



Queensland

South-east Queensland Water Recycling Plebiscite Bill 2006



Queensland

South-east Queensland Water Recycling Plebiscite Bill 2006

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Dictionary	4
3	Function of the commission	4
Part 2	Requirement for a plebiscite	
4	Plebiscite to be conducted	4
5	Question for the plebiscite	4
6	Plebiscite area	5
7	Plebiscite notice	5
8	Commission to prepare for plebiscite	6
9	Minister's powers for plebiscite	6
10	Plebiscite districts and electoral rolls	7
11	Returning officers	8
12	Assistant returning officers	8
13	Applied provisions	9
Part 3	References in other Acts	
14	References in Criminal Code	10
15	References in Electoral Act 1992	10
16	Reference in Guardianship and Administration Act 2000	11
17	Reference in Powers of Attorney Act 1998	11
Part 4	Miscellaneous	
18	Queensland Water Commission may publish information	11
19	No obligation for polling booths or pre-polling offices outside plebiscite area	12
20	Confidentiality	12
21	Summary proceedings for offence	12

South-east Queensland Water Recycling Plebiscite Bill
2006

22	Regulation-making power.	12
Schedule 1	Local governments whose areas are included in the plebiscite area	13
Schedule 2	Amendments for applying the Referendums Act 1997 to the plebiscite	14
Schedule 3	Dictionary	19

2006

A Bill

for

**An Act to provide for the conduct of a plebiscite in south-east
Queensland on the recycling of water**

South-east Queensland Water Recycling Plebiscite Bill
2006

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *South-east Queensland Water Recycling Plebiscite Act 2006*. 4
5

2 Dictionary 6

The dictionary in schedule 3 defines particular words used in 7
this Act. 8

3 Function of the commission 9

The commission has the function of making appropriate 10
arrangements for the conduct of the plebiscite. 11

Part 2 Requirement for a plebiscite 12

4 Plebiscite to be conducted 13

- (1) The commission must conduct a plebiscite taking the vote of 14
relevant electors on the question (the *plebiscite*). 15
- (2) The polling day for the plebiscite is 17 March 2007. 16
- (3) Subsection (2) applies subject to section 9. 17

5 Question for the plebiscite 18

- (1) The *question* for the plebiscite is the question, decided by a 19
resolution of the Legislative Assembly, about whether 20
relevant electors support the use of purified recycled water for 21
drinking that meets all health and safety requirements. 22

South-east Queensland Water Recycling Plebiscite Bill
2006

- (2) In this section— 1
resolution includes a resolution made before the 2
commencement of this Act but after the introduction in the 3
Legislative Assembly of the Bill for this Act. 4
- 6 Plebiscite area 5**
- (1) The *plebiscite area* consists of an area comprising— 6
- (a) all of the areas of the local governments stated in 7
schedule 1; and 8
- (b) the area of any other local government prescribed under 9
a gazette notice published by the Minister. 10
- (2) The Minister may not publish a gazette notice under 11
subsection (1)(b) less than 7 days before the cut-off day for 12
electoral rolls for the plebiscite. 13
- 7 Plebiscite notice 14**
- (1) As soon as practicable after the passing of the resolution 15
mentioned in section 5 or the commencement of this Act 16
(whichever is later), the Minister must publish a gazette notice 17
for the plebiscite (the *plebiscite notice*). 18
- (2) The plebiscite notice must state— 19
- (a) the polling day for the plebiscite; and 20
- (b) the cut-off day for electoral rolls for the plebiscite, 21
which must be— 22
- (i) not less than 7 days after the day the plebiscite 23
notice is published; and 24
- (ii) not less than 21 days before the polling day. 25
- (3) For deciding the cut-off day— 26
- (a) that day and the day the plebiscite notice is published 27
are both to be included in the 7 days mentioned in 28
subsection (2)(b)(i); and 29
- (b) that day and the polling day are both to be included in 30
the 21 days mentioned in subsection (2)(b)(ii). 31

