



## **Australian Government**

Australian Government response to the  
House of Representatives Standing Committee on Legal and  
Constitutional Affairs report:

A Time for Change: Yes/No?  
Inquiry into the Machinery of Referendums

October 2012

**GOVERNMENT RESPONSE TO THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS REPORT**

***A TIME FOR CHANGE: YES/NO? INQUIRY INTO THE MACHINERY OF REFERENDUMS***

The Government supports improvements to the referendum process which would result in greater public awareness and engagement, and clarity and modernisation of processes. The Government notes that many of the improvements recommended by the Committee could be achieved without the need for legislative amendments. To preserve flexibility for possible future referendum proposals, the Government has decided not to prescribe new key elements of referendum machinery (such as the proposed Referendum Panel) in legislation. The Government will consider the suggestions made by the Committee in determining machinery arrangements on a case-by-case basis for possible future referendums.

<b>Recommendation</b>	<b>Response</b>
1. The Committee recommends that the Australian Government introduce amendments to section 11 of the <i>Referendum (Machinery Provisions) Act 1984 (Cth)</i> (RMP Act) to improve the referendum process.	Supported in principle. The Government supports improvements to the referendum process.
2. The Committee recommends amendments to the RMP Act to remove the current restrictions on the word limit of the Yes/No arguments.	Not supported. The Government is concerned that the cost saving and environmental benefits associated with the implementation of Recommendation 3 would be lost by adopting this recommendation, which could potentially increase the size of the referendum booklet. The Government considers that there are more effective ways of informing and educating voters of the arguments for and against the referendum proposals than increasing the current word limit of the official Yes/No case booklet.
3. The Committee recommends that the Australian Government introduce amendments to the RMP Act to require a Yes/No pamphlet to be delivered to every household, not every elector.	Supported. This reform would reduce expenditure on printed material and with online publication in addition, the number of electors who receive the pamphlet should not be affected. To the extent possible, the AEC will make efforts to ensure that registered overseas electors are provided with information on how to access the official Yes/No case booklet.
4. The Committee recommends that, consistent with section 11 of the RMP Act, the respective Yes/No arguments should continue to be authorised by those members of Parliament who voted for or against the proposed law.	Noted.
5. The Committee recommends that if a constitution amendment bill is passed unanimously by both Houses of Parliament, then all members of Parliament be responsible for authorising both the Yes and No arguments.	Not Supported. A No argument may not always be required.

Recommendation	Response
<p>6. The Committee recommends that the Australian Government develop and implement a national civics education program to enhance the engagement of the Australian public in democratic processes and to improve knowledge and understanding of the Australian Constitution.</p>	<p>Supported in principle. In August 2011 the Government responded to the report of the Joint Standing Committee on Electoral Matters on <i>Civics and Electoral Education</i>, which addresses many of the concerns identified by the House Committee, including the inclusion of electoral education in the Australian Curriculum being developed by the Australian Curriculum, Assessment and Reporting Authority (ACARA), encouraging enrolment among 17 and 18 year old school students and new citizens, the delivery of electoral education programs by the AEC, translating materials for multicultural audiences and measures to address high levels of informal voting in particular areas.</p>
<p>7. The Committee recommends that amendments to the RMP Act provide for the establishment of a Referendum Panel using a method of appointment which ensures independence and bipartisanship. The Panel would be specifically appointed for each referendum for the purposes of promoting that referendum and educating voters about the referendum arguments.</p>	<p>Noted. The Government notes there may be benefits in establishing a Referendum Panel for the purposes of promoting a particular referendum and educating voters on the referendum arguments but notes that this can be achieved on an as needed basis without the need to legislate for the general establishment of a panel.</p>
<p>8. The Committee recommends that membership of the proposed Referendum Panel should be a maximum of eight persons, and should include a representative of the Australian Electoral Commission.</p>	<p>Noted. Where a referendum panel is established, the AEC's participation should be limited to the provision of technical advice given the independence of the AEC.</p>
<p>9. The Committee recommends that the proposed Referendum Panel be responsible for determining an appropriate and relevant information and communications strategy for the referendum, including identifying what education material should be distributed and the methods of distribution.</p>	<p>Noted.</p>
<p>10. The Committee recommends that the proposed Referendum Panel be responsible for determining the maximum word length which is to be the same for the Yes and No arguments.</p>	<p>Not supported given that the word limit will remain at 2000 words for the reasons stated in the response to Recommendation 2.</p>

Recommendation	Response
11. The Committee recommends the Australian Government introduce amendments to remove the current limitation on spending imposed by section 11(4) of the RMP Act and to include provisions to ensure that spending is directed to referendum education and to equal promotion of the Yes/No arguments.	Noted. The Government will consider amendments to the RMP Act on a case by case basis.
12. The Committee recommends that amendments to the RMP Act establish that the Australian Government be responsible for determining the budget available to the Referendum Panel for referendum education and campaign activities.	Noted. The funding level for referendum education and campaign activities, whether undertaken by a referendum panel or otherwise, should be determined on a case by case basis.
13. The Committee recommends that the proposed Referendum Panel have the power to make recommendations to the Australian Government concerning the budget to be provided for a referendum campaign.	Noted.
14. The Committee recommends that the Referendum Panel be responsible for establishing and determining the budget available to the Yes and No campaigns which should be funded equally.	Not supported. The Government should be responsible and accountable for the funding provided for all referendum education and campaign activities, whether undertaken by a referendum panel or otherwise.
15. The Committee recommends that the Australian Government introduce amendments to the RMP Act to require the proposed Referendum Panel to provide to Parliament a report of its activities and expenditure at the conclusion of the referendum.	Noted.
16. The Committee recommends that, consistent with the current provisions of the RMP Act, the AEC continue to be responsible for the conduct of referendums.	Supported.
17. The Committee recommends that the Australian Government consolidate and harmonise the machinery of referendums provisions with the Commonwealth Electoral Act 1918 (Cth) (Electoral Act).	Supported. The Government will prepare amendments to consolidate the RMP Act with the Electoral Act and will introduce these into the Parliament at an appropriate time.