

PART 2 – HISTORY OF AUSTRALIAN REFERENDUMS

INTRODUCTION

The mode of altering the Australian Constitution is governed by section 128 of the Constitution. A proposed amendment must first be passed by an absolute majority in each House of Parliament. Then the proposal must be put to a ballot of the Australian electorate in which it must be approved by a majority of all voters, as well as by a majority of voters in a majority of states.

The requirements of section 128 of the Constitution have proven to be difficult to fulfil. Since federation Australians have voted in referendums to alter the Constitution on 18 occasions which have included 42 separate proposals for change. However only eight of these have succeeded in securing the majorities necessary to bring about the amendment.

Many of the early proposals for change to the Constitution were the parliament's response to High Court decisions which gave what were considered by the parliament to be restrictive interpretations of Commonwealth constitutional powers. The government often argued that its suggested amendments were necessary to enable the parliament to legislate in areas that had always been assumed to be within the Commonwealth's jurisdiction.

Many proposals for change have been put to a referendum on more than one occasion. For example, there have been five separate attempts to extend the corporations power in section 51 of the Constitution, and six attempts to extend the Commonwealth's power over employment. There have been four attempts to amend the Constitution to ensure that elections for the Senate and the House of Representatives are held at the same time. None of these referendums was successful. Other questions which have been put more than once include the extension of Commonwealth power over monopolies and over rents and prices.

The referendum which gained the highest level of overall public support was the 1967 proposal to remove the section which prevented 'aboriginal natives' from being counted in the national census. The same proposal also removed the words 'other than the Aboriginal race in any State' from section 51 (xxvi). Ninety per cent of the electorate supported this change.

The proposal with the least electoral support was the 'rights and freedoms' question put in the most recent referendums in 1988 which gained only 31 per cent of votes in favour of the amendment.

The conduct of referendums is regulated by legislation. Provisions enabling the formulation and distribution of official arguments in favour of and against referendum proposals were first inserted in the *Referendum (Constitution Alteration) Act 1906* in 1912.

Section 6A of that Act enabled the majority of the members of parliament who voted for the proposed law to authorise an argument in favour of the proposal of up to 2000 words. Those who voted against the proposed law were likewise able to authorise their arguments against the amendment. These arguments could be submitted to the Chief Electoral Officer who would distribute them to all electors by post. Accompanying the arguments would be a statement showing the textual alterations and additions proposed to be made to the Constitution.

The *Referendum (Constitution Alteration) Act 1906* was repealed by the *Referendum (Machinery Provisions) Act 1984*. Section 11 of the later Act allows for the submission of official arguments in favour of and against referendum proposals along similar lines to section 6A in the original legislation.

What follows is a summary of the official arguments in favour of, and against, each proposal for change to the Constitution that have been put to a referendum. Many of these official arguments run for several pages and some are both highly emotional and legally complex. An attempt has been made to condense these arguments into three or four key points, while still conveying the flavour and emotions of the full argument.

An examination of the official arguments distributed to the electorate shows that the issues of states' rights and centralisation of government have been emphasised in the campaigns against the proposed changes. Most 'No' cases have argued that the proposed change will hand over traditional state powers to the remote Canberra government. These arguments were predominant in the campaigns against many of the earlier referendums which sought to extend Commonwealth power over corporations, trade and commerce, marketing, monopolies and employment.

Background information has also been included for each referendum in order to provide the appropriate context and to assist in analysing the outcomes.

Finally, the outcome of the ballots is provided in a table format with a state by state breakdown of the results. These tables have been taken from the *Parliamentary Handbook of the Commonwealth of Australia* (26th ed.) 1993, AGPS, Canberra at pages 689–712. When referring to the results tables, please note that prior to the 1926 referendums, the sum of the 'For', 'Against' and 'Informal' totals do not equal the 'Number of ballot papers issued' total. The difference is 'Ballot papers issued but not accounted for'.

OVERVIEW

<i>Subject</i>	<i>Government</i>	<i>Date</i>	<i>% in favour</i>
Senate elections	Deakin	12 December 1906	82.65
Finance	Deakin	13 April 1910	49.04
State debts	Deakin	13 April 1910	54.95
Legislative powers	Fisher	26 April 1911	39.42
Monopolies	Fisher	26 April 1911	39.89
Trade and commerce	Fisher	31 May 1913	49.38
Corporations	Fisher	31 May 1913	49.33
Industrial relations	Fisher	31 May 1913	49.33
Trusts	Fisher	31 May 1913	49.78
Nationalisation of monopolies	Fisher	31 May 1913	49.33
Railway disputes	Fisher	31 May 1913	49.13
Legislative powers	Hughes	13 December 1919	49.65
Nationalisation of monopolies	Hughes	13 December 1919	48.64
Industry and commerce	Bruce	4 September 1926	43.50
Essential services	Bruce	4 September 1926	42.80
State debts	Bruce	17 November 1928	74.30
Aviation	Lyons	6 March 1937	53.56
Marketing	Lyons	6 March 1937	36.26
Post-war reconstruction and democratic rights	Curtin	19 August 1944	45.99
Social services	Chifley	28 September 1946	54.39
Organised marketing of primary products	Chifley	28 September 1946	50.57
Industrial employment	Chifley	28 September 1946	50.30
Rents and prices	Chifley	29 May 1948	40.66
Powers to deal with communists and communism	Menzies	22 September 1951	49.44
Parliament	Holt	27 May 1967	40.25
Aboriginals	Holt	27 May 1967	90.77
Prices	Whitlam	8 December 1973	43.81
Incomes	Whitlam	8 December 1973	34.42
Simultaneous elections	Whitlam	18 May 1974	48.30
Mode of altering the Constitution	Whitlam	18 May 1974	47.99
Democratic elections	Whitlam	18 May 1974	47.20
Local government bodies	Whitlam	18 May 1974	46.85
Simultaneous elections	Fraser	21 May 1977	62.22
Senate casual vacancies	Fraser	21 May 1977	73.32
Referendums-Territories	Fraser	21 May 1977	77.72
Retirement of judges	Fraser	21 May 1977	80.10
Terms of Senators	Hawke	1 December 1984	50.76
Interchange of powers	Hawke	1 December 1984	47.20
Parliamentary terms	Hawke	3 September 1988	32.92
Fair elections	Hawke	3 September 1988	37.60
Local government	Hawke	3 September 1988	33.62
Rights and freedoms	Hawke	3 September 1988	30.79

Those in bold were successfully passed.

SENATE ELECTIONS

(12 December 1906)

Background

The purpose of this proposed change was to make minor machinery alterations to section 13, including providing for Senators' terms to commence on July 1 and end on June 30. This section originally provided that the terms of Senators commence on January 1 and end on December 31. The first election for both Houses was held in March 1901, with the result that the two elections were out of step with one another. It was hoped that these amendments would facilitate simultaneous elections in the future.

Question

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Senate Elections) 1906'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1906* did not provide for the distribution of arguments until the insertion of section 6A into that Act in 1912.

Result

This proposal was carried, obtaining a majority in all six states and an overall majority of 611 541 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	737 599	381 019	286 888	55 261	37 929
Victoria	672 054	380 953	282 739	57 487	38 936
Queensland	271 109	124 352	81 295	24 502	15 325
South Australia	193 118	70 479	54 297	8 121	7 892
Western Australia	145 473	52 712	34 736	9 274	6 312
Tasmania	90 209	48 762	34 056	7 825	5 761
Total for Commonwealth	2 109 562	1 058 277	774 011	162 470	112 155

STATE DEBTS; SURPLUS REVENUE

(13 April 1910)

Background

The first proposal was to amend section 105 in order to give the Commonwealth an unrestricted power to take over state debts. The original words limited the Commonwealth's power in this respect to those state debts which were in existence at the establishment of the Commonwealth.

The second proposal was to amend section 87 (the 'Braddon Clause'), which was due to lapse in 1910. The purpose of the amendment was to give constitutional effect to a financial agreement reached between the states and the Commonwealth. Under the arrangement the Commonwealth would make a fixed payment out of surplus revenue to the states on a per capita basis, in substitution for the existing arrangement of 75 per cent of net revenue.

Question 1

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (State Debts) 1909'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1906* did not provide for the distribution of arguments until the insertion of section 6A into that Act in 1912.