South-east Queensland Water Recycling Plebiscite Bill
2006

(4)	Subsection (3) applies despite the <i>Acts Interpretation Act 1954</i> , section 38. ¹	1 2
8	Commission to prepare for plebiscite	3
	On the publication of the plebiscite notice, the commission must—	4 5
	(a) advertise the polling day and the cut-off day for electoral rolls for the plebiscite in ways the commissioner considers appropriate; and	6 7 8
	(b) give a copy of the plebiscite notice and a statement of the question to each returning officer; and	9 10
	(c) make available for inspection by anyone, without fee, a copy of the plebiscite notice and a statement of the question at offices of the commission and anywhere else the commission considers appropriate; and	11 12 13 14
	(d) make appropriate arrangements for the conduct of the plebiscite.	15 16
9	Minister's powers for plebiscite	17
(1)	The Minister may by gazette notice—	18
	(a) substitute a later day for the polling day or the cut-off day for electoral rolls for the plebiscite, either generally or for a stated plebiscite district; or	19 20 21
	(b) provide for anything to be done to overcome any difficulty that might otherwise affect the conduct of the plebiscite.	22 23 24
(2)	A gazette notice substituting a cut-off day for electoral rolls for the plebiscite may be published before, on or after the cut-off day stated in the plebiscite notice.	25 26 27
(3)	A gazette notice substituting the polling day for the plebiscite—	28 29

¹ *Acts Interpretation Act 1954*, section 38 (Reckoning of time)

South-east Queensland Water Recycling Plebiscite Bill
2006

- (a) must be published before the polling day for which the later polling day is being substituted; and 1
2
- (b) must not substitute a day for the polling day— 3
 - (i) that is not a Saturday; or 4
 - (ii) that is more than 21 days after the polling day stated in the plebiscite notice. 5
6

10 Plebiscite districts and electoral rolls 7

- (1) For the purpose of conducting the plebiscite, the commission must— 8
9
 - (a) divide the plebiscite area into districts (*plebiscite districts*) and advertise the districts in ways the commissioner considers appropriate; and 10
11
12
 - (b) prepare an electoral roll for each plebiscite district as soon as practicable after the cut-off day for electoral rolls for the plebiscite. 13
14
15
- (2) For the preparation of the electoral rolls and related matters, the electoral roll provisions apply, with all necessary and convenient changes, as if— 16
17
18
 - (a) a reference in the provisions to an electoral district were a reference to a plebiscite district; and 19
20
 - (b) a reference in the provisions to a referendum were a reference to the plebiscite. 21
22
- (3) On request by a member, the commission must give to the member a free copy of the most recent printed version, computer disk or computer tape version of the electoral roll for a relevant district. 23
24
25
26
- (4) Subsection (3) applies despite the *Electoral Act 1992*, section 61(10) as applied under subsection (2). 27
28
- (5) In this section— 29

electoral roll provisions means— 30

 - (a) the *Electoral Act 1992*, sections 58, 59(3), 60, 61(3) and (6) to (10), 62, 64(1) and (2), 65, 66 and 152; and 31
32

South-east Queensland Water Recycling Plebiscite Bill
2006

(b) any other provisions of that Act relevant to the application of a provision mentioned in paragraph (a). 1 2

relevant district, for a member, means a plebiscite district located entirely or partly in the electoral district under the *Electoral Act 1992* that the member represents. 3 4 5

11 Returning officers 6

(1) The commission must, for each plebiscite district, appoint an elector as the returning officer for the district. 7 8

(2) A person may be appointed as the returning officer for more than 1 plebiscite district. 9 10

(3) A person must not be appointed as a returning officer if the person is— 11 12

(a) a minor; or 13

(b) a member of a political party. 14

(4) Without limiting the commission's powers to terminate the appointment of returning officers, the commission must terminate the appointment of a returning officer if the returning officer becomes a member of a political party. 15 16 17 18

(5) A returning officer must perform functions under this Act as decided by the commission under the arrangements decided under section 8(d). 19 20 21

(6) A returning officer must act in accordance with any directions given by the commission. 22 23

(7) In this section— 24

elector means a person entitled to vote at an election for an electoral district under the *Electoral Act 1992*. 25 26

12 Assistant returning officers 27

(1) The commission may appoint as many electors as assistant returning officers as the commission considers appropriate for the plebiscite. 28 29 30

(2) A person must not be appointed as an assistant returning officer if the person is— 31 32

South-east Queensland Water Recycling Plebiscite Bill
2006

- (a) a minor; or
1
- (b) a member of a political party.
2
- (3) Without limiting the commission's powers to terminate the appointment of assistant returning officers, the commission must terminate the appointment of an assistant returning officer if the assistant returning officer becomes a member of a political party.
3
4
5
6
7
- (4) Assistant returning officers must, under arrangements decided by the commission under section 8(d), assist returning officers in performing the returning officers' functions under this Act.
8
9
10
- (5) The commission may appoint an assistant returning officer to act in the role of a particular returning officer during any period when the returning officer is absent from duty or is, for another reason, unable to perform the functions of the returning officer.
11
12
13
14
15
- (6) While an assistant returning officer is acting as a returning officer—
16
17

