

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 15 September 1987)

(SENATOR CHANEY)

A B I L L

FOR

An Act relating to the submission to the electors of a question
relating to the introduction of the Australia Card

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the Australia Card Referendum Act
1987.

Commencement

2. This Act shall come into operation on the day on which it
receives the Royal Assent.

Interpretation

3. In this Act, unless the contrary intention appears:

"question for the electors" means the question

"Do you approve the introduction of the proposed
Australia Card?";

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"referendum" means the submission to the electors of the
question for the electors;

"Referendum (Machinery Provisions) Act" means the provisions
of the Referendum (Machinery Provisions) Act 1984, in
their application by virtue of this Act, so far as they
are capable of applying to and in relation to the
referendum.

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Referendum (Machinery Provisions) Act incorporated

4. The Referendum (Machinery Provisions) Act 1984 is
incorporated in, and shall be read as one with, this Act.

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Modification of Referendum (Machinery Provisions) Act 1984

5. The Referendum (Machinery Provisions) Act 1984 applies to
the referendum as if:

(a) the definition of "referendum" were omitted from
subsection 3(1) of that Act and the following
definition were substituted:

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"'referendum' means the submission to the electors
of the question for the electors;";

(b) "each referendum" were omitted from subsection 5(1) of
that Act and "the referendum" were substituted;

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- (c) references in that Act to a referendum were read as references to the referendum;
- (d) sections 7 and 8 of that Act were omitted;
- 5 (e) references in that Act to the writ were read as references to the writ issued under section 6 of this Act;
- (f) references in that Act to section 8 of that Act were read as references to section 7 of this Act;
- (g) section 11 of that Act were omitted;
- 10 (h) "and a copy of the proposed law or of the statement (if any) attached to the writ" were omitted from sections 12 and 13 of that Act (wherever occurring);
- (j) sections 14, 24 and 25 of that Act were omitted;
- 15 (k) references in sections 91, 94, 97 and 98 to a vote, or votes, in favour of the proposed law were read as references to a vote, or votes, in favour of the introduction of the proposed Australia Card;
- 20 (l) references in sections 91, 94, 97 and 98 to a vote, or votes, not in favour of the proposed law were read as references to a vote, or votes not in favour of the introduction of the proposed Australia Card;
- (m) section 132 of that Act were omitted;
- 25 (n) "referendums" were omitted from section 139 of that Act (wherever occurring) and "the referendum" were substituted; and

(p) Schedule 1 to the Act were omitted.

Writ for the referendum

6. At any time after the Australia Card Act 1986 receives the Royal Assent, the Governor-General may issue a writ for the submission to the electors of the question for the electors.

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Form of writ

7 (1) The writ issued under section 6 may be in accordance with the form in Schedule 1 and shall appoint:

(a) the day for the close of the rolls;

(b) the day, being a Saturday, for taking the votes of the electors;

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(c) the day for the return of the writ.

(2) For the purposes of this Act, a writ shall be deemed to have been issued at 6 o'clock in the afternoon of the day on which the writ was issued.

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Distribution of arguments for and against the introduction of the proposed Australia Card

8. (1) Where within 4 weeks after the Australia Card Act 1986 receives the Royal Assent, there is forwarded to the Electoral Commissioner:

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(a) an argument in favour of voting "Yes" to the question for the electors, consisting of not more than 2,000 words, authorised by a majority of those members of the Parliament who voted for that Act and desire to forward such an argument; or

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- (b) an argument in favour of voting "No" to the question for the electors, consisting of not more than 2,000 words, authorised by a majority of those Members of the Parliament who voted against that Act and desire to forward such an argument;

the Electoral Commissioner shall, unless the Minister informs the Electoral Commissioner that the referendum is not to be held, not later than 14 days before the voting day for the referendum, cause to be printed and to be posted to each elector, as nearly as practicable, a pamphlet containing the arguments.

(2) The Commonwealth shall not expend money in respect of the presentation of the argument in favour of, or against, the question for the electors except in relation to:

- (a) the preparation, printing and distribution of the pamphlets referred to in this section, or the preparation and distribution of translations into other languages of material contained in those pamphlets;
- (b) the provision by the Electoral Commission of other information relating to the question for the electors; or
- (c) the salaries and allowances of members of the Parliament, of members of the staff of members of the Parliament or of persons who are officers or employees within the meaning of the Public Service Act 1922.

Action by Electoral Officers

9. (1) The Australian Electoral Officer for each State and Territory shall, immediately after receiving advice of the particulars of the writ for the referendum:

- (a) cause to be inserted in at least 2 newspapers circulating in the State or Territory a notice setting out particulars of the writ; and
- (b) advise each Divisional Returning Officer in that State or Territory of the particulars of the writ.

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(2) The Divisional Returning Officers of the States and Territories shall, subject to this Act and to the directions of the Electoral Commissioner and the Australian Electoral Officers of their respective States and Territories, immediately after receiving advice of the particulars of a writ for the referendum, take all action that is necessary to be taken to carry the writ into effect.

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Manner of voting

10. The voting at the referendum shall be by ballot and each elector shall indicate his or her vote:

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- (a) if the elector approves the introduction of the proposed Australia Card - by writing the word "Yes" in the space provided on the ballot-paper; or
- (b) if the elector does not approve the introduction of the proposed Australia Card - by writing the word "No" in the space so provided.

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Forms of ballot-paper

11. (1) Subject to this section, the ballot-papers to be used for the purposes of the referendum shall be in accordance with the form in Schedule 2.

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(2) The ballot-papers to be used for postal voting shall have the words "Postal Ballot-paper" or "Postal Ballot-papers" as a heading and shall contain the following directions:

"Fold the ballot-paper, place it in the envelope addressed to the Divisional Returning Officer and fasten the envelope".

5 (3) The ballot-papers to be used for absent voting shall have the words "Absent Vote Ballot-paper" or "Absent Vote Ballot-papers" as a heading and shall contain the following directions:

10 "Fold the ballot-paper so that the vote cannot be seen and return it to the Presiding Officer before whom you made your declaration".

Badges or emblems in polling booths

12. An officer or scrutineer who wears or displays in a polling booth on the voting day for the referendum any badge or emblem in support of, or in opposition to, the introduction of the proposed
15 Australia Card is guilty of an offence.

Penalty: \$1,000

SCHEDULE 1

Section 7

COMMONWEALTH OF AUSTRALIA

Writ for the referendum

To the Electoral Commissioner

I command you to cause the question "Do you approve the introduction of the proposed Australia Card?" to be submitted, according to law, in each State and in the Australian Capital Territory and the Northern Territory, to the electors who are qualified to vote at referendums.

I appoint the following dates:

1. For the close of the Rolls: the day of 19 .
2. For taking the votes of the electors: the day of
19 .
3. For the return of the writ: the day of 19 .

(Here insert the Governor-General's title and the date)

Governor-General

By His Excellency's Command

SCHEDULE 2

Section 11

COMMONWEALTH OF AUSTRALIA

BALLOT-PAPER

(Here insert name of State or Territory)

REFERENDUM ON AUSTRALIA CARD

DIRECTIONS TO VOTER

Write "YES" or "NO" in the space provided opposite the question set out below.

DO YOU APPROVE THE INTRODUCTION
OF THE PROPOSED AUSTRALIA CARD?

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