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House Standing Committee on Legal and Constitutional Affairs Committee

Submission No 022

Inquiry into the Machinery of Referendums

Submission by:

CLA Civil Liberties Australia

Lead Author: Tim Vines
(co-author: Rhys Michie)

9 October 2009

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Executive Summary

- The machinery for referendums in Australia is no longer appropriate and should change, although sound reasons remain for involving parliamentarians.
- Specifically, the expenditure limit should be repealed and a new public funding model set in place, modelled on the 1999 Republic Referendum.
- CLA argues that the public should be provided with more information, through mail-outs, podcasts, video clips and other new media so that each vote cast is a better-considered vote.
- CLA is also concerned that more vulnerable groups have limited access to voting literature; the Committee should address broader issues of access to information.
- As part of a broader campaign to improve the quality of referendum decisions, CLA proposes greater use of electronic voting and regular plebiscites.

Introduction

Civil Liberties Australia (CLA) would like to thank the Committee for the opportunity to comment on the operation of the *Referendum (Machinery Provisions) Act 1984* ('Referendum Act') and on the topic of referendums in Australia generally. In keeping with the Committee's terms of reference CLA's submission does not canvas proposed reforms to section 128 of the *Australian Constitution*, such as citizen initiated referendum. However, should the Committee wish to receive further information on constitutional reforms to section 128, CLA would be willing to oblige. Before continuing, CLA would like to draw the Committee's attention to the trends in elector voting patterns in past referendums. A brief survey of successful and unsuccessful referendums suggests:

- 1) Australians are unlikely to vote for any measure which is seen as increasing the power of the central government;
 - a. A corollary of this is that amendments proposed by Labor governments have, historically, been far less likely to succeed than Coalition proposals.
 - b. However, where a referendum is seen as 'correcting' a High Court decision the public are likely to vote YES to a proposal which continues a *pre-existing* arrangement (eg. The 1946 Social Services referendum but contrast the Communist Power referendum).
- 2) Australians are unlikely to vote YES to a multipart proposal which is framed as a single question (eg. The 1988 'Rights and Liberties' referendum);
- 3) Contrary to some suggestions, Australians are able to distinguish between multiple issues at a referendum, for example the 1967 joint referendum on Aboriginals (successful) and the House of Representative-Senate nexus (failed).
- 4) Since World War 2, Australians are much more likely to vote in favour of a proposal which is **not** put at the same time as an election.
- 5) Federal bipartisanship is necessary but not sufficient to ensure the success of a referendum. Opposition from the states is just as likely to scuttle a proposal.

1. Constitutional Reform in Australia

- 1.1. Before turning to the operation of the *Referendum (Machinery Provisions) Act 1984* it is worth asking how central the *Constitution* is to a citizen's identity as an Australian.
- 1.2. Australia's constitution, for all its shortcomings, has been a remarkably resilient document. Although Australia as a federated nation is only 109 years old, the *Australian Constitution* remains one of only a handful of documents which have provided uninterrupted stability. Our *Constitution's* longevity is, in no small part, due to our distance from potential invaders, an absence of divisive issues such as slavery, and a prevailing respect for the rule of law which discourages *coups*. Furthermore, Australians' scepticism – some would say apathy – towards politics and politicians has acted as democratic ballast against the more radical political trends.
- 1.3. Australia's *Constitution* is also unique amongst its peers in its brevity and the rarity of its amendment. Of the 44 referendum put to the Australian electors since 1901 only 8 have been successful. No referendums have been successful since 1977. As a matter of historical curiosity, according to Professor George Williams, the period between 1977 and today is the longest in Australia's history without a successful referendum; and the period between 1999 and today is the longest between referendums.
- 1.4. Academics, parliamentary inquiries and Constitutional Conventions have attempted to locate the reasons behind the general reluctance for constitutional change and several arguments have gained widespread acceptance. That Australians are 'conservative' and uncomfortable with change is a common suggestion; or that the public are sceptical of referendums, seeing them only as 'power grabs' by politicians. The 'if-it-ain't-broke-don't-fix-it' argument has been successfully run by 'No' campaigns, most recently in the 1999 Republic Referendum, and seems to hold some traction with the public.
- 1.5. From one perspective, the reluctance of Australians to amend their *Constitution* appears to be a vote of confidence in the document, an acknowledgment that it has served us well for the past century and that it will continue to do so into the future. On the other hand, the failure of proposed referendum could be due to misinformation, apathy or ignorance of the current constitutional arrangements within Australia. Unfortunately, it appears the latter is more likely when one considers that a 1987 survey revealed that almost half of Australians did not know we had a written constitution; or that in 2006 an Amnesty survey found that 61% of Australian believed we had a Constitutional Bill of Rights.
- 1.6. Civil Liberties Australia believes that a lack of engagement with the *Constitution* plays a central – if not critical – role in the referendum process.

