

## Referendums

### What is a referendum?

A referendum is the procedure of referring measures proposed by a legislative body to the vote of the electorate for approval or rejection.

### Types of referendums

#### Advisory referendum – indicative referendum – plebiscite – poll

A direct vote of the electorate in regard to an important public question, an *advisory referendum*, *plebiscite*, *indicative referendum* or a *poll*, does not aim to change a law. The Government is not bound by the "result" of these forms of referendum. Federal, State and Territory governments have held these types of referendums on various issues.

#### Entrenchment referendum

In the ACT, an *entrenchment referendum* can be held to ask electors if they want to "entrench" an ACT law. If an ACT law is entrenched it cannot be changed as easily as an ordinary law. It does not mean a law cannot be changed but that it can only be changed by another referendum or by the vote of a special majority of parliament.

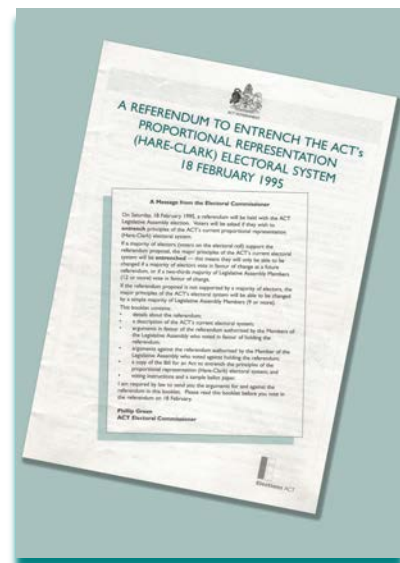
#### Constitutional referendum

The Australian Constitution can be amended only with the approval of the electorate. Voting in a *constitutional referendum* is compulsory for those on the Commonwealth Electoral Roll. For a referendum to pass, a double majority must be achieved. That is, a majority of electors in the whole of Australia must vote "yes" and four of the six states must also vote "yes". For further information see Australian Electoral Commission website at

[http://www.aec.gov.au/Elections/referendums/Referendums\\_Overview.htm](http://www.aec.gov.au/Elections/referendums/Referendums_Overview.htm)

#### Citizens initiative referendum

Citizens can propose a referendum as a form of direct democracy. Legislation for *citizens initiative referendums* has not been adopted by any Australian government. Countries that do have these referendums include New Zealand, Switzerland and Italy.



Arguments for and against the entrenchment of the Hare Clark electoral system



## History of referendums in the ACT

The first referendums held in the ACT were the military service *plebiscites* held in 1916 and 1917. Electors in all federal states and territories (at that time the ACT was called The Territory for the Seat of Government and had 1,476 voters) were permitted to vote. Both the military service plebiscites sought a mandate for conscription and both were defeated.

A *poll* for a national song was held on 21 May 1977. Voting was preferential as for a House of Representatives election, and after the distribution of preferences, *Advance Australia Fair* became the national song. ACT electors voted in this non-compulsory poll.

Electors in the ACT have only had the right to vote in *constitutional referendums* since an amendment to the Constitution was passed in 1977, so ACT electors have only voted in the Commonwealth constitutional referendums in 1984, 1988 and 1999.

An *advisory referendum* on self government was held in the ACT on 25 November 1978. Electors were given a choice of three proposals:

- That self-government be granted to the ACT by delegating functions to a locally elected legislative body.
- That a locally elected legislative body be established in the ACT with local government-type legislative and executive functions.
- That the present arrangements for governing the ACT should continue for the time being.

The results of the referendum showed that 63.75%, a majority, of the electors casting a valid vote at the referendum voted in favour of continuing with the present arrangements for the time being.

In 1992 a referendum was held in the ACT to choose an electoral system. This was an *indicative referendum* to choose between two different electoral systems which had been proposed by the ACT Legislative Assembly. The indicative referendum was held in conjunction with the general election for the Legislative Assembly held on 15 February 1992. Electors were asked to indicate which electoral system should be used to elect members to the Assembly – a single member electorates system or a proportional representation (Hare-Clark) system. The results of the referendum showed that 65.30%, a majority, of the electors casting a valid vote at the referendum voted in favour of a proportional representation (Hare-Clark) electoral system. As a result the government legislated for the Hare-Clark system to become the electoral system of the ACT.

An *entrenchment referendum* was held in 1995 regarding various principles of the ACT's electoral system. In 1994 the Proportional Representation (Hare-Clark) Entrenchment Bill was passed by the Legislative Assembly. The Bill provided for the conduct of an entrenchment referendum, which aimed to entrench principles of the ACT's current electoral system. The Entrenchment Bill provided that elements of the electoral system would only be able to be changed if a majority of all electors, not just those who voted in the referendum, voted in favour of change at a future referendum, or if a two-thirds majority of Legislative Assembly members voted in favour of change.

The entrenchment referendum was held in conjunction with the general election for the Legislative Assembly on 18 February 1995. The result of the referendum showed that 56.68%, a majority, **of all the electors entitled to vote** at the referendum approved the entrenching law. Of those electors who cast a valid vote, 65.01% approved the entrenching law.