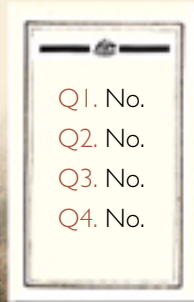
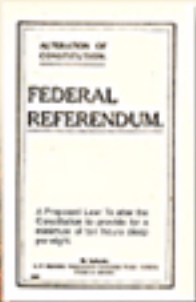




1. An Act to alter the Constitution so as to ensure that Senate Elections are held at the same time as House of Representatives elections.
2. An Act to facilitate alterations to the Constitution and to allow electors in Territories, as well as electors in the States, to vote at referendums on proposed laws to alter the Constitution.
3. An Act to alter the Constitution so as to ensure that Members of the House of Representatives and of the Parliaments of the States are chosen directly and democratically by the people.
4. An Act to alter the Constitution to enable the Commonwealth to borrow money from, and to grant financial assistance to, local government bodies.



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# Background

Q1. Simultaneous Elections – The first proposal to alter the Constitution was to make provision for elections for both houses of Parliament to be held on the same day. The two elections had been out of step with one another since 1961.

Q2. Mode of Altering the Constitution – The second proposal was to amend section 128 of the Constitution to allow eligible voters in the ACT and NT a vote in the referendum. This proposal also sought to allow amendments to the Constitution to be made if approved by both a majority of the voters nationally and a majority of voters in half of the States (instead of the current majority of States ruling).

Q3. Democratic Elections – The third proposal to alter the Constitution sought a change to population, rather than the number of electors, as the basis for determining the average size of electorates.

Q4. Local Government Bodies – The fourth proposal sought to amend section 51 of the Constitution to give the Federal Government power to give financial assistance to lend and borrow money for any local government body.

## Other information

[The timetable](#)

[The writ](#)

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## Timetable

- Writ issued: 20 April 1974.
- Polling day: 8am to 8pm on Saturday, 18 May 1974.
- Roll close: On the same day as issue of the writ.

## The writ

The issue of the writ by the Governor-General to the Chief Electoral Officer triggered the referendum process. The writ was required to state the day (which must be a Saturday) and date for polling and the date for return of the writ. The Act provided the writ to be accompanied by a copy of the proposed law and of the statement (if any). The statement set out the text of the proposed law and the text of the particular provisions (if any) of the Constitution that were proposed to be altered by the proposed law, along with the proposed alterations.

Notification of receipt of the particulars of the writ was required to be gazetted and advertised in two or more newspapers circulating in each State, including a copy of the proposed law or the statement (if any).

Copies of the proposed law or the statement (if any) were exhibited at Post Offices and Customs Houses in each State and any other places as directed by the Chief Electoral Officer.

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## Enrolment and voting entitlements

Enrolment and voting were compulsory.

### Those entitled to enrol and vote

All persons 18 years of age and over, whether male or female, married or unmarried, were entitled to enrol and vote provided that:

- they had lived in Australia for six months continuously; and
- they were British subjects.\*

If a person was qualified to vote they were entitled to have their name placed on one subdivision roll for the division in which they lived.

\*The definitions of 'Australian citizen' and 'British subject' were provided in the Australian Citizenship Act.

### Those not entitled to enrol and vote

- Any person of unsound mind and any person convicted of treason, or who had been convicted and sentenced or was about to be sentenced for any offence which could result in imprisonment for one year or longer, was not entitled to vote.
- Any person who held a temporary entry permit under the Migration Act 1958 or anyone deemed a prohibited immigrant under that Act.

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## Those not entitled to vote

- All electors in the Australian Capital Territory and Northern Territory.

## Special provisions for members of the forces

Special provisions for enrolment and voting were made for persons serving overseas under the Commonwealth Electoral Act 1918–73. (Note that if the person's normal place of living was in the Australian Capital Territory or the Northern Territory they were ineligible to vote in a referendum.)

Members of the Defence Force who were on service outside Australia and were not electors but:

- were over 21 years of age; and
- had lived in Australia for six months continuously; and
- were British subjects;

were deemed to be an elector and, provided that they were not disqualified from voting for any other reason, they could vote at the referendum as if their name appeared on the roll for the subdivision they had lived in immediately prior to their departure from Australia.

These special provisions also applied to people who accompanied a part of the Defence Force but was not a member of the Defence Force.

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## Types of voting

### Ordinary

An ordinary vote was a vote cast at any prescribed polling place for the subdivision for which the elector was enrolled.

### Absent

An absent vote was a vote cast at any polling place within the State other than at a polling place within the subdivision for which the elector was enrolled.

### Postal voting

A postal vote was available to any electors who:

- had reason to believe that they would not, throughout the hours of polling day, be within the State for which they were enrolled; or
- had reason to believe that they would not, on polling day, be within five miles by the nearest practicable route of any polling booth open in the State for which they were enrolled; or
- would be travelling, throughout the hours of polling day, under conditions which prevented them from voting at any polling booth in the State for which they were enrolled; or

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- would be prevented by serious illness or infirmity or, in the case of a woman, by approaching maternity from attending a polling place on polling day.
- would, for religious reasons, be unable to attend a polling booth on polling day
- was an elector covered under the special provisions for members of Defence Force (see Special provisions of members of the forces in Enrolment and voting entitlements for details).

The application for a postal vote certificate and ballot paper could not be made until after the issue of the writ, and had to be received by the divisional returning officer for the division in which the elector was enrolled by 6pm on the day before polling day. Alternatively, the elector could return it to another divisional returning officer if the application would not reach the relevant division in time by ordinary mail.

The certificate and completed ballot papers had to be with a divisional returning officer, assistant returning officer or presiding officer before the close of polling on polling day.

### Section votes

Section votes were a range of votes available to electors whose eligibility to be given a vote was in question. The vote was issued as a provisional vote and the person's entitlement to the vote was investigated by the divisional returning officer before being admitted to the count.

