



RESEARCH NOTE

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Constitutional Referendums: Bipartisan or Bust

Major Findings

- No Constitutional referendum has been passed without the support of the Opposition of the day.
- The "Yes" vote for referendums held separately from a Federal election has never exceeded the primary Senate vote for the supporting Parliamentary parties at the preceding Senate election.
- There is a stronger correlation between support for referendums and the primary Senate vote of the supporting Federal Parliamentary parties when referendums are held simultaneously with general elections than when they are held separately.
- Oppositions are weaker at "delivering" their vote than governments or third parties.

Introduction

To amend the Constitution, a bill must be passed by both Houses of the Commonwealth Parliament (or one House twice¹) and then agreed to by the electorate with a majority of formal votes in a majority of States.

The Historical Record

Since Federation, there have been 42 constitutional referendums put to the Australian electorate. Of these, 8 (19%) have been passed and a further 5 (12%) received a majority of votes but failed to carry a majority of States. The remaining 29 (69%) failed to get a majority of votes. Of the 42 referendums, 21 have been held simultaneously with Federal elections and 21 have been held separately, with 4 amendments passing in each category.

The table below ranks all 42 referendums by "Yes" vote. Striking results are that, of the 8 successful amendments, only one State (New South Wales) on one occasion (State Debts, 1910) has ever voted "No" to a successful amendment. Even the least supported successful amendment (Social Services, 1946, 54% "Yes" Vote) carried every State.

Furthermore, of the 10 highest "Yes" votes, every one was supported by the Opposition of the day, including every successful amendment. Only three referendums not supported

by the Opposition of the day received a majority of votes cast and then only barely. However, two questions which the Opposition of the day supported (Industry & Commerce 1926 and Parliament[Nexus] 1967) did not receive majority support.

As well, the 14 lowest "Yes" votes (46% and lower) were all for referendums held separately from a general election. The next 12 lowest "Yes" votes (46%-49%) were all held simultaneously with a general election.

Finally, while ALP governments have been the most frequent proposers of amendments (25) they have also been conspicuously unsuccessful, achieving only one success (Social Services, 1946). Of the 25 amendments proposed by the ALP, Opposition support was forthcoming only on that one occasion. By contrast, for the 17 amendments proposed by non-ALP governments, ALP Oppositions supported on 11 occasions, or 65% of such cases.

The chart below maps the "Yes" vote with the primary Senate vote, at the accompanying or previous election², of the Federal Parliamentary Parties whose Leaders voted for the amending bill. In referendums held

separately from a general election, the "Yes" vote has never exceeded electoral support for the supporting Parties, with the average being 19% less. The correlation of electoral support and "Yes" vote is stronger in referendums held simultaneously with federal elections, the average difference being 7%.

Governments and third parties appear to be relatively good at delivering "Yes" votes. Oppositions appear to be relatively poor, although their support is necessary for amendment success.³

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¹¹ With the approval of the Governor-General.

²The Senate vote was chosen to better represent support for third parties and core government support. The previous election was chosen as it is a knowable variable.

³ For example, Opposition support for Social Services (1946) added 3.75% and 3 States over the vote for (Liberal Party opposed) Organised Marketing (1946).

Constitutional Referendums Ranked by "Yes" Vote

Title	Year	"Yes" Vote (%)	States		Passed?	Govt.	Held with Opposition General Support? Election?	
			Yes (#)	No (#)			General	Support?
Recognition of Aborigines	1967	90.77	6	0	Yes	LCP	No	Yes
Senate elections	1906	82.65	6	0	Yes	Prot.	Yes	Yes
Retirement of judges	1977	80.10	6	0	Yes	LNCP	No	Yes
Referendums (Territories)	1977	77.72	6	0	Yes	LNCP	No	Yes
State debts	1928	74.30	6	0	Yes	NatCP	Yes	Yes
Senate casual vacancies	1977	73.32	6	0	Yes	LNCP	No	Yes
Simultaneous elections	1977	62.22	3	3	No	LNCP	No	Yes
State debts	1910	54.95	5	1	Yes	Liberal	Yes	Yes
Social services	1946	54.39	6	0	Yes	ALP	Yes	Yes
Aviation	1937	53.56	2	4	No	UAP-CP	No	Yes
Terms of senators	1984	50.64	2	4	No	ALP	Yes	No
Organised marketing of primary products	1946	50.57	3	3	No	ALP	Yes	No
Industrial employment	1946	50.30	3	3	No	ALP	Yes	No
Trusts	1913	49.78	3	3	No	ALP	Yes	No
Legislative powers	1919	49.65	3	3	No	Nat.	Yes	No
Powers to deal with Communists & Communism	1951	49.44	3	3	No	LCP	No	No
Trade & commerce	1913	49.38	3	3	No	ALP	Yes	No
Nationalisation of monopolies	1913	49.33	3	3	No	ALP	Yes	No
Industrial matters	1913	49.33	3	3	No	ALP	Yes	No
Corporations	1913	49.33	3	3	No	ALP	Yes	No
Railway disputes	1913	49.13	3	3	No	ALP	Yes	No
Finance	1910	49.04	3	3	No	Liberal	Yes	No
Nationalisation of monopolies	1919	48.64	3	3	No	Nat.	Yes	No
Simultaneous elections	1974	48.30	1	5	No	ALP	Yes	No
Mode of altering constitution	1974	47.99	1	5	No	ALP	Yes	No
Democratic elections	1974	47.20	1	5	No	ALP	Yes	No
Interchange of powers	1984	47.06	0	6	No	ALP	Yes	No
Local government bodies	1974	46.85	1	5	No	ALP	Yes	No
Post-war reconstruction & democratic rights	1944	45.99	2	4	No	ALP	No	No
Prices	1973	43.81	0	6	No	ALP	No	No
Industry & commerce	1926	43.50	2	4	No	NatCP	No	Yes
Essential services	1926	42.80	2	4	No	NatCP	No	No
Rents & prices	1948	40.66	0	6	No	ALP	No	No
Parliament (Nexus)	1967	40.25	1	5	No	LCP	No	Yes
Monopolies	1911	39.89	1	5	No	ALP	No	No
Legislative powers	1911	39.42	1	5	No	ALP	No	No
Fair elections	1988	37.59	0	6	No	ALP	No	No
Marketing	1937	36.26	0	6	No	UAP-CP	No	No
Incomes	1973	34.42	0	6	No	ALP	No	No
Local government	1988	33.61	0	6	No	ALP	No	No
Parliamentary terms	1988	32.91	0	6	No	ALP	No	No
Rights & freedoms	1988	30.79	0	6	No	ALP	No	No

Nat. - Nationalist Party. Prot. - Protectionist Party.
Parliamentary Handbook, Hansard.

Sources:

Referendum "Yes" Votes and Senate Vote of Supporting Federal Parliamentary Parties



