

Electoral and Referendum Amendment Regulations 1998 (No. 2)

1998 No. 296

EXPLANATORY STATEMENT

Statutory Rules 1998 No. 296

Issued by the authority of the Special Minister of State

Commonwealth Electoral Act 1918

Electoral and Referendum Amendment Regulations 1998 (No. 2)

Section 395 of the *Commonwealth Electoral Act 1918* (the CEA) provides that the Governor-General may make regulations for the purposes of the CEA.

The amendments are to the Electoral and Referendum Regulations in force under the CEA.

Section 394 of the Act prohibits the holding of a referendum or vote of the electors of a State under State law, on the day appointed as polling day in an election of the Senate or a general election of the House of Representatives, unless the authority of the Governor-General is given. The Northern Territory is included within the definition of 'State'.

On 25 August 1998, the Governor-General authorised the holding of the Northern Territory Statehood referendum on the day appointed for polling for the next federal election.

The Northern Territory was required to enact legislation, to enable the holding of the Statehood referendum. The Administrator's Assent to the Northern Territory *Referendums Act 1998* was given on 13 August 1998.

Section 89 of this Act provides that the Northern Territory Chief Electoral Officer (NTCEO) may enter into an agreement with the Australian Electoral Commission (AEC) for the AEC to conduct the referendum.

The section also provides that the Administrator may, by notice in the Gazette, specify how the referendum is to be conducted. The notice may provide that provisions of the CEA or *Referendum (Machinery Provisions) Act 1984* apply to the conduct of the referendum in substitution for those contained in the *Referendums Act 1998* and that officers appointed for the purposes of the Commonwealth election or referendum may exercise powers and perform functions under the *Referendums Act 1998*. This ensures administrative efficiency should a referendum be held on the same day as a federal election.

The amendment to the Electoral and Referendum Regulations enables the use of the same polling booths, ballot boxes and other facilities provided and machinery or arrangements established for both the Commonwealth election and the Northern Territory Statehood referendum.

The amendments to the Electoral and Referendum Regulations commence on gazettal.