- 1.7. CLA acknowledges that the Commonwealth and states have each attempted to provide information to schools, new citizens and the wider community on the operation of the *Constitution*. All of those documents and resource kits deserve to be supported; however, they focus primarily on electoral and parliamentary matters. Perhaps this is because our *Constitution* contains none of the fire and passion of similar documents such as the *United States Constitution*. Perhaps, also, the absence of rights provisions means there is actually little else to talk about.
- 1.8. Without educating and engaging citizens on their rights and responsibilities under the *Constitution*, any attempts to improve the referendum process will remain susceptible to misleading and ill-informed ‘No’ Campaigns. Conversely, any move to improve or reform Australia’s constitutional arrangements can only happen where there is a desire for reform, which can only come from an appreciation of the deficiencies of the current system. The ‘if-it-aint-broke’ argument can only operate in an environment of complacency. There is plenty ‘broke’ with out constitution (or at least ‘creaking’ due to age) and, while we do not need to throw it out entirely, some minor work is certainly in order.
- 1.9. As such, the first recommendation for CLA is that the Australian Government and Parliament, must own up to failures of the *Constitution*, such as the absence of human rights protections or how it allows for ‘buck-passing’ between the states and federal levels of government. At the same time, the successes of *Constitution* should not be forgotten, from the implied right to political communication to the High Court’s ability to invalidate unconstitutional laws.

Recommendation 1: CLA recommends that the Australian Parliament investigate ways to raise Australians’ knowledge of the *Constitution*, including its successes and its limitations, and ways of informing and educating Australians how they can, individually and collectively, better influence their individual Members and Senators, and the Parliament as a whole, to achieve the people’s reasonable wishes.

2. Who should prepare the YES or NO case?

- 2.1. Under the current legislation the preparation of official Yes and No case material is restricted to parliamentarians. Section 11 of the *Referendum (Machinery Provisions) Act 1984* sets out the manner in which the opposing cases are to be prepared. Both the affirmative and negative are each entitled to 2000 words in support of their arguments, to be included in a pamphlet sent out to electors.
- 2.2. The pamphlet system was introduced soon after Federation and was settled practice by the time compulsory voting was introduced in the late-1920s. Along with the limited funding provisions in the Referendum Act, it was designed to restrict the opportunity for the Government of the day (who most often sponsored the proposal) to unfairly influence the debate.

