

Queensland



COMMUNITY-BASED REFERENDUM BILL 1999

Queensland



**COMMUNITY-BASED REFERENDUM
BILL 1999**

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1999

A BILL

FOR

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

The Parliament of Queensland enacts—

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PART 1—PRELIMINARY

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Short title

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1. This Act may be cited as the *Community-Based Referendum Act 1999*.

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Dictionary

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2. The dictionary in schedule 4 defines particular words used in this Act.

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Words used in this Act and in Referendums Act

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3. Words used in this Act have the same meaning as in the *Referendums Act 1997*.

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Multiple proposals sponsored by the same committee

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4. If a group of electors becomes established under section 6 as a sponsoring committee for a legislative proposal and, at the same or a later time, the commission accepts under that section the lodgment of an establishment notice by or on behalf of that group for another legislative proposal, the group of electors is to be taken, under this Act, to be a separate sponsoring committee for each legislative proposal.

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Function of the commission

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5. The commission has the continuing function of performing the duties under this Act and of making appropriate administrative arrangements for this Act.

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PART 2—LEGISLATIVE PROPOSALS

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Division 1—Gaining community support

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Establishment of sponsoring committee

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6.(1) Twelve electors proposing to present an initiating request may, by unanimous resolution, agree to form themselves into the sponsoring committee for the legislative proposal that is to be the subject of the request.

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(2) For this Act, a sponsoring committee comes into existence when the commission accepts the lodgment, by or on behalf of a group of electors mentioned in subsection (1), of a notice in the approved form (“**establishment notice**”) that contains the following—

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- (a) a statement that the persons named in the notice have agreed to form themselves into a sponsoring committee for this Act for the legislative proposal described in the notice;
- (b) the names and addresses of the persons;
- (c) their signatures;
- (d) the name of the contact officer for the committee;
- (e) a description, in no more than 100 words, of the main objects sought to be achieved by the legislative proposal;
- (f) a short title indicative of the objects of the legislative proposal.

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(3) If the commission is satisfied that—

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- (a) a document submitted under subsection (2) complies with the subsection; and
- (b) the objects sought to be achieved by the proposal are capable of being put into effect by legislation of the Parliament;

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it must accept the lodgment of the establishment notice by publishing in the gazette a notice of its acceptance.

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(4) A notice published under subsection (3) must include—

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- (a) a copy of the description of the legislative proposal set out in the establishment notice; and

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Community-Based Referendum

(b) the name and address of the contact officer. 1

(5) If the commission does not accept the lodgment of a document under subsection (3), it must give to the person who has submitted it a statement of reasons for refusing to accept it. 2
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(6) A contravention of subsection (5) does not affect the validity of a decision mentioned in that subsection. 5
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Submission of initiating request 7

7. A contact officer may, for the sponsoring committee by which the contact officer has been appointed, submit to the commission a request that seeks registration of a legislative proposal described in the establishment notice lodged by the sponsoring committee. 8
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Approval of initiating request 12

8.(1) The commission must approve an initiating request if satisfied— 13

(a) it relates to the legislative proposal set out in the establishment notice lodged by the sponsoring committee for which the request has been lodged; and 14
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(b) there is set out on each page of the document that makes up the request— 17
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(i) the description of the legislative proposal set out in the establishment notice; and 19
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(ii) a short title indicative of the objects of the legislative proposal; and 21
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(iii) the name and address of each member of the sponsoring committee; and 23
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(c) it contains— 25

(i) the full names, addresses and dates of birth of not less than 400 electors who have signed the request; and 26
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(ii) the date on which each elector signed the request. 28

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(2) For subsection (1)(c), the commission may be satisfied that not less than 400 signatories to an initiating request are electors, if they declare they are electors and sign their names before a justice of the peace or before an elector authorised in writing by the contact officer of the sponsoring committee, who certifies that he or she is satisfied as to their identity, and the means by which he or she is so satisfied.

(3) For this section, a person is taken to be an elector if the person was an elector when he or she signed the initiating request.

(4) The sponsoring committee may consult with the commission and may make the changes to the title and description of the proposed law that will enable it to be registered.

(5) If, after being asked to approve an initiating request, the commission decides not to approve the request, the commission must give the applicant a statement of reasons about the decision.

(6) The commission may decline to approve an initiating request if it deals with 2 or more subjects that are not directly or indirectly related.

Registration of proposal

9. On approving an initiating request, the commission must—

- (a) register the legislative proposal in the terms set out in the request; and
- (b) publish in the gazette a notice in accordance with the notice set out in schedule 1.

Form of popular request

10. An elector may address to the commission a popular request, substantially in accordance with the form set out in schedule 2, that the people of Queensland be permitted to decide by referendum whether the law of Queensland should be altered in accordance with a registered legislative proposal set out in the popular request.

Submission of popular request

11.(1) A popular request must be signed within 12 clear months after the date of the publication in the gazette of the notice of registration of the relevant registered legislative proposal under section 9(b).

(2) A popular request submitted later than 1 month after the end of the period mentioned in subsection (1) must be disregarded for this division.

Requirements of popular request

12.(1) The commission, on being satisfied the popular requests received for a registered legislative proposal bear the signatures of not less than the required number of electors, must, as soon as practicable, publish in the gazette a notice stating—

- (a) the registered legislative proposal set out in the notice has been supported by the required number of electors; and
- (b) a proposed law that gives effect to the objects of the registered legislative proposal may, in accordance with this Act and the *Referendums Act 1997*, be put to a referendum.

(2) The commission, on being satisfied that the popular requests received for a registered legislative proposal set out in a notice published under subsection (1) bear the signatures of not less than 5% of the number of electors who were entitled to vote at the preceding general election of members of the Legislative Assembly, must, as soon as practicable, publish in the gazette a further notice stating—

- (a) the registered legislative proposal set out in the notice has been supported by that number of electors; and
- (b) the proposal is a qualified legislative proposal.

(3) The commission may be satisfied for subsection (1) or (2) if, having checked a sample of not less than 1 000 signatories chosen at random from the signatories to popular requests notified to it by the contact officer as signatories to the popular request, and having applied an appropriate statistical method to the sample, it is satisfied it is reasonable to conclude that the number of signatories to the popular requests who are electors would be not less than the required number or the number specified in subsection (2), as the case requires.

