

Mr Knapp

POPULAR INITIATIVES

ANALYSIS

Title	
Preamble	
1. Short Title	6. Final date to be fixed for holding of referendum
2. Interpretation	7. Holding of referendum
3. National referendum to be held on petition of 100 000 electors	8. Declaration of result of referendum
4. Form and content of petition	9. Legislative proposals to be drawn up following referendum
5. Referral of petition to Petitions Committee	10. Regulations

A BILL INTITULED

An Act to require the holding of a national referendum on any matter on the petition of 100 000 electors

5 WHEREAS the people of New Zealand should enjoy, to the largest degree practicable, the democratic right to participate in the political process:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

10 **1. Short Title**—This Act may be cited as the Popular Initiatives Act 1984.

2. Interpretation—In this Act, unless the context otherwise requires,—

15 “Elector” means a person who is qualified to vote at an election within the meaning of section 99 of the Electoral Act 1956:

“Minister” means the Minister of Justice:

20 “Petitions Committee” means the Petitions Committee of the House of Representatives, or such other committee as the House may appoint for the purposes of this Act.

No. 45—1

3. National referendum to be held on petition of 100 000 electors—A national referendum shall be held on the subject-matter of any petition that—

- (a) Complies with the requirements of **section 4** of this Act; and 5
- (b) Has been signed by not less than 100 000 electors.

4. Form and content of petition—(1) Every petition for a national referendum shall—

- (a) Be addressed to the House of Representatives: 10
- (b) State that the purpose of the petition is to seek a national referendum on the subject-matter of the petition: 10
- (c) Set out the general proposal, or related series of proposals, sought to be determined by referendum:
- (d) Be signed by the principal petitioner on the page containing the full prayer: 15
- (e) Contain at the head of all pages additional to the page containing the full prayer a summary of the proposal or proposals sought to be determined by referendum:
- (f) Conform in all other respects with the requirements of Part XXXI of the Standing Orders of the House of Representatives. 20

(2) All persons signing a petition for a national referendum shall set out next to their signature, in legible form, their full name, address, whether they are an elector, and, if an elector, the electorate in which they currently reside. 25

5. Referral of petition to Petitions Committee—(1) On presentation of a petition for a referendum to the House of Representatives, it shall stand referred to the Petitions Committee of the House, which Committee shall—

- (a) Determine whether the petition contains the signatures of 100 000 electors: 30
- (b) Call for and hear public submissions on the range of proposals or options to be included in the referendum:
- (c) Consider the subject-matter of the proposal or proposals sought to be determined by referendum, and determine a form of words that will fairly set forth the proposal or proposals and that will allow for a simple expression of the range of views held by electors on the general subject-matter of the petition: 40

(d) Report back to the House within 28 days of the presentation of the petition or, where the House is not in session, within 28 days of the commencement of the next ensuing session:

5 Provided that the date for the report on the petition may be extended by a further 28 days where the Committee reports to the House that more time is required for consideration of the petition.

(2) The report of the Committee on the petition shall state:

10 (a) Whether or not the requirements of this Act for a referendum petition have been met; and

(b) If the requirements have been met, the form of the proposal or proposals to be submitted for referendum.

15 (3) Within 7 days of the tabling in the House of the report of the Petitions Committee on the petition, the Speaker of the House of Representatives shall, if the Committee reports that the petition meets the requirements of this Act, notify the Governor-General of the fact of such tabling and shall send
20 him a copy of the Committee's report.

6. Final date to be fixed for holding of referendum—

(1) The Governor-General shall, not later than 10 days after receiving notification from the Speaker under **section 5 (3)** of this Act, fix a final date for the holding of a referendum on
25 the subject-matter of the petition, which final date shall be not later than 100 days after the receipt of such notification:

Provided that where it appears that a general election is to be held within 150 days of the date of receipt of the notification, the day to be fixed under this section shall be (and may be
30 expressed to be) the same day as that fixed for the general election under the Electoral Act 1956.

(2) The final date fixed for the holding of the referendum, and the report of the Petitions Committee, shall be published in the *New Zealand Gazette*.

35 **7. Holding of referendum—**(1) A referendum conducted under this Act shall be a poll of all electors on the electoral rolls and shall, subject to the provisions of this Act and of any regulations made under **section 10** of this Act, be conducted in such manner and over such period as the Minister thinks fit.

40 (2) Subject to the provisions of this Act and of any regulations made under **section 10** of this Act, the provisions of the Electoral Act 1956 shall, as far as they are applicable and with any necessary modifications, apply as if the referendum were the electoral poll.

8. Declaration of result of referendum—(1) As soon as practicable after the close of the poll in each district the Returning Officer shall count the votes recorded on the proposal or proposals, and shall reject all informal votes.

(2) Immediately after he has counted the votes, the Returning Officer shall send to the Chief Electoral Officer a statement of the number of informal votes, and of the total number of valid votes recorded, and of the number of valid votes recorded for and against (or, where appropriate, the preferences expressed in respect of) the proposal or proposals.

(3) On receipt of the statements from all Returning Officers, and on or before a day to be fixed by the Governor-General by Order in Council, the Chief Electoral Officer shall ascertain and declare, as appropriate,—

(a) The total number of valid votes recorded at the poll throughout New Zealand for the proposal or proposals;

(b) The total number of valid votes recorded at the poll throughout New Zealand against the proposal or proposals;

(c) An analysis of the preferences expressed in respect of the proposal or proposals.

(4) The Chief Electoral Officer shall notify in the *Gazette* the numbers of the votes as finally ascertained by him and the result of the referendum as determined thereby.

(5) The Minister shall lay the numbers and result of the referendum before Parliament as soon as practicable.

9. Legislative proposals to be drawn up following referendum—(1) The numbers and result of the referendum shall, upon being laid before Parliament, stand referred to the Petitions Committee, which shall—

(a) Consider and formulate such legislative proposals (if any) as may be necessary to give effect to the public will as expressed in the result of the referendum:

(b) Report such proposals back to the House within 28 days or, when the House is not in session, within 28 days of the commencement of the next ensuing session:

Provided that the date for the report on the legislative proposals may be extended by a further 28 days where the Committee reports to the House that more time is required for the consideration of such proposals.

(2) The legislative proposals contained in the report of the Petitions Committee under **subsection (1)** of this section shall be introduced into the House as legislation by the Minister within 14 days of such report being tabled in the House.

- 5 **10. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations not inconsistent with this Act for all or any of the following purposes—
- (a) The conduct of referenda generally, or any particular referendum:
 - 10 (b) The mode of recording votes, whether by use of booths, postal voting, or any other means or technology that is both available and appropriate:
 - (c) The adoption or exclusion of all or any of the provisions of the Electoral Act 1956 with regard to any referendum, or referenda generally, with any necessary and appropriate modifications:
 - 15 (d) Such other matters as are contemplated by or necessary or desirable for giving full effect to this Act and for its due administration.