- 2.3. CLA believes that the current system is flawed and unrealistic in an age where information is widely sourced from the internet; where traditional journalism is giving way to informal blogging; and the public expect and demand a greater role in the deliberations and discussions preceding a referendum vote.
- 2.4. CLA further argues that a continuation of the pamphlet system is likely to see proposed referendums fail at the ballot box unless additional measures are taken. This would not occur because Australian's are inherently conservative or easily swayed by negative campaigns, but because – as social commentators have observed – they are understandably wary of government campaigns which assume that the public is ignorant or uninterested. Numerous speakers at the Senate Occasional Lecture Series have pointed out that the public often crave *more* information, not less.
- 2.5. There remains a role for an official publication, setting out the main arguments for the YES and NO cases and the role of Parliament remains central to the referendum processes. Only the federal Parliament can initiate the amendment procedures under section 128 of the Constitution. There is a worthwhile discussion to be had, however, over who is best placed to edit and publish the official publication. CLA recommends that two joint parliamentary committees be established, with members of either House invited to join or participate. The purpose of the Committees would be to direct and oversee the drafting of the official YES and NO cases with the pamphlet distribution to be run by the Australian Electoral Commission (AEC).
- 2.6. One problem with the present system is that voters perceive the referendum process as being adversarial, and that the Government supports one side. One option is to have a publicly-funded, non-partisan statement in addition to the YES/NO case, or a series of questions that the YES/NO cases need to answer. A non-argumentative plain English education program modelled on the 1999 referendum would be an appropriate model to follow. A panel could formulate a general education program and pose a set of questions, which are then answered by the YES/NO Committees who then provide their 2000 words of information.
- 2.7. CLA believes that the model used in the 1999 Republic Referendum is a positive step forward and should be repeated for all future referendums.
- 2.8. The joint house Committees would also oversee the running of the respective YES and NO campaigns in a manner similar to the 1999 referendum. This is discussed below.
- 2.9. A related issue is whether legislation should be introduced to ensure that the YES and NO pamphlets deal only with the *merits of the argument*? A similar phrase was suggested when the pamphlet system was originally introduced, but was abandoned. With the growth of interest groups and third parties who will seek to influence – and perhaps mislead – electors, it is essential that the

official pamphlet contain logical and honest arguments in favour or against a proposal.

Recommendation 2: CLA recommends that section 11 of the *Referendum (Machinery Provisions) Act* be amended so that, following the third reading of a bill to amend the *Constitution*, the bill is referred to two joint Committees who shall be responsible for preparing a YES and NO argument respectively. Amendments to Parliamentary *Standing Orders* may also need to be considered.

Recommendation 3: CLA recommends that the Official Pamphlet should deal with the merits of the proposal, with the Australian Electoral Commissioner responsible for ensuring that the information is not misleading.

Recommendation 4: CLA recommends that the committee consider whether the 2000 word limit remains appropriate and whether the word limits is appropriate when considering the additional information which may be available on official websites.

3. Access to information

- 3.1. Civil Liberties Australia believes that the whole community should be involved in the referendum process. Good decision making depends upon good information and official documents setting out the YES and NO cases should be made available in multiple languages and in electronic and hard copy.
- 3.2. However, a traditional pamphlet is insufficient to meet the needs of Australians.
- 3.3. It would be appropriate for a website to be established for each referendum. The website could contain a wealth of information including: the question to be put, the 2000 word official YES and the NO cases, links to the Australian Electoral Commission, Frequently Asked Questions (FAQs) and links to Hansard. More information such as: space for broader information on the Yes and No cases, financial reporting, a weblog or talking space, links to other websites or media could be useful. The website should be funded as part of the education program. On the day of the referendum, live results could be broadcast. Once final, results could be displayed for a period thereafter. It is foreseeable that the function of such a website could be extended in the advent of online voting. Publishing information online should complement rather than substitute for the pamphlet.
- 3.4. Recognising that certain groups have greater difficulties in accessing information, a hard copy of the pamphlet should be made available to:
 - 3.4.1. Nursing homes;
 - 3.4.2. Prisons and remand centres;
 - 3.4.3. Hospitals and mental health institutions;
 - 3.4.4. Individuals from a non-English-speaking-background (NESB).

- 3.5. People need time to weigh up the merits of a proposed Constitutional amendment. Many citizens, however, are unable to discuss and debate a proposal around the office water-cooler or the weekend BBQ and, consequently, the quality of their decision making is likely to suffer. The issue of prisoners and other vulnerable groups is discussed below.