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- (4) The commission must notify in writing the contact officer of the sponsoring committee of the publication of a notice under subsection (1) or (2). 1
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- (5) If the commission is not satisfied that the popular requests received for a registered legislative proposal under this division amount to the required number, the commission must— 4
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- (a) cancel the registration of the legislative proposal; and 7
 - (b) publish in the gazette notice of the cancellation; and 8
 - (c) give a statement of reasons about the publication to the person who last held the office of contact officer of the sponsoring committee, and to each other member of the sponsoring committee. 9
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- (6) For this section, a person is taken to be an elector if the person was an elector when he or she signed the popular request. 13
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- (7) A signatory to an initiating request is taken to be a signatory to the relevant popular request. 15
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- (8) A signatory may be counted only once as a signatory to a popular request for any purpose. 17
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- (9) A signatory who gives an initial or initials of his or her given names and his or her surname must be counted if the signatory gives a date of birth that agrees with that shown on the electoral roll. 19
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- (10) For this part, a person who signs a popular request— 22
- (a) whose name does not appear on an electoral roll for the State; or 23
 - (b) whose date of birth, if given, does not agree with that shown on an electoral roll for the State; or 24
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 - (c) whose name has not been notified by the contact officer to the commission as appearing to be the name of an elector; 26
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- is taken not to be a signatory to the popular request for any purpose. 28
- (11) Sponsoring committees for popular requests may, through their respective contact officers, notify the commission in writing that the signatories to their respective popular requests are to be taken to be signatories to the 1 popular request for the proposed law in relation to those objects that are common to the popular requests. 29
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Community-Based Referendum

(12) On the notification, the signatories are taken to be signatories to the 1
popular request for the proposed law in relation to those objects. 2

(13) Where a sponsoring committee through its contact officer gives 3
written notice to the commission that the registered legislative proposal set 4
out in the popular request appears to be supported by the required number 5
of signatories, or the number of signatories mentioned in subsection (2), as 6
the case may be, the commission must, as soon as reasonably practicable 7
after receiving the notice, satisfy itself whether the popular requests have 8
been so supported. 9

(14) In this section— 10

“popular request” does not include a request that is required to be 11
disregarded under this division. 12

“required number” means 2% of the number of electors who were 13
entitled to vote at the preceding general election of members of the 14
Legislative Assembly (“eligible electors”), which number must 15
include 2% of the number of eligible electors in each of a majority of 16
electoral districts of the State. 17

Cancellation of registration on cessation of committee 18

13.(1) The commission must cancel the registration of a registered 19
legislative proposal if, before a copy of a proposed law that gives effect to 20
the objects of the proposal is given to the Speaker under section 16(1), the 21
commission is satisfied that the relevant sponsoring committee has ceased 22
to exist. 23

(2) For subsection (1), the commission may be satisfied a sponsoring 24
committee has ceased to exist if the commission has given to the contact 25
officer, and to each other member of the sponsoring committee, written 26
notice of the commission’s intention to cancel the registration of the 27
registered proposal under subsection (1) and— 28

(a) no response has been received within 1 month of the date of the 29
notice; or 30

(b) from the responses received it is reasonable to conclude that the 31
committee has ceased to exist. 32

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(3) If the commission decides to cancel a registration under subsection (1), the commission must give a statement of reasons for the decision to the person who appears to the commission to be the person who last held the office of contact officer of the sponsoring committee, and to each other member of the sponsoring committee.

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Division 2—Proposed laws

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Preparation of proposed laws

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14.(1) If a notice in relation to a popular request has been published under section 12(1), the sponsoring committee for the registered legislative proposal may prepare a proposed law that gives effect to the objects of the proposal.

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(2) On written application made by a sponsoring committee through its contact officer, the parliamentary counsel must make available to the committee the services of a drafting officer to enable the committee to prepare a proposed law.

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(3) The proposed law must be prepared as soon as reasonably practicable after publication of the notice under section 12(1), and within sufficient time to enable its submission to referendum on the first community consultation day that next occurs.

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(4) A prepared proposed law must include the transitional, machinery and ancillary provisions appropriate to give effect to its objects.

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(5) A proposed law may, on the instructions of the sponsoring committee through its contact officer, provide for the submission to referendum of 1 or more provisions of a proposed law, separately or in the alternative.

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(6) The heading and questions to appear on the ballot paper must be prepared by the drafting officer on the instructions of the sponsoring committee through its contact officer.

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(7) The drafting officer must consult with the parliamentary counsel about compliance of the proposed law with the requirements of this Act.

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Parliamentary counsel's certificate

15.(1) If a sponsoring committee has prepared a proposed law, its contact officer may apply in writing to the parliamentary counsel for a certificate that the proposed law is consistent with the registered legislative proposal sponsored by the committee and is suitable for presentation to the electors on a community consultation day.

(2) The parliamentary counsel must not give a certificate under this section unless he or she is satisfied the proposed law—

- (a) is consistent with the objects of the registered legislative proposal; and
- (b) is in a form suitable for presentation to the Legislative Assembly.

Presentation to the Legislative Assembly

16.(1) If the parliamentary counsel gives a certificate under section 15, the contact officer of the sponsoring committee for the relevant proposed law may give to the Speaker—

- (a) the certificate; and
- (b) a copy of the proposed law; and
- (c) a written presentation speech; and
- (d) an explanatory memorandum about the proposed law.

(2) The Speaker must—

- (a) table the documents mentioned in subsection (1) in the Legislative Assembly on the first sitting day after receiving them; and
- (b) notify the commission of the tabling of the documents, and give the commission a copy of the documents; and
- (c) give a copy of the documents to the responsible Minister and ask the Minister to prepare and publish estimates of costs under section 21.

Failure to prepare proposed law

17. If a copy of a proposed law that gives effect to the objects of a registered legislative proposal is not tabled in the Legislative Assembly under section 16(2) before the holding of the general election of members of the Assembly that next occurs after the publication of the notice under section 12(1) that relates to the proposal, the registration of the proposal is, by force of this section, cancelled.

Amendments

18.(1) A reference in this section to a proposed law must be read as a reference to a proposed law a copy of which has been tabled in the Legislative Assembly under section 16(2).

(2) The sponsoring committee may prepare an amendment of a proposed law.

