

1995

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Community Referendum Laws  
Entrenchment Bill 1995**

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**A BILL**

**FOR**

**An Act to entrench the *Community Referendum Act 1995* and laws made after community referendums**

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

**Short title**

- 5      1. This Act may be cited as the *Community Referendum Laws Entrenchment Act 1995*.

**Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

**Interpretation**

- 10      3. (1) In this Act, unless the contrary intention appears—

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“Community Referendum Act” means the *Community Referendum Act 1995*;

“proposed referendum law” means a proposed law that has been approved at a referendum;

5 “referendum” means a referendum provided for by the Community Referendum Act;

“referendum law” means a law enacted by the Legislative Assembly as a result of the presentation under section 31 of the Community Referendum Act of a proposed referendum law.

10 (2) Unless the contrary intention appears, an expression used in this Act has the same meaning as in the Community Referendum Act.

(3) For the purposes of this Act, a law shall be taken to be inconsistent with another law if the laws are incapable of operating concurrently.

#### Application of Act

15 4. (1) This Act applies to the following laws:

(a) a law that amends, repeals or is inconsistent with, the Community Referendum Act;

(b) a law that, when a proposed referendum law—

20 (i) had been presented under section 31 of the Community Referendum Act; and

(ii) had been amended by the Assembly before being enacted;

(c) a law that—

(i) amends, repeals or is inconsistent with, a referendum law; and

25 (ii) has been enacted within 12 months after the enactment of the referendum law;

(d) where the Chief Minister has presented a proposed referendum law under section 31 of the Community Referendum Act and the Legislative Assembly has not enacted it, a law that—

30 (i) is enacted within 12 months after the presentation of the proposed referendum law; and

(ii) if the proposed referendum law had been enacted, would be inconsistent with it;

(e) a law that—

- (i) amends, repeals or is inconsistent with, a law that gives effect to the objects of a proposed law a copy of which has been laid before the Legislative Assembly under section 15 of the Community Referendum Act; and
- 5 (ii) has been enacted within 12 months after the enactment of that law;
- (f) a law that—
- (i) amends, repeals or is inconsistent with, a law that gives effect to the objects of a registered legislative proposal in relation to which no copy of a proposed law has been laid before the Legislative Assembly under section 15 of the Community Referendum Act; and
- 10 (ii) has been enacted within 12 months after the enactment of that law.
- 15 (2) In subparagraph (1) (f) (i), a reference to a registered legislative proposal shall be read as a reference to a proposal the registration of which has not been cancelled.

#### Special procedures for making certain enactments

- 20 5. (1) This Act, or any amendment or repeal of this Act, has no effect unless it is passed by—
- (a) at least a  $\frac{2}{3}$  majority of the members of the Legislative Assembly; and
- (b) a majority of electors at a referendum held in accordance with the *Referendum (Machinery Provisions) Act 1994*.
- 25 (2) A law to which this Act applies by virtue of section 4 has no effect unless it is passed by—
- (a) the Legislative Assembly and passed by a majority of electors at a referendum held in accordance with the *Referendum (Machinery Provisions) Act 1994*; or
- 30 (b) at least a  $\frac{2}{3}$  majority of the members of the Legislative Assembly.