

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Gary Humphries)

Community Referendum Bill 2002

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2002

THE LEGISLATIVE ASSEMBLY
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(As presented)

(Mr Gary Humphries)

Community Referendum Bill 2002

A Bill for

An Act to enable the people of the ACT to initiate and vote on legislative proposals

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Community Referendum Act 2002*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 **3 Dictionary**

7 The dictionary at the end of this Act is part of this Act.

8 *Note 1* The dictionary at the end of this Act defines certain words and
9 expressions used in this Act, and includes references (*signpost*
10 *definitions*) to other words and expressions defined elsewhere in this
11 Act or in other legislation.

12 For example, the signpost definition '*referendum ballot paper*—see
13 Machinery Provisions Act, section 3 (1).' means that the expression
14 'referendum ballot paper' is defined in that subsection and the definition
15 applies to this Act.

16 *Note 2* A definition in the dictionary (including a signpost definition) applies to
17 the entire Act unless the definition, or another provision of the Act,
18 provides otherwise or the contrary intention otherwise appears (see
19 *Legislation Act 2001*, s 155 and s 156 (1)).

20 **4 Notes**

21 A note included in this Act is explanatory and is not part of this Act.

22 *Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of
23 notes.

Part 2 **Legislative proposals**

Division 2.1 **Gaining community support**

5 **Establishment of sponsoring committee**

(1) Between 2 and 10 electors who propose to present an initiating request may, by unanimous resolution, agree to form themselves into the sponsoring committee for the legislative proposal that is the subject of the request.

(2) For this Act, a sponsoring committee is established if the electoral commissioner accepts a notice (an *establishment notice*) containing—

(a) a statement that the electors named in the notice have agreed to be a sponsoring committee for the legislative proposal described in the notice; and

(b) the names and addresses of the electors; and

(c) their signatures; and

(d) the name of the elector proposed to be the contact officer for the committee; and

(e) a description, in no more than 100 words, of the main objects that the electors wish to achieve by the legislative proposal.

Note If a form is approved under s 36 (Approved forms) for an establishment notice, the form must be used.

(3) The electoral commissioner must accept the notice if satisfied that—

(a) the notice complies with subsection (2); and

(b) the objects that the electors wish to achieve by the proposal can be implemented by Territory law.

- 1 (4) If the electoral commissioner accepts an establishment notice, the
2 commissioner must give the contact officer for the committee
3 written notice of the acceptance (a *notice of acceptance*).
- 4 (5) A notice of acceptance must include—
- 5 (a) a copy of the description of the legislative proposal set out in
6 the establishment notice; and
- 7 (b) the name and address of the contact officer.
- 8 (6) A notice of acceptance is a notifiable instrument.
- 9 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- 10 (7) If the electoral commissioner does not accept an establishment
11 notice, the commissioner must give the elector proposed to be the
12 contact officer for the committee a review statement about the
13 decision.
- 14 (8) Failure to comply with subsection (5) in relation to a decision does
15 not affect the validity of the decision.

16 **6 Multiple proposals sponsored by same committee**

17 If a group of electors become a sponsoring committee for a
18 legislative proposal under section 5 (Establishment of sponsoring
19 committee) and, at the same or later, the electoral commissioner
20 accepts an establishment notice for that group for another legislative
21 proposal, the group of electors is taken to be a separate sponsoring
22 committee for each legislative proposal.

23 **7 Initiating request**

24 The contact officer for a sponsoring committee may give the
25 electoral commissioner a request (an *initiating request*) seeking
26 registration of a legislative proposal described in the establishment
27 notice given to the commissioner by the sponsoring committee.

28 *Note* If a form is approved under s 36 (Approved forms) for an initiating
29 request, the form must be used.

8 Approval of initiating request

(1) The electoral commissioner must approve an initiating request if satisfied that—

(a) it relates to the legislative proposal described in the establishment notice for the sponsoring committee for which the request is made; and

(b) there is set out on each page of the request—

(i) the description of the legislative proposal set out in the establishment notice; and

(ii) the name and address of each member of the sponsoring committee; and

(c) it contains—

(i) the full names, addresses and dates of birth of at least 1 000 electors who have signed the request; and

(ii) the date when each elector signed the request.

