

1995

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 1995

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be moved on Behalf of the Government

(Circulated by authority of the Minister for Administrative Services,
the Honourable Frank Walker, QC, MP)



ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 1995

OUTLINE

There are four proposed amendments to the Electoral and Referendum Amendment Bill (No. 2) 1995, introduced into the House of Representatives on 28 June 1995. The Bill makes changes to the Commonwealth Electoral Act 1918 (the Act) and the Referendum (Machinery Provisions) Act 1984.

The amendments are designed to:

- . omit the existing amendment of the Bill extending the enrolment entitlements of prisoners, and to replace it with an amendment which will make the enrolment entitlement of prisoners conditional on the actual sentence rather than the potential sentence;
- . correct an omission in the amendments of the Bill relating to the issue of ballot material to registered General Postal Voters;
- . omit the existing amendment of the Bill relating to the prohibition on canvassing within 6 metres of the entrance to Divisional Offices and pre-poll voting centres; and
- . omit the existing amendment of the Bill relating to the commencement of the preliminary scrutiny on the Monday before polling day.

FINANCIAL IMPACT STATEMENT

The Australian Electoral Commission estimates that these amendments will give rise to neither costs nor savings.

NOTES ON AMENDMENTS

Amendment 1

Clauses 1 to 4

These clauses amend items 5 and 19, and omit items 16 and 20, of Schedule 1 to the Bill. The clauses withdraw the extension of enrolment entitlements of prisoners, and instead make the enrolment entitlements conditional on the actual sentence imposed rather than the potential sentence. This will make administratively workable the reporting requirements imposed on prison authorities, who currently are unable to notify details of the maximum possible sentence which could have been imposed. The only detail available to prison authorities is the actual sentence.

Amendment 2

Clause 5

This clause inserts a new item 29A into Schedule 1 of the Bill to complement the proposed amendments made in the Schedule at items 37, 49 and 50, which provide for the despatch of postal ballot material to registered General Postal Voters. The new item repeals section 185A of the Commonwealth Electoral Act 1918, and is consequential upon the existing amendments.

Clause 11

This clause inserts a new item 5A into Schedule 2 of the Bill to complement the amendments in the Schedule made at items 7, 11 and 12, which provide for the despatch of postal ballot material to registered General Postal Voters. The new item repeals section 57 of the Referendum (Machinery Provisions) Act 1984, and is consequential upon the existing amendments.

Amendment 3

Clauses 6 and 7

These clauses omit items 31 and 32 from Schedule 1 of the Bill to withdraw the amendment which would have provided for a prohibition on canvassing within 6 metres of the entrance to Divisional Offices and pre-poll voting centres.

Amendment 4

Clauses 8 to 10 and 12 to 14

These clauses omit items 38, 39 and 44 from Schedule 1 of the Bill, and omit items 8, 9 and 12 from Schedule 2 of the Bill, to withdraw the amendment which would have provided for the commencement of the preliminary scrutiny on the Monday prior to polling day.

