

REFERENDUMS AND PLEBISCITES

Referendum

In Australia, a referendum is a vote used to approve a change to the Australian Constitution. Section 128 of the Constitution sets out certain rules that must be followed in order for a change to be approved.

Process

A proposed change to the Constitution must start as a bill (proposed law) presented to the federal Parliament. If the bill is passed by the Parliament, the proposal must then be presented to Australian voters in a referendum. The referendum must take place no sooner than two months and no later than six months after the bill is passed.

Before the referendum is held, members of parliament prepare arguments for or against the proposed change. These are sent to the Australian Electoral Commission (AEC), which is in charge of running federal elections and referendums. The AEC arranges for the 'Yes' and 'No' cases, along with a statement of the proposed change, to be posted to every Australian on the electoral roll.

On polling day, the voting process is similar to that used for federal elections, in which polling places are established at schools and other public buildings around the country. Each voter's name is marked off the electoral roll and they are given a ballot paper. Voters then write 'Yes' or 'No' in a box opposite the proposed change on their ballot-paper.

Results

A referendum is only passed if it is approved by a majority of voters across the nation and a majority of voters in a majority of states (this is known as a double majority). Territory voters are only counted in the national majority.

If a referendum is successful, the change must be implemented.

Plebiscite

In Australia, a plebiscite (also known as an advisory referendum) is used to decide a national question that does not affect the Constitution. It can be used to test whether the government has sufficient support from the people to go ahead with a proposed action. Unlike a referendum, the decision reached in a plebiscite does not have any legal force.

Australia has held two national plebiscites, in 1916 and 1917, relating to the introduction of conscription during the First World War; both were defeated. No specific rules exist about the running of a plebiscite. In the event that another plebiscite was conducted, it may be that the Parliament will decide on the rules of operation.

CHANGING THE AUSTRALIAN CONSTITUTION

The Australian Constitution can only be changed with the support of the majority of Australian voters **and** a majority of voters in at least four states.



SCENARIO ONE CHANGE THE CONSTITUTION

- ✓ Majority of Australian voters
- ✓ Majority of voters in at least four states



SCENARIO TWO DON'T CHANGE THE CONSTITUTION

- ✗ Majority of Australian voters
- ✓ Majority of voters in at least four states



SCENARIO THREE DON'T CHANGE THE CONSTITUTION

- ✓ Majority of Australian voters
- ✗ Majority of voters in at least four states

History

Since 1901 there have been 19 referendums, proposing 44 changes to the Constitution; only eight changes have been agreed to.

TITLE	DATE	RESULT
Senate Elections	12 December 1906	Passed
Finance	13 April 1910	Not passed
State Debts	13 April 1910	Passed
Legislative Powers, Monopolies	26 April 1911	Not Passed
Trade and Commerce, Corporations, Industrial Matters, Railway Disputes, Trusts, Nationalisation of Monopolies	31 May 1913	Not Passed
Legislative Powers, Nationalisation of Monopolies	13 December 1919	Not Passed
Industry and Commerce, Essential Services	4 September 1926	Not Passed
State Debts	17 November 1928	Passed
Aviation, Marketing	6 March 1937	Not Passed
Post-war Reconstruction and Democratic Rights	19 August 1944	Not Passed
Social Services	28 September 1946	Passed
Organised Marketing of Primary Products, Industrial Employment	28 September 1946	Not Passed
Rent and Prices	29 May 1948	Not Passed
Powers to Deal with Communists and Communism	22 September 1951	Not Passed
Parliament	27 May 1967	Not Passed
Aboriginals	27 May 1967	Passed
Prices, Incomes	8 December 1973	Not Passed

TITLE	DATE	RESULT
Simultaneous Elections, Mode of Altering the Constitution, Democratic Elections, Local Government Bodies	18 May 1974	Not Passed
Simultaneous Elections	21 May 1977	Not Passed
Senate Casual Vacancies, Referendums – Territories, Retirement of Judges	21 May 1977	Passed
Terms of Senators, Interchange of Powers	1 December 1984	Not Passed
Parliamentary Terms, Fair Elections, Local Government, Rights and Freedoms	3 September 1988	Not Passed
Republic, Preamble	6 November 1999	Not Passed

Source: Australian Electoral Commission website www.aec.gov.au/Elections/referendums/Referendum_Dates_and_Results.htm

LINKS

PEO website

Fact Sheet: *Australian Constitution*

www.peo.gov.au/learning/fact-sheets/australian-constitution.html

APH website

House of Representatives Infosheet: *The Constitution*

www.tinyurl.com/Infosheet13

The Australian Constitution: Chapter VIII Alteration of the Constitution

www.tinyurl.com/AUSconstitution128

Other websites

Australian Electoral Commission: *Referendums*

www.aec.gov.au/Elections/referendums