(2) If the electoral commissioner approves the initiating request, the electoral commissioner must give the contact officer for the sponsoring committee written notice of the approval (a ***notice of approval***).

(3) The notice of approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(4) If the electoral commissioner does not approve the initiating request, the commissioner must give the contact officer for the sponsoring committee a review statement about the decision.

(5) For subsection (1) (c), the electoral commissioner may be satisfied that at least 1 000 signatories to the initiating request are electors if, having checked a sample of at least 200 signatories chosen at random and having applied an appropriate statistical method to the sample, the commissioner is satisfied that it is reasonable to conclude that at least 1 000 signatories are electors.

- 1 (6) For this section, a person is taken to be an elector if the person was
2 an elector when the person signed the initiating request.

3 **9 Form of popular request**

4 An elector may give the electoral commissioner a request (a *popular*
5 *request*) that the people of the ACT be permitted to decide by
6 referendum whether the law of the ACT should be altered in
7 accordance with an approved legislative proposal stated in the
8 popular request.

9 *Note* If a form is approved under s 36 (Approved forms) for a popular
10 request, the form must be used.

11 **10 Time for popular request**

- 12 (1) A popular request for an approved legislative proposal must be
13 given to the electoral commissioner within 6 months after the
14 notification day for the notice of approval for the proposal under
15 section 8 (3) (Approval of initiating request).
- 16 (2) A popular request given to the commissioner after the end of the
17 period mentioned in subsection (1) must be disregarded for this
18 division.

19 **11 Requirements of popular request**

- 20 (1) If the electoral commissioner is satisfied that the popular requests
21 received for an approved legislative proposal bear the signatures of
22 at least the required number of electors, the commissioner must, as
23 soon as practicable, determine that—
- 24 (a) the legislative proposal has been supported by the required
25 number of electors; and
- 26 (b) a proposed law that gives effect to the objects of the legislative
27 proposal may, under this Act and the Machinery Provisions
28 Act, be put to a referendum.

-
- 1 (2) A determination under subsection (1) is a notifiable instrument.
- 2 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- 3 (3) If the electoral commissioner is satisfied that the popular requests
4 received for the legislative proposal bear the signatures of at least
5 twice the required number of electors, the commissioner must also,
6 as soon as practicable, determine that—
- 7 (a) the legislative proposal has been supported by twice the
8 required number of electors; and
- 9 (b) the proposal is a qualified legislative proposal.
- 10 (4) A determination under subsection (3) is a notifiable instrument.
- 11 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- 12 (5) The electoral commissioner may be satisfied for subsection (1) or
13 (3) if, having checked a sample of at least 1 000 signatories chosen
14 at random and having applied an appropriate statistical method to
15 the sample, the commissioner is satisfied that it is reasonable to
16 conclude that the number of signatories to the popular requests who
17 are electors would be at least the required number or twice the
18 required number, as the case requires.
- 19 (6) If the electoral commissioner makes a determination under this
20 section, the commissioner must tell the contact officer for the
21 relevant sponsoring committee in writing of the determination.
- 22 (7) If the electoral commissioner is not satisfied that the popular
23 requests received for an approved legislative proposal amount to the
24 required number, the commissioner must—
- 25 (a) revoke the approval of the initiating request; and
- 26 (b) give a review statement about the cancellation to the person
27 who last held the office of contact officer of the relevant
28 sponsoring committee.
- 29 (8) A revocation under subsection (7) is a notifiable instrument.
- 30 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
-

1 (9) For this section, a person is taken to be an elector if the person was
2 an elector when the person signed the popular request.

3 (10) In this section:

4 *popular request* does not include a request that is required to be
5 disregarded for this division.

6 *required number* means 5% of the number of electors who were
7 eligible to vote at the general election of members of the Legislative
8 Assembly that was last held before the end of the period of 6 months
9 mentioned in section 10 (Time for popular request).

10 **12 Revocation of approval on cessation of committee**

11 (1) The electoral commissioner must revoke the approval of an
12 initiating request for a legislative proposal if, before a copy of a
13 proposed law that gives effect to the objects of the proposal is given
14 to the Speaker under section 15 (1) (Presentation to Assembly), the
15 commissioner is satisfied that the relevant sponsoring committee has
16 ceased to exist.