Result

This referendum was carried, obtaining a majority in five states and an overall majority of 128 782 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	834 662	512 802	159 275	318 412	34 060
Victoria	703 699	468 535	279 392	153 148	33 824
Queensland	279 031	170 634	102 705	56 346	9 971
South Australia	207 655	110 503	72 985	26 742	10 252
Western Australia	134 979	83 893	57 367	21 437	4 324
Tasmania	98 456	57 609	43 329	10 186	3 778
Total for Commonwealth	2 258 482	1 403 976	715 053	586 271	96 209

Question 2

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Finance) 1909'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1906* did not provide for the distribution of arguments until the insertion of section 6A into that Act in 1912.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 25 324 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	834 662	512 802	227 650	253 107	31 411
Victoria	703 699	468 535	200 165	242 119	24 299
Queensland	279 031	170 634	87 130	72 516	9 489
South Australia	207 655	110 503	49 352	51 250	9 679
Western Australia	134 979	83 893	49 050	30 392	3 890
Tasmania	98 456	57 609	32 167	21 454	3 669
Total for Commonwealth	2 258 482	1 403 976	645 514	670 838	82 437

TRADE AND COMMERCE: NATIONALISATION OF MONOPOLIES

(26 April 1911)

Background

Two proposals for amendment were submitted to the electorate on this date. The object of the first was to alter section 51 in order to extend the Commonwealth's powers with respect to trade and commerce, corporations, labour and employment, and combinations and monopolies. All of these proposed changes were contained within one question.

The second proposal inserted a new section (51A) which gave the Commonwealth power to nationalise any industry declared by both Houses of Parliament to be the subject of a monopoly.

These proposals were put to referendums after High Court decisions interpreted the trade and commerce, corporations and conciliation and arbitration powers in ways which were considered to be restrictive. The government felt that the amendments were necessary to allow the parliament to legislate in areas that had always been assumed were within the Commonwealth's jurisdiction. The Commonwealth argued that these were all national issues and should therefore be regulated by the national government.

Question 1

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Legislative Powers) 1910'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1906* did not provide for the distribution of arguments until the insertion of section 6A into that Act in 1912.

However these issues were the subject of referendums in 1913. On that occasion arguments in favour and against the proposals were submitted and distributed to the electorate.

Result

This referendum was not carried. It obtained a majority in one state and an overall minority of 259 348 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	868 194	384 188	135 968	240 605	7 396
Victoria	723 377	448 566	170 288	270 390	7 554
Queensland	293 003	162 135	69 552	89 420	3 002
South Australia	216 027	133 802	50 358	81 904	1 374
Western Australia	138 697	61 482	33 043	27 185	870
Tasmania	102 326	58 053	24 147	33 200	673
Total for Commonwealth	2 341 624	1 248 226	483 356	742 704	20 869

Question 2

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Monopolies) 1910'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1906* did not provide for the distribution of arguments until the insertion of section 6A into that Act in 1912.

However these issues were the subject of referendums in 1913. On that occasion arguments in favour and against the proposals were submitted and distributed to the electorate.

Result

This referendum was not carried. It obtained a majority in one state and an overall minority of 247 724 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	868 194	384 188	138 237	238 177	7 618
Victoria	723 377	448 566	171 453	268 743	8 041
Queensland	293 003	162 135	70 259	88 472	3 200
South Australia	216 027	133 802	50 835	81 479	1 344
Western Australia	138 697	61 482	33 592	26 561	898
Tasmania	102 326	58 053	24 292	32 960	753
Total for Commonwealth	2 341 624	1 248 226	488 668	736 392	21 854

**TRADE AND COMMERCE; CORPORATIONS; INDUSTRIAL MATTERS; TRUSTS;
NATIONALISATION OF MONOPOLIES; RAILWAY DISPUTES**

(31 May 1913)

These proposals were almost identical to those rejected at the 1911 referendums. However on this occasion they were put to the electorate as five distinct amendments. An additional proposal to give jurisdiction to the Commonwealth over industrial relations in the state railway services was included as a sixth question.

Question 1

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Trade and Commerce) 1912'?

Issues

The 'Yes' Case

- The trade and commerce power is the keystone of the powers of the federal parliament. The present limitation to inter-state trade and commerce paralyses the parliament's action in almost every direction.
- The present division of the trade and commerce power between federation and states is artificial, indefinite, illogical and mischievous.
- Trade and commerce are national matters and state laws are not adequate.

The 'No' Case

- If passed, this proposal will vest in the federal government the control of all business within the Commonwealth. This will mean that the centralised government will dominate all trade and commerce, including that which is carried on within state borders.
- The proposal will lead to a great deal of legal uncertainty and will no doubt be challenged in the High Court.
- The new power will enable the federal parliament to pass legislation which will profoundly disturb trade and commerce within the states.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 24 196 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 036 187	717 855	317 848	359 418	39 333
Victoria	830 391	626 861	297 290	307 975	21 268
Queensland	363 082	280 525	146 187	122 813	11 304
South Australia	244 026	195 463	96 085	91 144	8 017
Western Australia	179 784	132 149	66 349	59 181	6 286
Tasmania	106 746	80 398	34 660	42 084	3 528
Total for Commonwealth	2 760 216	2 033 251	958 419	982 615	89 736

Question 2

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Corporations) 1912'?

Issues

The 'Yes' Case

- Uniform company laws are necessary to protect the community as well as the investor.
- It would be anomalous and dangerous for companies with large amounts of wealth and power to be able to operate unregulated by the law.

The 'No' Case

- This proposal will strip the states of their existing powers to regulate corporations and hand unrestricted authority over to the Commonwealth.
- The Liberal Party supports Commonwealth regulation of the creation and dissolution of companies. However the supervision of the every day transaction of local businesses should be left to state legislatures.
- Other organisations carrying out similar activities to companies, such as firms or individuals, will not be restricted in this manner. There is no reason for drawing any distinction between different types of organisation.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 26 113 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 036 187	717 855	317 668	361 255	37 676
Victoria	830 391	626 861	298 479	308 915	19 139
Queensland	363 082	280 525	146 936	123 632	9 736
South Australia	244 026	195 463	96 309	91 273	7 664
Western Australia	179 784	132 149	66 595	59 445	5 776
Tasmania	106 746	80 398	34 724	42 304	3 244
Total for Commonwealth	2 760 216	2 033 251	960 711	986 824	83 235

Question 3

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Industrial Matters) 1912'?

Issues

The 'Yes' Case

- The already limited constitutional powers of the Commonwealth to regulate industrial disputes has been interpreted by the High Court in a very narrow way.
- This amendment will allow the government to legislate to develop the necessary framework to prevent industrial unrest and to settle any disputes which do arise.
- A federal court must have the power to prevent disputes arising and spreading, to deal with the conditions that cause disputes and to make a common rule.

The 'No' Case

- The conditions of employment in local industries are a matter of local concern which should be left to the states which can deal with these matters in accordance with local needs, opinions and customs.
- This proposal will take away from the states the right to pass laws dealing with labour and employment.
- This proposal is inconsistent with the essential principle of federation and introduces the most mischievous form of centralisation, just where decentralisation is most beneficial.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 26 010 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 036 187	717 855	318 622	361 044	36 933
Victoria	830 391	626 861	297 892	309 804	18 837
Queensland	363 082	280 525	147 171	123 554	9 579
South Australia	244 026	195 463	96 626	91 361	7 259
Western Australia	179 784	132 149	66 451	59 612	5 753
Tasmania	106 746	80 398	34 839	42 236	3 197
Total for Commonwealth	2 760 216	2 033 251	961 601	987 611	81 558

Question 4

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Trusts) 1912'?

Issues

The 'Yes' Case

- Trusts and combines have completely revolutionised the industrial world. They control much of the world's production and distribution of wealth and control many businesses in Australia. They must be answerable to the law.
- There are a number of monopolies and combines which are fixing prices and avoiding the consequences of true competition.
- The power to deal with trusts is currently divided between the state and Commonwealth governments, allowing trusts to avoid anti-trust laws.
- Only providing the Commonwealth with the power to deal with trusts will allow the parliament to pass legislation to deal effectively with trusts.

The 'No' Case

- Liberalism demands that trusts should be controlled and regulated in order to prevent the exploitation of the public. However it also believes that there is a difference between combinations which act in restraint of trade and those which do not.
- This power goes beyond what is necessary to ensure that trusts operate legitimately.