 - (a) the assistant returning officer has all the powers and functions of the returning officer; and
18
19
 - (b) this Act and the applied provisions apply to the assistant returning officer as if the assistant returning officer were the returning officer.
20
21
22
- (7) Anything done by or in relation to a person while the person is purporting to act under this section is not invalid merely because the occasion for the person to act had not arisen or had ceased.
23
24
25
26
- (8) An assistant returning officer must act in accordance with any directions given by the commission.
27
28
- (9) In this section—
29

elector means a person entitled to vote at an election for an electoral district under the *Electoral Act 1992*.

30
31

- 13 Applied provisions**
32
- (1) The *Referendums Act 1997* applies to the plebiscite with all necessary and convenient changes.
33
34

South-east Queensland Water Recycling Plebiscite Bill
2006

- | | |
|---|----------|
| (2) Without limiting subsection (1), that Act applies— | 1 |
| (a) as if it were amended as stated in schedule 2; and | 2 |
| (b) with the changes stated in subsection (3); and | 3 |
| (c) as if it were otherwise amended, and with any other changes, as prescribed under a regulation. | 4
5 |
| (3) For the purpose of applying the <i>Referendums Act 1997</i> to the plebiscite— | 6
7 |
| (a) a reference in that Act to a referendum or referendums is taken to be a reference to the plebiscite; and | 8
9 |
| (b) a reference in that Act to an elector is taken to be a reference to a relevant elector; and | 10
11 |
| (c) a reference in that Act to an electoral district is taken to be a reference to a plebiscite district; and | 12
13 |
| (d) a reference in that Act to an electoral roll is taken to be a reference to an electoral roll prepared under this Act. | 14
15 |

Part 3References in other Acts16

14 **References in Criminal Code** 17

- | | |
|---|----------|
| (1) A reference in the Criminal Code to a referendum is taken to include the plebiscite. | 18
19 |
| (2) A reference in the Criminal Code to the <i>Referendums Act 1997</i> is taken to include this Act. | 20
21 |

15 **References in Electoral Act 1992** 22

- | | |
|---|----------|
| (1) A reference in the <i>Electoral Act 1992</i> , section 30, ² to a referendum is taken to include the plebiscite. | 23
24 |
|---|----------|

² *Electoral Act 1992*, section 30 (Staff)

South-east Queensland Water Recycling Plebiscite Bill
2006

(2)	A reference in the <i>Electoral Act 1992</i> , section 127, ³ to the <i>Referendums Act 1997</i> is taken to include this Act.	1 2
16	Reference in Guardianship and Administration Act 2000	3
	A reference in the <i>Guardianship and Administration Act 2000</i> , schedule 2, part 2, section 3, ⁴ to a referendum is taken to include the plebiscite.	4 5 6
17	Reference in Powers of Attorney Act 1998	7
	A reference in the <i>Powers of Attorney Act 1998</i> , schedule 2, part 2, section 3, ⁵ to a referendum is taken to include the plebiscite.	8 9 10
Part 4	Miscellaneous	11
18	Queensland Water Commission may publish information	12
(1)	The Queensland Water Commission may publish information relevant to the question and issues associated with the question, including information in support of a ‘yes’ answer to the question and information in support of a ‘no’ answer to the question.	13 14 15 16 17
(2)	In this section—	18
	<i>information</i> , relevant to the question or an issue, includes an entity’s analysis of, or comments or opinions about, the question or issue.	19 20 21

3 *Electoral Act 1992*, section 127 (Supreme Court to be Court of Disputed Returns)

4 *Guardianship and Administration Act 2000*, schedule 2 (Types of matters), part 2 (Personal matter), section 3 (Special personal matter)

5 *Powers of Attorney Act 1998*, schedule 2 (Types of matters), part 2 (Personal matter), section 3 (Special personal matter)