(3) On written application made by a sponsoring committee through its contact officer, the parliamentary counsel must make available to the committee the services of a drafting officer to enable the committee to prepare an amendment of a proposed law.

(4) If the sponsoring committee has prepared an amendment to a proposed law, its contact officer may apply in writing to the parliamentary counsel for a certificate under section 15 and, if an application is made, that section applies in relation to the application as if the references in the section to the proposed law were references to the proposed law as affected by the amendment.

(5) If, on or before the last sitting day of the Legislative Assembly, from the contact officer of the relevant sponsoring committee, the Speaker receives a copy of an amendment of a proposed law and the parliamentary counsel's certificate in relation to the proposed law as affected by the amendment, the Speaker must—

- (a)** table the certificate and the copy of the amendment, with an amended presentation speech and explanatory note, in the Legislative Assembly on that day or on the first sitting day after receiving them; and
- (b)** notify the commission of the tabling and give the commission a copy of the certificate and the amendment; and

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- (c) give a copy of the amendment to the relevant Minister and ask the Minister to prepare and publish estimates of costs under section 21 in relation to the proposed law as affected by the amendment. 1
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- (6) The relevant Minister is not required to prepare and publish further estimates of costs if it appears to the Minister that the estimates of costs previously given would not be significantly affected by the amendment. 5
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- (7) A proposed law is amended when— 8
- (a) a copy of the amendment and the further parliamentary counsel’s certificate; and 9
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- (b) an amended presentation speech and explanatory memorandum (if presented by the contact officer of the sponsoring committee); 11
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- are tabled in the Legislative Assembly under subsection (5). 13
- (8) If a proposed law has been amended under this section— 14
- (a) a reference in this Act to the proposed law may, if the context permits, be read as a reference to the proposed law as so amended; and 15
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- (b) in any reprint or reproduction of the proposed law, the proposed law must be reprinted or reproduced as amended; and 18
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- (c) in a reprint or reproduction of the presentation speech and explanatory note, the presentation speech and explanatory note must be reprinted or reproduced as amended. 20
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Submission to referendum 23

19.(1) Subject to subsection (2), the commission must submit a proposed law a copy of which has been tabled in the Legislative Assembly under section 16(2) or 18(5) to a referendum of electors on the first community consultation day that next occurs. 24
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(2) The commission must not submit a proposed law to referendum if, before the holding of the referendum, the commission receives from the Attorney-General written advice that the Parliament has enacted a law that gives effect to the objects of the proposed law. 28
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(3) A sponsoring committee may, through its contact officer, apply to the Supreme Court for a declaration that a substantive provision or provisions of a proposed law have not been enacted by the Parliament.

(4) If the Supreme Court makes a declaration that a substantive provision or provisions of the proposed law have not been given effect by enactment of the Parliament, a proposed law giving effect to the substantive provisions of the proposed law not enacted by the Parliament must be presented to the electors on the next community consultation day.

(5) On written application made by a sponsoring committee through its contact officer, the parliamentary counsel must make available to the committee the services of a drafting officer to enable the committee to prepare a proposed law about the substantive provision or provisions, and sections 15 and 16 apply to the proposed law.

Legislative Assembly may refer proposed law to referendum

20.(1) This section applies to a proposed law, other than a proposed law a copy of which has been tabled in the Legislative Assembly under section 16(2).

(2) The Legislative Assembly may, before deciding whether or not to enact a proposed law to which this section applies, resolve to refer it to a referendum of electors.

(3) If the Legislative Assembly passes a resolution under subsection (2), the Speaker must—

- (a) notify the commission in writing of the decision and give the commission a copy of the proposed law; and
- (b) give a copy of the proposed law to the relevant Minister and ask the Minister to prepare and publish estimates of costs under section 21.

(4) Subject to subsection (5), the commission must submit a proposed law that has been the subject of a resolution under subsection (2) to a referendum of electors on a community consultation day.

(5) The commission must not submit a proposed law to which this section applies to a referendum if, before the holding of the referendum—

- (a) the Legislative Assembly revokes the relevant resolution; or

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- (b) the commission receives from the Attorney-General written advice that the Legislative Assembly has enacted a law that gives effect to the objects of the proposed law.

Estimates of costs

21.(1) As soon as practicable after receiving from the Speaker a notification under section 16(2)(c), 18(5)(c) or 20(3)(b), the relevant Minister and the contact officer must prepare and deliver to the commission estimates under this section of the reasonable costs and savings to the State of the implementation of the proposed law.

(2) In this section, a reference to costs or savings is to be read as a reference to—

- (a) the net costs or savings that are of capital or a capital nature; and
 (b) the net annual operating cost or savings.

(3) In preparing an estimate under this section, the relevant Minister and the contact officer—

- (a) must assume the proposed law is to commence on 1 July immediately after receipt of the notification from the Speaker; and
 (b) must estimate the costs of, or savings in, the implementation of the proposed law during the financial year commencing on that date and each of the 2 following financial years.

(4) If the relevant Minister or the contact officer consider it advisable to do so for better informing the community, the Minister or officer may prepare and publish estimates in the form of a statement of the highest and lowest reasonably estimated amounts of a cost or saving.

(5) The relevant Minister and the contact officer must prepare, for a calculation of estimates under this section, a statement of the material assumptions made and of the reasons for the conclusions reached.

(6) The relevant Minister and the contact officer must give a copy of the estimates and statements prepared under this section to the Auditor-General.

(7) The relevant Minister and the contact officer may, from time to time, on notification to each other, prepare a joint report and estimates, and state in the report and estimates where they differ.

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(8) If later estimates are prepared, earlier estimates must not be taken into consideration for this Act. 1
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(9) The relevant Minister and the contact officer may consult with each other and with the Auditor-General before and during the preparation of estimates. 3
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Auditor-General's report 6

22.(1) The Auditor-General must prepare a report, under this section, on the estimates and statements prepared under section 21 and give a copy of it to— 7
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(a) the relevant Minister; and 10

(b) the contact officer; and 11

(c) the commission. 12

(2) In a report prepared under this section, the Auditor-General must state whether or not in his or her view— 13
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(a) the estimates present a fair view of the reasonable costs or savings to the State of the implementation of the relevant proposed law; and 15
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(b) the estimates are based on reasonable assumptions; and 18

(c) all issues that should reasonably be taken into account in the calculation of the estimates have been considered; and 19
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(d) the procedures and methods used in the calculation of the estimates are appropriate. 21
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(3) The Auditor-General may, following consultation with the relevant Minister and the contact officer, prepare from time to time a revised report of costs. 23
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Publication of estimates and reports 26

23. The commission must publish in the gazette the latest estimates and statements prepared under section 21 and the report prepared under section 22. 27
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Special community consultation days

24.(1) This section applies when, other than 6 months before the term of a Parliament expires, a copy of a proposed law that gives effect to the objects of a qualified legislative proposal has been tabled in the Legislative Assembly under section 16(2).