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## Section 91A

Vote where the elector's name had been marked on the certified list of voters as the recipient of a postal vote, but who claimed that they had either not applied or not received a postal vote.

## Section 121 vote

Vote where the elector who was entitled to vote but whose name did not appear on the certified list of voters due to error of an officer or a mistake of fact was permitted to cast a vote.

## Section 121A vote

Vote where an elector who was entitled to vote but whose name was already marked off the certified list of voters but claimed that they had not already voted could vote using a section 121A vote and declaring that they had not already voted.

## Scrutineers

The Governor-General, or any person authorized by him, could appoint one scrutineer at each polling place in each State and the Governor of a State, or any person authorized by him, could appoint a scrutineer at each scrutiny at a polling place or divisional office in the State.

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## Reference material

Legislation relevant to the administration of the referendum held in 1974 were:

- Commonwealth Electoral Act 1918–73
- Referendum (Constitution Alteration) Act 1906–73
- Australian Citizenship Act.

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# Yes/No cases

A Yes/No case booklet was printed for the 1974 referendum.

The Referendum (Constitution Alteration) Act provided for the printing and distribution of a Yes/No case booklet. This provision allowed for two 2000-word arguments, one for and the other against the proposed law, to be written by a majority of members of both Houses of the Parliament who voted for or against the proposed law. These arguments had to be written within four weeks of the passage of the proposed laws through both Houses of Parliament.

These arguments were then forwarded to the Chief Electoral Officer, who arranged publication and distribution of these arguments to every elector in the form of a Yes/No booklet within two months of their receipt and no later than two weeks after the issue of the writ.

This booklet also had to include a statement showing the alterations and additions proposed to be made to the Constitution. Statements in regard to each proposed law could be included as one statement setting out all of the alterations and additions to the Constitution to be made by all of the proposed laws, with margin notes identifying the proposed law by which each alteration was proposed to be made.

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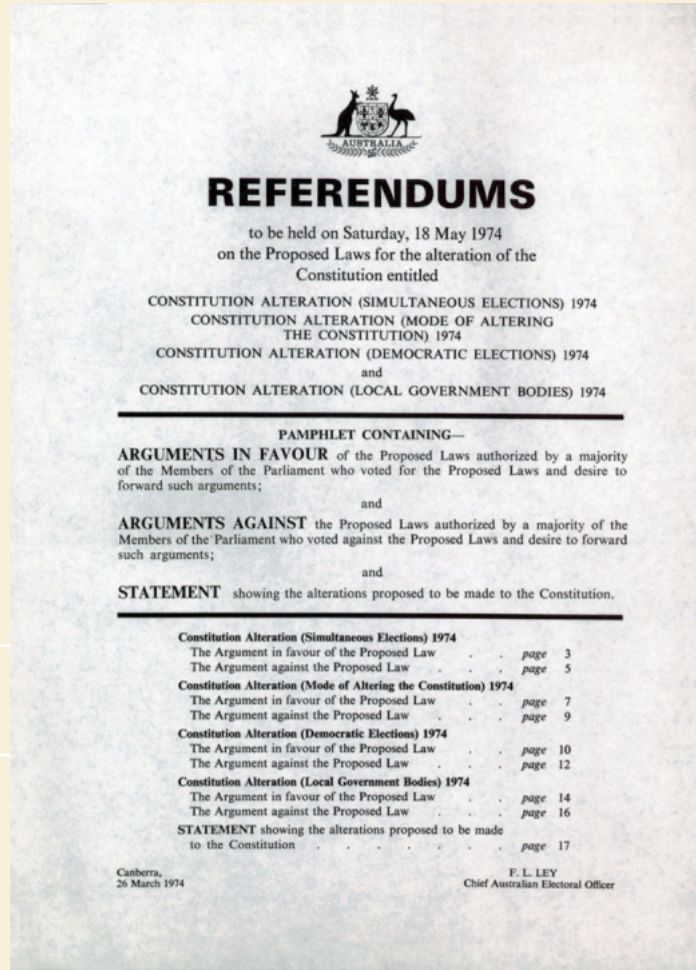
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When there were more than one referendum on more than one proposed law on the same day, all of the arguments for all of the proposed laws were printed in the one pamphlet. A word limit of 2000 words per argument still applied, however, if one of the arguments in favour exceeded 2000 words it was able to be offset by another of the arguments in favour being less than 2000 words. The same applied to the against arguments.

**Text of the**      **Word**   **RTF**  
**Yes/No booklet**



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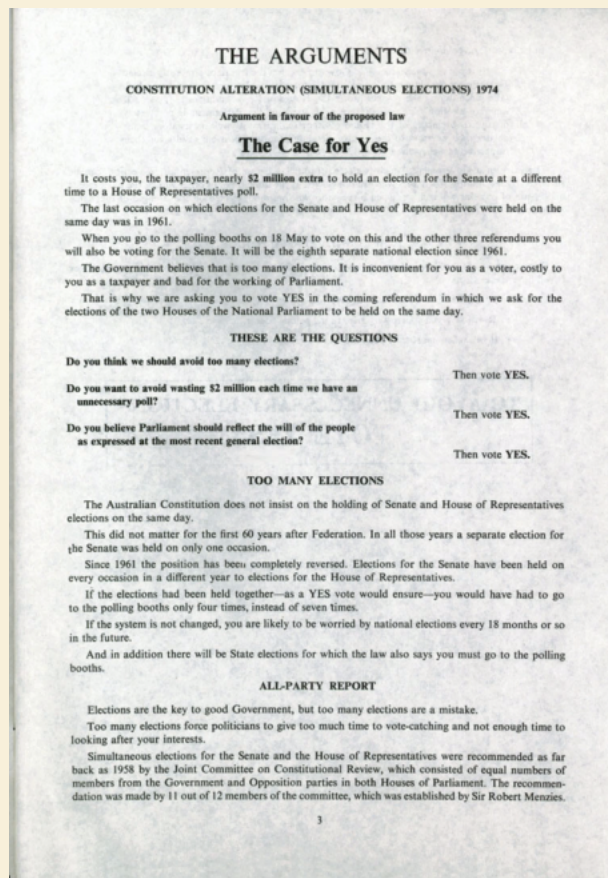
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In its report, the committee said:

"It is not conducive to sound Government that the future of a recently elected Government should depend upon the eventualities of elections for senators which take place during the normal life of the House of Representatives . . . . If separate elections for senators are held, work of the Parliament is completely disrupted. Members of the House of Representatives, as well as senators, must devote their energies to the task of obtaining the best possible results for their respective parties at the elections."