- There are existing Commonwealth and state powers which could be used to restrict the operations of trusts.
- The reason for the current failure to secure prosecutions under the existing Anti-Trust Act lies in the nature of that legislation, not in a lack of power to make laws.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 8 612 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 036 187	717 855	319 150	358 155	39 294
Victoria	830 391	626 861	301 729	305 268	19 536
Queensland	363 082	280 525	147 871	122 088	10 345
South Australia	244 026	195 463	96 400	90 185	8 661
Western Australia	179 784	132 149	67 342	58 312	6 162
Tasmania	106 746	80 398	34 839	41 935	3 498
Total for Commonwealth	2 760 216	2 033 251	967 331	975 943	87 496

Question 5

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Nationalisation of Monopolies) 1912'?

Issues

The 'Yes' Case

- Existing powers do not allow the parliament to control a monopoly in any way.
- Monopolies should be run by the community for the benefit of the population as a whole.
- The parliament, as the representative of the people, is the tribunal best suited to determine whether or not a monopoly exists.
- The government does not wish to nationalise all businesses, it merely asks for the power to nationalise monopolies in order to ensure that they are controlled.

The 'No' Case

- The proposal will allow the government to nationalise any business or industry which the parliament sees fit to declare a 'monopoly'.
- This proposal sets the country on the path to socialism which is the admitted and proclaimed objective of the Labor Party.
- The amendment does not seek merely to control or regulate monopolies, but to nationalise them.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 24 782 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 036 187	717 855	301 192	341 724	73 683
Victoria	830 391	626 861	287 379	298 326	40 828
Queensland	363 082	280 525	139 019	117 609	23 676
South Australia	244 026	195 463	91 411	86 915	16 920
Western Australia	179 784	132 149	64 988	57 184	9 644
Tasmania	106 746	80 398	33 176	40 189	6 907
Total for Commonwealth	2 760 216	2 033 251	917 165	941 947	171 658

Question 6

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Railway Disputes) 1912'?

Issues

The 'Yes' Case

- Until the High Court ruled otherwise, it was assumed that the Commonwealth had the power to make laws to settle railway disputes and laws have been made on the basis of this incorrect assumption.
- It is vital for commerce and business in Australia and for the welfare of all Australians that industrial peace on the railways is maintained. It affects every citizen and should therefore be dealt with at a national level.
- The proposal means that the federal industrial court will be able to settle disputes, however it will supplement rather than exclude state jurisdiction. Parties will still be able to have their case heard in the state courts.

The 'No' Case

- The proposal will give the Commonwealth the power to determine wages and employment conditions on the railways while leaving the states with the responsibility of managing and financing them. This is not only impractical but is inconsistent with the principle of federation.
- The parliament in each state must continue to be master of its own service. The proposal threatens both the successful operation of the railways and the financial stability of the states that own them.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 33 688 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 036 187	717 855	316 928	361 743	37 928
Victoria	830 391	626 861	296 255	310 921	19 357
Queensland	363 082	280 525	146 521	123 859	9 924
South Australia	244 026	195 463	96 072	91 262	7 912
Western Australia	179 784	132 149	65 957	59 965	5 894
Tasmania	106 746	80 398	34 625	42 296	3 351
Total for Commonwealth	2 760 216	2 033 251	956 358	990 046	84 366

LEGISLATIVE POWERS; NATIONALISATION OF MONOPOLIES

(13 December 1919)

Background

In this referendum the Commonwealth sought temporary extension of its legislative powers. The first proposal extended the Commonwealth's powers in regard to trade and commerce, corporations, industrial matters and trusts. The second proposal was to give the Commonwealth power to make laws with respect to monopolies through the insertion of a new section 51A.

The Commonwealth argued that it required these powers to enable it to successfully carry out post-war reconstruction. The amendments provided that the new powers remain in force for a maximum of three years.

Question 1

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Legislative Powers) 1919'?

Issues

There were no arguments distributed for this referendum. Section 22 of the *Referendum (Constitution Alteration) Act 1919* expressly stated that section 6A of the *Referendum (Constitution Alteration) Act 1906*, which provided for the distribution of arguments, would not apply to a referendum held at the same time as the 1919 federal election.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 12 803 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 079 439	717 565	259 751	390 450	67 132
Victoria	837 408	638 098	369 210	201 869	66 227
Queensland	389 200	330 231	175 225	130 299	24 397
South Australia	268 235	178 092	40 520	119 789	17 656
Western Australia	163 544	103 235	48 142	44 892	9 854
Tasmania	112 036	65 716	18 509	36 861	10 128
Total for Commonwealth	2 849 862	2 032 937	911 357	924 160	195 394

Question 2

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Nationalisation of Monopolies) 1919'?

Issues

There were no arguments distributed for this referendum. Section 22 of the *Referendum (Constitution Alteration) Act 1919* expressly stated that section 6A of the *Referendum (Constitution Alteration) Act 1906*, which provided for the distribution of arguments, would not apply to a referendum held at the same time as the 1919 federal election.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 45 571 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 079 439	717 565	227 156	365 847	124 330
Victoria	837 408	638 098	324 343	188 129	124 834
Queensland	389 200	330 231	162 062	122 650	45 209
South Australia	268 235	178 092	38 503	112 259	27 203
Western Australia	163 544	103 235	45 285	38 584	19 019
Tasmania	112 036	65 716	16 531	31 982	16 985
Total for Commonwealth	2 849 862	2 032 937	813 880	859 451	357 580

INDUSTRY AND COMMERCE; ESSENTIAL SERVICES

(4 September 1926)

Background

The first of these proposals sought to extend the Commonwealth's legislative powers in relation to the corporations power and power over trusts and combinations in restraint of trade, trade unions and employer associations. Like the referendums which put similar questions to the electorate in 1911, 1913 and 1919, these questions involved amendments to section 51.

The second proposal sought to add a new section 51 (va) which would empower the Commonwealth to take measures necessary to protect the public against an actual or probable interruption of essential services.

Question 1

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Industry and Commerce) 1926'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1926* expressly stated that section 6A of the *Referendum (Constitution Alteration) Act 1906*, which provided for the distribution of arguments, would not apply to this referendum.

Result

This referendum was not carried. It obtained a majority in two states and an overall minority of 372 567 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 241 635	1 131 656	566 973	533 284	31 399
Victoria	968 861	888 661	310 261	546 138	32 262
Queensland	440 632	399 664	202 691	186 374	10 599
South Australia	303 054	281 492	78 983	190 396	12 113
Western Australia	190 286	164 555	46 469	112 185	5 901
Tasmania	110 484	98 356	41 711	51 278	5 367
Total for Commonwealth	3 254 952	2 964 384	1 247 088	1 619 655	97 641

Question 2

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Essential Services) 1926'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1926* expressly stated that section 6A of the *Referendum (Constitution Alteration) Act 1906*, which provided for the distribution of arguments, would not apply to this referendum.

Result

This referendum was not carried. It obtained a majority in two states and an overall minority of 402 291 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 241 635	1 131 656	545 270	536 734	49 652
Victoria	968 861	888 661	296 548	537 560	54 553
Queensland	440 632	399 664	188 473	184 320	26 871
South Australia	303 054	281 492	81 966	179 740	19 786
Western Australia	190 286	164 555	39 566	113 222	11 767
Tasmania	110 484	98 356	43 679	46 217	8 460
Total for Commonwealth	3 254 952	2 964 384	1 195 502	1 597 793	171 089

STATE DEBTS

(17 November 1928)

Background

The purpose of this referendum was to insert a new section (section 105A) into the Constitution to enable the Commonwealth to enter into financial agreements with the states. The section also enabled the Commonwealth to legislate to give effect to such agreements.

Question

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (State Debts) 1928'?

Issues

There were no arguments distributed for this referendum. The *Referendum (Constitution Alteration) Act 1928* expressly stated that section 6A of the *Referendum (Constitution Alteration) Act 1906*, which provided for the distribution of arguments, would not apply to a referendum held at the same time as the 1928 federal election.

Result

This referendum was carried. It obtained a majority in all six states and an overall majority of 1 463 539 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 335 660	1 244 918	754 446	415 846	74 626
Victoria	1 006 463	953 477	791 425	110 143	51 909
Queensland	465 423	435 298	367 257	47 250	20 791
South Australia	319 584	301 179	164 628	98 017	38 534
Western Australia	203 146	183 475	96 913	71 552	15 010
Tasmania	114 490	106 153	62 722	31 044	12 387
Total for Commonwealth	3 444 766	3 224 500	2 237 391	773 852	213 257

AVIATION; MARKETING

(6 March 1937)

Background

The first proposed amendment considered at this referendum was to insert a new power into section 51 enabling the Commonwealth to legislate with respect to 'air navigation and aircraft'.