(2) Subject to subsection (4), a special community consultation day is a day specified by the commission under subsection (3).

(3) If this section applies, the commission must, as soon as practicable, by gazette notice, specify a Saturday within 3 months after the registered legislative proposal became a qualified legislative proposal, as a special community consultation day.

(4) If—

- (a) the commission has published a notice under subsection (3); and
- (b) a writ is issued under the *Commonwealth Electoral Act 1918* (Cwlth), part XIII, for an election of senators for the State or for a general election for the House of Representatives; and
- (c) the date for the polling for the election is the day specified in the notice published by the commission;

because of this section, that day ceases to be a special community consultation day and, instead of that day the commission must, by notice in the gazette, specify a Saturday within the next 4 weeks to be a special community consultation day.

PART 3—REFERENDUMS**Arguments for and against proposals**

25.(1) Within 2 months after the tabling of a proposed law in the Legislative Assembly under section 16(2), the sponsoring committee may prepare and, through its contact officer, give the commission, an argument in favour of the proposed law consisting of not more than 2 000 words.

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(2) Within 2 months after a resolution by the Legislative Assembly under section 20(2) to refer a proposed law to a referendum, a member of the Legislative Assembly may give to the commission an argument in favour of the proposed law that consists of not more than 2 000 words and has been authorised by a majority of the members of the Legislative Assembly who voted in favour of the resolution.

(3) Before the end of the period mentioned in subsection (1) or (2), a member of the Legislative Assembly may give to the commission an argument against the proposed law that consists of not more than 2 000 words and has been authorised by a majority of the members of the Legislative Assembly who—

(a) for a proposed law mentioned in subsection (1)—are against the proposed law; or

(b) for a proposed law mentioned in subsection (2)—voted against the resolution to refer the law to a referendum.

(4) If, after the receipt by the commission of an argument in relation to a proposed law, the proposed law is amended under section 18, a revised argument may be given to the commission under this section about the proposed law as amended by the contact officer of the sponsoring committee or a member.

(5) If the commission receives a revised argument under subsection (4), the original argument must be disregarded for this Act and the *Referendums Act 1997*.

(6) For the application of the *Referendums Act 1997* in relation to a referendum for which this Act provides, an argument given to the commission under this section is to be taken to be an authorised argument for the *Referendums Act 1997*.

Dissemination of estimates of costs and publication of arguments

26. The commission must, within 14 days before the relevant community consultation day, publish in a newspaper circulating throughout the State a copy of—

(a) the arguments (if any) about the proposed law; and

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- (b) each notice published in the gazette under section 23 that relates to a proposed law that is to be the subject of a referendum to be held on that day. 1
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Appointment of scrutineers 4

27. Each of the following persons may appoint a scrutineer or scrutineers to represent them during the polling or scrutiny for a referendum— 5
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- (a) the relevant sponsoring committee; 7
(b) the persons who prepared the arguments. 8

Form of ballot paper 9

28.(1) The ballot paper to be used in a referendum must be substantially in accordance with— 10
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- (a) form 1 in schedule 3, if only 1 question is to be put to the electors; 12
or 13
(b) form 2 in schedule 3, if more than 1 question is to be put to the electors. 14
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(2) If 2 or more referendums are held on the same day, the ballot papers for each referendum may be printed on 1 piece of paper. 16
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(3) A regulation may— 18

- (a) specify the headings or directions to be printed or endorsed on ballot papers to be used for declaration voting; and 19
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(b) provide for— 21
(i) the form of a ballot paper to be altered as specified in the regulation; or 22
23
(ii) a form set out in the regulation to be used in place of the form of a ballot paper. 24
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(4) If a regulation under subsection (3) is in force, a reference in this Act to a ballot paper must be read as a reference to a ballot paper in the form ascertained in accordance with the regulation. 26
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(5) For the scrutiny of a referendum— 29

Community-Based Referendum

- (a) if a tick has been marked in, or adjacent to, the box or question set out in a ballot paper for the marking of the elector's preference, it must be read as a "yes"; and 1
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3
- (b) a cross marked on a ballot paper must not be taken to record a vote; and 4
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- (c) any writing on a ballot paper other than a "yes", "no", a tick or a "1" or other preferential numbering must be disregarded unless it renders the elector's intention unclear. 6
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Recounts 9

29. For the *Referendums Act 1997*, any of the following persons may request a recount of referendum ballot papers— 10
11

- (a) the relevant sponsoring committee; 12
- (b) a person who has prepared an argument published by the commission. 13
14

Result of referendum 15

30.(1) Subject to any decision of the Court of Disputed Returns, a proposed law that has been put to a referendum is approved if more than one-half of the formal votes cast at the referendum are in favour of it, and if the votes make up a majority of formal votes cast in each of a majority of electoral districts. 16
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(2) A proposed law for the repeal of legislation is approved if a majority of the formal votes cast at the referendum are in favour of the repeal. 21
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(3) A "yes", a "1", or a tick or other writing showing an approval is to be counted as an approval or first preference if the ballot paper provides for the recording of preferences. 23
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(4) Preferences must be counted in the order of first preference, and then in sequential order of approval. 26
27

(5) An approval and approval preferences, or a disapproval, must be counted if the intention of the elector is clear. 28
29

Declaration of result of referendum

31. If 2 or more referendums are held on a community consultation day, the results of all the referendums must, so far as practicable, be declared by notices published in the same issue of the gazette.

PART 4—ENACTMENT OF LAWS**Enactment of proposed law**

32.(1) Within 14 days after the end of the period within which an application disputing the validity of a referendum may be made, the electoral commissioner must, if no application disputing the validity of the referendum has been made, present an approved proposed law to the Governor for the royal assent.

