

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 15 September 1987)

(SENATOR HAINES)

A B I L L

FOR

An Act to ensure that the Australia Card Act 1987 does not come into operation unless the national identification system proposed to be established by the Act has been first approved by a majority of Australian electors, voting at a referendum

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the National Identification System (Reference to the People) Act 1987.

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Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

3. (1) In this Act, unless the contrary intention appears:

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"Australia Card Act" means the Australia Card Act 1987;

"Australia Card question" means the following question:

"Are you in favour of the introduction of the proposed national identification system through the Australia Card?";

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"referendum" means the submission of the Australia Card question to the electors;

"Referendum Act" means the Referendum (Machinery Provisions) Act 1984.

(2) Unless the contrary intention appears, expressions used in this Act have the same meanings as they have in the Referendum Act.

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Commencement of the Australia Card

4. The Governor-General shall not make a Proclamation under subsection 2 (2) of the Australia Card Act unless a majority of the electors, voting at a referendum conducted in accordance with this Act, approve the Australia Card question.

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Issue of writ

5. (1) The Governor-General shall, as soon as practicable after the commencement of this Act, issue a writ for the submission of the Australia Card question to the electors.

5 (2) The writ shall be in accordance with Form A in the Schedule, and shall appoint:

(a) the day for the close of the Rolls;

(b) the day, being a Saturday, for taking the votes of electors; and

10 (c) the day for the return of the writ.

Ballot papers

6. The ballot papers to be used for the purposes of the referendum shall be in accordance with Form B in the Schedule.

Distribution of arguments to electors

15 7. If, within 4 weeks after this Act receives the Royal Assent, the Electoral Commissioner receives:

20 (a) an argument against the introduction of the Australia Card, consisting of not more than 2,000 words, authorised by a majority of those members of the Parliament who voted in favour of this Act and wish to forward such an argument; or

- (b) an argument in favour of the introduction of the Australia Card, consisting of not more than 2,000 words, authorised by a majority of those members of the Parliament who voted against this Act and wish to forward such an argument;

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the Electoral Commissioner shall, not later than 14 days before the voting day for the referendum, cause to be printed and to be posted to each elector, as nearly as practicable, a pamphlet containing the arguments.

Return of writ

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8. The Electoral Commissioner shall, immediately after receiving the statements sent to him or her under section 97 of the Referendum Act in its application for the purposes of this Act, endorse on the original writ a statement showing:

- (a) the number of "yes" votes and the number of "no" votes given on the Australia Card question; and
- (b) the number of ballot papers rejected as informal.

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Application of Referendum Act

9. (1) Except as provided by this Act, the provisions of the Referendum Act and the provisions of the regulations in force under that Act shall, to the extent that they are not inconsistent with this Act or regulations in force under this Act, apply to the referendum as if it were a proposed law for the alteration of the Constitution.

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(2) For the purposes of subsection (1):

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- (a) a reference in the Referendum Act to a proposed law is a reference to the Australia Card question;

- (b) a reference in that Act to a writ, or to a writ issued under section 7 of that Act, is a reference to the writ issued under section 5 of this Act;
- 5 (c) a reference in that Act to a referendum is a reference to the submission of the Australia Card question to the electors; and
- (d) a reference in that Act to a vote given in favour, or not in favour, of a proposed law is a reference to a "yes" vote or to a "no" vote, as the case may be, on
10 the Australia Card question.

Regulations

10. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
15 (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may provide that:

- (a) specified provisions of the Referendum Act do not apply for the purposes of the referendum; or
20 (b) specified provisions of that Act apply to the referendum with modifications set out in the regulations.

National Identification System (Reference to the
People) No. , 1987

SCHEDULE

FORM A

COMMONWEALTH OF AUSTRALIA

Writ for the referendum under the Australia Card (Approval at
Referendum) Act 1987

To the Electoral Commissioner

I command you to cause the Australia Card question to be submitted, according to law, in each State and in the Australian Capital Territory and the Northern Territory, to the electors.

I appoint the following dates:

1. For the close of the Rolls: the day of 198 .
2. For the taking of votes: the day of 198 .
3. For the return of the writ: the day of 198

[Insert the Governor-General's title and the date]

Governor-General

By His Excellency's command