The work of a Government, which is elected through a House of Representatives election, can be thwarted by the actions of senators who are not elected at the same time. In other words, the most recent expression of popular will can be denied by senators who were not elected on the strength of that same popular will.

#### HOW IT WILL BENEFIT YOU

If you approve of the holding of simultaneous elections for the Senate and the House of Representatives it will have these effects.

- It will save you money as a taxpayer.
- It will save you unnecessary trips to the polling booths.
- It will reflect most truly your wishes as a voter.

**TO AVOID UNNECESSARY ELECTIONS  
VOTE YES**

## CONSTITUTION ALTERATION (SIMULTANEOUS ELECTIONS) 1974

Argument against the proposed law

### The Case for No

- This referendum will make the Senate the rubber-stamp of a socialist, centralist Labor Government.
- The Government is being deceitful—the question you will vote on does not explain the real proposed law.

This so-called Simultaneous Elections referendum is the first one of four which the Government is holding with the Senate elections, and in each one the Government has deliberately attempted to mislead you. These referendums are part of a scheme to impose in Australia a centralist one-control administration from Canberra. The Government also hopes these referendums will put a smokescreen over the central issues of the Senate election:

- run-away inflation,
- absurdly high interest rates,
- staggering tax payments,
- irresponsible Government spending,
- a public service growing like Topsy.

The referendum question on the *Constitution Alteration (Simultaneous Elections) Bill 1974* is remarkable for its deceit.

The dishonesty of this referendum question is that it says this is the only way to get Senate and House of Representatives elections held together. That is simply untrue.

The Constitution, the law, and Parliamentary practice allows each Prime Minister to have a House of Representatives election on the same day as any Senate election. He can have the House of Representatives and Senate elections on the same day simply by his own decision.

The fact that this Prime Minister does not do so, exposes the fraud of this referendum.

### The Facts

Canberra asks you to approve a law to alter the Constitution "so as to ensure that Senate elections are held at the same time as House of Representatives elections".

But the Senate is not an arm of the House of Representatives. Both are established under the Constitution as equal, independent Houses of Parliament with differing roles. The Senate is the only institution in Australia able to be a barrier to the arbitrary misuse of power by a Prime Minister or his Cabinet.

The falsity of the Federal Labor Government's position is easily shown. In a recent series of advertisements paid for by the taxpayer, the Government gave this definition of the roles of the two Houses of Parliament: ". . . the House of Representatives where 125 Members of Parliament represent the people and form the Government of the day and its Opposition. The other Chamber houses the Senate where 60 Senators (10 from each State) look after State interests, review the Government's law-making proposals and provide the checks and balances of the federal structure of Government."

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The Government refuses to tell you the real effect of its proposed law—to juggle with the terms of office of the Senators in order to make the Senate a rubber-stamp of the House of Representatives. Such a dangerous law would vitally affect the Parliamentary system; it would cut out the Constitutional independence of the Senate and open the way for progressive reduction of its powers.

### Threat to Democracy

Remember—it is official Labor Party policy to abolish the Senate.

The present system is that Senators are elected for a six-year term. It is a "staggered" election system with half of the Senate coming up for election every three years. The statutory six-year term is one of the strengths from which a Senator derives his independence.

Without Senate independence the casualty would be democracy.

The traditional independent powers and voice of the Senate would be lost. The "checks and balances" provided by the Senate would be destroyed.

**DON'T BE DECEIVED:  
VOTE NO**

## CONSTITUTION ALTERATION (MODE OF ALTERING THE CONSTITUTION) 1974

Argument in favour of the proposed law

### The Case for Yes

The Australian Government believes all Australian adults should be able to vote in referendums to change the Constitution.

At present the Constitution denies such a vote to the 130,700 electors in the Australian Capital Territory and the Northern Territory.

The Government also wants to make it easier to modernise the Constitution, which governs the laws that the Parliament can make.

It believes that an amendment to the Constitution should be made if it is approved by a majority of all Australian voters and a majority of voters in half the States.

We are asking you to vote YES to give a voice in referendums to adults in two Territories and to help modernise the Constitution.

#### THE QUESTIONS BEFORE YOU

Do you think it is wrong to deny a vote in referendums to 130,700 adult Australians?

Then vote YES.

Do you think that a person should not be denied this vote because he lives in the A.C.T. and the N.T.?

Then vote YES.

Do you think a majority vote of all Australians plus majority support in half the States should be sufficient to change the Constitution?

Then vote YES.

#### EQUALITY FOR ALL

The Australian Constitution at present only allows a vote in referendums to electors "in each State". This has always denied a referendum vote to electors in the Territories, because they do not live in a State.

It is wrong that the electors of the Territories should be denied this vote.

They are citizens equal in every way to those who live in the States.

In October last year the Legislative Council for the Northern Territory passed a resolution seeking voting rights in referendums on the same conditions as those enjoyed by citizens in the States.

Since 1965 the A.C.T. Advisory Council has passed a series of resolutions seeking voting rights for Australian Capital Territory residents at referendums. They were fobbed off with the promise of review.

The Government believes that the rights of people in the two Territories should be denied no longer.