17 (2) For subsection (1), the electoral commissioner may be satisfied that
18 a sponsoring committee has ceased to exist if the electoral
19 commissioner has given to the contact officer a written notice of his
20 or her intention to cancel the approval of the initiating request under
21 subsection (1) and—

22 (a) no response has been received within 1 month after the day the
23 notice was given; or

24 (b) from the response received it is reasonable to conclude that the
25 committee has ceased to exist.

26 (3) If the electoral commissioner decides to revoke an approval under
27 subsection (1), the commissioner must give a review statement
28 about the decision to the person who appears to the commissioner to
29 be the person who last held the office of contact officer of the
30 relevant sponsoring committee.

Division 2.2 Proposed laws

13 Preparation of proposed laws

(1) If a determination for a popular request has been notified under section 11 (Requirements of popular request), the sponsoring committee for the relevant approved legislative proposal may prepare a proposed law that gives effect to the objects of the proposal.

(2) On written application by the sponsoring committee through its contact officer, the Attorney-General must make available to the committee the services of a public servant to enable the committee to prepare a proposed law.

14 Attorney-General's certificate

(1) If the sponsoring committee for an approved legislative proposal has prepared a proposed law, its contact officer may apply in writing to the Attorney-General for a certificate that the proposed law is consistent with the approved legislative proposal and is suitable for presentation to the electors on a community consultation day.

(2) The Attorney-General may give a certificate under this section only if satisfied that the proposed law—

(a) is consistent with the objects of the approved legislative proposal; and

(b) is in a form suitable for presentation to the Legislative Assembly.

15 Presentation to Assembly

(1) If the Attorney-General gives a certificate under section 14 in relation to a proposed law, the contact officer of the sponsoring committee for the proposed law may give the certificate and a copy of the proposed law to the Speaker.

- 1 (2) The Speaker must—
- 2 (a) present the certificate and the copy of the proposed law to the
- 3 Legislative Assembly on the first sitting day after the day the
- 4 Speaker receives them; and
- 5 (b) tell the electoral commissioner about the presentation; and
- 6 (c) give a copy of the proposed law to the electoral commissioner
- 7 and the Chief Minister.

8 **16 Failure to prepare proposed law**

- 9 (1) This section applies if a copy of a proposed law is not presented to
- 10 the Legislative Assembly under section 15 before the general
- 11 election of members of the Assembly that next happens after the
- 12 notification day for the notice of approval for the proposal under
- 13 section 8 (Approval of initiating request).
- 14 (2) If this section applies, the approval for the initiating request for the
- 15 legislative proposal is taken to be revoked.

16 **17 Amendments**

- 17 (1) If a copy of a proposed law has been presented to the Legislative
- 18 Assembly under section 15 (2) (Presentation to Assembly), the
- 19 sponsoring committee for the proposed law may prepare an
- 20 amendment of the proposed law.
- 21 (2) On written application by the sponsoring committee through its
- 22 contact officer, the Attorney-General must make available to the
- 23 committee the services of a public servant to enable the committee
- 24 to prepare an amendment of the proposed law.
- 25 (3) If the sponsoring committee has prepared an amendment of the
- 26 proposed law, its contact officer may apply in writing to the
- 27 Attorney-General for a certificate under section 14
- 28 (Attorney-General's certificate).

-
- 1 (4) If an application is made under subsection (3)—
- 2 (a) any certificate previously issued under section 14 for the
- 3 proposed law ceases to have effect; and
- 4 (b) that section applies to the application as if a reference in that
- 5 section to the proposed law were a reference to the proposed
- 6 law as amended by the amendment.
- 7 (5) If the Speaker receives, on or before the last day for making an
- 8 amendment, a copy of an amendment of the proposed law and the
- 9 Attorney-General's certificate for the proposed law as amended by
- 10 the amendment, the Speaker must—
- 11 (a) present the certificate and the copy of the amendment to the
- 12 Legislative Assembly on the first sitting day after the day the
- 13 speaker receives them; and
- 14 (b) tell the electoral commissioner about the presentation; and
- 15 (c) give a copy of the proposed law to the electoral commissioner
- 16 and the Chief Minister.
- 17 (6) The proposed law is amended when a copy of the amendment is
- 18 presented to the Legislative Assembly under subsection (5).
- 19 (7) If the proposed law is amended under this section—
- 20 (a) a reference in this Act to the proposed law is a reference to the
- 21 proposed law as amended; and
- 22 (b) in any publication or reproduction of the proposed law, the
- 23 proposed law must be published or reproduced as amended.
- 24 (8) In this section:
- 25 *last day for making amendments*, for the proposed law, means the
- 26 31 May that last happens before the community consultation day
- 27 when the referendum for the proposed law is to be held.

