



August 2021

Submission: Inquiry into constitutional reform and referendums

Introduction

1. This submission responds to the terms of reference of the House of Representatives Standing Committee on Social Policy and Legal Affairs' (the Committee's) Inquiry into constitutional reform and referendums (Inquiry). This submission provides an overview of the role of the Attorney-General's Department (the department) in constitutional law matters and the department's role in some previous referendum processes; and describes some historically significant processes that have considered constitutional reform. This submission also incorporates input from the National Indigenous Australians Agency (NIAA) and the Department of Education, Skills and Employment (DESE) to the extent that policy and programs relevant to the terms of reference of this Inquiry fall within the responsibilities of those agencies.
2. Under Part 2 of the *Administrative Arrangement Orders* (AAO), the department has responsibility for law and justice matters, including constitutional law.¹ The department implements this responsibility by supporting the Attorney-General and the Australian Government in constitutional matters. This support regularly takes the form of constitutional policy advice and guidance, and legal advice provided by the Australian Government Solicitor Group (AGS).
3. The decision whether to hold a referendum to amend the Constitution under section 128 of the Constitution is a matter for Government. Where the Government decides that it is appropriate to pursue a referendum proposal, the department will support both the Attorney-General, as chief law officer, and other parts of the Australian Public Service as are affected by the proposal, in providing constitutional policy and legal advice. There are no set guidelines or procedures specifying an approach to constitutional reform, however examples of the department's involvement in previous constitutional reform projects are included later in this submission.
4. The Government's priority for constitutional reform is the constitutional recognition of Aboriginal and Torres Strait Islander peoples.

¹ *Administrative Arrangements Order* – 18/03/2021 as amended.

5. The department is assisting the National Indigenous Australians Agency (NIAA) who are, within the government, leading the co-design of models for an Indigenous Voice to Parliament and the government, and proposals for constitutional recognition.
6. While the department has policy responsibility for constitutional law, the department does not administer the *Referendum (Machinery Provisions) Act 1984* (Referendum Act). Responsibility for the Referendum Act, together with electoral policy more generally, falls within the portfolio of the Department of Finance.
7. Similarly, the Australian Government has programs that provide information, and engage with both students and the general public in relation to constitutional matters. These fall within the responsibility of DESE. This includes part of the 'Foundation to Year 10 Australian Curriculum' in the Civics and Citizenship learning area; National Schools Constitutional Convention; the Parliament and Civics Education Rebate Program and the Australian Constitution Centre at the High Court of Australia. Further detail about these initiatives are provided later in this submission.

Responsibility for constitutional matters under the 2019-2020 annual report

8. The 2019-2020 Attorney-General's Department annual report (the report) was presented to the Attorney-General on 6 October 2020 for tabling in Parliament.² The report was prepared for the purposes of section 46 of the *Public Governance, Performance and Accountability Act 2014* (PGPA Act). The report outlines the department's capability and performance as required under subsection 39(1) of the PGPA Act. The report includes the Annual Performance Statement, which reports on the department's actual performance results for the year against the forecasts made in the corporate plan and Portfolio Budget Statements, and provides other performance information relevant to the department. The Annual Performance Statement includes analysis of the factors that contributed to the department's performance in achieving its purposes.
9. The report relevantly includes information about the department's responsibilities regarding constitutional law matters. This includes:
 - a. The Australian Government Solicitor (AGS) and the Office of Constitutional Law (OCL) which support the Attorney-General in her role as the first law officer. This includes supporting her to advise Government on constitutional law policy, public law, and constitutional litigation matters.³
 - b. The AGS's Office of General Counsel (OGC) supports the Attorney-General as first law officer. OGC provides legal advice and assistance in the relevant areas of constitutional and public

² Attorney-General's Department 2019-20 Annual Report, page (iii).

