

**SECESSION REFERENDUM.**

23° GEO. V., No. XLVII.

No. 47 of 1932.

**AN ACT to submit to a Referendum questions in relation to the State of Western Australia and the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial).**

[Assented to 30th December, 1932.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Secession Referendum Act, 1932.*

Interpretation:

2. In this Act, subject to the context—

“The Chief Electoral Officer” means the person for the time being appointed as the Chief Electoral Officer under the Electoral Act.

“District” means a Legislative Assembly district.

“The Electoral Act” means the Electoral Act, 1907-1921, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1928, and as amended by the Electoral Act Amendment Act, 1931 (No. 38 of 1931).

“The electors” means the persons enrolled under the provisions of the Electoral Act and entitled to vote at an election of a member of the Legislative Assembly for the district in which they are enrolled as aforesaid on the day when they exercise their right to vote under this Act at the referendum.

“The prescribed questions” means the questions set forth in section six of this Act.

“The referendum” means the submission of the prescribed questions to the electors.

3. The Chief Electoral Officer shall be charged with the Administration administration of this Act.

4. The returning officers and assistant returning officers Returning Officers. for the time being appointed under the Electoral Act shall, subject to this Act, be and are hereby authorised to act as returning officers and assistant returning officers respectively under and for the purposes of this Act. The Governor may appoint such other returning officers and assistant returning officers under this Act as may be necessary.

5. (1.) The Governor shall issue a writ, directed to the Issue of writ for referendum. Chief Electoral Officer, for the taking of a vote by ballot on the prescribed questions.

(2.) It shall be the duty of every elector to record his vote at the taking of the said ballot.

(3.) Any elector failing to record his vote without good cause shall be guilty of an offence.

(4.) Every elector convicted before any court of summary jurisdiction of such offence on complaint by the Chief Electoral Officer shall be liable to a penalty not exceeding Two pounds.

(5.) The writ shall be in accordance with Form A in the schedule to this Act, and shall appoint a day for the taking of the vote, and shall be returnable within ninety days from the date of issue.

6. The prescribed questions shall be—

1. “Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial)”?

Questions to be submitted to electors.

2. "Are you in favour of a Convention of Representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such Convention to be necessary"?

Action on issue  
of writ.

7. The original writ issued under this Act shall be forwarded to the Chief Electoral Officer, who shall forthwith, after the receipt thereof—

- (a) forward a copy of it to each and every returning officer and assistant returning officer;
- (b) insert in the *Government Gazette* a notification of the receipt and particulars of the writ;
- (c) cause notice of the prescribed questions and the referendum in accordance with Form B in the schedule to this Act to be exhibited at all Government buildings and at such other places throughout the State as may be available and in his opinion sufficient for the purpose of exhibiting such notice, and in his discretion to publish such notice by advertisement in at least one newspaper circulating in the State.

Action by officers  
to carry writ into  
effect.

8. (1.) Forthwith after the receipt of a copy of the writ, every returning officer and every assistant returning officer shall, subject to this Act and to the directions of the Chief Electoral Officer, take all such steps as are necessary to be taken on his part to carry the writ into effect.

(2.) For the purpose of this section the Chief Electoral Officer, and every returning officer, assistant returning officer, and every presiding officer shall, subject to this Act, have the same powers, authorities, and duties respectively so far as may be necessary as they would have at an election of the Legislative Assembly under the Electoral Act; and, save and except as in this section and in this Act otherwise expressly provided, the provisions of the Electoral Act and the regulations made thereunder relating to an election of the Legislative Assembly shall be applied and observed in relation to the referendum under this Act, so far as the same are applicable and can be observed, and, so far as the same can, in the opinion of the Chief Electoral Officer, with reasonable modifications or variations thereof, be made applicable or capable of being observed in relation to such referendum in the same

manner as if the referendum was an election of the Legislative Assembly under the Electoral Act; and where the use of forms is necessary, and forms have been prescribed under the Electoral Act or regulations made thereunder, such forms, with such modifications and amendments thereof as may be necessary, may be used for any purpose in connection with the referendum: Provided that, where the application or observance of any provision of the Electoral Act or the regulations made thereunder involves the incurring of any expense, no such expense shall be incurred without the approval in writing of the Chief Electoral Officer: Provided further, that where any regulation made under the Electoral Act provides for payment of fees by way of remuneration for services rendered, such regulation shall not be applied or observed in relation to the referendum under this Act without the approval in writing of the Treasurer.

9. (1.) Only electors shall be admitted to vote at the referendum, and, subject to this Act, electors may vote either by post, as hereinafter mentioned, or personally, at any polling place within the district, for which they are enrolled, or at any polling place outside such district appointed as a polling place where electors enrolled for other districts may vote.

Persons who may  
be admitted to  
vote at referendum.

(2.) The Chief Electoral Officer may appoint the chief polling place in each district as the place where electors enrolled for districts other than that in which such chief polling place is appointed may vote.