1 **18 Submission to referendum**

- 2 (1) If a copy of a proposed law has been presented to the Legislative
3 Assembly under section 15 (2) (Presentation to Assembly), the
4 electoral commissioner must submit the proposed law to a
5 referendum of electors on the first community consultation day that
6 happens after the end of 4 months after presentation.
- 7 (2) However, the electoral commissioner must not submit a proposed
8 law to referendum if, before the holding of the referendum, the
9 commissioner receives from the Attorney-General written advice
10 that the Legislative Assembly has enacted a law that gives effect to
11 the objects of the proposed law.

12 **19 Auditor-general's estimate of costs or savings**

- 13 (1) If a copy of a proposed law has been presented to the Legislative
14 Assembly under section 15 (2) (Presentation to Assembly), the
15 auditor-general must, as soon as practicable, prepare an estimate of
16 the reasonable costs or savings to the Territory of implementing the
17 proposed law.
- 18 (2) An estimate under subsection (1) is a notifiable instrument.
- 19 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- 20 (3) For this section, ***costs or savings*** are—
- 21 (a) the net costs or savings that are of capital or a capital nature;
22 and
- 23 (b) the net annual operating costs or savings.
- 24 (4) In making an estimate, the auditor-general must—
- 25 (a) assume that the proposed law will commence on 1 July after
26 presentation of the proposed law to the Legislative Assembly;
27 and
- 28 (b) estimate the costs of, or savings in, implementing the proposed
29 law in the financial year beginning on that date and each of the
30 next 2 following financial years.

- 1 (5) If the auditor-general considers it advisable for the purpose of better
2 informing the community, the auditor-general may prepare
3 estimates in the form of a statement of the highest and lowest
4 reasonably estimated amounts of a cost or saving.
- 5 (6) An estimate under subsection (5) is a notifiable instrument.
- 6 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- 7 (7) The auditor-general must prepare a statement of the material
8 assumptions made in the calculation of an estimate under this
9 section and the reasons for the conclusions reached.
- 10 (8) A statement under subsection (7) is a notifiable instrument.
- 11 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

12 **20 Special community consultation days**

- 13 (1) This section applies if, during the period of 12 months ending on
14 31 May in a year, a copy of a qualified proposed law has been
15 presented to the Legislative Assembly.
- 16 (2) If this section applies, the electoral commissioner must, as soon as
17 practicable after the end of the period mentioned in subsection (1),
18 declare the 3rd Saturday in October to be a special community
19 consultation day.
- 20 (3) A declaration under subsection (2) is a notifiable instrument.
- 21 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- 22 (4) If, after notification of the declaration under subsection (3) but
23 before the day declared to be a special community consultation day,
24 a day is determined for the holding of an extraordinary election, the
25 day declared under subsection (2) ceases to be a special community
26 consultation day.

- 1 (5) If—
- 2 (a) the electoral commissioner has made a declaration under
- 3 subsection (2) declaring a day to be a special community
- 4 consultation day; and
- 5 (b) a writ is issued under the *Commonwealth Electoral Act 1918*
- 6 (Cwlth), part 13 for an election of Senators for the Territory or
- 7 for a general election for the House of Representatives; and
- 8 (c) the date for the polling for the election is the day declared to be
- 9 a special community consultation day;
- 10 that day ceases to be a special community consultation day and the
- 11 next 1st Saturday in December is taken to be a special community
- 12 consultation day.
- 13 (6) In this section:
- 14 ***extraordinary election*** means an election of members of the
- 15 Legislative Assembly held under the *Australian Capital Territory*
- 16 *(Self-Government) Act 1988* (Cwlth), section 16 or 48.
- 17 ***qualified proposed law*** means a proposed law that gives effect to
- 18 the objects of a qualified legislative proposal.