³ Attorney-General's Department 2019-20 Annual Report, pages 9, 23-24.

law, statutory interpretation and the development, implementation and administration of legislation. OGC acts for the Government in constitutional litigation matters and works with OCL to coordinate the conduct of cases involving constitutional law issues.⁴

10. 'Work with the National Indigenous Australians Agency to support constitutional recognition for Indigenous Australians' is listed as a key activity of the department.⁵ This key activity links to the strategic priority 'Legal'⁶ and the performance measure 'Support constitutional recognition for Indigenous Australians and co-design of Voice to Parliament'.⁷ The 2019-20 Annual Report indicated that success against this performance measure was measured with respect to 2 targets: 'Support delivery of a consensus option for constitutional recognition' and 'Establish co-design process about a Voice to Parliament'.⁸ This work was supported by OCL in the department. The department is committed to supporting the delivery of a consensus option for constitutional recognition and a co-design process for a Voice to Parliament. However, the co-design process was delayed because various co-design groups could not meet face-to-face due to the pandemic.⁹ As a result, the performance measure was assessed as 'partly achieved' for the 2019-20 reporting period.¹⁰

The report reflects the agreed government policy position that it is desirable that a Voice be settled before constitutional recognition.¹¹ Following the Voice co-design process, the Australian Government aims to develop and put forward a consensus option for constitutional recognition of Aboriginal and Torres Strait Islander Australians to put to a referendum, after approval by Parliament.¹²

NIAA's work on constitutional recognition of Aboriginal and Torres Strait Islander peoples

NIAA's role

11. The National Indigenous Australians Agency's (NIAA's) purpose is to assist the Australian Government achieve its objectives in improving the lives of Indigenous Australians by leading the development of the Commonwealth's approach, focusing on place, working in partnership, and effectively delivering programs through the Indigenous Advancement Strategy.
12. NIAA's responsibilities include leading and coordinating Commonwealth policy development, program design and implementation and service delivery for Aboriginal and Torres Strait Islander peoples. This

⁴ Attorney-General's Department 2019-20 Annual Report, page 9.

⁵ Attorney-General's Department 2019-20 Annual Report, page 27.

⁶ Attorney-General's Department 2019-20 Annual Report, page 19.

⁷ Attorney-General's Department 2019-20 Annual Report, page 54. The 2019-20 Annual Report outlines the Department's 6 strategic priority areas. We undertake activities across these areas and establish performance measures and targets to measure our success.

⁸ Attorney-General's Department 2019-20 Annual Report, pages 54-55.

⁹ Attorney-General's Department 2019-20 Annual Report, page 49.

¹⁰ Attorney-General's Department 2019-20 Annual Report, pages 54-55.

¹¹ Attorney-General's Department 2019-20 Annual Report, page 55.

¹² Attorney-General's Department 2019-20 Annual Report, page 55.

includes the Government's commitment to recognising Aboriginal and Torres Strait Islander peoples in the Constitution, and whole-of-government priorities for Aboriginal and Torres Strait Islander peoples, such as Australia's Closing the Gap priority reforms and targets.

Constitutional recognition of Aboriginal and Torres Strait Islander peoples

13. The Government has been clear that the timeframe for constitutional recognition is dependent on achieving sufficient consensus on the proposed amendments, and ensuring broad support by Australians. History demonstrates that is not easy for referendum questions to succeed. Moreover, if an issue fails at a referendum, it is unlikely to be revisited quickly.
14. Proposals for constitutional recognition of Aboriginal and Torres Strait Islander peoples have evolved over the past decade – moving from a focus on the references to 'race' in the Constitution in the 2012 report by the Expert Panel on Constitutional Recognition of Indigenous Peoples, to the proposal to establish a Voice to Parliament and enshrine it in the Constitution in the 2017 Uluru Statement from the Heart and work of the Referendum Council.
15. In 2018, the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander peoples considered a way forward on constitutional recognition. The Committee recommended finalising co-design of an Indigenous Voice ahead of consideration of options for establishing the Voice. The Government has adopted this approach, and is currently working through a co-design process to define the detail of an Indigenous Voice.¹³

Engagement with Aboriginal and Torres Strait Islander peoples

16. In engaging with referendum proposals, Aboriginal and Torres Strait Islander peoples face particular disadvantage. For example, whereas nationally 96% of people of voting age are enrolled to vote, for Aboriginal and Torres Strait Islander people this figure is estimated to be 78%.¹⁴
17. In relation to constitutional reform that recognises Aboriginal and Torres Strait Islander peoples, it is especially important that Indigenous people be at the centre of government processes. Due to the historically significant nature of the reform, Indigenous support, including at the community level, through each stage of the process will maximise its chance of success. Recognition by its nature must be consistent with the wishes of those being recognised as well as able to be supported by the public at large.
18. The Government is committed to high-quality and respectful engagement processes which value the strengths and diverse perspectives of Aboriginal and Torres Strait Islander people, communities and organisations and seek to embed cultural safety. This is critical in increasing Aboriginal and Torres

¹³ Further information on the co-design process is available at <https://voice.niaa.gov.au>.

