

MILITARY SERVICE REFERENDUM.

No. 27 of 1916.

An Act to submit to a Referendum a question in relation to Military Service Abroad.

[Assented to 28th September, 1916:]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and commencement.

1. This Act may be cited as the *Military Service Referendum Act 1916*, and shall be deemed to have commenced on the eighteenth day of September One thousand nine hundred and sixteen.

Definitions.

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

“member of the Forces” means a member of the Commonwealth Naval or Military Forces employed on active service outside Australia or employed on a ship of war, and includes a member of the Army Medical Corps Nursing Service who is accepted or appointed by the Director-General of Medical Services for service outside Australia ;

“proclaimed subdivision” means a subdivision which is declared by the Governor-General by proclamation to be a proclaimed subdivision within the meaning of sub-section (4.) of section nine of this Act ;

“the electors” means electors of the Commonwealth, and includes persons qualified to vote under regulations made under section twelve of this Act ;

“the prescribed question” means the question set forth in section five of this Act ;

“the referendum” means the submission of the prescribed question to the electors.

Administration.

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

Issue of writ for referendum.

4.—(1.) The Governor-General shall issue a writ, directed to the Chief Electoral Officer, for the taking of a vote by ballot under this Act on the prescribed question.

(2.) The writ shall be in accordance with Form B in the Schedule and shall appoint a day for the taking of the vote, and shall be returnable within ninety days from the date of issue :

Provided that if, at the expiration of sixty days from the date of issue, the Chief Electoral Officer certifies that he is satisfied—

(a) that not more than two per centum of the total votes polled are still awaiting scrutiny ; and

(b) that the result of the referendum cannot be affected by the exclusion of the votes which are still awaiting scrutiny,
the Chief Electoral Officer may return the writ at the expiration of such period of sixty days, and may at the conclusion of the scrutiny notify in the *Gazette*—

- (a) the total number of votes polled in favour of the prescribed question ;
- (b) the total number of votes polled not in favour of the prescribed question ; and
- (c) the total number of ballot-papers rejected as informal.

5. The prescribed question shall be—

Are you in favour of the Government having, in this grave emergency, the same compulsory powers over citizens in regard to requiring their military service, for the term of this War, outside the Commonwealth, as it now has in regard to military service within the Commonwealth ?

Question to be submitted to electors.

6. The original writ shall be forwarded to the Chief Electoral Officer, who shall forthwith after the receipt thereof—

Action on issue of writ.

- (a) forward a copy of it to each Commonwealth Electoral Officer, and cause a copy of it to be forwarded to each Divisional Returning Officer and Assistant Returning Officer ; and
- (b) insert in the *Gazette* a notification of the receipt and particulars of the writ.

7. The provisions of sections four, ten to fourteen inclusive, sub-section (1.) of section eighteen, sections nineteen to twenty-two inclusive, and twenty-four, and Parts VIII. (except section forty-one), and IX. of the *Referendum (Constitution Alteration) Act* 1906-1915 shall, so far as they are not inconsistent with the provisions of this Act, apply to the referendum to be held under this Act in like manner as they apply to a referendum upon a proposed law for the alteration of the Constitution :

Application of Referendum (Constitution Alteration) Act.

Provided that any reference to a proposed law shall be deemed to be a reference to the prescribed question :

Provided further that, notwithstanding anything contained in section ten A of that Act, the following persons shall be disqualified from voting at the referendum :—

- (a) any naturalized British subject who was born in any country which forms part of the territory of any country with which Great Britain is now at war :
Provided that this paragraph and sub-section (1.) of section 9 shall not apply to any naturalized British subject, wherever born, who produces to the presiding officer a certificate signed by the District Commandant of a Military District, or an officer thereto authorized by him, that that person is a parent of a person who has been or is a member of the Forces ; and
- (b) any person who is interned in any place of internment.

Scrutineers.

8. The Governor-General, or any person authorized by him, may appoint one scrutineer at each polling place, and at each place where the scrutiny is conducted, in the Commonwealth, and the person who in the opinion of the Chief Electoral Officer is authorized by a majority of those members of both Houses of the Parliament who are not in favour of the prescribed question may appoint one scrutineer at each such polling place and place.

Additional questions to be submitted to electors.

