

PARLIAMENT OF AUSTRALIA
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CONSTITUTION ALTERATION (REFERENDUMS) 1977

Date introduced: 16 February 1977
House: House of Representatives
Presented by: Attorney-General Hon. R.J. Ellicott Q.C.

Short Digest of Proposed Law

Purpose

The purpose of the proposed law is to alter section 128 of the Constitution so that the electors in Territories may vote at referendums to alter the Constitution.

Summary

The first and second paragraphs of section 128 of the Constitution provide that proposed laws to alter the Constitution shall, after the Parliamentary processes described in those paragraphs have been completed, be submitted to the electors “in each State”. The proposed law alters these paragraphs by inserting after the words “in each State” the words “and Territory”.

The Territories concerned are those that at any stage are represented in the House of Representatives and a new paragraph is inserted to that effect. If, under section 122 of the Constitution a law was made providing for the representation of a Territory other than by direct vote of the people, the people of that Territory would not be entitled to vote at referendums under section 128 because both the first and second paragraphs will now refer to the submission of the proposed law to “the electors in each State and Territory who are qualified to vote for the election of the House of Representatives”.

Law and Government Group

17 February 1977

LEGISLATIVE RESEARCH SERVICE

*Constitution Alteration (Referendums) 1977 (Bills Digest, no. 81, 1976-77)
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