¹⁴ Australian Electoral Commission statistics at 30 June 2020, available from:
https://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/performance/indigenous-enrolment-rate.htm;
https://www.aec.gov.au/enrolling_to_vote/enrolment_stats/.

Strait Islander enrolments rate, voter turnout and creating active participation in our democracy.

19. By way of example, the process which led to The National Agreement on Closing the Gap was developed in partnership between Australian governments, the Coalition of Aboriginal and Torres Strait Islander Peak Organisations, and the Australian Local Government Association. In turn, the National Agreement reflects principles of truthful, strengths-based, community-led processes that put Aboriginal and Torres Strait Islander people at the centre.
20. Similarly, the Indigenous Voice co-design process mentioned above is an example of NIAA's work in partnership with Aboriginal and Torres Strait Islander people. Since late 2019, 3 co-design groups, with 52 members and majority Aboriginal and Torres Strait Islander membership, have engaged in a robust, deliberative and consultative process, to develop proposals for a National Voice and Local and Regional Voices. Through this process, Aboriginal and Torres Strait Islander people have continued to drive decision making about the Indigenous Voice.
21. NIAA takes a holistic approach to engagement and does not impose a 'one size fits all' model. This is done by adopting a place-based engagement, whether urban, regional, remote or very remote, which aims to support community needs and aspirations, whilst delivering Government priorities in place. By understanding community specific issues, it builds respectful partnerships and rapport with local community. These community partnerships can potentially support promotion of constitutional reforms. This is relevant to all constitutional reforms because it supports community empowerment, maintains positive relationships with Aboriginal and Torres Strait Islander community and supports ongoing engagement after the referendum.
22. Effective engagement is enhanced by cultural safety. Cultural safety can be used across all engagement with Indigenous people as it promotes positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination and more than 'cultural awareness' and 'cultural sensitivity'. It empowers people and enables them to contribute and feel safe to be themselves. In relation to constitutional reform, having cultural safety embedded within constitutional reform resources encourages meaningful engagement and participation.

Education about the Constitution

23. Students can learn about the Australian Constitution through the Foundation to Year 10 Australian Curriculum in the Civics and Citizenship (CC) learning area. The content of the CC learning area focusses on the knowledge, skills and values students need to become active and informed citizens. This includes learning about the key features of government under the Australian Constitution with a focus on the separation of powers, the roles of the Executive, the houses of parliament and the division of powers.
24. State and territory school education systems and curriculum authorities are responsible for implementation of the Australian Curriculum. Schools determine pedagogical and other delivery considerations that account for students' needs, interests and the school and community context. This includes decisions about organisation, integration and naming of subjects, and the allocation of

time and resources.

25. The Australian Government supports several programs that promote students' engagement with constitutional matters including, the National Schools Constitutional Convention (NSCC), the Parliament and Civics Education Rebate (PACER) Program and the Australian Constitution Centre at the High Court of Australia.
26. The NSCC is a program designed for Year 11 and 12 students and promotes learning about the Australian Constitution, including how it shapes our democracy, and an understanding of our democratic heritage and tradition.
27. The PACER program provides a subsidy to schools to support students travelling to Canberra as part of their civics and citizenship education. Students visit relevant institutions in Canberra, including Parliament House, the Australian War Memorial, the Museum of Australian Democracy and the National Electoral Education Centre to improve students understanding of Australian democracy.
28. Funding of \$2 million was committed to the Australian Constitution Centre at the High Court of Australia as part of the 2019 Budget. The funding was provided to the Constitution Education Fund of Australia to develop the second stage of the Australian Constitution Centre and to develop Civics and Citizenship resources aligned to the Australian Curriculum.

The role of the Attorney-General's Department in previous referendum proposals

29. Where a decision has been made by Government, or the Government is giving consideration to holding a referendum, the department has provided expert constitutional policy and legal advice to support that process. While there have been few referendum proposals pursued by the Commonwealth government in recent decades, the department has relevantly provided significant input on the republic and preamble referendums, and the consideration of constitutional recognition of local government. The involvement of the department in these proposals is outlined below.