The second proposal was to add a new section (92A) which intended to make any law of the parliament with respect to marketing exempt from the requirements of section 92 of the Constitution. This amendment was considered necessary in order to allow the Commonwealth to continue legislative schemes established in cooperation with the states which set marketing quotas for dried fruits. This legislation was held to be invalid in *James v Commonwealth* [1932] AC 578. In this case the Privy Council overturned the finding by the High Court in *W A McArthur Ltd v Queensland* (1920) 28 CLR 530 that the Commonwealth was not bound by section 92 of the Constitution.

Question 1

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Aviation) 1936'?

Issues

The 'Yes' Case

- There is no express reference to aviation in the Constitution because at the time the document was written, few recognised the potential extensive use of aircraft that exists today.
- If there is to be a uniform system of supervision of aviation, it is obvious that it needs to be regulated at the national level.
- The need for this amendment has been recognised at previous Premiers Conferences where all states have agreed that the Commonwealth should have power in this area. It was also recommended in the Report of the Royal Commission on the Constitution in 1929.

The 'No' Case

- Transferring aviation powers to the Commonwealth will endanger the finances of every state government.
- The proposal will ruin the state railway systems, affecting the employees of state railways and bankrupting country towns which benefit directly from the purchasing power of railway workers.
- The reduced revenue for railways will mean higher rates, which will be passed on to the consumer in the form of dearer freights and food.

Result

This referendum was not carried. It obtained a majority in two states and an overall minority of 255 884 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 550 947	1 461 860	664 589	741 821	55 450
Victoria	1 128 492	1 074 278	675 481	362 112	36 685
Queensland	562 240	519 933	310 352	191 251	18 330
South Australia	358 069	341 444	128 582	191 831	21 031
Western Australia	247 536	221 832	100 326	110 529	10 977
Tasmania	133 444	125 016	45 616	71 518	7 882
Total for Commonwealth	3 980 728	3 744 363	1 924 946	1 669 062	150 355

Question 2

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Marketing) 1936'?

Issues

The 'Yes' Case

- There can be no effective control of marketing of products in Australia unless there can be control of inter-state transactions of products. The result of a recent Privy Council decision is that the means of setting home-consumption prices for the Australian farmer has been destroyed.
- Manufacturers have had the benefit of Australian tariffs to protect them from the effects of world competition. Wage fixing through tribunals has ensured that wage earners have a decent standard of living. The farmer should have the benefit of similar protection from competition.

- The amendment seeks to give the Commonwealth the power necessary to make laws which establish or support marketing schemes like those recently established in cooperation with the states but now made impossible by the Privy Council decision.

The 'No' Case

- This power will allow the Commonwealth to stop goods crossing state borders in spite of section 92 of the Constitution.
- This proposal means that the Australian consumer will be forced to pay higher prices in order to serve the interests of producers.
- This is an attack on democracy which attempts to whittle away self-government.

Result

This referendum was not carried. It obtained a majority in no state and an overall minority of 954 580 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 550 947	1 461 860	456 802	896 457	108 601
Victoria	1 128 492	1 074 278	468 337	537 021	68 920
Queensland	562 240	519 933	187 685	296 302	35 946
South Australia	358 069	341 444	65 364	248 502	27 578
Western Australia	247 536	221 832	57 023	148 308	16 501
Tasmania	133 444	125 016	24 597	87 798	12 621
Total for Commonwealth	3 980 728	3 744 363	1 259 808	2 214 388	270 167

POST-WAR RECONSTRUCTION AND DEMOCRATIC RIGHTS

(19 August 1944)

Background

It was proposed by this measure to insert a new section (60A) into the Constitution which would empower the Commonwealth to legislate with respect to 14 specified matters for a period of five years. These matters included the rehabilitation of ex-servicemen, national health, family allowances and 'the people of Aboriginal race'. The amendment also included in some form, many of the matters on which powers to legislate had been sought in 1911 (ie corporations, trusts, combines and monopolies). The proposal would also expressly guarantee freedom of speech and religion and create safeguards against the abuse of delegated legislative power.

All of these proposed alterations were put to the electorate in the form of one question.

Question

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Post-War Reconstruction and Democratic Rights) 1944'?

Issues

The 'Yes' Case

- The Commonwealth has made use of its wartime powers to save Australia from disaster during the war. Unless it can continue to exercise these powers, the transition from war to peace may cause a depression which is much worse than that of 1931-2.
- The powers will only last for five years after the end of the war to allow for successful post-war reconstruction.
- Australia cannot look after its servicemen or tackle the potential mass unemployment after the war without these powers.

The 'No' Case

- The government is not giving you the choice to support some of these extended powers and reject others. It is attempting to mislead electors by giving you only one vote for 17 proposals.

- It is not the case that the last depression was caused or aggravated because of the limits on Commonwealth power. It is not in the best interests of Australia to increase power in highly centralised administrations in a remote place like Canberra.
- Conducting a referendum during wartime on such fundamental matters ignores the rights of many of our best men and women to participate fully in the decision.

Result

This referendum was not carried. It obtained a majority in two states and an overall minority of 342 018 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 758 166	1 694 119	759 211	911 680	23 228
Victoria	1 266 662	1 227 571	597 848	614 487	15 236
Queensland	633 907	599 568	216 262	375 862	7 444
South Australia	403 133	392 443	196 294	191 317	4 832
Western Australia	278 722	272 339	140 399	128 303	3 637
Tasmania	143 359	139 411	53 386	83 769	2 256
Total for Commonwealth	4 483 949	4 325 451*	1 963 400	2 305 418	56 633

* Including 417 082 votes by members of the Forces, of which 218 452 were for, 195 148 against and 3 482 informal.

SOCIAL SERVICES; ORGANISED MARKETING; INDUSTRIAL EMPLOYMENT

(28 September 1946)

Background

Three separate questions were put to the electorate to amend section 51 of the Constitution.

The first of these proposed to give the Commonwealth parliament power to legislate on a wide range of social services. Until this point, Commonwealth governments had relied on section 81 to legislate to provide social service benefits. However in 1945 the High Court ruled that the *Pharmaceutical Benefits Act 1944* was invalid and interpreted section 81 in a restrictive manner (see *Pharmaceutical Benefits Case* (1945) 71 CLR 237). The government therefore felt that the Constitution should grant the Commonwealth power to provide social services.

The second proposal was to enable the Commonwealth to make laws with respect to the organised marketing of primary products unrestricted by section 92.

The third proposed amendment was to add to section 51 the power to legislate on the terms and conditions of industrial employment (but not so as to authorise any form of industrial conscription).

Question 1

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Social Services) 1946'?

Issues

The 'Yes' Case

- The High Court recently ruled that the provision of these benefits by the Commonwealth is invalid without specific reference to it in the Constitution.
- These social services can only be dealt with fairly and properly on an Australia wide basis. This proposal will enable the Commonwealth to continue vital services without legal challenge.

The 'No' Case

- The High Court's ruling did not prevent the Commonwealth from providing social services. It only decided that the Commonwealth cannot use its powers for exercising bureaucratic controls over the people of Australia.
- These powers will give the Commonwealth further far-reaching controls over your daily lives.
- The proposal will enable the states to be ousted from their present role of providing additional social services.
- The proposal is one step further towards the centralisation of all controls and powers in Canberra.

Result

This referendum was carried. It obtained a majority in all six states and an overall majority of 370 786 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 858 749	1 757 150	897 887	764 723	94 540
Victoria	1 345 537	1 261 374	671 967	528 452	60 955
Queensland	660 316	612 170	299 205	284 465	28 500
South Australia	420 361	399 301	197 395	184 172	17 734
Western Australia	300 337	279 066	164 017	99 412	15 637
Tasmania	154 553	144 880	67 463	65 924	11 493
Total for Commonwealth	4 739 853	4 453 941*	2 297 934	1 927 148	228 859

* Including 37 021 votes by members of the Forces of which 22 824 were for, 13 211 against and 986 informal.

Question 2

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Organised Marketing of Primary Products) 1946'?

Issues

The 'Yes' Case

- Organised marketing can bring about the urgently needed stabilisation of Australian primary industries.
- Unless the Commonwealth is able to continue the organised marketing strategies implemented during the war, there is a grave danger of collapse in Australia's primary industries.