Part 3 Referendums

21 Arguments for and against proposals

- (1) Within 2 months after the presentation of a proposed law to the Legislative Assembly under section 15 (2) (Presentation to Assembly), the sponsoring committee for the proposed law may give the electoral commissioner an argument in favour of the proposed law consisting of no more than 2 000 words.
- (2) Before the end of the period mentioned in subsection (1), a member of the Legislative Assembly may give to the electoral commissioner an argument against the proposed law that consists of no more than 2 000 words and has been authorised by a majority of the members of the Assembly who are against the proposed law.
- (3) If, after the electoral commissioner receives an argument for a proposed law, the proposed law is amended under section 17 (Amendments), a revised argument may be given to the commissioner for the proposed law by the sponsoring committee or a member, as the case requires.
- (4) If the electoral commissioner receives a revised argument under subsection (3), the original argument must be disregarded for this Act and the Machinery Provisions Act.

22 Publication of arguments and auditor-general's estimate

- (1) The electoral commissioner must, at least 14 days before the referendum day for a proposed law—
 - (a) publish a pamphlet containing—
 - (i) any argument given to the commissioner under section 21 (1) (Arguments for and against proposals) in relation to the proposed law (or, if a revised argument has been given under section 21 (3), the revised argument);
 - and

- 1 (ii) any argument given to the commissioner under
2 section 21 (2) in relation to the proposed law; and
- 3 (iii) the auditor-general's estimate in relation to the proposed
4 law under section 19 (Auditor-general's estimate of costs
5 or savings); and
- 6 (b) as far as practicable, post the pamphlet—
- 7 (i) to each elector; or
- 8 (ii) to each household in the ACT.
- 9 (2) The pamphlet must set out each argument in a similar typeface and
10 style.
- 11 (3) The arguments and estimates for more than 1 legislative proposal
12 may be contained in a single pamphlet.
- 13 (4) A pamphlet under this section is a notifiable instrument.

14 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

15 **23 Appointment of scrutineers**

16 Each of the following may appoint a scrutineer or scrutineers to
17 represent it during the polling or scrutiny for a referendum:

- 18 (a) a political party that, on 31 May before the community
19 consultation day when the referendum is held—
- 20 (i) was registered under the Electoral Act; and
- 21 (ii) was represented by at least 1 member in the Legislative
22 Assembly;
- 23 (b) if a proposed law gives effect to the objects of a registered
24 legislative proposal—the relevant sponsoring committee.

1 **24 Result of referendum**

2 Subject to any decision of the Court of Disputed Elections, a
3 proposed law that has been put to a referendum is approved if more
4 than $\frac{1}{2}$ of the formal votes cast at the referendum are in favour of it.

1 **Part 4** **Enactment of laws**

2 **25 Enactment of proposed law**

- 3 (1) As soon as practicable after the end of the period for a qualified
4 proposed law within which an application disputing the validity of a
5 referendum may be made, the electoral commissioner must notify
6 the Speaker in writing whether any application has been made.
- 7 (2) If an application disputing the validity of a referendum has been
8 made, the electoral commissioner must notify the Speaker in writing
9 when it is finally disposed of.
- 10 (3) For subsection (2), an application is taken to be finally disposed of
11 if—
- 12 (a) it is withdrawn; or
- 13 (b) it is dealt with by the Court of Disputed Elections.
- 14 (4) The Speaker must, on the first sitting day of the Legislative
15 Assembly after receiving a notification under subsection (1) or (2),
16 present it to the Legislative Assembly.
- 17 (5) Subject to any decision of the Court of Disputed Elections, if a
18 qualified proposed law has been approved at a referendum, the
19 Chief Minister must present the proposed law to the Legislative
20 Assembly, on the next sitting day after the presentation by the
21 Speaker of a notification—
- 22 (a) under subsection (1) that no application to dispute the validity
23 of the referendum has been made; or
- 24 (b) under subsection (2).
- 25 (6) Subsection (5) is subject to section 26.

26 Inconsistency in proposed laws

(1) This section applies if more than 1 proposed law has been approved on the same community consultation day and the Chief Minister is satisfied that—

(a) 2 or more of the proposed laws are inconsistent with each other; or

(b) 1 of the proposed laws is partly inconsistent with another proposed law.