9.—(1.) In addition to the questions prescribed by section one hundred and forty-one of the *Commonwealth Electoral Act 1902-1911*, the presiding officer may, either of his own motion, or at the request of a scrutineer, put to any person claiming to vote at the referendum, and shall put to each person who he has reason to believe was born in any country which forms part of the territory of any country with which Great Britain is now at war, the following question :—

Are you a naturalized British subject who was born in any country which forms part of the territory of any country with which Great Britain is now at war?

(2.) If any person refuses to answer the question fully, or by his answer shows that he is not entitled to vote at the referendum, his claim to vote shall be rejected.

(3.) If any person answers the question in the negative, the presiding officer shall, before permitting him to vote, endorse the ballot-paper with the words "Section 9".

(4.) If, in the case of any person enrolled in any proclaimed subdivision, the presiding officer has reason to believe that that person is the son or daughter of a person who was born in any country which forms part of the territory of any country with which Great Britain is now at war, the presiding officer may issue to the person a ballot-paper endorsed with the words "Section 9".

(5.) Any ballot-paper issued to an elector in pursuance of either of the last two preceding sub-sections shall, when completed by the elector, be folded by him and handed to the presiding officer, who without unfolding it shall in the presence of the elector place it in the prescribed envelope, fasten the envelope, and place it in the ballot-box.

(6.) If the elector places the ballot-paper in the ballot-box without having it enclosed by the presiding officer in the prescribed envelope, the ballot-paper shall be disallowed at the scrutiny.

(7.) Ballot-papers enclosed in envelopes in pursuance of sub-section (5.) of this section shall not be opened by an Assistant Returning Officer, but shall be forwarded by the Assistant Returning Officer by registered post to the Divisional Returning Officer.

(8.) The Divisional Returning Officer shall, as soon as practicable, submit to the prescribed tribunal or tribunals lists of the names addresses and occupations of the electors whose votes are enclosed in the envelopes received by him, and shall retain each envelope unopened until the tribunal has made a determination in accordance with the provisions of this section.

(9.) The tribunal shall have jurisdiction to determine whether or not each elector whose name is on the list submitted to it is in its opinion disloyal, and the members of the tribunal may inform their minds on the subject in such manner as they think fit.

(10.) The determination of the tribunal shall be notified to the Divisional Returning Officer of the Division in which the elector is enrolled.

(11.) If the tribunal determines that an elector is in its opinion disloyal, the ballot-paper shall be rejected by the Divisional Returning Officer without the envelope being opened; otherwise the ballot-paper shall be admitted to further scrutiny in the prescribed manner.

10.—(1.) The ballot-papers to be used for the purposes of the referendum may be in accordance with Form C in the Schedule.

Forms of
ballot-paper.

(2.) For the purposes of voting under section one hundred and thirty-nine of the *Commonwealth Electoral Act* 1902–1911, or of the regulations relating to absent voting made in pursuance of section one hundred and thirty-nine A of that Act, or under regulations made under section twelve of this Act, the ballot-papers to be used for the purposes of the referendum may be in accordance with the forms prescribed by the regulations.

11.—(1.) The Chief Electoral Officer shall, forthwith after the endorsed copies of the writ have been transmitted to him by the Commonwealth Electoral Officers for the several States, and particulars have been received by him from the returning officers appointed to take the votes of persons voting under regulations made under section twelve of this Act, endorse on the original writ a statement showing as regards the whole Commonwealth—

Return of writ.

- (a) the number of votes given in favour of the prescribed question;
- (b) the number of votes given not in favour of the prescribed question; and
- (c) the number of ballot-papers rejected as informal.

(2.) The Chief Electoral Officer shall publish a copy of the statement in the *Gazette*, and the statement so published shall be conclusive evidence of the result of the referendum.

12.—(1.) The Governor-General 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; and, notwithstanding anything contained in this Act, may make such regulations as are in his opinion necessary or expedient for the purpose of providing a system or systems whereby—

Regulations.

- (a) members of the Forces not under the age of twenty-one years, serving beyond Australia or having returned from such service (who are enrolled as electors of the Commonwealth or are eligible to be so enrolled); and

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Military Service Referendum.

No. 27.

FORM C.

Ballot-paper.

COMMONWEALTH OF AUSTRALIA.

The *Military Service Referendum Act* 1916.

State of.....

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 Government having, in this grave emergency, the same compulsory powers over citizens in regard to requiring their military service, for the term of this War, outside the Commonwealth, as it now has in regard to military service within the Commonwealth?

YES.

NO.