



**Australian Government**  
**Department of Finance**

**Submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs inquiry into constitutional reform and referendums**

1. The Department of Finance (Finance) welcomes the opportunity to provide a submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into Constitutional Reform and Referendums.
2. This submission responds to item (3) of the Inquiry's Terms of Reference.

**Role of Finance**

3. Under Part 5 of the Administrative Arrangement Orders (AAO), Finance has responsibility for electoral matters.
4. Finance implements this responsibility by providing policy advice to government, including with regard to the *Commonwealth Electoral Act 1918* (Electoral Act) and the *Referendum (Machinery Provisions) Act 1984* (Referendum Act).
5. Finance provides advice on the framework for conducting referendums pursuant to the Referendum Act. Finance does not advise on the issue and question that is the subject of the referendum.
6. Finance also supports the Australian Electoral Commission (AEC), an independent statutory authority within the Finance portfolio that conducts referendums.

**Referendums**

7. The decision whether to hold a referendum to amend the Constitution under section 128 of the Constitution is a matter for Government.
8. Where the Government decides it is appropriate to pursue a referendum proposal, Finance provides advice on the legislative and operational framework, including amendments to the Referendum Act and funding, in consultation with the AEC.
9. The design of any referendum question is a matter for the Attorney-General's Department, which is responsible for constitutional law, including the development of referendum proposals.

**Reform**

10. The Government has undertaken substantive electoral reform to modernise electoral processes through the Electoral Act, which where possible has included consequential amendments to the Referendum Act.