Constitutional Change

- The markets of the major primary industries are nation-wide and international. This problem must be dealt with at the national level.

The 'No' Case

- This is a complex legal matter that should not be put to a popular vote, rather it should be dealt with by a competent constitutional convention in an atmosphere of close study and careful deliberation.
- The best way to regulate marketing is through cooperative Commonwealth and state use of existing powers.
- The effect of this proposal is to strip states of their authority over local marketing and to concentrate power in Canberra.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 48 093 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 858 749	1 757 150	855 233	794 852	107 065
Victoria	1 345 537	1 261 374	624 343	567 860	69 171
Queensland	660 316	612 170	251 672	323 678	36 820
South Australia	420 361	399 301	183 674	193 201	22 426
Western Australia	300 337	279 066	145 781	113 562	19 723
Tasmania	154 553	144 880	55 561	75 018	14 301
Total for Commonwealth	4 739 853	4 453 941*	2 116 264	2 068 171	269 506

* Including 37 021 votes by members of the Forces of which 19 924 were for, 15 997 against and 1 100 informal.

Question 3

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Industrial Employment) 1946'?

Issues

The 'Yes' Case

- Australia has developed industrially as a nation, and most of its industries cross state boundaries.
- The Commonwealth's existing powers to regulate industrial employment are limited to conciliation and arbitration for the prevention and settlement of inter-state industrial disputes. The illogical division and limitation of authority leads to confusion, uncertainty and delays.

- The system has prevented the Commonwealth from promoting better industrial relations, wages and working conditions.
- The existing conciliation and arbitration power and the Arbitration Court will be retained and the activities of the court can be extended.

The 'No' Case

- This amendment is a result of pressure applied to the government by militant elements within the trade union movement who want to bring an end to the existing arbitration system.
- This proposal seeks to give Canberra complete control over wages and conditions by abolishing the existing system of independent and impartial conciliation and arbitration which has delivered great benefits to trade unions and employers alike.
- Industrial justice is best achieved through the existing impartial process, rather than by politicians making arbitrary decisions.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 24 415 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 858 749	1 757 150	833 822	778 280	145 048
Victoria	1 345 537	1 261 374	609 355	560 773	91 246
Queensland	660 316	612 170	243 242	316 970	51 958
South Australia	420 361	399 301	179 153	192 516	27 632
Western Australia	300 337	279 066	142 186	112 881	23 999
Tasmania	154 553	144 880	52 517	74 440	17 923
Total for Commonwealth	4 739 853	4 453 941*	2 060 275	2 035 860	357 806

* Including 37 021 votes by members of the Forces of which 20 445 were for, 15 239 against and 1 337 informal.

RENTS AND PRICES

(29 May 1948)

Background

During the war, the Commonwealth had been able to legislate to establish rent and price control by relying on the defence power. This proposal sought to amend section 51 to give the Commonwealth permanent power to control rents and prices.

Question

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Rents and Prices) 1947'?

Issues

The 'Yes' Case

- This proposal will allow the Commonwealth to continue to keep rents and prices in reasonable check and protect Australia against excessive rents, unjust evictions and unfair prices.
- The prices power will be essentially a reserve power which will be brought into operation only to meet situations in which it can contribute to the fundamental aims of full employment and higher living standards.
- Six state systems could not work separately to control rents and prices. It would be hopeless to expect them to work together.

The 'No' Case

- We ought not to be devising ways and means of making wartime controls permanent. We ought to be reducing them as normal conditions are restored.
- In normal times, the controls in question can be far more effectively dealt with by the states. The states have full power to deal with them, and their administrations are much closer to the people and their needs.
- The Commonwealth's system of price control is becoming inefficient.
- Increased production and competition are the answers to high prices.

Result

This referendum was not carried. It did not obtain a majority in any state and an obtained an overall minority of 824 471 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 880 779	1 762 091	723 183	1 012 639	26 269
Victoria	1 351 853	1 270 037	559 361	693 937	16 739
Queensland	669 555	617 678	187 955	422 236	7 487
South Australia	422 809	402 778	167 171	229 438	6 169
Western Australia	301 223	278 282	105 605	168 088	4 589
Tasmania	157 668	145 135	50 437	91 845	2 853
Total for Commonwealth	4 783 887	4 476 001*	1 793 712	2 618 183	64 106

* Includes 11 905 votes by members of the Forces, of which 6 557 were for, 5 213 against and 135 informal.

COMMUNISM

(22 September 1951)

Background

In 1950 the parliament passed the *Communist Party Dissolution Act 1950*. This Act banned the Australian Communist Party and prevented any person declared to be a communist from holding office in the Commonwealth public service or in industries declared to be vital to the security and defence of Australia. The Act relied on the defence power for its validity. However the Act was declared to be beyond the existing constitutional powers of the government in the *Communist Party Case* (1951) 83 CLR 1.

To overcome this, the government sought to add a new section (51A) to the Constitution. The section would have empowered the Commonwealth Parliament to make laws in respect of communists and communism where this was necessary for the security of the Commonwealth.

Question

Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Powers to deal with Communists and Communism) 1951'?

Issues

The 'Yes' Case

- Communist activity in Australia has become a grave menace to our industrial peace, to production, to national security and defence.
- The Labor Party supported the *Communist Party Dissolution Act 1950* in parliament.
- The Act does not violate principles of justice or human freedom. On the contrary, it is designed to give Australians freedom from subversive communist activity.

The 'No' Case

- The definition of 'communist' in the Bill could be extended to include anti-communists who favour any form of social organisation.
- Any person brought within the wide description of 'communist' could be deprived by any government of their property without compensation.

- There are existing laws which give a government prepared to deal with communists all the powers it needs. There is no need to make a permanent alteration to the Constitution to deal with communists.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 52 082 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	1 944 219	1 861 147	865 838	969 868	25 441
Victoria	1 393 556	1 326 024	636 819	670 513	18 692
Queensland	709 328	675 916	373 156	296 019	6 741
South Australia	442 983	427 253	198 971	221 763	6 519
Western Australia	319 383	305 653	164 989	134 497	6 167
Tasmania	164 868	158 596	78 154	77 349	3 093
Total for Commonwealth	4 974 337	4 754 589*	2 317 927	2 370 009	66 653

* Including 9472 votes by members of the Forces, of which 6 478 were for, 2 917 against and 82 informal.

PARLIAMENT; ABORIGINALS

(27 May 1967)

Background

The first of these proposals sought to amend section 24 and delete sections 25 and 26 of the Constitution. The purpose of these alterations was to enable the number of members of the House of Representatives to be increased without necessarily increasing the number of senators. This change had been recommended by the Joint Committee on Constitutional Review 1956–59.

The second proposal was to remove any ground for the belief that the Constitution discriminated against people of the Aboriginal race. It removed the words 'other than the Aboriginal race in any state' from section 51 (xxvi). It also deleted section 127 which stated that 'aboriginal natives' were not to be counted in determining the population of the Commonwealth.

Question 1

Do you approve the proposed law for the alteration of the Constitution entitled–

'An Act to alter the Constitution so that the number of members of the House of Representatives may be increased without necessarily increasing the number of senators'?

Issues

The 'Yes' Case

- Currently the membership of the House of Representatives cannot be increased without also increasing the size of the Senate. This means that the number of members in the House of Representatives cannot be increased to keep up with the growing population without a similar but unnecessary increase in the number of Senators.
- The proposal links the membership of the House of Representatives to population growth, so that there is a limit to the number of people who are represented by each member.
- The proposal is supported by the Liberal Party, the Australian Country Party and the Australian Labor Party.

The 'No' Case

- This proposal will lead to an unwarranted increase in the size of the national parliament – Australia is already over-governed and does not need more parliamentarians.
- The proposal threatens the protection of the states.
- Those supporting this proposal want to reduce the power of the Senate.

Result

This referendum was not carried. It obtained a majority in one state and an overall minority of 1 113 271 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 315 828	2 166 507	1 087 694	1 044 458	34 355
Victoria	1 734 476	1 630 594	496 826	1 112 506	21 262
Queensland	904 808	848 728	370 200	468 673	9 855
South Australia	590 275	560 844	186 344	363 120	11 380
Western Australia	437 609	405 666	114 841	280 523	10 302
Tasmania	199 589	189 245	42 764	142 660	3 821
Total for Commonwealth	6 182 585	5 801 584	2 298 669	3 411 940	90 975

Question 2

Do you approve the proposed law for the alteration of the Constitution entitled-

'An Act to alter the Constitution so as to omit certain words relating to the people of the Aboriginal race in any state so that Aboriginals are to be counted in reckoning the population'?

