



New South Wales

Voluntary Euthanasia Trial (Referendum) Bill 2003

Explanatory note

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

Overview of Bill

The object of this Bill is to require the holding of a referendum to determine whether the people of New South Wales approve in principle of a legally and medically supervised trial of voluntary euthanasia for a period of 18 months.

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.

Clause 3 requires a referendum to be held on the question of a legally and medically supervised trial of voluntary euthanasia for a period of 18 months.

Clause 4 sets out the question to be asked in the referendum.

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Clause 5 requires the vote for the referendum to be taken in conjunction with the next ordinary elections of local government councillors, and that the voters at the referendum are to be the persons entitled to vote at those elections.

Clause 6 requires the referendum to be held in accordance with the *Constitution Further Amendment (Referendum) Act 1930*. Regulations may be made to adapt that legislation for the purposes of holding the referendum.

Clause 7 requires the Electoral Commissioner to publish a case for and against the referendum proposal (approved by certain members of Parliament) in 2 or more newspapers circulating in New South Wales.

Clause 8 provides a general regulation-making power.



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New South Wales

Voluntary Euthanasia Trial (Referendum) Bill 2003

No. , 2003

A Bill for

An Act to provide for a referendum in relation to a legally and medically supervised trial of voluntary euthanasia for a period of 18 months.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Voluntary Euthanasia Trial (Referendum) Act 2003</i> .	3
2 Commencement	4
This Act commences on the date of assent.	5
3 Referendum must be held	6
A referendum must be held to determine whether the people of New South Wales approve of the enactment of legislation permitting a legally and medically supervised trial of voluntary euthanasia for a period of 18 months.	7 8 9 10
4 Referendum question	11
The following question is to be submitted to the persons entitled to vote at the referendum:	12 13
Are you in favour of the Parliament of New South Wales passing legislation that provides for a legally and medically supervised trial of voluntary euthanasia for a period of 18 months?	14 15 16
5 Date of referendum and persons entitled to vote	17
(1) The referendum under this Act is to be held on the day on which ordinary elections of councillors for an area are next held under Part 4 of Chapter 10 of the <i>Local Government Act 1993</i> .	18 19 20
(2) The persons entitled to vote at the referendum are the electors who are qualified to vote at those elections.	21 22
(3) The Governor is to issue a writ for the referendum accordingly.	23
6 How vote taken	24
(1) Subject to this Act, the vote at the referendum is to be taken under and in accordance with the Referendum Act.	25 26
(2) For the purposes of the application of the Referendum Act to the referendum under this Act:	27 28
(a) a reference to the submission of a Bill to a referendum is to be construed as a reference to the submission of the question set out in section 4 to a referendum, and	29 30 31

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- (b) the Governor is not required to attach any material to the writ for the referendum, and 1
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- (c) the provisions of the Referendum Act apply with such modifications as are necessary to enable the referendum referred to in section 3 to be held (including modifications to the Forms set out in the Second Schedule to the Referendum Act), and 3
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- (d) any other modifications prescribed by the regulations have effect. 8
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- (3) In this section, *Referendum Act* means the *Constitution Further Amendment (Referendum) Act 1930*. 10
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7 “Yes” and “no” cases to be published 12

- (1) In this section, *approved case* means: 13
- (a) a document containing an argument in favour of an affirmative answer to the referendum question, consisting of not more than 2,000 words, that is authorised by a majority of those members of Parliament who voted for the Bill for this Act and desire to forward such an argument, or 14
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- (b) a document containing an argument against an affirmative answer to the referendum question, consisting of not more than 2,000 words, that is authorised by a majority of those members of Parliament who voted against the Bill for this Act and desire to forward such an argument. 19
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- (2) If an approved case is forwarded to the Electoral Commissioner within 4 weeks after the commencement of this Act, the Electoral Commissioner is to ensure that a copy of that document is published in 2 or more newspapers circulating in New South Wales on each day of the 14 days (or such period as may be prescribed by the regulations) immediately before the date of the referendum. 24
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8 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any 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.

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