

1987-88-89

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

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*(Presented and read a first time, 12 April 1989)*

(SENATOR MACKLIN)

A B I L L

FOR

An Act to provide a method of altering the Constitution  
on the initiative of the electors.

BE IT ENACTED by the Queen, and the Senate and the  
House of Representatives of the Commonwealth of Australia,  
with the approval of the electors, as required by the  
Constitution, as follows:

5 Short title

1. This Act may be cited as the Constitution Alteration  
(Electors' Initiative) 1989.

Mode of altering the Constitution

10 2. The Constitution is altered by omitting from section  
128 "except in the following manner:- " and substituting  
"except as provided by this Part."

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3.     The Constitution is altered by inserting in Part VIII,  
after section 128, the following section:

**Alteration of Constitution on electors' initiative**

"129. A person who is, or a group of persons each of  
whom is, qualified to vote for the election of members  
of the House of Representatives for a State or  
Territory may be registered by the Australian Electoral  
Commission as the proponent, or the proponents, of a  
proposal to amend the Constitution.

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"The proponent or proponents so registered may present  
to the Australian Electoral Commission a petition,  
addressed to the Governor-General, requesting the  
Governor-General to cause to be put to the people by  
way of referendum the proposed law to amend the  
Constitution endorsed on, or attached to, the petition.

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"A proposed law to alter the Constitution shall contain  
an alteration, or alterations, necessary to achieve a  
single purpose only.

"The Australian Electoral Commission shall cause to be  
printed copies of the petition and forms for signature  
by electors who wish to sign the petition and shall  
furnish the copies and forms to the proponent, or  
proponents, concerned.

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"During the period of 6 months commencing on a date  
determined by the Australian Electoral Commission,  
being a date not less than 7 days after the copies and  
forms are so forwarded, the petition may be signed by  
any elector in a State or Territory who was qualified  
to vote for the election of a member of the House of  
Representatives at the general election that last  
preceded the date so fixed.

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"Where, at the expiration of that period of 6 months,  
the petition has been duly signed by electors to a  
number not less than 5 per centum of the number of

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electors who voted at that general election, the  
proponent or proponents may present the petition and  
signatures to the Australian Electoral Commission.

5      "If the Australian Electoral Commission is, after  
random sampling of the signatures to the petition,  
satisfied that it was signed as so required during that  
period, it shall present the petition to the  
Governor-General.

10     "The Governor-General shall, subject to this section,  
at the next general election of the House of  
Representatives, submit the proposed law endorsed on or  
attached to the petition to the electors in each State  
and Territory qualified to vote for the election of the  
House of Representatives.

15     "Paragraphs 3, 4, 5 and 6 of section 128 apply to the  
proposed law as if the proposed law had been agreed to  
by both Houses of the Parliament.

20     "The Australian Electoral Commission may arrange for  
argument in favour of, or against, the proposed law,  
prepared by a person, or body of persons, to be  
furnished, at the expense of that person or body, to  
electors.

25     "At any time during the period of 6 months previously  
referred to, the Attorney-General or any other person  
qualified to vote for the election of the House of  
Representatives may make application to the Federal

30     Court of Australia for a declaration that the proposed  
law is not in the appropriate form or does not seek to  
change the Constitution in a manner that is practicable  
or legally effective and, if the Court makes the  
declaration, the petition shall be treated as having no  
force or effect.

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"The Parliament may make laws with respect to matters incidental to the alteration of the Constitution as provided in this section.

"In this section, a reference to the Australian Electoral Commission includes a reference to any person or body that, for the time being, has responsibility for the administration of electoral laws in substitution for that Commission.".

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