.

(2) The *Constitution Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.