#### MODERNISING THE CONSTITUTION

The second part of this referendum will make it easier to bring our Constitution up to date to meet modern needs.

At present it is unreasonably difficult to alter the Constitution.

Not only does a Constitutional referendum require a national majority of all electors; it also requires that a majority of voters in four out of six States must approve the change.

It is clear that we must retain the requirement to gain a national majority before any change is made to the Constitution.



But a majority in four out of six States is an excessive requirement; a majority in half of the States should be sufficient.

We are one nation and on national issues it is desirable that the will of the nation should be determined more by the total vote of all the people entitled to vote than by State borders.

#### ALL-PARTY REPORT

The Joint Committee on Constitutional Review, which consisted of members of both Houses of National Parliament from all parties, recognised the need for a change in the reports it made in 1958 and 1959. In its 1958 report the committee said:

"... If a clear majority of the electors who vote at a referendum are in favour of a proposed law, their will should not be frustrated because separate majorities of electors have not been obtained in a majority of the States. It is, in the Committee's opinion, more in accord with democratic principle and the developments since Federation that it should be sufficient to obtain separate majorities in at least one half of the number of States."

Since Federation, only five proposals to alter the Constitution have been passed. Two more referendums would have been carried, if the system we are now seeking had been in operation.

In 1946 a majority of voters throughout Australia supported proposals that the Australian Parliament should be able to make laws on the organised marketing of primary products and on the terms and conditions of industrial employment.

However, the proposals were defeated because they were supported by a majority of voters in only three of the six States.

Ever since that time successive national Governments have been unable to make better arrangements for industrial relations and marketing.

#### THE ADVANTAGES

A YES vote in this referendum will:

- Give a voice to all adult Australians on our Constitution.
- Enable our Constitution to meet modern needs.

**GIVE ALL AUSTRALIANS A SAY  
VOTE YES**

#### CONSTITUTION ALTERATION (MODE OF ALTERING THE CONSTITUTION) 1974

Argument against the proposed law

#### The Case for No

- THIS REFERENDUM WILL REDUCE THE VALUE OF YOUR SAY IN REFERENDUMS.
- IT WILL REDUCE THE SIGNIFICANCE OF YOUR STATE.

This is another proposal to alter the Constitution by fraud. Once again, the question does not explain the details of the proposed law.

This question asks you to approve a proposed law "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".

The fraud of the proposed law lies in the phrase "to facilitate alterations" because the question does not tell you how this is to be done.

If you looked at the "fine print" of the actual Bill, you would find—that the Labor Government wants to "facilitate" alterations to the Constitution by making it easier to centralise power in Canberra.

A referendum has to be passed by voters in four of the six States. This proposed law would permit just three of the six States to make the decision for all.

#### Keep Your Safeguards

The majority of States must have and are entitled to have a major role in any proposed changes to the Constitution.

The safeguards that are contained in our Constitution were not intended to prevent or indefinitely resist change in any direction, but in order to prevent change being made in haste or by stealth, to encourage public discussion and to allow change only when there is strong evidence that it is desirable, irresistible and inevitable.

This referendum is an attempt to whittle away the federal system and the powers of the States; to take away power from your vote; to do so without adequate consideration of the meaning of the words and the consequences of the proposed change; to do so in such a way as to prevent proper public discussion; to do so by stealth; and to prevent the referendum from truly reflecting the will of the Australian people.

**DON'T BE DECEIVED:  
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## CONSTITUTION ALTERATION (DEMOCRATIC ELECTIONS) 1974

Argument in favour of the proposed law

### The Case for Yes

The Australian Government believes the democratic rights of all Australians should be firmly established in our Constitution.

There is no right more fundamental than the right of every Australian to equal representation in our National and State Parliaments.

There is no right more fundamental than the right of all Australian voters to elect directly their representatives for any Parliament.

We are seeking a YES vote from you to entrench these rights in the Constitution by referendum.

#### THE QUESTIONS YOU FACE

Do you believe that all Parliaments in Australia should be elected directly by the people?

Then vote YES.

Do you believe all Australians are entitled to equal representation in National and State Parliaments?

Then vote YES.

Do you believe it is wrong for one federal electorate to contain twice as many people as another?

Then vote YES.

Do you believe it is wrong that one State House of Parliament is not elected directly by the people?

Then vote YES.

#### A GUARANTEE OF VOTING RIGHTS

The Constitution at present contains no guarantee of equal voting rights for all Australians.

The result has been that for years political parties have juggled electoral boundaries for their own advantage.

Some political parties have also maintained undemocratic methods of election to deny the right of the people to choose all of their representatives.

Let's look at some of the effects of this, both in the Australian Parliament and the State Parliaments: **AUSTRALIAN PARLIAMENT:** The present law allows a variation of 20 per cent above or below the average number of electors in the electorates in a State. This means that, if the average number of electors is 50,000, one electorate can have as few as 40,000 electors while another electorate can have as many as 60,000.

The Government twice sought to limit this variation to 10 per cent last year but the Opposition parties in the Senate rejected this move. In fact, because of the failure of the Parliament to update electoral boundaries frequently enough, the disparities between electorates can be even greater than the 20 per cent rule indicates.

The smallest electorate in the House of Representatives now contains only 45,794 electors and the largest electorate 86,642 electors.

**N.S.W. PARLIAMENT:** The smallest Legislative Assembly electorate has only 20,200 electors; the biggest has 35,193.

Worse than that, the Legislative Council is not even elected directly by the people. It is elected by a joint vote of all members of Parliament—an exercise in self-perpetuation by politicians.

**VICTORIAN PARLIAMENT:** The smallest Legislative Assembly seat contains 17,888 electors and the biggest has 52,106 electors.

In the Legislative Council, electorates vary in size from 51,292 voters to 206,756.