(2) If an application disputing the validity of a referendum has been made, the electoral commissioner must take no further action until the application is finally disposed of.

(3) For subsection (2), an application is to be taken to be finally disposed of when—

(a) it is withdrawn; or

(b) it is dealt with by the Court of Disputed Returns.

(4) The electoral commissioner must, as soon as reasonably practicable after receiving a notification under subsection (1) or (2), record the notification in the register.

(5) Subject to this section and, if relevant, any proceedings in or decision of the Court of Disputed Returns, if a proposed law has been approved on a community consultation day, the electoral commissioner must, within 14 days after the decision, present the approved proposed law to the Governor for the royal assent.

(6) For subsection (5), an approved proposed law is—

Community-Based Referendum

-
- (a) an approved proposed law that if enacted would not be incapable of operating concurrently with any other approved proposed law; or
- (b) if more than 1 approved proposed law is not capable of operating concurrently with another proposed law approved by a lesser number of votes—the proposed law approved by a greater number of votes; or
- (c) if an approved proposed law contains provisions not inconsistent with an approved proposed law approved by a greater number of votes—the approved proposed law approved by the greater number of lesser votes of approval (after the excision of its provisions that are inconsistent with the provisions of a proposed law approved by a greater or the greatest number of votes) if after the excision of its partially inconsistent provisions, it would, on enactment—
- (i) be capable of effective operation; and
 - (ii) achieve its primary purposes.
- (7) The electoral commissioner must, within 14 days after the referendum, decide the approved proposed laws to be presented to the Governor for the royal assent under this section.
- (8) An approved proposed law other than an approved proposed law referred to in subsection (6) must not be presented to the Governor for assent.
- (9) If the electoral commissioner presents an approved proposed law for assent, the Premier must, within 14 days after the presentation, advise the Governor to assent to the law.
- (10) The period within which an application disputing the validity of a referendum may be made is the period provided for disputing the result of an election.

PART 5—OFFENCES**Harassment**

33. A person must not intimidate or cause violence to another person to induce the other person to—

(a) sign; or

(b) not sign;

an initiating request or a popular request.

Maximum penalty—50 penalty units or 6 months imprisonment.

Misrepresenting sponsoring committee

34. A person must not, without reasonable excuse, publish, or seek another person's signature to, a document that is represented to be, or be part of, an initiating request or a popular request, if there is not set out in the document the name and address of each member of the sponsoring committee.

Maximum penalty—50 penalty units.

Misrepresentation

35.(1) A person must not, to obtain another person's signature to a document, falsely represent that the document is, or is part of, an initiating request or a popular request.

Maximum penalty—50 penalty units or 6 months imprisonment.

(2) A person must not, to induce another person—

(a) to sign or not sign an initiating request; or

(b) to address a popular request to the commission;

falsely represent to the other person the nature or main objects of the relevant legislative proposal.

Maximum penalty—50 penalty units or 6 months imprisonment.

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<p>(3) A person must not falsely represent that a legislative proposal, or a form of words that resembles a legislative proposal, is a registered proposal.</p> <p>Maximum penalty—50 penalty units or 6 months imprisonment.</p>	<p>1 2 3</p>
Improper use of information on popular requests	
<p>36.(1) A person must not use or be knowingly concerned in the use of information obtained from a popular request or permit the use of information obtained from a popular request for other than the purposes of this Act.</p> <p>Maximum penalty—100 penalty units.</p>	<p>4 5 6 7 8 9</p>
<p>(2) A person must not represent that the person is authorised by a sponsoring committee when the person is not so authorised.</p> <p>Maximum penalty—100 penalty units.</p>	<p>10 11 12</p>
<p>(3) A person who is in possession of a popular request must not fail to ensure that it is received by the contact officer of the relevant sponsoring committee by the last day of each calendar month.</p> <p>Maximum penalty—100 penalty units.</p>	<p>13 14 15 16</p>
Offences relating to initiating requests and popular requests	
<p>37.(1) A person must not sign another person’s name to an initiating request or a popular request.</p> <p>Maximum penalty—200 penalty units.</p>	<p>17 18 19 20</p>
<p>(2) A person must not give or offer or promise to give an amount or other benefit to a person to sign, not sign, or refrain from signing an initiating request or popular request.</p> <p>Maximum penalty—200 penalty units.</p>	<p>21 22 23 24</p>
<p>(3) A person must not, without reasonable excuse, hinder or obstruct a person from collecting signatures to an initiating request or a popular request.</p> <p>Maximum penalty—200 penalty units.</p>	<p>25 26 27 28</p>

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(4) A person must not threaten, or offer or suggest, or inflict or cause the infliction of any violence, injury, damage, loss or disadvantage to an elector or other person in connection with the signing or not signing of an initiating request or a popular request. 1
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Maximum penalty—200 penalty units. 5

(5) Every act or omission that would be punishable by law, if it had occurred in connection with the holding of a referendum under the *Referendums Act 1997*, and the penalties under that Act apply to the act or omission. 6
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(6) A person must not contravene the provisions of this Act, or any lawful requirement under this Act. 10
11

Maximum penalty—200 penalty units. 12

(7) If a body contravenes a provision of this Act or the regulations, each director and other officer of the body is taken to have also contravened the provision. 13
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(8) Subsection (7) applies whether the body is incorporated or not and irrespective of whether the contravention is by act or omission, unless the person satisfies the court that— 16
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(a) the body contravened the provision without the knowledge of the person; or 19
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(b) the person was not in a position to influence the conduct of the body in relation to its contravention of the provision; or 21
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(c) the person, being in a position mentioned in paragraph (b) to influence the conduct of the body, used all proper diligence to prevent the contravention of the provision by the body. 23
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(9) A person may be proceeded against and convicted under a provision under this Act whether or not the body mentioned in subsection (7) has been proceeded against or convicted under that subsection. 26
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PART 6—ADMINISTRATIVE PROVISIONS

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Division 1—Review

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Review of decisions

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38.(1) This section applies to the following decisions—

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- (a) a decision to refuse to accept the lodgment of a document under section 6(3);
- (b) a decision not to approve an initiating request under section 8;
- (c) a decision to cancel the registration of a legislative proposal under section 12(5)(a);
- (d) a decision to cancel the registration of a registered legislative proposal under section 13.