South-east Queensland Water Recycling Plebiscite Bill
2006

19	No obligation for polling booths or pre-polling offices outside plebiscite area	1 2
(1)	Despite anything in the applied provisions, the commission is not required to make arrangements for providing polling booths or pre-polling offices outside the plebiscite area.	3 4 5
(2)	In this section—	6
	<i>pre-polling office</i> means an office staffed by an issuing officer for the purpose of the making of declaration votes before the polling day.	7 8 9
20	Confidentiality	10
	A person involved in the administration of this Act who gains information because of the involvement must not disclose the information to anyone else other than—	11 12 13
	(a) for the purposes of this Act; or	14
	(b) under the authority of another Act; or	15
	(c) in a proceeding before a court in which the information is relevant to the issue before the court.	16 17
	Maximum penalty—40 penalty units or 18 months imprisonment.	18 19
21	Summary proceedings for offence	20
	A proceeding for an offence against this Act is to be taken in a summary way under the <i>Justices Act 1886</i> .	21 22
22	Regulation-making power	23
	The Governor in Council may make regulations under this Act.	24 25

Schedule 1	Local governments whose	1
	areas are included in the	2
	plebiscite area	3
	section 6(1)(a)	4
•	Beaudesert Shire Council	5
•	Boonah Shire Council	6
•	Brisbane City Council	7
•	Caboolture Shire Council	8
•	Caloundra City Council	9
•	Cooloola Shire Council	10
•	Esk Shire Council	11
•	Gatton Shire Council	12
•	Gold Coast City Council	13
•	Ipswich City Council	14
•	Kilcoy Shire Council	15
•	Laidley Shire Council	16
•	Logan City Council	17
•	Maroochy Shire Council	18
•	Noosa Shire Council	19
•	Pine Rivers Shire Council	20
•	Redcliffe City Council	21
•	Redland Shire Council	22
•	Toowoomba City Council	23

Schedule 2	Amendments for applying the Referendums Act 1997 to the plebiscite	1 2 3
	section 13(2)(a)	4
1	Section 3— <i>omit.</i>	5 6
2	Parts 2 and 3— <i>omit.</i>	7 8
3	Section 15(5)(b), ‘writ for a referendum is issued’— <i>omit, insert—</i> ‘plebiscite notice is published under the 2006 Act’.	9 10 11
4	Section 18(2)(a)— <i>omit, insert—</i> ‘(a) be in the form stated in schedule 1; and’.	12 13 14
5	Section 20(1)— <i>omit, insert—</i> ‘(1) If there is a delay, error or omission in or in relation to the preparation or publication of a gazette notice by the Minister, it may be corrected by a further gazette notice by the Minister stating what is to be done.’.	15 16 17 18 19 20
6	Section 20(2), ‘(apart from a writ)’— <i>omit.</i>	21 22

Schedule 2 (continued)

7	Section 21(1)(b), after ‘section 64(1)(a)(ii)’—	1
	<i>insert—</i>	2
	‘as applied under the 2006 Act, section 10’.	3
8	Section 30(4), ‘issue of the writ for a referendum’—	4
	<i>omit, insert—</i>	5
	‘publication of the plebiscite notice under the 2006 Act’.	6
9	Section 33(2) and (3), ‘Bill or’—	7
	<i>omit.</i>	8
10	Section 36(8), definition <i>member</i>, ‘writ for the referendum is issued’—	9
	<i>omit, insert—</i>	10
	‘plebiscite notice is published under the 2006 Act’.	11
11	Section 41(1), ‘writ is returned to the Governor’—	12
	<i>omit, insert—</i>	13
	‘report is given to the Speaker under section 43’.	14
12	Section 43—	15
	<i>omit, insert—</i>	16
‘43	Report about plebiscite result to the Speaker	17
	‘(1) As soon as practicable after the commission has received notice under section 42(1) from the returning officers for all plebiscite districts, the commission must—	18
	(a) on receipt of the count from each of the returning officers, work out the total number of yes votes and no votes; and	19
		20
		21
		22
		23
		24

Schedule 2 (continued)

	(b) give to the Speaker a report stating whether or not the question has been approved by a majority of the relevant electors voting; and	1 2 3
	(c) publish the plebiscite result in the gazette.	4
	‘(2) The Speaker must table the report in the Legislative Assembly within 7 days after receiving it.	5 6
	‘(3) Publication in the gazette of the plebiscite result is evidence of the plebiscite result.’.	7 8
13	Section 46(1), ‘return of the writ to the Governor’—	9
	<i>omit, insert—</i>	10
	‘day the report is given to the Speaker under section 43’.	11
14	Section 49(3), ‘writ for the referendum is returned as mentioned in section 43(2)(c)’—	12 13
	<i>omit, insert—</i>	14
	‘plebiscite result is published in the gazette under section 43’.	15
15	Section 55(2)(b) and (c), ‘endorsed on the writ’—	16
	<i>omit, insert—</i>	17
	‘stated in the report given to the Speaker under section 43’.	18
16	Section 80(2), definition <i>referendum statement</i>, ‘Bill or’—	19
	<i>omit.</i>	20
17	Part 7—	21
	<i>omit.</i>	22
18	Schedule 1—	23
	<i>omit, insert—</i>	24

