

REFERENDUM (CONSTITUTION ALTERATION).

No. 23 of 1926.

An Act to amend the *Referendum (Constitution
Alteration) Act 1906-1919.*

[Assented to 28th June, 1926.]

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 citation.

1.—(1.) This Act may be cited as the *Referendum (Constitution Alteration) Act 1926.*

(2.) The *Referendum (Constitution Alteration) Act 1906-1919** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Referendum (Constitution Alteration) Act 1906-1926.*

Application
of Electoral
Act.

2. Section four of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the words “one hundred and forty-one” the words “and section one hundred and ninety-four A”; and

(b) by omitting from paragraph (g) of sub-section (2.) thereof the words “and section one hundred and twenty-one” and inserting in their stead the words “sub-section (3.) of section one hundred and fifteen, section one hundred and twenty-one, and section one hundred and twenty-one A”.

Non-application
of Section 6A
to certain
Referendums.

3. Section six A of the Principal Act shall not apply in relation to any Referendum held upon the proposed law intituled *Constitution Alteration (Industry and Commerce) 1926*, or upon the proposed law intituled *Constitution Alteration (Essential Services) 1926.*

*Act No. 11, 1906, as amended by No. 20, 1909; No. 31, 1910; No. 17, 1912; No. 35, 1912; No. 38, 1915; and No. 14, 1919.

4. Section fourteen A of the Principal Act is amended—

Forms of
ballot-paper.

(a) by inserting after sub-section (1.) thereof the following sub-section :—

“(1A.) For the purposes of voting pursuant to section ninety-one A of the *Commonwealth Electoral Act* 1918-1925, the ballot-papers to be used may be in the form prescribed by the regulations in relation thereto.”; and

(b) by omitting from sub-section (2B.) thereof the words “section one hundred and twenty-one” and inserting in their stead the words “sub-section (3.) of section one hundred and fifteen, section one hundred and twenty-one and section one hundred and twenty-one A”.

5. Section fifteen of the Principal Act is amended by omitting from paragraph (a) thereof the words “one hundred and twenty-one” (wherever occurring) and inserting in their stead the words “ninety-one A, sub-section (3.) of section one hundred and fifteen, section one hundred and twenty-one or section one hundred and twenty-one A”.

Application of
absent and
postal voters'
provisions.

6. Section nineteen of the Principal Act is amended by omitting from paragraph (e) the words “an Assistant Returning Officer” and inserting in their stead the words “an Assistant Presiding Officer”.

Conduct
of scrutiny.

7. Section twenty of the Principal Act is amended—

Action at
scrutiny.

(a) by inserting therein, after sub-section (3.), the following proviso :—

“Provided that the ballot-papers used for voting in pursuance of section ninety-one A of the *Commonwealth Electoral Act* 1918-1925 shall be dealt with as prescribed by the regulations relating thereto.”; and

(b) by omitting from sub-section (4.) thereof the words “section one hundred and twenty-one” and inserting in their stead the words “sub-section (3.) of section one hundred and fifteen, section one hundred and twenty-one and section one hundred and twenty-one A”.

8. After section twenty of the Principal Act the following section is inserted :—

“20A.—(1.) If a scrutineer objects to a ballot-paper as being informal, the officer conducting the scrutiny shall mark the ballot-paper ‘admitted’ or ‘rejected’ according to his decision to admit or reject the ballot-paper.

Action on
objection to
ballot-papers.

“(2.) Nothing in this section shall prevent the officer conducting the scrutiny from rejecting any ballot-paper as being informal although it is not objected to.”.

Informal
ballot-papers.

9. Section twenty-one of the Principal Act is amended by omitting therefrom the words "one hundred and twenty-one" (wherever occurring) and inserting in their stead the words "ninety-one A, subsection (3.) of section one hundred and fifteen, section one hundred and twenty-one or section one hundred and twenty-one A".

Immaterial
errors not to
vitiate
referendum.

10. Section thirty-three of the Principal Act is amended—

(a) by omitting the words "or on account of the absence or error of any officer which is not proved to have affected the result of the referendum" and inserting in their stead the words "or on account of the absence or error of or omission by any officer which did not affect the result of the referendum"; and

(b) by adding at the end thereof the following proviso :—

"Provided that where any elector was, on account of the absence or error of or omission by any officer, prevented from voting on a referendum, the Court shall not, for the purpose of determining whether the absence or error of or omission by the officer did or did not affect the result of the referendum, admit any evidence of the way in which the elector intended to vote."

Minor
amendments of
Principal Act.

11. The Principal Act is amended by omitting the words and figures "*Commonwealth Electoral Act 1918-1919*" (wherever occurring) and inserting in their stead the words and figures "*Commonwealth Electoral Act 1918-1925*".