Recommendation 5: CLA recommends that Section 11 of the *Referendum (Machinery Provisions) Act 1984* be amended to remove ambiguity as to whether documents placed on official websites fall within the 2000 word limit.

Recommendation 6: CLA recommends that the Committee consider carefully how to ensure equality of access to official documents and electoral information.

4. Timing of Referendums

- 4.1 The timing of referendums often reflects cost considerations, with simultaneous election and referendum ballots costing less than separate ballots.
- 4.2 The cost of referendums must be kept in perspective and is a relevant consideration. For example, the 1999 Republic Referendum cost an estimated \$60 million.
- 4.3 Cost, however, is but one factor and CLA suggests that it should be balanced against other considerations, including:
- 4.3.1 That, historically, referendums are unlikely to succeed when held at the same time as elections as the referendum question becomes ‘politicised’.
 - 4.3.2 That the political capital and social momentum invested each time a referendum is held should not be squandered by poor timing.
 - 4.3.3 That the future costs associated with a failed referendum, or the existing systemic problems a referendum seeks to resolve, are often greater than the cost of the referendum itself. For example, the Social Services amendment paved the way for Medicare and the Pharmaceutical Benefits Scheme, both of which impose a lower economic burden than if the states had each run their own public insurer.
 - 4.3.4 That referendums and elections are different procedures, serving a different objective.
- 4.4 With the exception of a double dissolution election under section 57 of the *Constitution*, there is a reasonable expectation that a Parliament will serve at least two-and-a-half years of its three-year term. Referendums could easily be held during the first 30 months of a parliamentary session, with only an urgent

referendum needing to be put to the people during the likely window of parliamentary elections.

- 4.5 Experiences overseas, especially in the United States, suggest that holding a referendum during the business week, undermines democratic participation and limits the opportunity for voters to cast their ballot. As such, the legislative requirement for a Saturday vote should remain.
- 4.6 Presently, section 143 of the *Referendum (Machinery Provisions) Act 1984* prohibits a State, Territory or local election or referendum from being held on the same day as a federal referendum. This provision mirrors the *Commonwealth Electoral Act*.
- 4.7 For the reasons discussed above, CLA supports the continued prohibition on state, territory or local elections being held on the same day as a referendum. However, there may be good policy reasons to support holding referenda on both state and federal issues on the same day.
- 4.8 As discussed earlier, Australians are able to distinguish between referendum issues, for example, the 1967 Aboriginal referendum. Likewise, there is no reason to assume that electors would be confused were a state referendum held on the same day as a Commonwealth referendum. Indeed, the cost saving measures used to justify simultaneous referendums and elections apply here. Moreover, state referendums are a rarity and, perhaps, the limited repeal of section 143 would encourage states to conduct more.

Recommendation 7: CLA recommends that referendums held simultaneously with elections should be the exception, not the rule.

Recommendation 8: CLA recommends referendums (and elections) be held on Saturdays.

Recommendation 9: CLA recommends that section 143 of the *Referendum (Machinery Provisions) Act 1984* be amended to permit simultaneous state and federal referendums.

5. Beyond YES or NO

- 5.1. Often a problem arises where a single question has been asked which addresses multiple issues. For instance, the 1988 *Parliamentary Terms* referendum dealt with five separate matters. Under a binary system, voters cannot support some provisions but not others. This absolutist model hinders constitutional reform. One possibility for reform is to put multiple part questions.
- 5.2. For example

| <i>A proposed law: To alter the constitution to amend Parliamentary Terms</i> | | |
|---|-----|----|
| Do you support a longer term for the House? | Yes | No |
| If YES, do you support a 4 year term | Yes | No |
| Do you support a shorter term for the Senate? | Yes | No |
| If YES, do you support a 4 year term for the Senate | Yes | No |
| Do you support ending the continuous nature of Senate terms? | Yes | No |
| Do you support the elimination of fixed Senate terms? | Yes | No |
| Do you support compulsory simultaneous elections for both houses? | Yes | No |

5.3. Such a practice would introduce flexibility, allowing people to choose which *Constitution* changes they support without being forced to either support changes they genuinely do not agree with, or reject the proposal entirely. Furthermore, multiple parts would allow States to put questions simultaneously, or a question from the House and one from the Senate.