Issues

The 'Yes' Case

- The proposal will remove words from the Constitution that discriminate against Aboriginal people.
- The proposal will allow the Commonwealth to cooperate with the states to ensure that the actions which are taken are in the best interests of the Aboriginal people.
- Justice, common sense and Australia's international reputation require that we get rid of the out-moded provision that prevents Aboriginal people from being counted in the census.

The 'No' Case

- As the Act was passed unanimously by both the House of Representatives and the Senate, a 'No' case was not submitted.

Result

This referendum was carried. It obtained a majority in all six states and an overall majority of 4 656 106 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 315 828	2 166 507	1 949 036	182 010	35 461
Victoria	1 734 476	1 630 594	1 525 026	85 611	19 957
Queensland	904 808	848 728	748 612	90 587	9 529
South Australia	590 275	560 844	473 440	75 383	12 021
Western Australia	437 609	405 666	319 823	75 282	10 561
Tasmania	199 589	189 245	167 176	18 134	3 935
Total for Commonwealth	6 182 585	5 801 584	5 183 113	527 007	91 464

PRICES; INCOMES

(8 December 1973)

Background

This referendum put to the electorate two separate proposals which sought to add two new powers to section 51 – prices and income.

Question 1

Do you approve the proposed law for the alteration of the Constitution entitled–

'An Act to alter the Constitution so as to enable the Australian Parliament to control prices'?

Issues

The 'Yes' Case

- The federal government cannot fight inflation effectively when power over prices remains with the states.
- Some states have been unwilling or unable to use their powers in a cooperative and effective manner.
- The government should have the power to prevent, where necessary, excessive rises in the price of essential commodities.

The 'No' Case

- The government is taking advantage of the existing but temporary acceleration of inflation in order to get power to change the whole social and economic order of Australia.
- The Opposition has called for a national conference of federal and state governments, unions and employer organisations to agree on a plan to fight inflation.
- If the government succeeds in these referendums, there will be a massive and permanent shift of powers to Canberra. The government has refused to provide detail about how it intends to use the new and permanent powers.

Result

This referendum was not carried. It failed to obtain a majority in any state and obtained an overall minority of 872 954 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 827 989	2 618 673	1 257 499	1 332 485	28 689
Victoria	2 129 494	2 001 924	891 144	1 081 120	29 660
Queensland	1 128 417	1 055 299	402 506	643 770	9 023
South Australia	737 573	700 333	282 754	404 181	13 398
Western Australia	588 789	542 122	169 605	362 121	10 396
Tasmania	241 207	229 016	85 631	138 416	4 969
Total for Commonwealth	7 653 469	7 147 367	3 089 139	3 962 093	96 135

Question 2

Do you approve the proposed law for the alteration of the Constitution entitled–

'An Act to alter the Constitution so as to enable the Australian Parliament to make laws with respect to incomes'?

Issues

The 'Yes' Case

- The government believes it is best to have a combination of a prices power and an incomes power.
- We believe the fairest course is to seek a power over incomes of every sort – not just the wage or salary earner's pay packet.
- The power will enable the Australian parliament to make allowances for inflation by making periodic adjustments to salaries and wages.
- This power will enable the government to fight inflation without using unemployment as a weapon or introducing a wages freeze.

The 'No' Case

- See Question 1 – the 'No' Case which was submitted dealt with prices and income powers together.

Result

This referendum was not carried. It failed to obtain a majority in any states and obtained an overall minority of 2 191 770 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 827 989	2 618 673	1 041 429	1 542 217	35 027
Victoria	2 129 494	2 001 924	657 756	1 309 302	34 866
Queensland	1 128 417	1 055 299	331 163	713 562	10 574
South Australia	737 573	700 333	193 301	490 943	16 089
Western Australia	588 789	542 122	133 531	396 199	12 392
Tasmania	241 207	229 016	63 135	159 862	6 019
Total for Commonwealth	7 653 469	7 147 367	2 420 315	4 612 085	114 967

**SIMULTANEOUS ELECTIONS; MODE OF ALTERING THE CONSTITUTION;
DEMOCRATIC ELECTIONS; LOCAL GOVERNMENT BODIES**

(18 May 1974)

Background

The first of these proposed changes was to expressly provide for elections of the Senate and the House of Representatives to be held on the same day. Up until 1961 most elections for the Senate and the House of Representatives had occurred simultaneously. However since 1961 the two elections had been out of step with one another.

The second proposal sought to amend section 128 in order to secure two changes. The first was to provide electors in the Australian Capital Territory and the Northern Territory with the right to vote in referendums. The second was to enable amendments to be made to the Constitution if approved by a majority of Australian voters and a majority of voters in half the states.

The third change proposed to make population instead of electors, as at present, the basis of determining the average size of electorates in each state.

The final question put to the electorate was a proposal to make an addition to section 51 giving the Commonwealth Government powers to borrow money for, and to make financial assistance grants directly to, any local government body.

Question 1

Proposed law entitled–

'An Act to alter the Constitution so as to ensure that Senate elections are held at the same time as House of Representatives elections'.

Do you approve the proposed law?

Issues

The 'Yes' Case

- Too many elections are inconvenient for the electorate and for government and cause unnecessary costs.
- Holding the two elections at the same time means that the parliament will reflect the will of the people as expressed at the most recent general election.

The 'No' Case

- The change is not necessary in order for the two elections to be held on the same day.
- The proposal threatens the independence of the Senate and opens the way for progressive reduction of its powers.

Result

This referendum was not carried. It obtained a majority in one state and an overall minority of 247 428 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 834 558	2 702 903	1 359 485	1 303 117	40 301
Victoria	2 161 474	2 070 893	1 001 111	1 033 969	35 813
Queensland	1 154 762	1 098 401	481 092	604 444	12 865
South Australia	750 308	722 434	332 369	372 666	17 399
Western Australia	612 016	577 989	248 860	315 786	13 343
Tasmania	246 596	237 891	96 793	137 156	3 942
Total for Commonwealth	7 759 714	7 410 511	3 519 710	3 767 138	123 663

Question 2

Proposed law entitled–

'An Act to facilitate alterations to the Constitution and to allow electors in territories, as well as electors in the states, to vote at referendums on proposed laws to alter the Constitution'.

Do you approve the proposed law?

Issues

The 'Yes' Case

- It is undemocratic to deny citizens in the territories the right to participate in decisions as important as changing the Constitution.
- It is unreasonably difficult to alter the Constitution, which needs to be brought up to date to meet modern needs.
- Australia is one nation and approval of changes by a national majority as well as a majority of states should be sufficient to change the Constitution.

Constitutional Change

The 'No' Case

- The proposal would reduce the value of voters' say in referendums and reduce the significance of the states.
- The majority of states must have a major role in any proposed changes to the Constitution.
- The proposal is an attempt to whittle away the federal system and the power of the states.

Result

This referendum was not carried. It obtained a majority in one state and an overall minority of 292 416 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 834 558	2 702 903	1 367 476	1 295 621	39 806
Victoria	2 161 474	2 070 893	1 001 753	1 033 486	35 654
Queensland	1 154 762	1 098 401	480 926	604 816	12 659
South Australia	750 308	722 434	311 954	392 891	17 589
Western Australia	612 016	577 989	240 134	324 435	13 420
Tasmania	246 596	237 891	95 264	138 674	3 953
Total for Commonwealth	7 759 714	7 410 511	3 497 507	3 789 923	123 081

Question 3

Proposed law entitled–

'An Act to alter the Constitution so as to ensure that the members of the House of Representatives and of the parliaments of the states are chosen directly and democratically by the people'.

Do you approve the proposed law?

The 'Yes' Case

- The Constitution does not currently provide for equal voting rights for all Australians. This enables political parties to juggle electoral boundaries for their own advantage.
- While votes are cast by electors, they are cast on behalf of all the Australian people. The size of electorates should therefore be based on their entire population, rather than just the voting population.

The 'No' Case

- This proposal is to change the emphasis from electors to people who are not entitled to vote.
- It is not appropriate that children and migrants who are not naturalised and therefore not entitled to vote should be counted in determining the size of electorates.
- This would result in some country electorates which are already enormous being made even larger so that their 'people count' can be the same as the smallest city electorate.