(3.) Any elector who wishes to vote personally at a polling place outside the district for which he is enrolled shall make a statutory declaration that he is an elector within the meaning of this Act: Provided that voting of electors under this subsection shall be under and subject to regulations, and such regulations may prescribe all matters (not inconsistent with this Act) necessary or convenient to be prescribed for carrying this section into effect, and in particular may provide for—

- (a) the forms of absent voters' ballot-papers;
- (b) the manner in which votes are to be marked on absent voters' ballot-papers;
- (c) the method of dealing with absent voters' ballot-papers, including the scrutiny thereof, and the counting of votes thereon; and

- (d) the grounds upon which absent voters' ballot-papers are to be rejected as informal.

Forms of ballot papers.

10. The ballot paper to be used for taking the vote on each question at the referendum shall be in accordance with Form C or Form D in the schedule to this Act.

Scrutineers.

11. The Chief Electoral Officer may appoint one scrutineer at each polling place and at each place where the scrutiny is conducted.

Postal voting.

12. (1.) Any elector who for any reason prescribed in the Electoral Act would be entitled to vote by post at an election of the Legislative Assembly, and for the same reason wishes to vote by post at the referendum under this Act may, at any time between the notification in the *Government Gazette* of the issue of the writ and the time of the closing of the voting at the referendum, attend before a magistrate or other person appointed by the Chief Electoral Officer in that behalf (hereinafter referred to as a "postal vote officer") and vote by post.

(2.) All the provisions of the Electoral Act relating to voting by post shall, as far as may be, and with such reasonable modifications or variations thereof as may be necessary, but subject to section thirteen of this Act, be applied and be observed in relation to voting by post at the referendum, save and except, that in every case postal vote officers shall send postal votes received by them direct to the Chief Electoral Officer.

Method of voting.

13. (1.) Every elector, when voting either by post or at a polling place, shall write on the ballot paper by means of a cross in the space shown on the ballot paper for such purpose, his answer to the question appearing thereon.

(2.) A separate ballot paper for each question shall be supplied to every elector desiring to vote.

Informal ballot paper.

14. A ballot paper shall be informal only—

- (a) if it is not initialed by the presiding officer, or, in case of a postal ballot paper, not signed and dated by a postal vote officer; or,

- (b) if it has upon it any mark or writing which in the opinion of the Returning Officer will enable any person to identify the elector; or,
- (c) if it does not indicate in a manner to be understood by the Returning Officer the nature of the answer of the elector to the question appearing thereon.

15. (1.) Upon receipt from a postal vote officer of the postal vote of any elector, the Chief Electoral Officer shall open the outside envelope and extract the envelopes contained therein. He shall then open and extract from the envelope marked "Counterfoil" the counterfoil, and compare the same with the roll and other records in order to satisfy himself that the person named as the elector in such counterfoil is an elector within the meaning of this Act. Checking postal votes.

(2.) If the Chief Electoral Officer is so satisfied, he shall then place the envelope marked "Ballot paper" unopened in a ballot box, to be kept by him especially for postal votes, and retain the same therein until the day appointed for taking the vote at the referendum: Provided that a separate ballot box shall be kept for the reception of the postal ballot papers for each district and each such envelope shall be deposited in its appropriate box.

(3.) If the Chief Electoral Officer is not so satisfied as aforesaid, he shall retain the counterfoil and the envelope marked "Ballot paper," unopened, in a separate and secure place, and forthwith notify the person named as the elector on the counterfoil in writing that he is withholding the said ballot paper from the ballot box until such person proves to the satisfaction of the Chief Electoral Officer that at the time when he signed the said counterfoil he was an elector within the meaning of this Act.

(4.) If a person who has received a notice as provided for in the next preceding subsection, prior to the time of closing the voting at the referendum, satisfies the Chief Electoral Officer that, when he signed the counterfoil as aforesaid he was an elector within the meaning of this Act, and has not voted otherwise than by means of such postal vote, the Chief Electoral Officer shall forthwith deal with the envelope marked "Ballot paper" in the manner provided in subsection two hereof. If such person does not so satisfy the Chief Electoral Officer, then the envelope marked "Ballot

paper" and the postal ballot paper contained therein shall be withheld from the ballot box, and shall be treated as if the same were an informal ballot paper.

## Counting of votes.

16. (1.) The counting of postal votes and votes recorded by electors under subsection three of section nine of this Act shall be conducted by the Chief Electoral Officer, who shall keep a separate record of the count in respect of each district, and the counting of other votes shall be conducted by the returning officer of the district in which such votes have been taken, and the counting of all votes shall be commenced and completed as soon as reasonably may be after the time appointed for closing the taking of the vote at the referendum.

(2.) Where votes have been counted by a returning officer, he shall endorse and sign on the back of the copy writ received by him as aforesaid a statement showing the number of votes cast in the affirmative, the number of votes cast in the negative, and the number of informal ballot papers, and return the copy writ so endorsed and signed forthwith to the Chief Electoral Officer.