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**QUEENSLAND PARLIAMENT:** The State is governed by a minority party, because of unequal electorates. The smallest electorate in the Legislative Assembly contains 6,643 electors and the largest contains 21,772.

Large country towns and Brisbane are discriminated against. The electorate with the biggest population is Mount Isa.

**SOUTH AUSTRALIAN PARLIAMENT:** The South Australian Government battled for years to establish the right of all adults to vote for the Legislative Council. A change of Government could always reverse that decision, as the law now stands.

The House of Assembly still has great variations in the size of electorates. The smallest covers 8,557 voters; the biggest 28,629.

**WESTERN AUSTRALIAN PARLIAMENT:** The Western Australian Government was frustrated by the Opposition in 1972 when it attempted to legislate for the principle of one-man-one vote.

The smallest electorate in the Legislative Assembly contains 2,218 electors and the biggest 21,380 electors. The variation between electorates for the Legislative Council is even worse: the seats range in size from 6,019 electors to 87,221.

**TASMANIAN PARLIAMENT:** The Legislative Assembly is the most equitably distributed in Australia. The variation between the smallest and largest seats is 45,794 voters and 50,885.

In the Legislative Council, however, one member represents only 5,528 electors, while another represents 19,170.

#### THE SOLUTION

The Australian Government believes that the solution to these gross inequalities is to make all electorates throughout Australia equal on the basis of population.

Votes are cast by electors but they are cast for people, for all the Australian people. To guarantee that all people are treated as equals—be they adults or children, migrants or Aborigines—they should receive equal representation in our Parliaments.

Our Constitution followed the American Constitution in enshrining the principle that electorates should be divided *between* States on the basis of population. The United States now insists that electorates should also be divided *within* States on the same basis.

We believe Australia should stick to the precedent that it set out to follow when our Constitution was framed.

One great advantage of the new system which we are seeking to introduce is that electorates will automatically be adjusted to allow for population movements after every Census is taken.

New boundaries were drawn up for the House of Representatives after the 1954 census but not after the 1961 census, and after the 1966 census but not after the 1971 census.

**Western Australia** has suffered particularly from this. The 1971 census showed that the State should now have ten members in the House of Representatives. It has only nine.

No State would suffer such inadequate representation if this referendum is carried.

Furthermore, this referendum guarantees that any elector who believes that his electoral rights have been denied or reduced will be able to go to the High Court.

FOR EQUAL RIGHTS  
VOTE YES

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## CONSTITUTION ALTERATION (DEMOCRATIC ELECTIONS) 1974

Argument against the proposed law

### The Case for No

- THIS IS A GIANT LABOR GERRYMANDER
- DEMOCRACY COULD NOT SURVIVE UNDER THIS DECEITFUL PROPOSAL
- IT WOULD MAKE A MOCKERY OF ONE VOTE-ONE VALUE

The proposed law also seeks to exercise over the States an authority which is outside the spirit of the Constitution—by dictating how their own elections should be carried out and thus altering the structure of some of the Parliaments.

The question on your ballot paper will deceitfully ask you to "approve the proposed law for the alteration of the Constitution, 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".

No Australian would disagree with such a sentiment, and in carefully choosing these deceitful words, the Government has deliberately and dishonestly hidden the controversial "small print", the calculated deceptions, in the proposal.

#### IF YOU VOTE "YES" YOU APPROVE A GIANT LABOR GERRYMANDER

There will be a fundamental change in your electoral laws—for the worse. We already have democratic elections. The proposal is to change the emphasis from electors—those old enough to vote—to people who are not electors. Buried in the proposed law (in Clause 5 the referendum question does not tell you about) is the provision that electorates should be made up of equal numbers of people.

Equal numbers of electors, which is what we have now, is democratic. Equal numbers of people regardless of whether they are voters is undemocratic.

If you vote "yes" electorates would have to be changed, to include babes-in-arms and other children under 18, and un-naturalised migrants. A baby would not get a vote, but would have to be counted as a member of the electorate.

### Drastic Changes

Drastic changes would have to be made to city electorates. In a metropolitan area there are some suburbs with large numbers of middle-aged and elderly people, some suburbs full of young families with small children, some suburbs containing large numbers of migrants who are not yet naturalised.

To contain equal numbers of people, electorates will automatically contain unequal numbers of electors. Where older people are numerous, 60 per cent of the people may be able to vote. But in an electorate full of young families, only 40 per cent of the people may be over 18 and able to vote.

Drastic changes would also have to be made to country electorates. Some country electorates which are already enormous will have to be made even larger so that their people-count can be the same as the smallest city electorate.

Expansion of already large country electorates would force people to travel much greater distances to see their M.P. He could not give the proper service Australians should receive.

Your vote should be of equal value to any other vote.

If you vote "yes" you will lose your equality of voting power. But this inequality is what the present Government is asking you to approve. Why?

The answer lies in a brutal fact of political life. Inequality in the numbers of electors, as proposed by the Government, would unfairly favour the Labor Party at elections. Independent experts on electoral matters make no secret of this fact.

This is why the Federal Labor Government is now seeking to change the electoral system.

Keep the democratic voting system. Prevent a national Labor gerrymander.

**DON'T BE DECEIVED:  
VOTE NO**

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## CONSTITUTION ALTERATION (LOCAL GOVERNMENT BODIES) 1974

Argument in favour of the proposed law

### The Case for Yes

The Australian Government wants to help your municipal and shire councils to improve community services.

It wants to see these services—ranging from roads and sewerage to health and child care centres—improved without great increases in rates and other local charges.

That is why you should vote YES in the coming referendum on local government bodies.

A YES vote will allow the National Government to make grants direct to local councils, if they wish, and to borrow money on their behalf, if they wish.

#### THESE ARE THE QUESTIONS

Do you want better roads and sewerage?

Then vote YES.

Do you want improved health and child care services?

Then vote YES.

Do you want more recreation facilities and cleaner rivers and beaches?