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(2) The *Judicial Review Act 1991* applies to a decision, to which this section applies as if it were a reviewable decision for the purposes of that Act.

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Supreme Court to deal with matters

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39.(1) The Supreme Court has jurisdiction to deal with a matter or objection by an elector about any of the following matters—

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- (a) the refusal or failure of the commission to register a popular request;
- (b) the text of the proposed law;
- (c) the questions to be presented to the electors;
- (d) the validity of a proposed law;
- (e) the approval of provisions of a proposed law;
- (f) a delay by a person in the performance of a function to be performed under this Act;
- (g) whether a provision of a proposed law contravenes this Act;

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Community-Based Referendum

- (h) whether a substantive provision of a proposed law has or has not been enacted by the Parliament; 1
2
- (i) an application to shorten or extend time within which an act or action may or must be taken or done under this Act. 3
4

(2) The Supreme Court may, on application by the electoral commissioner (after receipt of advice from the Crown solicitor) or by any elector, make any order for determination of any matter for determination by the electoral commissioner under section 32. 5
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(3) The Supreme Court may extend the time within which an act or action may or must be done if it would be fair and equitable to do so. 9
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Division 2—Sponsoring committees 11

Change in membership 12

40.(1) A member of a sponsoring committee ceases to be a member if the member— 13
14

- (a) resigns his or her membership by written notice delivered to the contact officer; or 15
16
- (b) ceases to be an elector. 17

(2) If the membership of a sponsoring committee changes because of the death of a member or because of subsection (1), the contact officer must, within 1 month after becoming aware of the fact, lodge with the commission a written advice of the change in the approved form. 18
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21

(3) A contact officer must not, without reasonable excuse, contravene subsection (2). 22
23

Maximum penalty—5 penalty units. 24

(4) A sponsoring committee may agree to admit other electors to membership to replace members who have ceased to be members. 25
26

(5) If a sponsoring committee makes a decision under subsection (4), its contact officer must lodge with the commission a notice in the approved form that contains— 27
28
29

Community-Based Referendum

(a) the name and address of the person who has agreed to be admitted to the committee; and	1 2
(b) the person's signature.	3
Maximum penalty—5 penalty units.	4
(6) A person who has agreed to be admitted to the committee becomes a member on the lodgment of the relevant notice under subsection (5).	5 6
(7) The performance of a function by a sponsoring committee is not affected merely because—	7 8
(a) a member of the committee had not been a member before or at the commencement of the performance of the function; or	9 10
(b) a person who is not a member of the committee had been a member before or at the commencement of the performance of the function.	11 12 13
Procedures	14
41. Subject to this Act, the procedures of a sponsoring committee are to be the procedures the committee decides.	15 16
Cessation of existence	17
42.(1) A sponsoring committee ceases to exist if—	18
(a) it resolves to dissolve itself; or	19
(b) it has only 1 member; or	20
(c) it has no members; or	21
(d) the registration of the relevant legislative proposal is cancelled.	22
(2) If a sponsoring committee ceases to exist because of subsection (1)(a), (b) or (c), the person who was the contact officer at the time of the cessation must notify the commission and every other member of the committee in writing of the cessation of the existence of the committee within 1 month after the cessation.	23 24 25 26 27
Maximum penalty for subsection (2)—5 penalty units.	28

Contact officer

43.(1) Subject to this part, a sponsoring committee must have a contact officer.

(2) A person is not eligible to be appointed contact officer for a sponsoring committee unless the person is a member of the committee.

(3) It must be presumed, for this Act, unless the contrary is shown, that any action taken by a contact officer is taken with the authority of the relevant sponsoring committee.

Vacancy in office of contact officer

44.(1) A sponsoring committee may remove its contact officer from office.

(2) The office of the contact officer of a sponsoring committee is taken to be vacant if the contact officer—

(a) is removed from office under subsection (1); or

(b) resigns from office; or

(c) ceases to be a member of the committee.

(3) If a vacancy occurs in the office of the contact officer, the sponsoring committee must, within 14 days after the occurrence of the vacancy, appoint 1 of its members to fill it.

(4) If a sponsoring committee, without reasonable cause, contravenes subsection (3), each member of the committee is guilty of an offence.

Maximum penalty for subsection (4)—2 penalty units.

Notice of contact officer's appointment or change of address

45.(1) A person who is appointed to be the contact officer of a sponsoring committee after the occurrence of a vacancy in the office must, within 1 month after being appointed, lodge with the commission a written notice signed by a majority of the members of the committee, advising—

(a) of the reason for the occurrence of the vacancy; and

Community-Based Referendum

(b) of his or her appointment to fill it.	1
Maximum penalty—2 penalty units.	2
(2) A contact officer who changes his or her address must, before or within 1 month after the change, notify the commission of the change.	3 4
Maximum penalty—2 penalty units.	5
<i>Division 3—Popular request circulators and processing popular requests</i>	6 7
Appointment and functions of popular request circulators	8
46.(1) A sponsoring committee through its contact officer may appoint electors to be popular request circulators to obtain support for a popular request.	9 10 11
(2) The contact officer must give the electors appointed a certificate of identification that must contain the following particulars—	12 13
(a) the title and description of the proposed law;	14
(b) the name of the appointed person;	15
(c) the name, address and phone number of the contact officer;	16
(d) the date of appointment and the signature of the contact officer.	17
Functions of popular request circulators	18
47. In connection with carrying out any function in relation to a popular request, a popular request circulator must—	19 20
(a) at all times while seeking support for the popular request, produce on request the certificate of identification; and	21 22
(b) before a person signs a popular request, give the person an opportunity to read the title and description of the proposed law or read the title and description to the person; and	23 24 25
(c) ensure as far as practicable that an elector signs a popular request for the electoral district in which the elector is enrolled; and	26 27

Community-Based Referendum

-
- (d) ensure that the relevant particulars of a person signing a popular request are completed in the circulator's presence; and 1
2
 - (e) by the end of each month, or sooner if the contact officer requires— 3
4
 - (i) rule through all blank spaces for signatures on signed popular request forms; and 5
6
 - (ii) complete all information and any declaration that the contact officer may require to be completed; and 7
8
 - (iii) return all signed popular requests to the contact officer or to the person nominated in writing by the contact officer. 9
10