5.4. CLA notes that the above approach would be preferable if another proposal to introduce a Constitutional Bill of Rights was put to the people.

5.5. An alternative model could be that multiple proposals be put, and the voter asked to rank their preference. However, there may be an implied or express *Constitutional* limitation as to the voting method adopted at a referendum, requiring that a ‘no change’ option always be available.

6. Funding of Referendums

6.1. CLA believes that the restrictions on referendum expenditure are no longer appropriate and should be abandoned.

6.2. Referendums will always attract opposition and, presently, the *Referendum (Machinery Provisions) Act 1984* limits the opportunity for the Parliament to respond to a campaign funded by a third party, which is not subjected to the same funding limits. This is an absurd situation.

6.3. Section 11 of the *Referendum (Machinery Provisions) Act 1984* provides that:

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| <p>(4) <i>The Commonwealth shall not expend money in respect of the presentation of the argument in favour of, or the argument against, a proposed law except in relation to:</i></p> <p style="padding-left: 40px;"><i>(a) the preparation, printing and posting, in accordance with this section, of the pamphlets referred to in this section;</i></p> <p style="padding-left: 80px;"><i>(aa) the preparation, by or on behalf of the Electoral Commission, of translations into other languages of material contained in those pamphlets;</i></p> <p style="padding-left: 80px;"><i>(ab) the preparation, by or on behalf of the Electoral Commission, of presentations of material contained in those pamphlets in forms suitable for the visually impaired;</i></p> <p style="padding-left: 80px;"><i>(ac) the distribution or publication, by or on behalf of the Electoral Commission, of those pamphlets, translations or presentations (including publication on the Internet);</i></p> <p style="padding-left: 40px;"><i>(b) the provision by the Electoral Commission of other information relating to, or relating to the effect of, the proposed law; or</i></p> <p style="padding-left: 40px;"><i>(c) the salaries and allowances of members of the Parliament, of members of the staff of members of the Parliament or of persons who are appointed or engaged under the Public Service Act 1999 .</i></p> |
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- 6.4. Significant doubt was expressed prior to the 1999 Republic Referendum over Parliament's ability to fund the YES and NO campaigns. Consequently, legislation was introduced which disabled the effect of section 11(4) of the *Referendum (Machinery Provisions) Act 1984* for the Republic Referendum **only**.
- 6.5. Although the 1999 referendum failed, it provides a good model for how campaigns could be funded by Parliament. Greater community engagement and access to information ensured that the public felt informed and consulted when they cast their ballot.
- 6.6. In 1999 each Committee oversaw a budget of approximately \$7.5 million, with money being spent by the Australian Republican Movement and Australians for a Constitutional Monarchy. While in the future there may be multiple oppositions, the model remains sound. Should reform take place, the 1999 figure of \$15 million would be an appropriate starting basis to determine how much money could be appropriated to fund referendum campaigns and publications.
- 6.7. Public funding, like the official documents, could be overseen by the AEC, who would maintain responsibility for accounting for donations and reporting on breaches of the Act and regulations.
- 6.8. The Committee should consider, however, whether small block grants should be made available to other groups to fund YES or NO campaigns, or to hold public forums.

Recommendation 10: Section 11(4) of the *Referendum (Machinery Provisions) Act 1984* should be repealed and a new provision inserted providing for public funding of referendum campaigns and publications.

Recommendation 11: CLA recommends that the maintenance of any official website, and the distribution of the official YES and NO pamphlets, and their translation, should not be included in any funding cap.

