

EXPLANATORY STATEMENT

Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Act 2010

Proclamation

Subsection 2(1) of the *Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Act 2010* (the Act) provides that Schedules 1 and 2 to the Act will commence on a single day to be fixed by Proclamation. However, if any of the provisions in Schedules 1 and 2 do not commence within the period of six months beginning on the day on which the Act receives the Royal Assent, they will commence on the first day after the end of that period. The Act received Royal Assent on 14 July 2010.

The purpose of the Proclamation is to fix 23 July 2010 as the day on which Schedules 1 and 2 to the Act commence.

All the provisions of the Act commenced on Royal Assent, with the exception of Schedules 1 and 2.

The Act amends the *Commonwealth Electoral Act 1918* (Electoral Act) and the *Referendum (Machinery Provisions) Act 1984* (Referendum Act).

How-to-vote cards

Schedule 1 to the Act inserts new provisions into the Electoral Act to provide for a specific and expanded authorisation requirements for how-to-vote cards. A contravention of these requirements will be an offence.

It is common on polling day, and in the few weeks in the lead-up to polling day, for candidates and registered political parties to issue how-to-vote cards. The how-to-vote cards generally adopt a ballot paper style presentation by listing the names of all candidates for that election and putting a number beside each candidate in the suggested order that a voter should allocate his or her preferences.

The amendments make it clearer who will benefit from the preference flow suggested on the how-to-vote card. It is intended that these amendments will reduce the potential for voters to be misled and to give voters the means to make informed decisions by ensuring that the political source of how-to-vote material is clear.

Misleading or deceptive publication

Schedule 2 inserts new provisions into the Electoral Act to amend section 329 of the Electoral Act and section 122 of the Referendum Act.

Section 329 of the Electoral Act and section 122 of the Referendum Act generally prohibit a person from printing, publishing or distributing, or causing to be printed, published or distributed anything that may mislead or deceive an elector in how to cast a vote.

Subsection 329(6) defines the term 'publish' to include 'publish by radio or television'. The amendments in the Act add the terms 'telephone' and 'internet' to the definition of publish in section 329 of the Electoral Act and section 122 of the Referendum Act.

The offence in section 329 of the Electoral Act and section 122 of the Referendum Act is expanded to include the internet. Consequently, the Act amends the offence to have extended geographical jurisdiction.

Consultation was unnecessary for this legislative instrument as this instrument is of a machinery nature only.