(3.) Upon the receipt by him of all the copies of the writ endorsed and signed as aforesaid, the Chief Electoral Officer shall ascertain from the said endorsements the total number of votes which have been cast in the affirmative, the total number of votes which have been cast in the negative, and the total number of informal ballot papers, and shall add to such totals respectively the number of postal votes which have been cast in the affirmative, the number of postal votes which have been cast in the negative, and the number of informal postal ballot papers, so as to ascertain the final result of the referendum.

(4.) Upon ascertaining such final result as aforesaid, the Chief Electoral Officer shall endorse on the back of the original writ and sign a statement showing such final result, publish a copy of such statement in the *Government Gazette*, and return the original writ so endorsed and signed and the copies of the writ endorsed and signed as aforesaid to the clerk of the writs for the time being appointed under the Electoral Act.

(5.) The statement of the result of the referendum published in the *Government Gazette* as required by the next preceding subsection shall be conclusive evidence of the result of the referendum.

(6.) The provisions of this section shall be made use of for the ascertainment and publication of the result of the voting on each question separately.

17. In so far as the regulations made under the Electoral Act cannot be applied or made applicable, or are not sufficient for the purposes of this Act, the Governor may make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

18. Any act or omission by any officer, elector, or other person in relation to the taking of the vote at the referendum under this Act which would be and constitute an offence against the Electoral Act, if such act or omission had occurred in relation to an election of the Legislative Assembly, shall be an offence against this Act, and the officer, elector, or other person may be prosecuted for such offence under this Act, and upon conviction for such offence shall be liable to the penalty prescribed for the same offence under the Electoral Act. Offences.



THE SCHEDULE.

Form A.

THE SECESSION REFERENDUM ACT, 1932.

WESTERN AUSTRALIA, } By His Excellency (insert name and title of the
TO WIT : } Governor or Administrator).

Governor
(or Administrator).

To the Chief Electoral Officer of the State of Western Australia, and
to all others whom it may concern :

Greeting :

I command you that you cause the following questions, namely—

- 1. Are you in favour of the State of Western Australia with-
drawing from the Federal Commonwealth established under the
Commonwealth of Australia Constitution Act (Imperial) ?
2. Are you in favour of a Convention of Representatives of equal
number from each of the Australian States being summoned for
the purpose of proposing such alterations in the Constitution of the
Commonwealth as may appear to such Convention to be necessary ?

to be submitted, according to law, to the electors ; and I appoint the fol-
lowing dates for the purposes of the said submission :—

- 1. For taking the votes of the electors,.....the
.....day of.....193.....
2. For the return of the writ, on or before.....
the.....day of.....193.....

Given under my hand and the Public Seal of the said
State, at Perth, this.....day of
.....193.....

By His Excellency's command,

.....
Premier.

GOD SAVE THE KING ! ! !

Form B.

Western Australia.

THE SECESSION REFERENDUM ACT, 1932.

NOTICE is hereby given that, in accordance with the provisions of the
Secession Referendum Act, 1932, a vote by ballot of the electors will be
taken throughout the State of Western Australia on.....the
.....day of.....193....., on the following
questions :—

- 1. Are you in favour of the State of Western Australia with-
drawing from the Federal Commonwealth established under the Common-
wealth of Australia Constitution Act (Imperial) ?
2. Are you in favour of a Convention of Representatives of equal
number from each of the Australian States being summoned for the
purpose of proposing such alterations in the Constitution of the Com-
monwealth as may appear to such Convention to be necessary ?

Any person shall be deemed to be an elector and entitled to vote on the said questions who at the time when he votes on such questions is a person enrolled under the provisions of the Electoral Act, 1907-1921, and entitled to vote at an election of a member of the Legislative Assembly for the district in which he is so enrolled. Voting is compulsory.

.....  
Chief Electoral Officer.

Form C.

*Western Australia.*

THE SECESSION REFERENDUM ACT, 1932.

*Ballot Paper.*

(QUESTION 1.)

*Directions to Voter.*—The voter should indicate his vote as follows:—

If he is in favour of the question set forth hereunder, he should make a cross in the square opposite the word "Yes."

If he is not in favour of the question set forth hereunder, he should make a cross in the square opposite the word "No."

SUBMISSION OF A QUESTION TO THE ELECTORS.

*Question :* Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial) ?

Yes.

No.

Form D.

Western Australia.

*The Secession Referendum Act, 1932.*

BALLOT PAPER.

(QUESTION 2.)

*Directions to Voter.*—The voter should indicate his vote as follows :—

If he is in favour of the question set forth hereunder, he should make a cross in the square opposite the word "Yes."

If he is not in favour of the question set forth hereunder, he should make a cross in the square opposite the word "No."

## SUBMISSION OF A QUESTION TO THE ELECTORS.

*Question :* Are you in favour of a Convention of Representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such Convention to be necessary ?

Yes.

No.