(2) If this section applies, the Chief Minister must present under section 25 (5) (Enactment of proposed law)—

(a) any independent proposed law; and

(b) the inconsistent or partly inconsistent proposed law that has been supported by the greatest or greater number of votes.

(3) If subsection (1) (a) applies, section 25 (5) does not apply to a proposed law that is inconsistent with the proposed law that may be presented under subsection (2) (b).

(4) If—

(a) subsection (1) (b) applies; and

(b) the partly inconsistent proposed law is not a proposed law that may be presented under subsection (2) (b); and

(c) the proposed law is partly inconsistent with a proposed law that may be presented under subsection (2) (b) or this subsection; and

(d) the Chief Minister is satisfied that if the part of the proposed law because of which it is partly inconsistent were omitted, the proposed law, on enactment, would still—

(i) be capable of effective operation; and

(ii) achieve its primary objects;

- 1 section 25 (5) applies for the partly inconsistent proposed law as if
2 the inconsistent part were not part of it.
- 3 (5) If more than 1 proposed law is partly inconsistent with a law that
4 may be presented under subsection (2) (b)—
- 5 (a) subsection (4) applies first to the proposed law that has been
6 supported by the greatest or greater number of votes and then
7 to any others in succession; and
- 8 (b) a reference in subsection (4) (c) to *a proposed law* that may be
9 presented under subsection (4) is a reference to that proposed
10 law after the omission of the inconsistent part.
- 11 (6) Section 25 (5) does not apply for a partly inconsistent proposed law
12 unless that proposed law may be presented under subsection (2) (b)
13 or (4).
- 14 (7) If—
- 15 (a) 4 or more laws have been approved at a referendum; and
- 16 (b) subsection (1) applies; and
- 17 (c) there are 2 or more groups of inconsistent laws;
- 18 subsection (2) (b) and subsections (3), (4), (5) and (6) apply for each
19 group independently.
- 20 (8) For this section—
- 21 (a) proposed laws are taken to be *inconsistent* with each other if
22 they would be incapable of operating concurrently if both or all
23 were enacted; and
- 24 (b) a proposed law is taken to be *partly inconsistent* with another
25 proposed law if it contains a part that, if both proposed laws
26 were enacted, would be incapable of operating concurrently
27 with the other law or any part of it; and

- 1 (c) a proposed law is an *independent proposed law* if it is not a
2 proposed law mentioned in paragraph (a) or (b); and
- 3 (d) a reference to a group of inconsistent laws is a reference to a
4 group of proposed laws in which every law is inconsistent or
5 partly inconsistent with at least 1 other proposed law in the
6 group.

1 **Part 5 Offences**

2 **27 Harassment**

3 A person commits an offence if the person intimidates or causes
4 violence to someone else for the purpose of inducing the other
5 person to—

6 (a) sign; or

7 (b) refuse to sign;

8 an initiating request or a popular request.

9 Maximum penalty: 50 penalty units, imprisonment for 6 months or
10 both.

11 **28 Misrepresenting sponsoring committee**

12 A person commits an offence if—

13 (a) the person, without reasonable excuse, publishes, or seeks
14 someone else's signature to, a document that is represented to
15 be, or be part of, an initiating request or a popular request; and

16 (b) the document does not contain the name and address of each
17 member of the sponsoring committee.

18 Maximum penalty: 50 penalty units.

19 **29 Misrepresenting document etc**

20 (1) A person commits an offence if the person falsely represents to
21 someone else that a document is, or is part of, an initiating request
22 or a popular request for the purpose of obtaining the other person's
23 signature to the document.

24 Maximum penalty: 50 penalty units, imprisonment for 6 months or
25 both.

- 1 (2) A person commits an offence if the person falsely represents to
2 someone else the nature or main objects of a legislative proposal for
3 the purpose of inducing the other person—
- 4 (a) to sign an initiating request; or
- 5 (b) to address a popular request to the electoral commissioner.
- 6 Maximum penalty: 50 penalty units, imprisonment for 6 months or
7 both.
- 8 (3) A person commits an offence if the person falsely represents that a
9 legislative proposal, or a form of words that resembles a legislative
10 proposal, is an approved legislative proposal.
- 11 Maximum penalty: 50 penalty units, imprisonment for 6 months or
12 both.