Republic referendum (1999)

30. In February 1998, a Constitution Convention (Convention) was held in Canberra to consider whether Australia should become a republic. As part of responding to this question, the Convention considered the model which should be put to the public via referendum, and the timeframe and circumstances which may give rise to any such change.¹⁵ The Convention was composed of 152 representatives of the Australian community.¹⁶
31. The Convention agreed that a referendum should be held in 1999, and if successful, that the new republic model should take effect from 1 January 2001. The Convention also considered the issue of

¹⁵ *Report of the Constitutional Convention, 1998, Vol 1, p 42.*

¹⁶ *Report of the Constitutional Convention, 1998, Vol 1, p 16.*

ongoing constitutional reform, and subsequently recommended that, in the event of a successful referendum, that a second Constitutional Convention be held within 3 to 5 years after the commencement of the new republic. The Convention recommended this proposed second Constitutional Convention follow an extensive and well-funded process of community consultation.

32. In 1998, following the Convention, the Prime Minister appointed a steering group supported by a referendum taskforce (taskforce).¹⁷ The steering group was chaired by the Attorney-General and included the Special Minister for State and a representative of the Prime Minister. The taskforce was established in the department of the Prime Minister and Cabinet, and collaborated closely with the Attorney-General's Department.¹⁸ The Attorney-General's Department provided expert advice and policy guidance through the then Constitutional Policy Unit (now OCL), and through officers of the Australian Government Solicitor.
33. The republic referendum was unique in the extent of constitutional amendments required to give effect to the proposal. The taskforce, under the guidance of the steering group, developed and consulted on the bill which proposed amendments to the Constitution.¹⁹ This bill was released for public exposure prior to introduction to Parliament to allow comment by the states and territories, the opposition and other political parties, and any other interested person. In response to the public consultation, over 100 submissions were received, and the bill was altered to incorporate feedback prior to introduction in Parliament.
34. In addition to consideration of the technical legal aspects of constitutional reform, a broad public education program was implemented to provide information about the referendum once the Constitution amendment bill passed Parliament. The education program contained 3 stages including a neutral public education program, a 'campaign' phase on the 'yes' and 'no' campaigns, and the official printed 'yes' and 'no' cases as provided for under the Referendum Act. The neutral public education program was overseen by an expert panel that provided advice to Government to ensure the accuracy and balance of materials disseminated as part of that program. The *Referendum Legislation Amendment Act 1999* amended the Referendum Act including to remove a possible argument that Government spending on the public information activities would be contrary to the Referendum Act.
35. A referendum on whether to include a preamble in the Australian Constitution was held at the same time as the republic referendum.²⁰ The same referendum taskforce supported the Government's

¹⁷ See 'Submission of the Referendum Taskforce' to the Joint Select Committee on the Republic Referendum (25 June 1999), paragraph 2.6.

¹⁸ The roles of Government Ministers, and of the Australian Public Service is detailed in Appendix 5: Governments and Political Parties in Professor John Warhurst 'From Constitutional Convention to Republic Referendum: A guide to the Processes, the Issues and the Participants', Research Paper 25 1998-1999 (29 June 1999).

¹⁹ See *Constitution Alteration (Establishment of Republic) 1999*.

²⁰ See *Constitution Alteration (Preamble) 1999*.

work on the preamble referendum. The 1998 Constitutional Convention had recommended the inclusion of a preamble in the Constitution.²¹

Consideration of constitutional recognition of local government (2013)

36. In 2013, consideration was given to constitutional reform to recognise local government in the Constitution. The *Constitution Alteration (Local Government) 2013* passed both houses of Parliament but was never put to the public as a referendum.²²
37. This was preceded by the report of the Expert Panel on Constitutional Recognition of Local Government (the Expert Panel), which was appointed by the Government in 2011. The Expert Panel was made up of the Hon James Spiegelman AC QC as Chair, and a range of Commonwealth Members of Parliament, local councillors and other prominent Australians. The final report, delivered in December 2011, drew from over 600 submissions to provide options and approaches to constitutional recognition of local government.
38. In May 2013, the then Prime Minister, the Hon Julia Gillard MP, announced that the Australian Government was planning to hold a referendum at the next election to recognise local government in the Constitution. The *Constitution Alteration (Local Government) 2013* passed Parliament in June 2013. To support this process, the department worked in collaboration with what was then the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) to develop the referendum proposal.²³ A Referendum Taskforce was established within DRALGAS with the department providing constitutional policy and legal support under the direction of a Deputy Secretary steering committee comprised of officers from both departments.

