

Rt. Hon. R. J. Seddon.

## REFERENDUM.

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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 New Zealand.

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

1. The Short Title of this Act is "The Referendum Act, 1904."
2. In this Act, if not inconsistent with the context,—  
"House" means the Legislative Council or the House of Representatives.

3. (1.) For the purposes of this Act 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, after considering the same, either—

- (a.) Rejects or fails to pass such Bill; or
- (b.) Passes such Bill with amendments in which the first-mentioned House does not agree;

and by reason thereof the Bill is lost.

(2.) The second rejection of such Bill shall be deemed to occur whenever such first-mentioned House in the next succeeding 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, after considering the same, either—

- (c.) Rejects or fails to pass such Bill; or
  - (d.) Passes such Bill with amendments in which such first-mentioned House does not concur;
- and by reason thereof the Bill is again lost.

(3.) Upon the occurring of such second rejection the House in which the Bill originated may resolve that a Conference with the other House be requested on the Bill, and may appoint Managers to sit in conference with Managers from the other House, the number of Managers to be appointed not to exceed ten in number from each House. 5

(4.) Such Conference, after consideration of the Bill, shall report thereon as to whether the Bill should be passed, rejected, amended, or submitted to a referendum, and such report shall be binding on both Houses. 10

What may be submitted to referendum.

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

- (a.) If a Bill is to be submitted to a referendum in accordance with the report of any such Conference; or
- (b.) If a Bill passed by both Houses contains a provision that the Bill shall be submitted to a referendum; or 15
- (c.) If a resolution is passed by both Houses in favour of submitting to a referendum any legislative proposal (other than a Bill) set forth in the 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. 20

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

5. Where a Bill or resolution is, under the *last preceding* section, to be submitted to a referendum, a copy of the Bill or resolution certified as correct by the Speaker of each House that passed the same, or as the case may be, shall, within *seven* days after the close of the session in which the report was made, or the Bill or resolution was passed by both Houses, be transmitted by the Clerk of Parliaments to the Governor. 25

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* shall appoint a day for the taking of a poll of the electors thereon. 30

When poll to be taken.

7. The day so appointed shall be not sooner than *twenty-eight* nor later than *ninety* days after the close of such session, and if between those dates a general election of members of the House of Representatives occurs, then the referendum poll shall be taken on the day of such general election. 35

Bill referred to referendum to be posted for public inspection.

8. A copy of every Bill submitted to a referendum shall be posted for public inspection in every post-office in New Zealand in a conspicuous place for *fourteen* days before the taking of the poll.

Poll to be taken as in case of general election.

9. Subject to the provisions of this Act, such poll shall be taken in each electoral district in New Zealand 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 Electoral Act, 1902," shall, so far as applicable, *mutatis mutandis*, apply accordingly. 40

Form of voting-papers.

10. For the purposes of every such poll the voting-papers shall be in the form numbered (1) in the Schedule hereto or to the like effect. 45

Result of poll to be certified.

11. The result of the poll in each electoral district shall be duly certified by the Returning Officer in the form numbered (2) in the Schedule hereto or to the like effect, and he shall forward the same to the Clerk of Writs. 50

12. (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 of New Zealand, 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 the Bill or proposal to be approved or disapproved by the referendum accordingly as the majority of all the valid votes recorded throughout New Zealand is recorded for or against the Bill or proposal.

Results to be tabulated, declared, and gazetted.

(2.) Such statement and declaration shall be in the form numbered (3) in the Schedule hereto or to the like effect.

13. With respect to any Bill submitted to a referendum, the following provisions shall apply:—

Effect of referendum as to Bill.

(a.) 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.

(b.) 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 an instruction to the General Assembly in Parliament assembled that, the principle of the Bill having been approved by the electors, effect shall be given thereto by legislation.

(c.) 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.

14. With respect to any legislative proposal (other than a Bill) submitted to a referendum, the following provisions shall apply:—

Effect of referendum as to other than Bill.

(a.) If the 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.

(b.) If the 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.

15. With respect to any Bill or other legislative proposal submitted to a referendum, the following provisions shall apply:—

Limit of time for second referendum.

(a.) It shall not be again submitted for a period of three years after the gazetting of the result of the poll taken on the former submission unless at least ten per centum of the electors on all the electoral rolls at the date of the taking of the poll so request by petition to Parliament.

(b.) It shall not be again submitted unless the provisions of this Act are complied with afresh.

16. Nothing in this Act shall apply to—

(a.) Any Bill or other legislative proposal that deals with raising money, the revenues of the Crown, taxation or imposing burdens upon the people, the construction or maintenance of public works of a purely local character, or with the constitution or abolition of the Legislative Council, or the franchise for election of members of the House of Representatives, or with parliamentary procedure, or that the House of Representatives by resolution declares to be a matter of urgency; or to

Bills, &c., to which referendum does not apply.

(b.) Any local or private Bill.

Regulations, as framed by the Council, shall be published in the Gazette.

17. The Governor may from time to time, by Order in Council gazetted, make regulations for the proper taking of the poll under this Act, and generally for giving effect to this Act.

Act to apply to certain resolutions.

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

Acts modified or repealed.

19. 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 shall operate or be construed to affect such of the provisions of the Constitution Act as it is not competent for Parliament to alter.

Schedule.

SCHEDULE.

Section 10.

(1) VOTING-PAPER.

On the following Bill [or other legislative proposal] submitted to a referendum under "The Referendum Act, 1904," namely:—

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

not to be printed in the Bill

For the Bill [or proposal.]	
Against the Bill [or proposal.]	

If the voter desires to vote for the Bill [or proposal], he must mark a cross in the square at the end of the line "For the Bill [or proposal]." If he desires to vote against it he must mark a cross in the square at the end of the line "Against the Bill [or proposal]."

not to be printed in the Bill

Section 11.

(2) RETURNING OFFICER'S CERTIFICATE OF RESULT OF POLL.

Referendum under "The Referendum Act, 1904."

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.]

not to be printed in the Bill

Total number of valid votes for the Bill [or proposal]	5,700
Total number of valid votes against the Bill [or proposal]	3,250
Total number of valid votes recorded	8,950
Total number of informal votes	42

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

To the Clerk of Writs.

A. B.,  
Returning Officer.

*Referendum.*

(3) STATEMENT AND DECLARATION BY CLERK OF WRITS AS TO RESULT OF POLL. Section 12.  
 Referendum under "The Referendum Act, 1904."

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

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

Electoral District.	Votes.		
	For.	Against.	Informal.
A ... ..	5,700	3,250	42
B... ..	4,500	4,800	55
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.