Then vote YES.

Do you want to put a brake on increases in your rates?

Then vote YES.

If you want all these improvements, you must give local government direct access to more funds.

#### LACK OF FINANCE

For generations now, local councils have lacked the financial resources to provide better roads, better sewerage, decent community health services, child care centres and facilities for sport and recreation.

Yet all of us look to our councils to provide more and more of these services; we do not expect the national Government or a State Government to provide them.

This is to be expected, for we know local government is the arm of government which is closest to us and our needs.

It is absurd to expect all of these services to be financed from rates.

It is also unnecessary for national money to be provided to local government through middle-men, the States, particularly as this only increases administrative costs.

#### YOU NEED A BETTER SYSTEM

At present the Australian Government cannot deal directly with local government bodies because it has no authority under the Constitution to do so. It has power to deal only with the States.

Local government was not mentioned in the Constitution when it was enacted in 1900. At that time local government was not called upon to provide the full range of amenities and services which we now rightly expect.

The Australian Government believes that each of the three levels of government should play its part in meeting the community's needs, and wants to deal with local government on the same terms as with the States.

The States rely heavily on the powers of the Australian Government to borrow money on their behalf and to make direct grants to them.

Local government now clearly needs the same kind of support.

This referendum simply asks you to allow local government as well as the States to have direct financial relations with the Australian Government.

The State Premiers have refused to allow local government this relationship. That is why we are taking the question to the voters.

#### THE BENEFITS FOR YOU

Allowing the Australian Government to make direct grants to local councils and to borrow on their behalf will:

- Provide more money for local government projects.
- Help check increases in your local rates.
- Make cheaper loans possible for local government.
- Give local government greater independence and encourage local initiative.

FOR BETTER LOCAL SERVICES  
VOTE YES

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## CONSTITUTION ALTERATION (LOCAL GOVERNMENT BODIES) 1974

Argument against the proposed law

### The Case for No

- **THIS WILL PUT THE POWER TO CONTROL YOUR COUNCIL INTO CANBERRA'S HANDS.**
- **THE PROPOSAL OFFERS A MONEY BRIBE WITHOUT MAKING CLEAR IT IS ON "TERMS AND CONDITIONS".**

This referendum is an underhand attempt to put Canberra's bureaucratic fingers into every one of Australia's 1,000 Council Chambers.

Your Council would be controlled by a bureaucracy in Canberra, as part of the Labor Federal Government's policy of centralist domination.

The referendum question does not tell you the full story—that financial assistance will be on "terms and conditions". Don't think you would get money for nothing—you would have to repay, with interest.

### Yet Another Bureaucracy

Another expensive administration would have to be set up in Canberra. Imagine the machinery which would be necessary to examine the affairs of 1,000 municipalities and to decide which ones were doing what, why they were doing it, how they were doing it, whether they needed assistance, if so what assistance and how much.

What is more likely to happen is that local government would become enmeshed in a tangle of red tape created by the Federal Labor Government and paid for by the long-suffering taxpayer.

The proposed law offers no machinery to remove inequalities between Councils.

**Councils do need more money. The Liberal and Country Parties on return to government will provide it. This will be done by using the present adequate Constitutional power of the Commonwealth.**

The Constitution already has provisions (Section 96) under which the Commonwealth can direct funds to City, Town and Shire Councils. The Prime Minister said on March 6 this year: "It is true that grants can be made to local government bodies via the States". Why, then, does he not seek co-operation instead of confrontation?

**This referendum is completely unnecessary.**

Say NO to Canberra control.

**DON'T BE DECEIVED:  
VOTE NO**

## STATEMENT SHOWING THE ALTERATIONS PROPOSED TO BE MADE TO THE CONSTITUTION

The Governor-General, in pursuance of Section 128 of the Constitution, is submitting four proposed laws to the electors in each State qualified to vote for the election of the House of Representatives, at referendums to be held on the same day. The short titles of the proposed laws are:

1. Constitution Alteration (Simultaneous Elections) 1974;
2. Constitution Alteration (Mode of Altering the Constitution) 1974;
3. Constitution Alteration (Democratic Elections) 1974;
4. Constitution Alteration (Local Government Bodies) 1974.

The provisions of the Constitution directly affected by the proposed laws are set out below, with the alterations proposed to be made indicated in the following manner. Words and sections proposed to be deleted from the Constitution are struck out. Words and sections proposed to be inserted in the Constitution are printed in **BOLD TYPE**. The marginal note opposite each proposed alteration refers to the proposed law by which that alteration is proposed to be made.

7. The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate.

But until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an Original State, may make laws dividing the State into divisions and determining the number of senators to be chosen for each division, and in the absence of such provision the State shall be one electorate.

Until the Parliament otherwise provides there shall be six senators for each Original State. The Parliament may make laws increasing or diminishing the number of senators for each State, but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than six senators.

*Constitution Alteration (Simultaneous Elections) 1974.*  
—The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Governor to the Governor-General.

**The names of the senators chosen for each State shall be certified by the Governor to the Governor-General.**

9. The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the senators for that State.

*Constitution Alteration (Simultaneous Elections) 1974.*  
—The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

**The Parliament may make laws for determining the times and places of elections of senators.**

*Constitution Alteration (Simultaneous Elections) 1974.*  
—12.—The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

12.—(1.) The Governor of a State may cause writs to be issued for elections of senators for the State.

(2.) The writs shall be issued within ten days from the date on which the places to be filled became vacant.

*Constitution Alteration (Simultaneous Elections) 1974.*

*Constitution Alteration (Simultaneous Elections) 1974.*

*Constitution Alteration (Simultaneous Elections) 1974.*

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13.—As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the expiration of three years, and the places of those of the second class at the expiration of six years, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of six years from the beginning of their term of service.

The election to fill vacant places shall be made within one year before the places are to become vacant.

