Referendum (Machinery Provisions) Amendment Bill 1988

Date Introduced: 18 February 1988
House: House of Representatives
Presented by: The Hon. Stewart West, M.P., Minister for Administrative Services

Digest of Bill

Purpose
To amend the Referendum (Machinery Provisions) Act 1984 (the Principal Act) as a consequence of amendments introduced by the Commonwealth Electoral Legislation Amendment Bill 1987. The main changes relate to the extension of time for voting and the returning of votes.

Background
The Joint Select Committee on Electoral Reform was established in 1983. In 1986, the Committee released a report on the effect of amendments to the electoral laws, implemented in 1983 and 1984, on the 1984 election. The report contained 156 recommendations most of which were accepted by the government. In the government's response to the report, presented in the Senate on 31 March 1987, it was announced that the recommendations would be implemented in stages and that some changes would be introduced before the next election was due. These changes were implemented by the Commonwealth Electoral Legislation Amendment Bill 1987. The committee's report also contained recommendations dealing with referendums. The main recommendation concerns the publication of information for visually impaired voters. Currently, the Commonwealth may only spend money on printed material to support the 'yes' and 'no' cases.

Following the enactment of the Commonwealth Electoral Legislation Amendment Bill 1987, there are inconsistencies between the electoral and referendum machinery provisions. This Bill will remove those inconsistencies.

Main Provisions
Clause 4 will insert a new section 3A into the Principal Act. The proposed section will extend the operation of the Act to officers outside Australia. This will mean that the overseas polling officials are subject to the same duties as their counterparts in Australia.

A new section 10 will be substituted into the Principal Act by clause 5. Under the proposed section, the Governor-General may, before the voting date, fix a later date for voting. The later date may apply generally or
to a specific Division. The proposed section also provides for return of
writs to be delayed.

Clause 6 will insert a new paragraph 11(4)(aa) into the Principal Act
to authorise expenditure on material, for and against the question, that
is suitable for the visually impaired.

A new section 46A will be inserted into the Principal Act by clause 7.
The proposed section will streamline the forwarding of declared votes and
provides for the presiding officer at a polling place to forward the votes
to the Assistant Returning Officer. After checking the envelopes
containing the votes against the presiding officers record, the Assistant
Returning Officer is to forward the votes to a Divisional Returning
Officer. After a further check of records, they are to be forwarded to the
Divisional Returning Officer for that division or another person
authorised by the Australian Electoral Officer.

A ballot will be valid if it contains either of the words 'yes' or
'no', written alone or without qualification (proposed sub-section 93(9)
which will be inserted into the Principal Act by clause 8).

For further information, if required, contact the Law and Government
Group.

23 March 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources
should be consulted to determine the subsequent official status of the
Bill.

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