



Australian Government

Australian Government response to the
Senate Finance and Public Administration References Committee
report:

*Administration of the referendum into an Aboriginal and Torres Strait
Islander Voice*

SEPTEMBER 2023

Introduction

On 28 March 2023, the Senate referred an inquiry into the administration of the referendum into an Aboriginal and Torres Strait Islander Voice to the Senate Finance and Public Administration References Committee (the Committee).

On 9 June 2023, the Committee tabled a report titled *Administration of the referendum into an Aboriginal and Torres Strait Islander Voice*.

The Government's formal response to the recommendation of the Report follows below.

Government Response to the Senate Finance and Public Administration References Committee report:

Administration of the referendum into an Aboriginal and Torres Strait Islander Voice 2023

Majority:

#	Recommendation	Government Response
1	The Committee recommends that the Australian Government immediately establish and authorise 'Yes' and 'No' campaign entity bodies.	<p>Not supported</p> <p>The Government does not support the Committee's recommendation to establish 'Yes' and 'No' campaign bodies, rather non-government organisations should lead the campaigns, and no public funding should be allocated to either campaign.</p>
2	The Committee recommends that the Australian Government introduce amendments to remove the current limitation on spending imposed by section 11(4) of the <i>Referendum (Machinery Provisions) Act 1984</i> and to include provisions that ensure spending is directed in equal proportions to the 'Yes' and 'No' campaigns.	<p>Not supported</p> <p>The Government does not intend to fund 'Yes' or 'No' campaigns for the referendum. The limitations on spending in 11(4) of the <i>Referendum (Machinery Provisions) Act 1984</i> (Referendum Act), however, include exemptions to ensure the Government has capacity to expend money in relation to neutral public civics education and awareness activities in relation to the referendum.</p> <p>In the 2023-24 Federal Budget, the Government announced \$12.0 million over two years from 2022-23 for the National Indigenous Australians Agency and the Museum of Australian Democracy for neutral public civics education and awareness activities.</p>

#	Recommendation	Government Response
3	<p>The Committee recommends that the Australian Government introduce amendments to the <i>Referendum (Machinery Provisions) Act 1984</i> to require the Australian Electoral Commission to maintain a register of campaign bodies, similar to Part XI of the <i>Commonwealth Electoral Act 1918</i>.</p>	<p>Not supported</p> <p>In March 2023, the Government’s <i>Referendum (Machinery Provisions) Amendment Act 2023</i> passed the Parliament with bipartisan support to bring the Referendum Act into line with modern electoral laws, processes, and community standards.</p> <p>This included establishing a new financial and donation disclosure framework for referendums based on similar arrangements in the <i>Commonwealth Electoral Act 1918</i>, supporting transparency and accountability of referendum funding and expenditure. This included applying the same bans on foreign donations and foreign campaigners as apply during federal elections.</p> <p>Further, the recent updates to the Referendum Act also updated authorisation requirements for referendum matter to align with recent changes to the Electoral Act. These changes also strengthen information gathering powers in the enforcement of authorisation requirements under the Referendum Act and prevent foreign campaigners from authorising referendum matter.</p>