Counting of signatories to popular requests 11

48.(1) The commission or the contact officer may require the production of all signed popular requests at the end of each month or another stated day for checking the number of signatories who appear to be electors. 12
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(2) The contact officer must at the end of each named month notify to the commission in writing the number of signatories to the popular request who appear to be electors. 15
16
17

(3) The notification must state the number of signatories to popular requests for each electoral district in which a signatory appears to be enrolled. 18
19
20

(4) The contact officer must cause to be recorded against a copy for the relevant electoral roll the identification of each popular request. 21
22

(5) The commission must make available to the contact officer popular requests delivered to the commission, for recording signatories against a copy of the relevant electoral rolls maintained by the sponsoring committee for a proposed law. 23
24
25
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Division 4—Register 27**Register** 28

49.(1) The commission must keep, in the form it considers appropriate, a Register of Legislative Proposals and Proposed Laws of— 29
30

Community-Based Referendum

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- (a) registered legislative proposals; and 1
- (b) proposed laws that are to be put to referendum. 2
- (2) The register must contain the following particulars for a registered legislative proposal— 3
4
- (a) the terms of the proposal; 5
- (b) the name and address of the contact officer and each other member of the sponsoring committee; 6
7
- (c) the date and page number of the gazette in which the notice under section 9(b) is published; 8
9
- (d) if the sponsoring committee ceases to exist, the date and cause of the cessation. 10
11
- (3) The commission must give to each registered legislative proposal a number, in a consecutive series commencing number 1, and must enter that number in the register. 12
13
14
- (4) If the commission publishes a notice under section 12(1), the commission must enter in the register— 15
16
- (a) the name and page number of the relevant gazette; and 17
- (b) if section 12(2) applies, an annotation that the registered legislative proposal is a qualified legislative proposal. 18
19
- (5) If the registration of a legislative proposal is cancelled, the commission must enter in the register— 20
21
- (a) a notification to that effect; and 22
- (b) the date of the cancellation; and 23
- (c) the cause of the cancellation. 24
- (6) On receiving from the Speaker notification of the tabling in the Legislative Assembly of a proposed law under section 16(2) or of the passing of a resolution in relation to a proposed law by the Legislative Assembly under section 20, the commission must make in the register an annotation of— 25
26
27
28
29
- (a) the long and short titles of the proposed law; and 30
- (b) the date of receipt of the notification from the Speaker; and 31

Community-Based Referendum

-
- (c) the date of the relevant certificate of the Attorney-General or of the passing of the relevant resolution of the Legislative Assembly, as the case requires; and
- (d) if the proposed law gives effect to a registered legislative proposal, the other information that is necessary to identify the proposal.
- (7)** As soon as it is practicable to do so, the commission must enter in the register, in relation to each proposed law—
- (a) the community consultation day on which the referendum is to be held; and
- (b) the result of the referendum; and
- (c) the number of votes in favour of the proposed law and the number of votes opposed to the proposed law that have been cast.
- (8)** On receiving from the Speaker notification of the tabling in the Legislative Assembly under section 18 of an amendment of a proposed law, the commission must make in the register an annotation of—
- (a) any changes to a title or the proposed law affected by the amendment; and
- (b) the date of receipt of the notification from the Speaker.
- (9)** If a proposed law is not submitted to referendum because of the operation of section 19(2) or 20(5), the commission must make in the register an appropriate annotation.
- (10)** The commission must enter in the register any particulars or matters that may be prescribed under a regulation.
- (11)** A person may inspect the register at the office of the commission at any time when the office is open to the public.

PART 7—MISCELLANEOUS**Electoral commissioner may take legal advice**

50. For the purpose of discharging the electoral commissioner's functions under this Act, the electoral commissioner may take the legal advice the electoral commissioner considers appropriate.

Substantial compliance with some time requirements sufficient

51.(1) If, by this Act, the Speaker, the commission, the electoral commissioner or the relevant Minister is required to discharge a duty on a stated day, and it is impracticable to discharge it on that day, the requirement is to be taken to be satisfied if the duty is discharged as soon as practicable.

(2) However, the duty must be discharged sooner if the Supreme Court so orders.

Expenditure of public money

52.(1) The expenses of the commission and any other public officials in administering this Act are to be paid out of money to be appropriated by Parliament for the administration of the commission.

(2) Public moneys must not be used to pay for, or to reimburse expenditure on publicity that may influence support for or against a popular request or proposed law to be submitted to referendum under this Act.

(3) Subsection (2) does not apply to publication or dissemination of arguments under this Act in favour of or in opposition to a proposed law.

Proceedings for offences

53. Proceedings for an offence against this Act must be dealt with by a Magistrates Court.

Property in popular requests

54. Property in a popular request, for this Act, vests in the sponsoring committee when an initiating request or popular request is signed.

Effect of this Act and proposed law approved by the electors

55.(1) On receiving the royal assent, a proposed law approved by the electors under this Act takes effect as if it were an Act of the Parliament of Queensland.

(2) An Act or subordinate legislation that is enacted or made before the royal assent is given to the proposed law and is inconsistent with the law is, on commencement of the law, ineffective to the extent of the inconsistency.

(3) This Act may be amended, but not so as to change this section or the provisions relating to—

- (a) the numbers of electors required for a proposed law to be submitted to referendum; or
- (b) the requirements for approval of a proposed law at referendum; or
- (c) the matters that may not be the subject of a popular request under this Act;

unless a majority of the electors voting and a majority of the electors voting in each of a majority of electoral districts at a referendum on the proposed amendments have first approved the amendment of this section or of provisions referred to in this subsection.

Application of the Referendums Act 1997

56. The provisions of the *Referendums Act 1997* relating to voting and conduct of referendums, disputed returns, enforcement, and referendums held in conjunction with elections under the *Electoral Act 1992* are taken to be provisions of this Act, and to apply, except where the provisions of the Act are inconsistent with the provisions of this Act, or where this Act provides otherwise.

Approval of forms

57. The electoral commissioner may approve forms for use under this Act.

Regulation-making power

58.(1) The Governor in council may make regulations for this Act.

(2) Without limiting subsection (1), the regulations may create an offence punishable by a penalty of not more than 7 penalty units.