7. Prisoners, and the Voting Rights of other Vulnerable Groups

- 7.1. The *Referendum (Machinery Provisions) Act 1984* is almost unique in Commonwealth legislation as it creates an enforceable civil and political right. Section 120 makes it an offence for an individual to 'interfere with the free exercise or performance, by any other person, of any political right or duty that is relevant to a referendum under this Act'. As far as CLA is aware, no prosecutions have been brought under this provision.
- 7.2. Although CLA is pleased to see the protection of the right to vote free from interference, there is concern that various provisions of the Act currently undermine the spirit of section 120, especially in regards to prisoners, patients and the aged.

- 7.3. Under the current legislation an ‘electoral visitor’ may provide a prisoner with referendum literature, subject to security concerns (section 49A). Likewise, a mobile polling booth can be brought into a prison for the purposes of conducting a poll.
- 7.4. The High Court of Australia in the 2007 *Roach* decision upheld the constitutional right of short-term prisoners to cast a ballot in a federal election. The right to vote extended to all prisoners serving a term of full-time imprisonment of less than three years. CLA supports the right of prisoners to have a say in how their country is to be run as an important component of their rehabilitation.
- 7.5. CLA has three concerns with the current wording of section 49A.
- 7.5.1. First, there is no requirement for an electoral visitor to provide information to a prisoner before the day of the poll. On the contrary, section 11 of the Referendum Act specifies that the Electoral Commissioner shall send the pamphlet to all eligible electors ‘not less than 14 days before the referendum’ is to be held. This deprives a prisoner of the opportunity to weigh up the merits of a proposal. Section 49A(8) should be amended to specify that information is to be provided not less than 14 days before the referendum.
- 7.5.2. Second, while CLA accepts that, in certain circumstances, security issues may prevent an electoral visitor from contacting a prisoner (either to provide literature or conduct a referendum), there appears to be no appeal mechanism in the legislation. CLA believes that the final decision on whether a prisoner is ‘safe’ to vote should not rest in the hands of a prison official.
- 7.5.3. Finally, there is scope for the Committee to consider extending the franchise of prisoners to include those serving full-time custodial sentences of more than three years. The decision in *Roach* looked at elections which serve a different purpose than referendums. While there may be policy reasons for denying long term prisoners the right to vote at an election, there may be different considerations for a referendum. With very few exceptions, all prisoners will be released on parole or licence at some stage, and will return to the community at large. CLA believes they should have some say in what the community will look like on their release.

Recommendation 12: CLA recommends that section 49A be amended to ensure prisoners have access to referendum literature at least 14 days before a referendum.

Recommendation 13: CLA recommends that section 49A be amended to provide for an avenue of appeal, should an electoral visitor be denied access to a prisoner.

Recommendation 14: CLA recommends that the *Referendum (Machinery Provisions) Act 1984* be amended to extend the franchise to vote in a referendum to all prisoners serving a sentence of imprisonment with chance of parole or release.

7.6. CLA has similar concerns that sections 48 and 49 of the *Referendum (Machinery Provisions) Act 1984* similarly deprive patients in hospitals and nursing homes the opportunity to access referendum literature.

7.7. Relevantly, sub-sections 50(1)-(2A) stipulate:

Section 50

(1) Notwithstanding any arrangement in force under section 48 or 49, a visit under that section to a patient in a hospital shall not be made if the presiding officer or electoral visitor, as the case may be, is informed by a registered medical practitioner or a member of the staff of the hospital that such a visit is forbidden, on medical grounds, by a registered medical practitioner.

(2) Literature relating to a referendum may be supplied to the general office of a hospital to which section 48 or 49 applies, and any literature so supplied shall be made available on request to patients entitled to vote under that section.

(2A) A presiding officer or electoral visitor who visits a patient under section 48 or 49 may, at the request of the patient, give the patient literature relating to the referendum.

7.8. CLA recommends that the subsection 50(1) is amended to ensure that the wishes of the patient are given precedence over the opinions of their doctor. This would give effect to the spirit of section 120 and would ensure that a patient's right to autonomy and self-determination is respected.