Result

This referendum was not carried. It obtained a majority in one state and an overall minority of 407 398 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 834 558	2 702 903	1 345 983	1 316 837	40 083
Victoria	2 161 474	2 070 893	970 903	1 064 023	35 967
Queensland	1 154 762	1 098 401	474 337	611 135	12 929
South Australia	750 308	722 434	310 839	393 857	17 738
Western Australia	612 016	577 989	241 946	322 587	13 456
Tasmania	246 596	237 891	95 463	138 430	3 998
Total for Commonwealth	7 759 714	7 410 511	3 439 471	3 846 869	124 171

Question 4

Proposed law entitled–

'An Act to alter the Constitution to enable the Commonwealth to borrow money for, and to grant financial assistance to, local government bodies'.

Do you approve the proposed law?

The 'Yes' Case

- Local councils have lacked the financial resources to provide vital community services without increasing rates and other local charges.
- This proposal will allow the federal government to provide financial support to local government.
- The state premiers have refused to allow local government to have direct financial relations with the Australian government.

Constitutional Change

The 'No' Case

- This proposal will put the power to control local government in Canberra's hands.
- Another expensive administration would have to be set up in Canberra to administer the scheme.
- There is already power under the Constitution to direct funds to local government through the states.

Result

This referendum was not carried. It obtained a majority in one state and an overall minority of 458 053 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	2 834 558	2 702 903	1 350 274	1 308 039	44 590
Victoria	2 161 474	2 070 893	961 664	1 068 120	41 109
Queensland	1 154 762	1 098 401	473 465	610 537	14 399
South Australia	750 308	722 434	298 489	403 479	20 466
Western Australia	612 016	577 989	229 337	334 529	14 123
Tasmania	246 596	237 891	93 495	140 073	4 323
Total for Commonwealth	7 759 714	7 410 511	3 406 724	3 864 777	139 010

**SIMULTANEOUS ELECTIONS; SENATE CASUAL VACANCIES; REFERENDUMS;
RETIREMENT OF JUDGES**

(21 May 1977)

Background

These four proposals for change were recommended by the Australian Constitutional Convention 1973–85.

The first of these proposals once again sought to amend the Constitution to ensure that Senate elections are held at the same time as House of Representatives elections.

The second proposed change was to insert a new section 15 to provide that, as far as practicable, a casual vacancy in the Senate be filled by a person of the same political party as the Senator originally elected.

The third proposal was to amend section 128 to allow electors in territories, as well as electors in the states, to vote at referendums on proposed laws to alter the Constitution.

The fourth proposal was to amend section 72 to provide for the retirement of judges of federal courts at the age of seventy.

Question 1

It is proposed to alter the Constitution to ensure that Senate elections are held at the same time as House of Representatives elections.

Do you approve of the proposed law?

Issues

The 'Yes' Case

- Elections for the Houses are currently out of alignment, meaning that unless the proposal is successful, there could be as many as four federal elections over the next four years.
- Simultaneous elections will ensure that if the Senate uses its power to bring about a general election, at least some Senators will also have to go to an election.

The 'No' Case

- The amendment will not necessarily lead to fewer elections.
- The proposal is not necessary to ensure simultaneous elections.
- The proposal will enable governments to dissolve half the Senate whenever the Senate attempts to protect Australia from measures harmful to the national interest.

Result

This referendum was not carried. It obtained a majority in three states and an overall minority of 1 825 860 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 007 511	2 774 388	1 931 775	800 331	42 282
Victoria	2 252 831	2 083 136	1 325 708	713 929	43 499
Queensland	1 241 426	1 138 842	534 968	590 942	12 932
South Australia	799 243	745 990	480 827	247 762	17 401
Western Australia	682 291	617 463	292 344	310 765	14 354
Tasmania	259 081	246 063	82 785	158 818	4 460
Total for Commonwealth	8 242 383	7 605 882	4 648 407	2 822 547	134 928

Question 2

It is proposed to alter the Constitution to ensure as far as practicable that a casual vacancy in the Senate is filled by a person of the same political party as the Senator chosen by the people and for the balance of his term.

Do you approve of the proposed law?

Issues

The 'Yes' Case

- This change is necessary in order to ensure that the people's choice of political party cannot be changed as a result of a resignation or death of a Senator.
- It is the fundamental right of voters that the Senate should reflect the wishes of the electorate.

The 'No' Case

There was no 'No' case submitted.

Result

This referendum was carried. It obtained a majority in all six states and an overall majority of 3 484 808 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 007 511	2 774 388	2 230 218	502 171	41 999
Victoria	2 252 831	2 083 136	1 552 558	486 798	43 780
Queensland	1 241 426	1 138 842	662 732	463 165	12 945
South Australia	799 243	745 990	557 950	170 536	17 504
Western Australia	682 291	617 463	344 389	258 655	14 419
Tasmania	259 081	246 063	129 924	111 638	4 501
Total for Commonwealth	8 242 383	7 605 882	5 477 771	1 992 963	135 148

Question 3

It is proposed to alter the Constitution so as to allow electors in the territories, as well as electors in the states, to vote at referendums on proposed laws to alter the Constitution.

Do you approve of the proposed law?

Issues

The 'Yes' Case

- Citizens of the territories pay taxes and are bound to follow federal laws. They are entitled to have a say in referendums which could significantly affect their lives.

The 'No' Case

There was no 'No' case submitted.

Result

This referendum was carried. It obtained a majority in all six states and an overall majority of 4 141 513 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 007 511	2 774 388	2 292 822	439 247	42 319
Victoria	2 252 831	2 083 136	1 647 187	391 855	44 094
Queensland	1 241 426	1 138 842	670 820	455 051	12 971
South Australia	799 243	745 990	606 743	121 770	17 477
Western Australia	682 291	617 463	437 751	165 049	14 663
Tasmania	259 081	246 063	150 346	91 184	4 533
Total for Commonwealth	8 242 383	7 605 882	5 805 669	1 664 156	136 057

Question 4

It is proposed to alter the Constitution so as to provide for retiring ages for judges of federal courts.

Do you approve of the proposed law?

Issues

The 'Yes' Case

- Most people have to retire at a certain age and there is no reason that judges should be treated differently.
- It is important to the independence of the judiciary that judges are subject to compulsory retirement at a certain age.

The 'No' Case

There was no 'No' case submitted.

Result

This referendum was carried. It obtained a majority in all six states and an overall majority of 4 494 820 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 007 511	2 774 388	2 316 999	414 070	43 319
Victoria	2 252 831	2 083 136	1 659 273	378 505	45 358
Queensland	1 241 426	1 138 842	734 183	391 227	13 432
South Australia	799 243	745 990	622 760	104 987	18 243
Western Australia	682 291	617 463	472 228	130 307	14 928
Tasmania	259 081	246 063	174 951	66 478	4 634
Total for Commonwealth	8 242 383	7 605 882	5 980 394	1 485 574	139 914

TERMS OF SENATORS; INTERCHANGE OF POWERS

(1 December 1984)

Background

The first of these proposals was to alter the Constitution to require that elections of the Senate and the House of Representatives be held simultaneously.

The second proposal was to enable the Commonwealth and the states to voluntarily refer powers to each other.

Question 1

An Act to change the terms of senators so that they are no longer of fixed duration and to provide that Senate elections and House of Representatives elections are always held on the same day.

Do you approve of this proposed alteration?

Issues

The 'Yes' Case

- There are too many elections in Australia, causing disruption to government and the community and unnecessary expenditure of taxpayers' money.
- Ensuring that House of Representatives and Senate elections are held on the same day will decrease the number of elections.

The 'No' Case

- The proposal will undermine the constitutional independence of the Senate. It will increase the power of the government over the Senate and turn the Senate into a rubber stamp because it will be dissolved whenever the government wants to go to an election.
- The change is not necessary – if the House of Representatives was to run its full term the two elections would always be held at the same time.
- The same proposal has been rejected in referendums in 1974 and 1977.

