



New South Wales

# Constitution Amendment (Rights and Freedoms—Referendum) Bill 2023

## Explanatory note

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

This Bill is cognate with the *Constitution Amendment (Rights and Freedoms) Bill 2023*.

## Overview of Bill

Under the *Constitution Act 1902*, section 7A, it is necessary for the *Constitution Amendment (Rights and Freedoms) Bill 2023* to be submitted to a referendum and be approved by a majority of electors before that Bill is presented to the Governor for assent.

The object of that Bill is to amend the *Constitution Act 1902* to limit the power of the Legislature to make laws restricting certain rights and freedoms.

The object of this Bill is to appoint the date of the next general election as the date for taking the votes of electors at the referendum on the *Constitution Amendment (Rights and Freedoms) Bill 2023*.

## 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 on the date of assent to the proposed Act.

**Clause 3** provides that the *Constitution Amendment (Rights and Freedoms) Bill 2023* must be submitted to the electors for approval at a referendum.

**Clause 4** appoints the day of the next general election as the date for the referendum.

**Clause 5** provides that the referendum must be conducted in accordance with the *Constitution Further Amendment (Referendum) Act 1930*. That Act makes general provision for the conduct of referendums on proposed constitutional laws.



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## Contents

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|   | Page |
|---|------|
| 1 Name of Act   | 2    |
| 2 Commencement  | 2    |
| 3 Referendum to be held on Constitution Amendment (Rights and Freedoms) Bill 2023 | 2    |
| 4 Date of referendum  | 2    |
| 5 Manner of taking votes at referendum  | 2    |



New South Wales

# Constitution Amendment (Rights and Freedoms—Referendum) Bill 2023

No. , 2023

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## A Bill for

An Act to provide for the holding of a referendum on the Bill entitled “A Bill for an Act to amend the *Constitution Act 1902* to limit the power of the Legislature to make laws restricting certain rights and freedoms”.

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|   |                      |
|---|----------------------|
| <b>The Legislature of New South Wales enacts—</b>   | 1                    |
| <b>1 Name of Act</b>  | 2                    |
| This Act is the <i>Constitution Amendment (Rights and Freedoms—Referendum) Act 2023</i> .   | 3<br>4               |
| <b>2 Commencement</b>   | 5                    |
| This Act commences on the date of assent to this Act.   | 6                    |
| <b>3 Referendum to be held on Constitution Amendment (Rights and Freedoms) Bill 2023</b>  | 7                    |
| The Bill entitled “A Bill for an Act to amend the <i>Constitution Act 1902</i> to limit the power of the Legislature to make laws restricting certain rights and freedoms” must be submitted to a referendum of the electors qualified to vote for the election of Members of the Legislative Assembly. | 8<br>9<br>10<br>11   |
| <b>4 Date of referendum</b>   | 12                   |
| (1) The day appointed for the taking of the votes of the electors at the referendum 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.           | 13<br>14<br>15<br>16 |
| (2) Subsection (1) applies only if the day is not sooner than 2 months after the passage of the Bill through both Houses of the Legislature.  | 17<br>18             |
| (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.  | 19<br>20<br>21       |
| <b>5 Manner of taking votes at referendum</b>   | 22                   |
| The referendum must be conducted in accordance with the provisions of the <i>Constitution Further Amendment (Referendum) Act 1930</i> .   | 23<br>24             |