New South Wales

Cannabis Legalisation (Plebiscite) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill to provide for the conduct of a plebiscite about the legalisation of the use, possession and sale of cannabis.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 requires a plebiscite to be held to determine whether the people of New South Wales approve of the enactment of laws to legalise the use, possession and sale of cannabis.

Clause 4 provides that the plebiscite question to be submitted to the persons entitled to vote at the plebiscite is—

> Should the NSW Government legalise the use, possession and sale of cannabis by adults 18 years and older, subject to regulation and taxation?

Clause 5 provides that the plebiscite is to be held on the day of the general election of the Members of the Legislative Assembly held next after the commencement of the proposed Act.

Clause 6 provides that the plebiscite is to be conducted in accordance with the provisions of the *Constitution Further Amendment (Referendum) Act 1930*.

Clause 7 requires the Electoral Commissioner to publish on the New South Wales Electoral Commission's website copies of approved case documents for the "Yes" and "No" cases, if an

approved case document is given to the Electoral Commissioner within 3 months after the commencement of the proposed Act.

Clause 8 enables regulations to be made.

New South Wales

Cannabis Legalisation (Plebiscite) Bill 2024

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Cannabis Legalisation (Plebiscite) Bill 2024

No   , 2024

A Bill for

An Act to provide for the conduct of a plebiscite about the legalisation of the use, possession and sale of cannabis.

The Legislature of New South Wales enacts—

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1 **Name of Act**

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This Act is the *Cannabis Legalisation (Plebiscite) Act 2024*.

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2 **Commencement**

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This Act commences on the date of assent to this Act.

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3 **Plebiscite must be held**

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A plebiscite must be held to determine whether the people of New South Wales approve of the enactment of laws to legalise the use, possession and sale of cannabis.

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4 **Plebiscite question**

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The following question must be submitted to the persons entitled to vote at the plebiscite—

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Should the NSW Government legalise the use, possession and sale of cannabis by adults 18 years and older, subject to regulation and taxation?

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5 **Date of plebiscite**

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(1) The day appointed for the taking of the votes at the plebiscite is the day specified in the writ for the general election of the Members of the Legislative Assembly held next after the commencement of this Act as the day for the taking of the poll for the election.

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(2) Subsection (1) applies only if the day is not sooner than 2 months after the passage of the Bill for this Act through both Houses of the Legislature.

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(3) A reference in subsection (1) to a writ does not include a reference to a writ issued because of the failure of an election, including a failure of an election because of its being declared void in accordance with law.

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6 **Manner of taking votes at plebiscite**

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(1) Subject to this Act, the plebiscite must be conducted in accordance with the provisions of the *Constitution Further Amendment (Referendum) Act 1930* (the *Referendum Act*).

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(2) For the application of the Referendum Act to the plebiscite—

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(a) a reference to the submission of a Bill to a referendum must be construed as a reference to the submission of the question set out in section 4 to a plebiscite, and

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(b) the Governor is not required to attach any material to the writ for the plebiscite, and

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(c) the provisions of the Referendum Act apply with any necessary modifications required to enable the plebiscite to be held, including modifications to the forms set out in the Referendum Act, Second Schedule, and

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(d) the provisions of the Referendum Act are subject to other modifications prescribed by the regulations.

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7 **"Yes" and "no" cases to be published**

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(1) In this section—

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approved case means—

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       (a)   a document containing an argument in favour of an affirmative answer to the plebiscite question, consisting of not more than 2,000 words, that is authorised by a majority of the members of Parliament who voted for the Bill for this Act and desire to publish the argument, or

       (b)   a document containing an argument against an affirmative answer to the plebiscite question, consisting of not more than 2,000 words, that is authorised by a majority of the members of Parliament who voted against the Bill for this Act and desire to publish the argument.

  (2)   If an approved case is given to the Electoral Commissioner within 3 months after the commencement of this Act, the Electoral Commissioner must ensure that a copy of the document is published on the New South Wales Electoral Commission's website.

8 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to a matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.