Part 6 Sponsoring committees

30 Changes in membership

(1) A member of a sponsoring committee ceases to be a member if the member—

(a) resigns his or her membership by written notice given to the contact officer; or

(b) ceases to be an elector.

(2) If the membership of a sponsoring committee changes because of the death of a member or under subsection (1), the contact officer must, within 1 month after becoming aware of that fact, give the electoral commissioner written notice of the change in the approved form.

Note If a form is approved under s 36 (Approved forms) for a notice of change of membership, the form must be used.

(3) A contact officer must not, without reasonable excuse, fail to comply with subsection (2).

Maximum penalty: 5 penalty units.

(4) A sponsoring committee that consists of no more than 9 members may agree to admit 1 other elector to membership.

(5) If a sponsoring committee makes a decision under subsection (4), its contact officer must give the electoral commissioner a notice that contains—

(a) the name and address of the person who has agreed to be admitted to the committee; and

(b) the person's signature.

Note If a form is approved under s 36 (Approved forms) for a notice of admission of member, the form must be used.

Maximum penalty: 5 penalty units.

- 1 (6) A person who has agreed to be admitted to the committee becomes a
2 member when notice is given under subsection (5).

3 **31 Procedures**

4 Subject to this Act, a sponsoring committee may decide its own
5 procedures.

6 **32 Cessation of existence**

- 7 (1) A sponsoring committee ceases to exist if—
8 (a) it resolves to dissolve itself; or
9 (b) it has only 1 member; or
10 (c) it has no members; or
11 (d) the approval of the initiating request for the relevant approved
12 legislative proposal is revoked.
13 (2) If a sponsoring committee ceases to exist under subsection (1) (a),
14 (b) or (c), the person who was the contact officer at the time of the
15 cessation must tell the electoral commissioner in writing of the
16 cessation of the existence of the committee within 1 month after the
17 day of the cessation.

18 Maximum penalty: 5 penalty units.

19 **33 Contact officer**

- 20 (1) A sponsoring committee must appoint 1 of the members of the
21 committee as contact officer.
22 (2) For this Act, it is presumed that action taken by the contact officer for
23 a sponsoring committee is taken with the authority of the committee.

24 **34 Vacancy in office of contact officer**

- 25 (1) A sponsoring committee may remove its contact officer from office.
26 (2) The office of the contact officer is taken to be vacant if the contact
27 officer—

- 1 (a) is removed from office under subsection (1); or
2 (b) resigns from office; or
3 (c) ceases to be a member of the committee.
- 4 (3) If the office becomes vacant, the committee must, within 14 days
5 after the vacancy happens, appoint 1 of its members to fill it.
- 6 (4) If a sponsoring committee fails, without reasonable excuse, to
7 comply with subsection (3), each member of the committee commits
8 an offence.
- 9 Maximum penalty: 2 penalty units.
- 10 (5) However, a member of a committee does not commit an offence
11 against subsection (4) if the member satisfies the court that the
12 member—
- 13 (a) made reasonable efforts to try to have the committee comply
14 with subsection (3); or
- 15 (b) had reasonable excuse for not taking part in the affairs of the
16 committee at the relevant time.

17 **35 Notice of contact officer's appointment or change of**
18 **address**

- 19 (1) A person who is appointed to be the contact officer of a sponsoring
20 committee after a vacancy happens must, within 1 month after being
21 appointed, give the electoral commissioner a notice signed by a
22 majority of the members of the committee, advising—
- 23 (a) of the reason for the vacancy; and
24 (b) of the appointment to fill it.

25 *Note* If a form is approved under s 36 (Approved forms) for a notice under
26 this section, the form must be used.

27 Maximum penalty: 2 penalty units.

- 1 (2) A contact officer who changes his or her address must, within
2 1 month after the day of the change, tell the electoral commissioner
3 in writing of the change.

4 Maximum penalty: 2 penalty units.

1 **Part 7** **Miscellaneous**

2 **36 Approved forms**

3 (1) The electoral commissioner may, in writing, approve forms for this
4 Act.

5 (2) If the electoral commissioner approves a form for a particular
6 purpose, the approved form must be used for that purpose.

7 *Note* For other provisions about forms, see *Legislation Act 2001*, s 255.