For the purposes of this section the term of service of a senator shall be taken to begin on the first day of July following the day of his election, except in the cases of the first election and of the election next after any dissolution of the Senate, when it shall be taken to begin on the first day of July preceding the day of his election.

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13.—(1.) Subject to this Constitution, the term of service of a senator expires upon the expiry or dissolution of the second House of Representatives to expire or be dissolved after he was chosen or, if there is an earlier dissolution of the Senate, upon that dissolution.

(2.) As soon as may be after the first meeting of the Senate following a dissolution of the Senate, the Senate shall, in accordance with the succeeding provisions of this section, divide the senators chosen for each State into two classes.

(3.) In the case of each State, where the number of senators to be divided is an even number the number of senators in each of the two classes shall be equal and where the number of senators to be divided is an odd number the number of senators in the first class shall be one more than the number in the second class.

(4.) Sub-section (1.) of this section applies to senators included in the first class, but the term of service of senators included in the second class expires upon the expiry or dissolution of the first House of Representatives to expire or be dissolved after they were chosen.

(5.) Where, since the election of senators for a State following a dissolution of the Senate but before the division of the senators for that State into classes in pursuance of this section, the place of a senator chosen at that election has become vacant, the division of senators shall be made as if the place of that senator had not so become vacant and, for the purposes of section fifteen of this Constitution, the term of service of that senator shall be deemed to be, and to have been, the period for which he would have held his place, in accordance with this section, if his place had not so become vacant.

(6.) Subject to sub-section (7.) of this section, in the case of a senator holding office at the commencement of this section—

(a) if his term of service would, under the provisions in force before that commencement, have expired on the thirtieth day of June, One thousand nine hundred and seventy-seven, his term of service shall expire upon the expiry or dissolution of the second House of Representatives to expire or be dissolved after that commencement or, if there is an earlier dissolution of the Senate, upon that dissolution; or

(b) if his term of service would, under the provisions in force before that commencement, have expired on the thirtieth day of June, One thousand nine hundred and eighty, his term of service shall expire upon the expiry or dissolution of the third House of Representatives to expire or be dissolved after that commencement or, if there is an earlier dissolution of the Senate, upon that dissolution.

Constitution  
Alabama  
(Amendment 1974)

15. If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen shall, sitting and voting together, choose a person to hold the place until the expiration of the term, or until the election of a successor as herein after provided, whichever first happens, until the next expiry or dissolution of the House of Representatives. But if the Houses of Parliament of the State are not in session at the time when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State, or until the election of a successor, until the next expiry or dissolution of the House of Representatives, whichever first happens.

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Alabama  
(Amendment 1974)

At the next general election of members of the House of Representatives, or at the next election of senators for the State, whichever first happens, at the next election of Senators for the State, a successor shall, if the term has not then expired, be chosen to hold the place from the date of his election until the expiration of the term. The name of any senator so chosen or appointed shall be certified by the Governor of the State to the Governor-General.

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25. For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State out of the Commonwealth, persons of that race resident in that State shall not be counted.

Constitution  
Alabama  
(Amendment 1974)

29. Until the Parliament of the Commonwealth otherwise provides, the Parliament of any State may make laws for determining the divisions in each State for which members of the House of Representatives may be chosen, and the number of members to be chosen for each division. A division shall not be formed out of parts of different States.

In the absence of other provision, each State shall be one electorate.

The numbers ascertained in respect of the several divisions of a State by dividing the number of people in each division by the number of members to be chosen for the division shall be, as nearly as practicable, the same.

30. Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification of electors of the more numerous House of Parliament of the State; but in the choosing of members each elector shall vote only once.

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Laws made by the Parliament for the purposes of this section shall be such that every Australian citizen who complies with any reasonable conditions imposed by those laws with respect to residence in Australia or in a part of Australia and with respect to enrolment and has attained the age of eighteen years is, subject to any disqualification provided by those laws with respect to persons of unsound mind or undergoing imprisonment for an offence, entitled to vote.

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:—

- (i) Trade and commerce with other countries, and among the States;
- (ii) Taxation; but so as not to discriminate between States or parts of States;
- (iii) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth;
- (iv) Borrowing money on the public credit of the Commonwealth:

(ivA) The borrowing of money by the Commonwealth for local government bodies;

- (v) Postal, telegraphic, telephonic, and other like services;
- (vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;
- (vii) Lighthouses, lightships, beacons and buoys;
- (viii) Astronomical and meteorological observations;
- (ix) Quarantine;
- (x) Fisheries in Australian waters beyond territorial limits;
- (xi) Census and statistics;
- (xii) Currency, coinage, and legal tender;
- (xiii) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money;
- (xiv) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned;
- (xv) Weights and measures;
- (xvi) Bills of exchange and promissory notes;
- (xvii) Bankruptcy and insolvency;
- (xviii) Copyrights, patents of inventions and designs, and trade marks;
- (xix) Naturalization and aliens;
- (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth;
- (xxi) Marriage;
- (xxii) Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;
- (xxiii) Invalid and old-age pensions;
- (xxiv) The provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;
- (xxv) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States;
- (xxvi) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States;
- (xxvii) The people of any race for whom it is deemed necessary to make special laws;
- (xxviii) Immigration and emigration;
- (xxix) The influx of criminals;
- (xxx) External affairs;
- (xxxi) The relations of the Commonwealth with the islands of the Pacific;

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- (xxxii) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;
- (xxxiii) The control of railways with respect to transport for the naval and military purposes of the Commonwealth;
- (xxxiv) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;
- (xxxv) Railway construction and extension in any State with the consent of that State;
- (xxxvi) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State;
- (xxxvii) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides;
- (xxxviii) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;
- (xxxix) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australia;
- (xl) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

75. In all matters—

- (i) Arising under any treaty;
  - (ii) Affecting consuls or other representatives of other countries;
  - (iii) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party;
  - (iv) Between States, or between residents of different States, or between a State and a resident of another State;
  - (v) In which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth;
- the High Court shall have original jurisdiction.

