

A blurred, low-angle photograph of a crowd of people walking, overlaid with a semi-transparent orange filter. The image shows the lower legs and feet of many individuals in motion, creating a sense of a busy public space.

Citizen Initiated Referenda

MINISTRY OF

JUSTICE

THE CITIZENS INITIATED REFERENDA ACT 1993

The Citizens Initiated Referenda Act 1993 allows any person to start a petition asking that a national referendum be held.

First you need to have the Clerk of the House of Representatives determine the referendum question and approve the petition form. Then you can collect signatures to get the public's support for the referendum question.

A referendum will be held if the petition has enough valid signatures. The referendum result will show the people's view on the question.

The Government may or may not decide to act on the result of the referendum.

These are the six stages in the referendum process

Stage 1 - Starting a Referendum

To start a referendum, give your written proposal to the Clerk of the House of Representatives. The proposal must include:

- your name
 - the name of your contact representative or spokesperson (if you have one)
 - a contact address for you or your representative or spokesperson (if you have one)
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- a draft of the proposed wording for the petition
 - a draft of the petition collection form.

You must also give the Clerk the \$500 fee.

You are advised to contact the Office of the Clerk before starting the referendum process. The Office has sample petition forms and will help you to follow the correct procedures.

Contact:

Parliamentary Officer (Table)
Office of the Clerk of the House of Representatives
Parliament House
Parliament Buildings
Wellington
(04) 4719194

Stage 2 - Question and Petition Form Approval

If all the steps in stage 1 are correctly carried out, the Clerk advertises the proposed question in the *Gazette* and major daily newspapers. The public then has at least 28 days to make written comments to the Clerk on the wording of the proposed question.

The Clerk will determine the wording of the question to be asked in the petition by:

- considering your written proposal
- considering the public's comments
- considering any other relevant matters
- consulting you and other people.

The Clerk has three months to determine the wording of the question. The wording of the question needs to:

- show clearly the referendum's purpose and effect
- ensure that only one of two answers can be given to the question (for example, yes or no).

The wording of the question will not be determined (ie the petition will not proceed) if:

- you withdraw (in writing) your proposal
- you are a corporation that is dissolved or wound up
- a similar citizens initiated referendum was held within the last five years
- you die
- the petition is about the election of a member of Parliament (MP)
- the petition is about the way a referendum was held.

Once the wording is determined, the Clerk also approves the petition form to be used to collect signatures. Supplying these approved petition forms is your responsibility. The Clerk will then advertise in the *Gazette* and major daily newspapers:

- that you are the promoter of the petition
- that you are approved to use the determined wording of the referendum question and the approved petition form
- the determined wording of the referendum question.

You may now promote the petition and collect signatures, which can only be on the approved petition form.

Stage 3 - Collecting Signatures

You have 12 months in which to collect signatures and to deliver the petition to the Clerk. You must have the signatures of at least 10% of all eligible electors. Eligible electors include those on the General and Maori electoral rolls. All the signatures must be on the approved petition forms, otherwise those signatures will not be counted.

People who sign the petition forms must state:

- their full name
- their residential address
- their birth date is optional.

Stage 4 - Checking the Petition

Refer to the flow chart for the steps involved with checking the petition. The following explains in more detail some of the steps shown by the symbols in the flow chart.

- 1 The petition ends if it is not delivered to the Clerk within 12 months of the Clerk's advertisement of the determined wording of the referendum question in stage 2.
- 2 The petition ends if the two month time limit is not met or if insufficient additional signatures are collected.
- 3 This process is called "certification". The Clerk either certifies that the petition is correct (the YES box) or that it has lapsed and should be returned to you (the NO box).
- 4 This process is called "resubmission". You must collect more signatures in order to be able to use this process. This is your final chance to get enough valid signatures.

The maximum amount of time for a petition to be checked is 2 months.

Stage 5 - Holding the Referendum

The Governor-General has a month from the time the petition is presented to the House of Representatives to set a date for the referendum, or to specify that the referendum is to be conducted by postal voting. The date of the referendum:

- must be within 12 months of the petition being presented to the House
- can be changed to be within 12 to 24 months of the petition's presentation if 75% of all MPs agree
- may be the same day as a general election
- may be changed to the same day as a snap election.

Stage 6 -Announcing the Result

The Chief Electoral Officer will announce the final results of the referendum.

The Government may or may not decide to act on the result of the referendum.

Other Rules

It is an offence for:

- you or your organisation to spend more than \$50,000 promoting the petition
- you or your organisation to spend more than \$50,000 promoting an answer to the referendum.

The maximum fine for overspending either limit is \$20,000.

You must record the amount of money you or your organisation spend on advertising in relation to the petition or referendum and specify where the advertisements were broadcast or published. This must be reported to the Chief Electoral Officer. The maximum fine for not doing this is \$20,000.

For making a false report the maximum fine is \$20,000 or one year's imprisonment or both. Expenditure reports are available for the public to inspect.

Every advertisement in connection with a petition, or promoting an answer to the referendum, must include the true name and contact address of the person responsible for the advertisement. The maximum fine for not doing this is \$3,000.

This pamphlet only highlights the main points of the citizens initiated referendum process. You should consult the Office of the Clerk of the House of Representatives and the Citizens Initiated Referenda Act 1993 and its regulations for other important details.

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