

The Constitution Act Amendment (Electoral Reform) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purposes of the Act which are—

- (a) to provide for the appointment of an independent Electoral Commissioner;
- (b) to prohibit the distribution of unregistered how-to-vote cards and of other printed electoral material outside polling places on polling day and to provide for the reservation by a registered political party of the initials for that party for its how-to-vote cards; and
- (c) to change the name of the Electoral Commission to the Electoral Boundaries Commission.

Clause 2 provides for the commencement of the Act.

Clause 3 provides that *The Constitution Act Amendment Act 1958* is the Principal Act.

Clause 4 provides for amendment of Schedule Three A of the *Public Service Act 1974*, for appointment of an Electoral Commissioner and Deputy, and sets out the functions, powers and duties of the Commissioner and Deputy.

Clause 5 provides for the registration of initials by registered political parties.

Clause 6 provides for the registration of how-to-vote cards, and prescribes a penalty for the distribution of unregistered how-to-vote cards on polling day. A new Division 20A is inserted into Part V.

New section 267H defines “Election”, “Elector”, “Format How-to-vote Card”, “How-to-vote Card” “Printed Electoral Material” and “Sample How-to-vote Card”.

New sections 267I (1), (2), (3), (4) and (5) provide for a system of provisional approval by Returning Officers of sample how-to-vote cards.

New sections 267J (1), (2) and (3) provide for a system of appeal to the Electoral Commissioner against the decision of a Returning Officer to provisionally approve or refuse to provisionally approve the sample how-to-vote card.

New sections 267J (4) and (5) provide for a system of appeal to the Administrative Appeals Tribunal against a decision of the Electoral Commissioner.

New sections 267K (1), (2), (3), (4) and (5) provide for a system of provisional approval by the Electoral Commissioner of format how-to-vote cards.

New sections 267L (1) and (2) provide for a system of appeal to the Administrative Appeals Tribunal against the decision of the Electoral Commissioner to provisionally approve or refuse to provisionally approve a format how-to-vote card.

New section 267M (1) provides for provisionally approved sample how-to-vote cards to be available for inspection.

New section 267M (2) provides for the provisionally approved format cards to be available for inspection.

New sections 267N (1), (2) and (3) provides for a system for the Returning Officer to register any provisionally approved sample how-to-vote cards and format how-to-vote cards.

New section 267O requires that copies of the registered how-to-vote card be forwarded to the Electoral Commissioner and be available for inspection at the office of the Returning Officer and at each polling place.

New section 267P (1) prohibits the distribution etc. on polling day, within 400 metres of a polling place, of any printed electoral material other than registered how-to-vote cards. A penalty is provided.

New section 267P (2) provides for an offence in relation to falsely endorsed how-to-vote cards.

New section 267P (3) provides for a defence in prosecutions under sub-sections (1) and (2).

New section 267P (4) provides that sub-section (1) does not apply to the selling or distribution of newspapers, material handed out from a campaign office, or printed electoral material in the form of a poster or notice attached to a vehicle, building etc.

New section 267Q gives power to the person in charge of a polling place, or an authorised person, to require how-to-vote cards to be produced for inspection and for any how-to-vote card not registered as prescribed to be handed over. A penalty is provided.

New section 267R gives power to the Governor in Council on the recommendation of the Electoral Commissioner to make regulations.

Clause 7 provides for the Electoral Commission to be renamed the Electoral Boundaries Commission.