The High Court shall have original jurisdiction in matters arising under section twenty-four, twenty-nine, thirty, forty-one or one hundred and six A of this Constitution and that jurisdiction may be invoked—

- (a) where the matter arises under section one hundred and six A of this Constitution, by any elector of the State concerned, or a person to whose right to be such an elector the matter relates; or
- (b) where the matter arises under any other of those sections, by any elector of the Commonwealth or a person to whose right to be such an elector the matter relates.

96A. The Parliament may grant financial assistance to any local government body on such terms and conditions as the Parliament thinks fit.

106A. Each House of the Parliament of a State or, where there is only one House of the Parliament of a State, that House, shall be composed of members directly chosen by the people of the State in accordance with an electoral system under which, at a general election of members of that House—

- (a) every Australian citizen who complies with any reasonable conditions imposed by law with respect to residence in Australia or in the State or a part of the State and with respect to enrolment and has attained the age of eighteen years is, subject to any disqualification provided by law with respect to persons who are of unsound mind or are undergoing imprisonment for an offence, entitled to a vote, and to one vote only; and

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(b) if there are electoral divisions of the State for the purposes of the election, the numbers ascertained in respect of the several divisions by dividing the number of people in each division by the number of members to be chosen for the division are, as nearly as practicable, the same.

128. This Constitution shall not be altered except in the following manner:—

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States in not less than one-half of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

Constitution Alterations (Mode of Altering the Constitution) 1974.

Constitution Alterations (Mode of Altering the Constitution) 1974.

Constitution Alterations (Mode of Altering the Constitution) 1974.

Constitution Alterations (Mode of Altering the Constitution) 1974.

## SAMPLE BALLOT-PAPER ONLY

### BALLOT-PAPERS

AUSTRALIA  
Referendum (Constitution Alterations) Act  
STATE OF

Submission to the Electors of Proposed Laws  
for the alteration of the Constitution

#### DIRECTIONS TO VOTER

In respect of each of the proposed laws, mark your vote on the ballot-paper for that proposed law as follows:

If you **APPROVE** the proposed law, write the word **YES** in the space provided opposite the question.  
If you **DO NOT APPROVE** the proposed law, write the word **NO** in the space provided opposite the question.

#### BALLOT-PAPER

1. Proposed law entitled—

"An Act to alter the Constitution so as to ensure that State Elections are held at the same time as those of Representatives Elections."

DO YOU APPROVE the proposed law?

#### BALLOT-PAPER

2. Proposed law entitled—

"An Act to facilitate alterations to the Constitution and to allow Elections in Territories, as well as Elections in the States, to vote at Referendums on Proposed Laws to alter the Constitution."

DO YOU APPROVE the proposed law?

#### BALLOT-PAPER

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?

#### BALLOT-PAPER

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?

This is A SAMPLE ballot-paper only.  
Do NOT mark your vote here

YOU MUST VOTE IN RESPECT OF EACH PROPOSED LAW

VOTING IS COMPULSORY

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# Ballot paper

A single ballot paper was issued to voters and contained the four separate questions, the full titles of the proposed laws for alteration of the Constitution, and directions to the voters.

## Formal vote

Electors indicated their vote as follows.

- If they approved of the proposed law, they wrote the word 'Yes' in the space provided.
- If they did not approve of the proposed law, they wrote the word 'No' in the space provided.

## Informal vote

A ballot paper was considered informal if:

- it was not initialled by the presiding officer or did not have an official mark; or
- it had no vote indicated on it; or
- it had more than one vote marked on it; or
- it had some mark or writing on it that could, in the opinion of the divisional returning officer or assistant returning officer, identify the voter.

Form D (To be initialled on back by Presiding Officer before issue)

**BALLOT-PAPERS**

AUSTRALIA  
Referendum (Constitution Alteration) Act  
STATE OF WESTERN AUSTRALIA  
Submission to the Electors of Proposed Laws  
for the alteration of the Constitution

**DIRECTIONS TO VOTER**

In respect of each of the proposed laws, mark your vote on the ballot-paper for that proposed law as follows:

If you **APPROVE** the proposed law specified in the ballot-paper, write the word **YES** in the space provided opposite the question.

If you **DO NOT APPROVE** the proposed law specified in the ballot-paper, write the word **NO** in the space provided opposite the question.

**BALLOT-PAPER**

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?

**BALLOT-PAPER**

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?

**BALLOT-PAPER**

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?

**BALLOT-PAPER**

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?

## Referendum

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# Results

Q1. The referendum was NOT carried.

One State recorded a YES vote (NSW). Nationally 48.30% of electors voted YES.

Q2. The referendum was NOT carried.

One State recorded a YES vote (NSW). Nationally 47.99% of electors voted YES.

Q3. The referendum was NOT carried.

One State recorded a YES vote (NSW). Nationally 47.20% of electors voted YES.

Q4. The referendum was NOT carried.

One State recorded a YES vote (NSW). Nationally 46.85% of electors voted YES.

**Click** to find out more about what is required for a referendum to be carried.

## Referendum

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<b>Turnout Statistics</b> by Division	<b>Excel</b>	<b>Text</b>	<b>Notes</b>
<b>Votes Counted by Vote Type</b> by Division	<b>Excel</b>	<b>Text</b>	<b>Notes</b>
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<b>Referendum Results</b> by State and Division			
Q1. Simultaneous Elections	<b>Excel</b>	<b>Text</b>	<b>Notes</b>
Q2. Mode of Altering Constitution	<b>Excel</b>	<b>Text</b>	<b>Notes</b>
Q3. Democratic Elections	<b>Excel</b>	<b>Text</b>	<b>Notes</b>
Q4. Local Government Bodies	<b>Excel</b>	<b>Text</b>	<b>Notes</b>

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