

Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600

Referendum (Machinery Provisions) Amendment Bill 2022

Dear Committee Members,

I am an Australian citizen and retired businessman living near Maitland NSW and with over 60-years' experience, as a business owner and manager, my advice regarding systems is "if it ain't broke don't fix it". This advice may not apply all aspects in the Referendum (Machinery Provisions) Amendment Bill 2022 but it certainly applies to Clause 4 that seeks the "Disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984" and my comments are restricted to this clause.

In the 'explanatory memorandum', the current restrictions of the bill are stated in Line 8 while additional freedoms being sought for the government are shown at Line 10 and the claimed benefits are shown in Line 11.

Line 8: "Section 11 contains requirements relating to the distribution of an "official pamphlet" containing arguments for and against a proposal, authorised by parliamentarians, to every enrolled household. Subsection 11(4) also contains provisions that place restrictions on the use of Commonwealth funding in respect of the presentation of arguments for and against a proposal beyond that pamphlet and a narrow set of related purposes".

Line 10: "Temporary suspension will ensure there is more than one way to communicate with electors before a referendum, and allows parliamentarians to choose how, and when to engage with their relevant constituencies".

Line 11: "there are legitimate reasons for the Government to spend money in a referendum campaign outside the scope of what is currently permitted, under section 11(4) of the Referendum Act, including to conduct a neutral education campaign and to support the arguments for and against the proposed constitutional amendment".

My concerns:

The Pamphlet: Under the current law a 'Yes' committee is formed from a majority of members of the House of Representatives and Senators who voted for the proposal and a 'No' committee is formed from a majority of members of the House of Representatives and Senators who voted against the proposal. Each committee then prepare their cases, together with statements showing the proposed alterations, and these become the 'pamphlet' that is mailed to all voters 2 weeks before the referendum so that they know the reasons behind the proposed changes.

This system produces the highest quality of arguments and no amount of social pressure can stop the two truths reaching the citizens. In addition, the delivery of the pamphlet by mail is 'fit-for-purpose' whereas the internet is not available to all, particularly to those in many regional areas including indigenous citizens. The internet is also not a suitable communication tool to many in the public that are computer illiterate and this includes many indigenous people. Thus scrapping the 'Pamphlet' will scrap democracy.

I have voted on about 20 referendum issues, including the 'emotional' 1999 case for a 'Republic', and in each referendum the 'pamphlet' cut-through-the-noise from the media and others to paint clear pictures from which voters could choose. The system worked well in each case as it has done for over 100-years. Without a 'Pamphlet', voters may not be given both sides of the argument. In the case of the 'Marriage Equality' plebiscite, main stream media made several attempts to sensibly discuss the issues but these were quickly shut down by some extreme 'No' groups and the electorate had only emotions with no facts upon which to make a decision. A highly unsatisfactory situation.

The proposal to allow "parliamentarians to choose how and when to engage with their relevant constituencies" has two major flaws as detailed below and must be completely abandoned in favour of the existing tested and proven system.

1. Each parliamentarian will have a strong viewpoint in one direction or the other and cannot properly present the case against a personal belief and each, to some degree, will have a bias towards the policy of their party.

The personal belief problem was adequately demonstrated during the 'Marriage Equality' debate when some parliamentarians even voted against the wishes expressed by the majority of their own constituents. The bottom line is that no one parliamentarian can present both cases of a referendum to their constituents.

2. Under the present laws, there is an absolute right to proper and timely information and the Bill proposed will water down this commitment to zero by allowing parliamentarians to choose the how and when to engage with their relevant constituencies.

Government Spending: The restrictions on Government spending in the present legislation must be retained to avoid giving Government control of the whole debate.

There is no need for the *"Commonwealth to fund educational campaigns to promote voters' understanding of referendums and the referendum proposal"*, since the quality of the information will be lower than that provided through the 'pamphlet' where both the YES and NO cases have each been presented by devoted representatives of each case. In addition, there must be concerns regarding the definition of the words 'educational' and 'understanding' and who is to determine their meaning.

This concern, regarding the potential for Government control, increases significantly when it is known that the first application of the new constitution will be to the 'Voice' debate where the Government's intention is quite clear and is demonstrated through the statement in [Budget Paper No. 1: Budget Strategy and Outlook, "A better future for First Nations People" Page 26](#) *"Funding of \$75.1 million will be provided to prepare for **the***

delivery of a referendum to enshrine a First Nations Voice to Parliament in the Constitution". The Government's intention to control the debate is made even clearer when [Treasury amendments give tax-free status to a Constitutional Recognition Group](#) whilst not providing the same support for the 'NO' vote.

Against these concerns, the reason for change is very weak being *"The next referendum will be the first in the digital age. There is no longer any need for taxpayers to pay for a pamphlet to be sent to every household"*

One is left with the opinion that the Government senses that the Referendum will fail unless this new bill is passed to give them much more power to influence the result and this is against the whole purpose of the constitution of giving the power to the people.

For the sake of democracy, Clause 4 in the Referendum (Machinery Provisions) Amendment Bill 2022 seeking "Disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984" must be deleted in its entirety.

Yours Faithfully

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