7.9. Likewise, for the same reasons as above, CLA recommends that subsections 50(2) is amended to ensure that patients receive referendum literature at least 14 days before the referendum is held.

Recommendation 14: CLA recommends that section 50 be amended to ensure patients have access to referendum literature at least 14 days before a referendum.

Recommendation 15: CLA recommends that section 50(1) be amended to ensure the wishes of the patient are heard before an electoral visitor accepts the view of the patient's treating physician.

8. Other matters for the Committee to consider

8.1. This section sets out two other issues which the Committee may wish to consider. These ideas are also canvassed in the new Electoral Reform Green Paper. Should further information on any one of these points be desired it can be provided with notice.

Frequency of referendums

- 8.2. The period 1999 and 2009 is the longest period between referendums since Federation. With the rise of the internet and ‘citizen journalism’ and the greater demand for openness and consistency in government and legislation, it may be appropriate for the parliament to begin a process of rolling plebiscites and referendum.
- 8.3. CLA believes that electronic voting provides an opportunity to reduce the cost of conducting plebiscites. Human rights, abortion, voluntary euthanasia, the rights to legislate without over-ride of Territory parliaments, and statehood for the Northern Territory would all be appropriate topics for a vote using modern technology. Even if non-binding, such the plebiscite could form the backdrop for government legislation. Detailed electorate information would ensure that local members could adequately reflect the views of a majority of their constituents, rather than rely on opinion poll sampling.
- 8.4. Such popular votes could be held every five or so years, with the most popular measures being presented for formal adoption by referendum every eight to ten years.
- 8.5. It is submitted that regular plebiscites would increase popular engagement with the *Constitution* in a way impossible for textbooks and websites. A practised populace is more likely to fully engage with major referendums.

Widening the franchise

- 8.6. Referendums have often been chances to experiment with different forms of voting. Compulsory voting, for example, was originally introduced for referendums and, only later, extended to general elections.
- 8.7. Amendment of the Constitution affects individuals differently to a general election. As such there may be merit in extending the franchise for referendums to 16-year olds, even 15-year-olds. Policy issues, such as access to medicine, local government issues, education matters, concern young Australians as much as the over-18s.
- 8.8. Voting for those aged under 18 could be optional, with enrolment and voting becoming compulsory for those over 18.
- 8.9. Furthermore, the franchise need not be limited to Australian citizens, but could extend to permanent residents or refugees. Local council elections often allow non-citizens to vote and there may be good grounds to extend the franchise to non-citizens, who are equally subject to the laws of Australia.

Compilation of recommendations:

Recommendation 1: CLA recommends that the Australian Parliament investigate ways to raise Australians' knowledge of the *Constitution*, including its successes and its limitations, and ways of informing and educating Australians how they can, individually and collectively, better influence their individual Members and Senators, and the Parliament as a whole, to achieve the people's reasonable wishes.

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Recommendation 7: CLA recommends that referendums held simultaneously with elections should be the exception, not the rule.

Recommendation 8: CLA recommends referendums (and elections) be held on Saturdays.

Recommendation 9: CLA recommends that section 143 of the *Referendum (Machinery Provisions) Act 1984* be amended to permit simultaneous state and federal referendums.

Recommendation 10: Section 11(4) of the *Referendum (Machinery Provisions) Act 1984* should be repealed and a new provision inserted providing for public funding of referendum campaigns and publications.

Recommendation 11: CLA recommends that the maintenance of any official website, and the distribution of the official YES and NO pamphlets, and their translation, should not be included in any funding cap.

Recommendation 12: CLA recommends that section 49A be amended to ensure prisoners have access to referendum literature at least 14 days before a referendum.

Recommendation 13: CLA recommends that section 49A be amended to provide for an avenue of appeal, should an electoral visitor be denied access to a prisoner.

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CLA Civil Liberties Australia Inc A04043
Box 7438 FISHER ACT 2611
E: secretary[at]cla.asn.au
Web: www.cla.asn.au