PART 8—AMENDMENT OF CONSTITUTION ACT 1867

Act amended in pt 8

59. This part amends the *Constitution Act 1867*.

Amendment of s 2 (Legislative Assembly constituted)

60. Section 2, after ‘said Assembly’—

insert—

‘, or with the approval of the electors of Queensland under the *Community-Based Referendum Act 1999*,’.

Amendment of s 2A (The Parliament)

61.(1) Section 2A(1), after ‘sections 1 and 2’—

insert—

‘or the Queen and the electors of Queensland under the *Community-Based Referendum Act 1999*’.

(2) Section 2A(2), after ‘Assembly’—

insert—

‘, or after its approval as a proposed law by the electors of Queensland under the *Community-Based Referendum Act 1999*,’.

Community-Based Referendum

unless a Bill for a proposed law that expressly repeals or amends this section and those provisions has first been approved at a referendum under the *Community-Based Referendums Act 1999*. 1
2
3

‘(6) In this section— 4

“electors” means electors qualified to vote for the election of members of the Legislative Assembly. 5
6

“proposed law” means a Bill for an Act within the legislative powers of the Parliament of Queensland.’. 7
8
9

SCHEDULE 1**NOTICE OF REGISTRATION OF LEGISLATIVE
PROPOSAL**

section 9

Community-Based Referendum Act 1999

I,¹ electoral commissioner, give notice that the following legislative proposal has been registered under section 9 of the *Community-Based Referendum Act 1999*:

Registered Legislative Proposal No.²

3

If, within 12 clear months after the date on which this notice is published in the gazette, I receive a request signed by not less than the required number of electors or the number of electors required for a qualified legislative proposal, requesting that the registered legislative proposal set out above be put to a referendum, the provisions of the *Community-Based Referendum Act 1999* may require me to arrange for a referendum to be held on a community consultation day.

(signed)

Electoral commissioner

¹ Insert name of commissioner.

² Insert registration number of legislative proposal.

³ Insert text of registered legislative proposal

SCHEDULE 2

1

FORM OF POPULAR REQUEST

2

section 10

3

Community-Based Referendum Act 1999

4

I believe that at the next practicable community consultation day the people of Queensland should be permitted to determine whether registered legislative proposal No.⁴ , a copy of which is set out below, should become part of the law of Queensland.

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Registered legislative proposal:⁵

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The contact officer of the sponsoring, committee of this proposal is:⁶

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Signature of elector

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Date of Signature

19

⁴ Insert registration number of legislative proposal.

⁵ Insert text of registered legislative proposal

⁶ Insert the full name, address and date of birth of the contact officer, with his or her postal address, fax address, and e-mail address if available.

This form may also be presented in landscape format for convenience of signatories.

SCHEDULE 3

1

section 28

2

FORM 1

3

Community-Based Referendum Act 1999

4

BALLOT PAPER

5

6

HOW TO VOTE

7

8

If you approve, place a tick [√] in the “yes” box

9

If you do not approve, place a tick [√] in the “no” box

10

11

[Here set out short title and long title of the proposed law]

12

13

Do you approve the proposed law? [BOX] “YES”

14

15

[BOX] “NO”

16

SCHEDULE 3 (continued)

FORM 2

1

Community-Based Referendum Act 1999

2

BALLOT PAPER

3

4

5

HOW TO VOTE

6

7

If you approve, place a tick [√] in the “yes” box

8

If you do not approve, place a tick [√] in the “no” box

9

10

[Here set out short title and long title of the proposed law]

11

12

Do you approve the proposed law? [BOX] “YES”

13

14

[BOX] “NO”

15

16

[Here set out short title and long title of the proposed law]⁷

17

18

Do you approve the proposed law? [BOX] “YES”

19

20

[BOX] “NO”

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22

⁷ If more than 2 proposed laws are to be put to a referendum, form 2 should be modified as required.

SCHEDULE 4	1
DICTIONARY	2
section 2	3
“approved form” see section 57.	4
“commission” means the electoral commission.	5
“community consultation day” means—	6
(a) a day on which a general election of members of the Legislative Assembly is held; or	7 8
(b) a special community consultation day; or	9
(c) any day on which a referendum of the electors of the State is held under any Act;	10 11
whichever first occurs, and, if polling is suspended and resumed, includes a day on which polling is resumed.	12 13
“contact officer” , in relation to a sponsoring committee, means the person named in the last notice lodged with the commission under section 6 or 45.	14 15 16
“election” means an election of a member or members of the Legislative Assembly under the <i>Electoral Act 1992</i> .	17 18
“elector” means a person qualified to vote for the election of members of the Legislative Assembly.	19 20
“electoral commissioner” see <i>Electoral Act 1992</i> , section 21.	21
“establishment notice” means a notice under section 6(2).	22
“initiating request” means a request submitted under section 7.	23
“justice of the peace” includes a commissioner for declarations.	24
“legislative proposal” means a proposal for a law of Queensland in relation to any matter in relation to which the Parliament has power to make laws, other than a proposed law—	25 26 27

SCHEDULE 4 (continued)

(a) for the blocking of supply for—	1
(i) the ordinary annual services of government; or	2
(ii) the payment of an expenditure incurred by law; or	3
(iii) the payment of an amount payable under an accrued or accruing existing statutory right or entitlement; or	4 5
(b) that individually names a person or that affects the rights or liabilities of an individually named person; or	6 7
(c) that individually names a person and provides for his or her appointment or removal from public office; or	8 9
(d) that has retrospective application; or	10
(e) contravenes the rule of law, the principles of natural justice, or is not otherwise within the powers of the Parliament.	11 12
“popular request” means a request under section 10.	13
“qualified legislative proposal” means a proposal that is a qualified legislative proposal under section 12.	14 15
“register” means the Register of Legislative Proposals and Proposed Laws kept under section 49.	16 17
“registered legislative proposal” means a legislative proposal registered under section 9, being a proposal the registration of which has not been cancelled.	18 19 20
“relevant minister” means the Treasurer or a Minister nominated by the Treasurer to prepare an estimate for a proposed law under section 21.	21 22
“special community consultation day” means a day that is a special community consultation day under section 24.	23 24
“sponsoring committee” , in relation to a legislative proposal or a proposed law that gives effect to the objects of a legislative proposal, means the committee that comes into existence in accordance with section 6.	25 26 27
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