Schedule 2 (continued)

‘Schedule 1	Plebiscite form	1
	section 18(2)(a)	2
	<i>South-east Queensland Water Recycling Plebiscite Act 2006</i>	3
Ballot paper		4
HOW TO VOTE—		5
IF YOU APPROVE PLACE A TICK [✓] IN THE SQUARE		6
OPPOSITE THE WORD ‘YES’		7
IF YOU DO NOT APPROVE PLACE A TICK [✓] IN THE SQUARE		8
OPPOSITE THE WORD ‘NO’		9
[<i>Here insert question</i>]		10
	☐ YES	11
	☐ NO’.	12
19	Schedule 3, definitions <i>assistant returning officer, cut-off day for electoral rolls, day for the return of a writ, elector, electoral district, electoral roll, form 1, form 2, form 3, form 4, form 5, polling day, referendum, returning officer and writ—</i>	13 14 15 16 17
	<i>omit.</i>	18
20	Schedule 3—	19
	<i>insert—</i>	20
	‘2006 Act means the <i>South-east Queensland Water Recycling Plebiscite Act 2006</i> .	21 22

Schedule 2 (continued)

	<i>assistant returning officer</i> means an assistant returning officer holding an appointment under the 2006 Act, section 12.	1 2 3
	<i>cut-off day</i> , for electoral rolls for the plebiscite, see the 2006 Act, schedule 3.	4 5
	<i>plebiscite districts</i> see the 2006 Act, section 10(1)(a).	6
	<i>polling day</i> see the 2006 Act, schedule 3.	7
	<i>publish</i> , in relation to a gazette notice under the 2006 Act, means publish in the gazette.	8 9
	<i>relevant elector</i> see the 2006 Act, schedule 3.	10
	<i>returning officer</i> means a returning officer holding an appointment under the 2006 Act, section 11.’.	11 12
21	Schedule 3, definitions <i>no vote</i> and <i>yes vote</i>, ‘Bill or’— <i>omit.</i>	13 14
22	Schedule 3, definition <i>referendum period</i>, paragraph (a), ‘writ for the referendum is issued’— <i>omit, insert—</i> ‘plebiscite notice under the 2006 Act is published’.	15 16 17 18

Schedule 3	Dictionary	1
	section 2	2
<i>applied provisions</i>	means the provisions of the <i>Referendums Act 1997</i> as applied under section 13.	3 4
<i>commission</i>	means the Electoral Commission of Queensland under the <i>Electoral Act 1992</i> .	5 6
<i>commissioner</i>	means the electoral commissioner under the <i>Electoral Act 1992</i> .	7 8
<i>cut-off day</i>	, for electoral rolls for the plebiscite, means the day stated as the cut-off day in the plebiscite notice or, if another day is substituted under section 9, the other day.	9 10 11
<i>declaration vote</i>	means a declaration vote made under the applied provisions.	12 13
<i>issuing officer</i>	means an issuing officer under the <i>Electoral Act 1992</i> .	14 15
<i>member</i>	means a member of the Legislative Assembly.	16
<i>plebiscite</i>	see section 4(1).	17
<i>plebiscite area</i>	see section 6(1).	18
<i>plebiscite districts</i>	see section 10(1)(a).	19
<i>plebiscite notice</i>	see section 7(1).	20
<i>political party</i>	means an organisation whose object, or 1 of whose objects, is the promotion of the election to the Legislative Assembly of a candidate or candidates endorsed by it or by a body or organisation of which it forms a part.	21 22 23 24
<i>polling day</i>	means 17 March 2007 or, if another day is substituted under section 9, the other day.	25 26
<i>publish</i>	, in relation to a gazette notice, means publish in the gazette.	27 28
<i>Queensland Water Commission</i>	means the Queensland Water Commission under the <i>Water Act 2000</i> .	29 30

Schedule 3 (continued)

question see section 5(1).	1
relevant elector means a person who, under the applied provisions, section 21, is entitled to vote at the plebiscite.	2 3
returning officer means a person holding an appointment as a returning officer under section 11.	4 5