8 (3) An approved form is a notifiable instrument.

9 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

10 **37 Substantial compliance with some time requirements** 11 **sufficient**

12 If, under this Act, the Speaker or the Chief Minister is required to do
13 a thing on a particular day, and it is impracticable to do it on that
14 day, the requirement is taken to be satisfied if the thing is done as
15 soon as practicable.

16 **38 Review of decisions**

17 The Electoral Act, part 15 (Review of decisions) applies to the
18 following decisions as if the decision were a reviewable decision for
19 that Act:

20 (a) a decision to refuse to accept a document under section 5 (3)
21 (Establishment of sponsoring committee);

22 (b) a decision not to approve an initiating request under section 8;

23 (c) a decision to revoke the approval of an initiating request for a
24 legislative proposal under section 11 (7) (Requirements of
25 popular request) or section 12 (1) (Revocation of approval on
26 cessation of committee).

1 **39 Regulation-making power**

2 (1) The Executive may make regulations for this Act.

3 *Note* Regulations must be notified, and presented to the Legislative
4 Assembly, under the *Legislation Act 2001*.

5 (2) The regulations must make provision about the conduct of a
6 referendum for this Act.

7 (3) Without limiting subsection (2), the regulations may apply (with or
8 without change) a provision of the Electoral Act or the Machinery
9 Provisions Act to the conduct of a referendum.

10 (4) The regulations may also prescribe offences for contraventions of
11 the regulations and prescribe maximum penalties of not more than
12 10 penalty units for offences against the regulations

Dictionary

(see s 3)

Note 1 The *Legislation Act 2001* contains definitions and other provisions that are relevant to this Act.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1 defines the following terms:

- auditor general
- electoral commissioner
- exercise
- function
- Speaker

Note 3 A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*).

approved form means a form approved by the electoral commissioner under section 36 (Approved forms).

approved legislative proposal means a legislative proposal described in an initiating request that—

- (a) has been approved under section 8 (Approval of initiating request); and
- (b) has not been revoked under section 11 (7) (Requirements of popular request) or section 12 (1) (Revocation of approval on cessation of committee).

community consultation day means—

- (a) a day when a general election of members of the Legislative Assembly is held; or
- (b) a special community consultation day;

and, if polling is suspended and resumed, includes a day when polling is resumed.

contact officer, for a sponsoring committee, means the person named in the last notice given to the electoral commissioner under section 5 (Establishment of sponsoring committee) or section 35 (Notice of contact officer's appointment or change of address)

Court of Disputed Elections—see Electoral Act, dictionary.

election—see Electoral Act, dictionary.

elector—see Electoral Act, dictionary.

Electoral Act means the *Electoral Act 1992*.

establishment notice—see section 5 (2) (Establishment of sponsoring committee).

initiating request—see section 7 (Initiating request).

legislative proposal means a proposal for a Territory law for any matter for which the Assembly has power to make laws, other than a law—

(a) to appropriate public money; or

(b) to provide that—

(i) a stated amount of public money; or

(ii) not more than a stated amount of public money; or

(iii) a stated proportion of an amount of public money; or

(iv) not less than a stated proportion of an amount of public money;

is to be spent for a specified purpose or program; or

(c) that prohibits the expenditure of any public money for a stated purpose or program.

Machinery Provisions Act means the *Referendum (Machinery Provisions) Act 1994*.

notice of approval—see section 8 (2) (Approval of initiating request).

- 1 ***popular request***—see section 9 (Form of popular request).
- 2 ***public money*** means public money of the Territory.
- 3 ***qualified legislative proposal*** means a proposal that is determined to
- 4 be a qualified legislative proposal under section 11 (3)
- 5 (Requirements of popular request).
- 6 ***qualified proposed law***—see section 20 (6) (Special community
- 7 consultation days).
- 8 ***referendum***—see the Machinery Provisions Act, section 3 (1).
- 9 ***referendum ballot paper***—see the Machinery Provisions Act,
- 10 section 3 (1).
- 11 ***review statement***—see the Electoral Act, dictionary.
- 12 ***special community consultation day*** means a day that is a special
- 13 community consultation day under section 20 (Special community
- 14 consultation days).

Endnote

Penalty units

The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.