Other constitutional review processes

39. There have been other historically significant processes that have considered constitutional reform which may be of interest to the Committee. A brief overview of the most recent processes are set out below. In addition to the processes outlined below, there were:²⁴
 - a. the Constitutional Conventions of 1891, and 1897-1898 which led to federation²⁵
 - b. a Royal Commission on the Constitution from 1927 to 1929, and

²¹ *Report of the Constitutional Convention*, 1998, Vol 1, p 46.

²² An overview of the background to the *Constitution Alteration (Local Government) 2013* can be found in Bills Digest no. 147 2012-13 available at: https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1213a/13bd147.

²³ The details of work undertaken by the department and the DRALGAS is detailed in a joint submission to the Joint Select Committee on Constitutional Recognition of Local Government (13 February 2013).

²⁴ See 1988 Commission report, vol 1, para 1.22, p 37; and, House of Representatives Standing Committee on Legal and Constitutional Affairs, *Constitutional Change: Select sources on constitutional change 1901-1997*, February 1997, p 1.

²⁵ See Quick and Garran, the *Annotated Constitution of the Australian Commonwealth*, 1901, Part IV, The federal movement in Australia; Susan Crennan 'Federation' in Saunders and Stone, *The Oxford Handbook of the Australian Constitution*, Oxford University Press, 2018, p 79; and Williams, *The Australian Constitution: A documentary history*, Melbourne University Press, 2005.

- c. a conference of federal and state ministers in 1942.

Joint Standing Committee on Constitutional Review (1956-1959)

40. The Parliamentary Joint Standing Committee on Constitutional Review tabled 2 reports, in 1958 and 1959.²⁶ The reports consider a wide range of constitutional issues, but in particular, Part III of the 1958 report addresses the 'mode of altering the Constitution'. The Committee notes that previous attempts to alter the Constitution had demonstrated the difficulty of the process due to the high benchmark required to approve constitutional change via referendum. The Committee formed the view that the primary reason for the lack of success of referendums stemmed from regular opposition to the proposed changes by the opposition parties in the Australian Parliament and their corresponding political parties in the states. At the time of the Committee's consideration, 24 referendums had been put to the Australian public, with only 4 carried. The low rate of referendum propositions being carried continued in the second half of the century.
41. The 1958 Report concluded that section 128 should be amended to allow a referendum to carry where a majority of electors overall, and a majority of electors in at least half of all states (rather than a majority of states) voted in approval of the constitutional amendment.²⁷ The Committee's proposed constitutional modification is discussed in more detail in their 1959 report.²⁸

The Australian Constitutional Conventions (1973-1985)

42. The Australian Constitutional Convention (ACC) met 6 times between 1973 and 1985. The conventions were sessions that were open to the public as observers, but were comprised of delegates from all 3 levels of government. The convention sessions were held in different cities across Australia in 1973, 1975, 1976, 1983 and 1985.²⁹
43. Between conventions, work was carried out by a Chief Executive Officer and secretariat. Additionally, standing committees and subcommittees of conference delegates met between convention sessions. It was intended that the ACC would represent views both across each level of government, but also across the political spectrum. Accordingly, the Commonwealth delegates to the Convention for the majority of sessions were comprised of equal representation from both government and non-

²⁶ Joint Standing Committee on Constitutional Review 'Reporting of the Joint Standing Committee on Constitutional Review' (tabled 1 October 1958); 'Second Report of the Joint Standing Committee on Constitutional Review' (tabled 26 November 1959). Copies of both reports available at https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=report_register/bycomlist.asp?id=140

²⁷ Joint Standing Committee on Constitutional Review 'Reporting of the Joint Standing Committee on Constitutional Review' (tabled 1 October 1958), p 22.

²⁸ Joint Standing Committee on Constitutional Review, 'Second Report of the Joint Standing Committee on Constitutional Review' (tabled 26 November 1959), p 172.

²⁹ A more detailed overview of the Australian Constitutional Convention can be found in Cheryl Saunders' historical overview in the introduction to 'Australian Constitutional Convention 1973-1985: A Guide to the Archives' by Heather McRae & Anne Mullins (published by the Centre for Comparative Constitutional Studies; University of Melbourne in 1998) - <https://minerva-access.unimelb.edu.au/handle/11343/27655>.

government Members of Parliament.

