

AUSTRALIAN CAPITAL TERRITORY

REFERENDUM (SELF-GOVERNMENT) ORDINANCE 1978

EXPLANATORY STATEMENT

ORDINANCE NO. 32 of 1978.

The Referendum (Self-government) Ordinance 1978 governs the conduct of the referendum which the Government has decided to hold to ascertain the preference of electors of the Australian Capital Territory as between certain proposals for the government of the Territory.

Certain provisions of the Commonwealth Electoral Act 1918 and the Electoral and Referendum Regulations are to apply to the conduct of the referendum by virtue of section 3 of the proposed Ordinance. Section 4 specifies adaptations and modifications of those provisions in their application to the referendum. The provisions applied relate to voting by post, procedure at the polling and at the scrutiny and to electoral offences.

Part II of the Ordinance governs the Appointment of Returning Officers and Assistant Returning Officers for each Division and portion of a Division into which the Territory is divided in relation to the referendum.

Part III of the Ordinance provides that the Minister may direct the Chief Australian Electoral Officer to conduct the referendum, and shall specify the proposals to be put at the referendum and the date for the vote. The proposals and the date of the referendum are to be published in the Gazette. The Jervis Bay Territory forms part of the Division of Fraser, but the proposals to be put at the referendum will not apply to the Government of that Territory, which is a separate legal entity, and electors whose address is shown in the Roll as an address in the Jervis Bay Territory will not be entitled to vote at the referendum.

Part IV of the Ordinance relates to the voting at the referendum. It provides for the taking of the vote, the appointment of polling places, method of voting and the appointment of scrutineers at polling places and at places at which the scrutiny is to be conducted. Voting is to be by the preferential system.

Part V of the Ordinance governs the scrutiny of the referendum. It details action to be taken at the scrutiny and the grounds on which a ballot-paper is to be rejected as informal. Provision is made for a

recount of ballot-papers and for the reservation of disputed ballot-papers. Under this Part, the Returning Officer in each Division is to count the first preference votes given for each proposal only.

Part VI of the Ordinance relates to the ascertainment of the result of the referendum. The Chief Australian Electoral Officer will be advised of the number of the first preference votes given for each proposal in each Division. If no proposal receives an absolute majority in the referendum, the Chief Australian Electoral Officer is to cause a fresh scrutiny of the ballot-papers to be made and, if necessary, distribute the second preferences cast for the proposal which received the fewest first preference votes. A statement of the result is to be forwarded to the Minister and a copy published in the Gazette.

Part VII of the Ordinance makes provision for the validity of the referendum or the result of the referendum to be disputed by petition addressed to the Supreme Court, and Part VII makes provision for referendum offences. These provisions are similar to the equivalent provisions in the Referendum (Constitution Alteration) Act 1906, and, in relation to the offences, prescribe the same penalties.

Section 43 of the Ordinance allows the Minister to cause to be prepared a statement for the purpose of sub-section (1) relating to the nature or effect of any of the proposals. Any statement so prepared is to be published in the Gazette and copies of it included with postal ballot-papers and postal vote certificates forwarded to persons who apply to vote by post.