

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

REFERENDUM (CONSTITUTION ALTERATION) AMENDMENT BILL 1983

EXPLANATORY MEMORANDUM

(Circulated by Authority of the Special Minister of State, the  
Hon. Mick Young, M.P.)

OUTLINE

The purpose of this Bill is to make machinery amendments to the Referendum (Constitution Alteration) Act 1906 to give effect to the proposal approved at the 1977 referendum to give Territory electors the right to vote in referendums.



REFERENDUM (CONSTITUTION ALTERATION) AMENDMENT BILL 1983  
- CLAUSE NOTES

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- Clause 1 - formal
- Clause 2 - provides that the legislation will come into operation on the day it receives Royal Assent.
- Clause 3 - provides extra definitions to cover the Territories.
- Clause 4
- Paragraph (a) - ensures that sub-section 4(1) of the Act applies only to the States.
- Paragraph (b) - ensures that as many of the provisions of the Commonwealth Electoral Act referred to in existing sub-section 4(1) (or, where necessary, the equivalent provisions of the Territory laws) will apply in the Territories for the purposes of referendums.
- Paragraph (c) - make technical alterations to the remaining provisions of section 4 of the Referendum Act to allow for voting by Territory electors in referendums.
- Clause 5 - allows for the appointment of Electoral Officers in the Territories, who will have powers and duties similar to those exercised or performed by the Australian Electoral Officers in the States.
- Clauses 6 and 7 - provide for copies of the writ for a referendum to be forwarded also to the Administrator of the Northern Territory and the Electoral Officers in the Territories.
- Clause 8 - provides for advertisement of the writ for a referendum and a copy of the proposed law or of the statement attached to the writ, in newspapers and Post Offices in the Territories and for copies to go to the Returning Officers and Assistant Returning Officers in the Territories.
- also provides for necessary action by Officers in the Territories following the issue of the writ.
- Clause 9 - provides for the forms of ballot papers in the Territories.
- Clause 10 - applies to referendums the provision under which, in Commonwealth elections, postal ballot papers are issued automatically to certain electors in the Northern Territory.

- Clause 11 - extends existing section 17 to provide for the appointment of scrutineers at the polling in the Territories.
- Clause 12 - extends existing section 18 to provide for the appointment of scrutineers at the scrutiny in the Territories.
- Clause 13 - extends existing section 19 (which prescribes procedures for the scrutiny) to the Territories.
- Clause 14 - makes provision for the manner in which referendum ballot papers used in the Territories are to be dealt with.
- Clause 15 - extends to the Territories provisions prescribing the criteria for informal ballot papers.
- Clauses 16 and 17 - apply existing section 22 (return of results) to the States only and provide an equivalent section for the Territories.
- Clause 18 - makes provision for a recount to be conducted in the Territories as well as in a State.
- Clause 19 - provides for the Chief Australian Electoral Officer, or an officer appointed by him, to make decisions on the formality of disputed ballot papers in the case of a recount in the Territories.
- Clause 20 - includes a new provision in the Act to require the Electoral Officers for the Territories to endorse on their copies of the writ for a referendum the results of the voting in the Territories.
- Clause 21 - extends the existing provision relating to the return of the writ for a referendum to the Territories.
- Clause 22 - provides for a copy of the statement showing the result of a referendum to be sent also to the Administrator of the Northern Territory.
- Clauses 23, 24, 25 and 26 - include the Northern Territory in the provisions of the Act relating to disputing the validity of a referendum.
- Clause 27 - extends to the Territories the requirement for a return of expenses incurred in connection with a referendum.
- Clause 28 - extends to the Territories the requirement for newspaper proprietors to submit returns of expenses incurred in connection with a referendum.
- Clause 29 and Schedule - make formal amendments to the Act.