44. The ACC considered a wide range of constitutional issues and 12 constitutional proposals were put to referendum during the years that the ACC was active. Three successful referendums followed the 1976 ACC session in Hobart.³⁰

The Constitutional Commission (1988)

45. The Constitutional Commission (the 1988 Commission) was established in 1985 by then Attorney-General and Deputy Prime Minister the Hon Lionel Bowen MP.³¹ The Commission was comprised of 5 prominent Australians and chaired by former Commonwealth Solicitor-General Sir Maurice Byers CBE QC. The Commission was tasked with conducting a broad review of the Australian Constitution and delivered its report to the Government in 1988. As part of conducting the review, the 1988 Commission conducted public hearings in capital cities and outside major urban areas. The 1988 Commission ultimately received approximately 4,000 written submissions.
46. Chapter 13 of the 1988 Commission's Final Report considered the mode of altering the Constitution.³² The Commission made 12 recommendations as part of this chapter.³³ Significantly, the Commission recommended that a referendum mechanism remain (albeit with modifications) the only way to alter the Constitution, but that the double majority requirement be reduced to an overall majority of voters, and a majority of voters in not less than half the states. This is consistent with what was recommended in the reports of the Joint Standing Committee on Constitutional Review in 1958-59.
47. In 1988, a referendum was held with 4 questions put to the Australian public. The Attorney-General, the Lionel Bowen MP noted in the second reading speech for the constitution alteration bills, that with the exception of the question on parliamentary terms, the other 3 questions were based on the Constitutional Commission's recommendations of which the Government had received an advance copy.³⁴ None of the questions put to referendum were carried.

Work of the House of Representatives Standing Committee on Legal and Constitutional Affairs

48. The House of Representatives Standing Committee on Legal and Constitutional Affairs conducted a number of inquiries into constitutional matters. The Committee may be interested in 2 of these

³⁰ *Australian Constitutional Convention 1973-1985: A Guide to the Archives* by Heather McRae & Anne Mullins (published by the Centre for Comparative Constitutional Studies; University of Melbourne in 1998) - <https://minerva-access.unimelb.edu.au/handle/11343/27655>, p 8.

³¹ *Final Report of the Constitutional Commission 1988*, Canberra: Australian Government Publishing Service, 1988.

³² *Final Report of the Constitutional Commission 1988*. Canberra: Australian Government Publishing Service. 1988, p 29.

³³ *Final Report of the Constitutional Commission 1988*. Canberra: Australian Government Publishing Service. 1988, p 29.

³⁴ Second reading speech of the Attorney General for the Constitution Alteration (Parliamentary Terms) Bill 1988, House of Representatives, Parliamentary Debates (Hansard), 10 May 1988, p 2387. The second reading speeches for all 4 bills were presented together. See also *Final Report of the Constitutional Commission 1988*. Canberra: Australian Government Publishing Service. 1988, p 48.

inquiries:

- a. A time for Change: yes/no? (December 2009):³⁵ This Inquiry considered the machinery of referendums, with particular regard to the Referendum Act. The Committee made 17 recommendations as to how that Act could be reformed. The inquiry was referred by the then Attorney-General, the Hon Robert McClelland MP on behalf of the then Special Minister and Cabinet Secretary, Senator the Hon Joe Ludwig. The Committee was asked to examine the effectiveness of the Referendum Act as to whether it provided an appropriate framework for the conduct of referendums. Specifically, the Committee was asked to focus on the process for preparing the yes and no cases for the referendum questions; the legislative framework for disseminating the yes and no cases; and limitations on the purposes for which funds can be spent in relation to referendum questions.
- b. Reforming our Constitution: a roundtable discussion (June 2008):³⁶ In 2008, the Committee held a roundtable shortly after the 2020 Summit to consider some of the ideas that were raised in that forum in the context of constitutional reform. The roundtable consisted of the members of the Committee together with 14 invited individuals. These individuals were chosen based on their experience engaging with constitutional reform and their ability to discuss those issues in an accessible manner. Chapter 2 of the Committee's report from the roundtable considers altering the Constitution. The chapter considers the appropriateness of mechanisms for change, and the constraints that those mechanisms may place on the possibilities for constitutional renewal.

³⁵ House of Representatives Standing Committee on Legal and Constitutional Affairs, Inquiry into machinery of referendums - https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=/laca/referendums/report.htm.

³⁶ House of Representatives Standing Committee on Legal and Constitutional Affairs, Reforming our Constitution: a roundtable discussion, available from: https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=laca/constitutional_reform/chapter1.htm.