Result

This referendum was not carried. It obtained a majority in two states and an overall minority of 112 211 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 423 624	3 216 256	1 621 894	1 446 150	148 212
Victoria	2 617 291	2 475 891	1 244 451	1 094 760	136 680
Queensland	1 549 749	1 447 284	642 768	765 329	39 187
South Australia	908 424	856 226	398 127	398 463	59 636
Western Australia	858 763	806 637	358 502	412 996	35 139
Tasmania	289 142	277 100	102 762	158 777	15 561
Australian Capital Territory	150 416	140 982	76 901	58 764	5 317
Northern Territory	68 857	58 668	28 310	26 265	4 093
Total for Commonwealth	9 866 266	9 279 044	4 473 715	4 361 504	443 825

Question 2

An Act to enable the Commonwealth and the states voluntarily to refer powers to each other.

Do you approve of this proposed alteration?

Issues

The 'Yes' Case

- The proposal will enable the Commonwealth to refer law making powers to the states and clarify the terms on which states can refer powers to the Commonwealth.
- The proposal will enable the Commonwealth and the states to work together to bring about uniform laws.
- The proposal will solve problems of jurisdiction.

The 'No' Case

- The proposal is a scheme to allow Canberra politicians to change Commonwealth and state powers without consultation.
- Offering powers to the states could be used to blackmail the states into referring important state powers to Canberra, and making decisions favourable to Canberra.

Result

This referendum was not carried. It obtained a majority in no state and an overall minority of 508 730 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 423 624	3 216 256	1 475 971	1 533 799	206 486
Victoria	2 617 291	2 475 891	1 139 565	1 146 136	190 190
Queensland	1 549 749	1 447 284	578 674	809 249	59 361
South Australia	908 424	856 226	355 588	418 433	82 205
Western Australia	858 763	806 637	336 184	423 022	47 431
Tasmania	289 142	277 100	87 933	165 878	23 289
Australian Capital Territory	150 416	140 982	74 741	58 487	7 754
Northern Territory	68 857	58 668	25 684	28 066	4 918
Total for Commonwealth	9 866 266	9 279 044	4 074 340	4 583 070	621 634

PARLIAMENTARY TERMS; FAIR ELECTIONS; LOCAL GOVERNMENT; RIGHTS AND FREEDOMS:

(3 September 1988)

Background

These four proposals to amend the Constitution were based on recommendations made by the Constitutional Commission 1985–88.

The first of the proposals was to provide for four year maximum terms for members of both Houses of the Commonwealth Parliament.

The second proposal sought to ensure fair and democratic parliamentary elections throughout Australia.

The third proposal was to recognise local government by adding an additional section (119A).

The fourth proposal was to extend the right to trial by jury (section 88) and freedom of religion (section 116), and to ensure fair terms for persons whose property is acquired by any government (new section 115A).

Question 1

A Proposed Law: To alter the Constitution to provide for 4 year maximum terms for members of both Houses of the Commonwealth Parliament.

Do you approve of this proposed alteration?

Issues

The 'Yes' Case

- Australia has too many elections, which causes public disruption and costs taxpayers a lot of money.
- Four year maximum terms will create an environment for more responsible, long term government planning. This enables the business community to plan and invest with more certainty.
- The powers and the independence of the Senate will not be weakened.
- The Senate will be more accountable if elected at the same time as the House of Representatives.

The 'No' Case

- The proposal will not guarantee fewer elections.
- The proposal will cripple the Senate's independence and reduce its powers, giving the federal government more power to push laws through under the threat of an early election.
- The proposal undermines our bi-cameral parliamentary system.
- The proposal will give the federal government more power over the states.

Result

This referendum was not carried. It obtained a majority in no state and an overall minority of 3 217 670 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 564 856	3 297 246	1 032 621	2 228 503	36 122
Victoria	2 697 096	2 491 183	886 128	1 561 759	43 296
Queensland	1 693 247	1 542 293	538 779	993 822	9 692
South Australia	937 974	873 511	229 938	629 454	14 119
Western Australia	926 636	845 209	255 556	577 555	12 098
Tasmania	302 324	282 785	70 698	208 297	3 790
Australian Capital Territory	166 131	149 128	64 458	83 328	1 342
Northern Territory	74 695	56 370	21 092	34 222	1 056
Total for Commonwealth	10 362 959	9 537 725	3 099 270	6 316 940	121 515

Question 2

A Proposed Law: To alter the Constitution to provide for fair and democratic parliamentary elections throughout Australia.

Do you approve of this proposed alteration?

Issues

The 'Yes' Case

- The Constitution does not guarantee Australian people a right to vote, nor does it prevent states and territories from having unfair electoral laws.
- The Constitution does not prevent the unfair weighting of the votes of particular types of electors within a particular electorate.
- If all Australians are to be given a fair go, the Constitution needs to guarantee equal treatment, through fair elections and the right to vote.

The 'No' Case

- The proposal deprives state parliaments of the right to tailor their electoral laws to their own needs and thereby overrides the powers of state parliaments.
- If accepted as a legitimate way of forcing change on the states, the process could be used again by the government to poke its nose in all sorts of issues which are none of Canberra's business.
- The proposal does not create a true 'one vote one value' electoral system.

Result

This referendum was not carried. It obtained a majority in the ACT only and an overall minority of 2 335 741 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 564 856	3 297 246	1 159 713	2 100 604	36 929
Victoria	2 697 096	2 491 183	981 508	1 465 119	44 556
Queensland	1 693 247	1 542 293	686 765	845 767	9 761
South Australia	937 974	873 511	263 006	596 102	14 403
Western Australia	926 636	845 209	266 639	566 145	12 425
Tasmania	302 324	282 785	80 608	198 372	3 805
Australian Capital Territory	166 131	149 128	76 815	70 937	1 376
Northern Territory	74 695	56 370	23 763	31 512	1 095
Total for Commonwealth	10 362 959	9 537 725	3 538 817	5 874 558	124 350

Question 3

A Proposed Law: To alter the Constitution to recognise local government.

Do you approve of this proposed alteration?

Issues

The 'Yes' Case

- Only recognition in the Constitution will guarantee local government's role.
- The proposal will recognise the important role that local government plays in the public sector.
- The proposal will strengthen the system of decentralised community based government.

The 'No' Case

- The proposal could result in local government being replaced by large, impersonal regional government ultimately controlled from Canberra.
- The proposal is uncertain and vague.
- The proposal will not stop either arbitrary dismissals or amalgamations of local government bodies.
- The amendment would allow the federal government to use its 'external affairs' power to intrude into local government by entering into international treaties.

Result

This referendum was not carried. It obtained a majority in no state and an overall minority of 3 084 678 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 564 856	3 297 246	1 033 364	2 226 529	37 353
Victoria	2 697 096	2 491 183	882 020	1 563 957	45 206
Queensland	1 693 247	1 542 293	586 942	945 333	10 018
South Australia	937 974	873 511	256 421	602 499	14 591
Western Australia	926 636	845 209	247 830	584 863	12 516
Tasmania	302 324	282 785	76 707	202 214	3 864
Australian Capital Territory	166 131	149 128	58 755	88 945	1 428
Northern Territory	74 695	56 370	21 449	33 826	1 095
Total for Commonwealth	10 362 959	9 537 725	3 163 488	6 248 166	126 071

Question 4

A Proposed Law: To alter the Constitution to extend the right to trial by jury, to extend freedom of religion, and to ensure fair terms for persons whose property is acquired by any government.

Do you approve of this proposed alteration?

Issues

The 'Yes' Case

- While the Constitution provides limited protection for these rights, the state and territory governments are not bound to observe these rights. The existing protections are inadequate and should be extended.

The 'No' Case

- The proposal threatens rights and freedoms all Australians have now. It is inadequate, unnecessary and legally flawed.
- The proposal could threaten the future of state aid for independent schools.

Result

This referendum was not carried. It obtained a majority in no state and an overall minority of 3 610 924 votes.

<i>State</i>	<i>Number on rolls</i>	<i>Number of ballot papers issued</i>	<i>For</i>	<i>Against</i>	<i>Informal</i>
New South Wales	3 564 856	3 297 246	965 045	2 289 645	42 556
Victoria	2 697 096	2 491 183	816 057	1 625 484	49 642
Queensland	1 693 247	1 542 293	503 217	1 027 218	11 858
South Australia	937 974	873 511	223 038	634 438	16 035
Western Australia	926 636	845 209	233 917	597 322	13 970
Tasmania	302 324	282 785	70 987	207 486	4 312
Australian Capital Territory	166 131	149 128	60 064	87 460	1 604
Northern Territory	74 695	56 370	20 503	34 699	1 168
Total for Commonwealth	10 362 959	9 537 725	2 892 828	6 503 752	141 145